

BOROUGH OF KETTERING

LOCAL GOVERNMENT REFORM ADVISORY COMMITTEE

Meeting held: 17th January 2019

Present: Councillor Russell Roberts (Chair)

Councillors Thurland, Rowley, Bunday, Jelley, Mitchell and Scrimshaw

Also Present:

Graham Soulsby	(Managing Director)
Martin Hammond	(Executive Director)
Lisa Hyde	(Executive Director)
Ola Oduwole	(Legal Services Manager)
John Conway	(Head of Housing)
David Pope	(Committee Administrator)

18.LGR.01 ELECTION OF CHAIR

Councillor Mick Scrimshaw nominated and Councillor Lesley Thurland seconded Councillor Russell Roberts as Chair.

RESOLVED that Councillor Russell Roberts be duly elected as Chair of the Local Government Reform Advisory Committee (LGRAC) for the municipal year 2018/19.

18.LGR.02 APPOINTMENT OF DEPUTY CHAIR

Councillor Clark Mitchell nominated Cllr Mick Scrimshaw as Deputy Chair, however no seconder could be found.

Cllr Ian Jelley nominated and Councillor Mark Rowley seconded Councillor Lesley Thurland as Deputy Chair.

RESOLVED that Councillor Thurland be duly elected as Deputy Chair of the Local Government Reform Advisory Committee for the municipal year 2018/19.

18.LGR.03 APOLOGIES

Apologies were received from Cllr Anne Lee. It was noted that Cllr Clark Mitchell was acting as substitute for Cllr Lee.

18.LGR.04 DECLARATIONS OF INTEREST

Cllr Scrimshaw declared an interest as a member of Northamptonshire County Council (NCC)

18.LGR.05 PUBLIC SECTOR REFORM IN NORTHAMPTONSHIRE

Members received a brief presentation that provided context to public sector reform in the county. A key timeline going forward would assist in putting the work programme of the Committee into perspective in terms of possible timeframes.

As background it was noted that the eight local authorities across the county had, in March 2018, received an invitation from the Secretary of State (SoS) for Housing, Communities and Local Government to submit proposals for establishing new unitary structures of governance across the county to replace the current governance arrangements.

Following receipt of the invitation, and after extensive consideration, an identical report was submitted to meetings of Council at all of the eight local authorities during the same week in August 2018 with a proposal for two unitary authorities to replace the current governance arrangements, one covering North Northamptonshire, the other West Northamptonshire. All eight authorities with the exception of Corby Borough Council agreed to submit this proposal to the SoS.

It was noted that should the SoS move forward with the submission, the services provided by the four districts in North Northamptonshire would be amalgamated, with county council functions for the area disaggregated and subsumed into the new body.

The government had made clear that following any submission there would either be no action taken, or a formal strategic consultation process would be undertaken on the proposal submitted. The latter option had been taken forward, with the consultation process commencing on 29th November 2018 and due to close on 25th January 2019.

The options available to the SoS once the consultation concluded were:

- To implement the proposal as submitted
- To implement the proposal with modifications
- Not to proceed with the proposal

The meeting heard that discussions with senior civil servants had indicated that a final decision could be made by SoS prior to the parliament's Easter recess on the 4th April 2019, although it was hoped that this decision may be made sooner.

Should the submitted proposal be taken forward by the SoS, it would need to go through the parliamentary approval process to conclude with a Structural Change Order (SCO) required to legally disband the current governance arrangements and create the two new unitary authorities. Again, indications suggested that this may occur prior to the summer parliamentary recess, although it may be later given pressures of other national business. All final decisions regarding the SCO would be made by the SoS, with each local authority provided with the opportunity to indicate preferences to go into the order.

Once the SCO had been approved this would formally commence the process of reform of governance arrangements and there was a legal requirement to hold a meeting of the shadow authority within 14 days of the date of the SCO approval and a meeting of the shadow Executive within 21 days.

Should the SCO be approved there would be a great deal of detailed work to be undertaken to ensure safe and legal services could be delivered from the first day of the new unitary arrangement, this could potentially be 1st April 2020. Should this be the case the initial budgetary setting process could be undertaken roughly between December 2019 and March 2020, with the budget and Council Tax levels for the new unitary authority to be set by the shadow authority which would include all members of Kettering BC, Corby BC, BC of Wellingborough and East Northamptonshire DC.

Should the date of 1st April 2020 be the start date of the new unitary authorities, the existing local authorities would cease to exist with effect from 31st March 2019. At that point the new unitary authorities would have no elected members with shadow arrangements continuing until elections to the unitaries in May 2020.

18.LGR.06 TERMS OF REFERENCE

Members of the Committee were supplied with a copy of the Terms of Reference for the LGRAC for reference as agreed at Council in December 2018. An error in their drafting was identified and corrected.

18.LGR.07 STRUCTURAL CHANGE ORDER (SCO)

The meeting noted that although approval of the SCO was ultimately the decision of the SoS, there was the option for current local authorities in the county to feed in their preferences for issues relating to the SCO.

Such issues included:

- The name of the new authority
- Form of governance for the shadow authority
- The number of votes allowed for “twin hat” members
- The number of councillors on the new authority
- The timing of joint committees
- Responsibility for convening the first meeting of the shadow authority
- Whether to have an order under Section 24 of the Local Government and Public Involvement in Health Act 2007 to allow the shadow authorities to review and determine spending/new contracts/disposal of assets from a specific date
- Whether to have an Overview and Scrutiny Committee
- What form of Council to have – District with County powers or County with District powers

The committee received the preferences of the North Northamptonshire Steering Group (NNSG) and was invited to make comment on these.

It was heard that in relation to the form of governance for the shadow authority, the preference of the NNSG was a Leader and Implementation Executive. This model could be carried over to the new unitary authority, but the initial form of governance for the new authority would be for the shadow authority to determine.

It had recently been confirmed that it would not be possible to conduct a boundary review for the new authority and therefore that the May 2020 elections would probably be for three members for each existing county council, division.

The meeting noted that appointment of a Returning Officer for the shadow authority would also need to be included in the appointment of statutory officers.

Members received an explanation regarding the NNSG preference for the new authority to be a County with District powers. This preference initially stemmed from the belief that there would be a longer electoral cycle under this option, however the view of senior civil servants was that this may not necessarily be the case as the SoS could specify the electoral cycles according to his own view. The Monitoring Officers group had been asked to look at this issue again to ascertain whether there were any other specific reasons to opt for one or other option, such as not accidentally precluding the option of adopting a civic mayor by the new authority.

Clarification was sought on the membership of the NNSG, with the meeting noting the Leader and Managing Director (or Chief Executive) for each authority formed the make-up of the group.

It was heard that the preference of the NNSG for a shadow Implementation Executive had been based on discussions with senior civil servants and the timescales involved. In practice the SoS was likely to ask for such a form of governance as this was considered to be the only workable option in the given timeframe. The new unitary authority would make its own decisions regarding its form of governance. Clarification would be sought regarding number and composition of any Implementation Executive and details would be brought back to committee, although the SoS would make the final decision. Initial discussions indicated a membership of approximately 15, around three members from each local authority involved and this would be considered by government officials.

It was noted that this item would return to future meetings of the committee.

18.LGR.08 WORK PROGRAMME

The work programme was submitted to the Committee for consideration.

The meeting noted three suggested items for the subsequent meeting of the committee:

- Kettering's "unique offer" – to determine which particular KBC structures and services members would wish to see reflected in a new unitary authority
- Procedures for conducting a community governance review including the parishing of an unparished area
- Initial discussions regarding the potential role of town and parish councils within a unitary structure

It was noted that consideration of these items at this time would allow for feedback to be supplied to the February meeting of Council.

Items for subsequent meetings were suggested as:

- Work-stream update
- Transitional arrangements update
- Financial update
- Council Tax harmonisation
- Consultation and communication strategies

In response to a question it was heard that it would be the responsibility of the shadow authority to determine how specific services go forward such as Adult Social and Child services. The LGRAC could act as a sounding board for those members of any shadow Implementation Executive to feed into the discussion process.

It was heard that should Council decide that there was a requirement for a Community Governance Review to be held, it was conceivable that the process could be concluded by early 2020.

It was **AGREED** that the wording of the notes pertaining to the potential role of town and parish councils be amended to read “will involve a subsequent dialogue with town and parish councils”.

NALC was being kept updated on the specific work regarding the future for Town and Parish (T&P) councils and the delivery of services, although the vast majority of these considerations would occur after any new unitary authority was in place, but dialogue with T&P would occur.

It was heard that areas such as KBC’s housing offer and the Kettering Futures Partnership be captured within the Kettering Unique Offer considerations.

It was **AGREED** that future meeting of the committee would normally commence at 5.00pm and future meeting dates would be communicated to members.

(The meeting started at 5.00pm and ended at 5.57pm)

Signed:

(Chair)

DJP