

Shadow Dorset Council

Executive Committee

**Minutes of meeting held at South Walks House, Dorchester
on Monday 15 OCTOBER 2018.**

Present: Cllrs R Knox (Chairman), G Suttle (Vice-Chair), A Alford, S Butler, G Carr-Jones, T Ferrari, S Flower, M Hall, J Haynes, C Huckle, S Jespersen, A Parry, M Penfold, B Quinn, S Tong, D Turner, D Walsh and P Wharf.

Officers present (for all or part of the meeting): Matt Prosser (Chief Executive Designate), Jonathan Mair (Interim Monitoring Officer), Jason Vaughan (Interim Section 151 Officer), Keith Cheesman (LGR Programme Director) and Lee Gallagher (Democratic Services Manager - Dorset County Council).

In accordance with the Overview and Scrutiny procedure Rules of the Shadow Dorset Council, the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date.

58. **Apologies**

Apologies for absence were received from Cllrs Jeff Cant and Pauline Batstone.

59. **Declaration of Interests**

There were no declarations by members of disclosable pecuniary interests under the Shadow Dorset Council's Code of Conduct.

60. **Minutes**

The minutes of the previous meeting held on 17 September 2018 were confirmed and signed.

61. **Public Participation**

There were no public questions received at the meeting in accordance with Standing Order 28.

One public statement was received from Unison in relation to programme progress and in respect of recruitment. The statement had been received by the Lead Member for HR & Workforce and the content had been taken into account. A copy of the statement is attached to these minutes as an annexure and as there was not a representative of Unison in attendance at the meeting the document was displayed for everyone present at the meeting to view.

62. **Shadow Executive Forward Plan**

The Committee received the latest draft Forward Plan, which included all decisions to be taken throughout the Shadow Dorset Council period until 1 April 2019.

Noted

63. Programme Highlight Report

The Committee considered a report by the Programme Director which provided an overview of the Local Government Reorganisation Programme including workstream activity, continued progress in developing detailed plans, theme board activity, the first gateway review, change control arrangements, the delivery plan against the implementation phase of the programme, SWAP audit review of the programme, and convergence and transformation. Work was also underway to address resourcing issues with the respective Section 151 Officers of sovereign councils.

Reference was made to the need for a 'cross checking exercise' to be undertaken, as identified in the SWAP audit report. It was confirmed that there was a constant state of checking at this point of the programme with weekly highlight reports with risks issues and dependencies being reported to the Programme Board.

In relation to the convergence timeline, and change control requests, clarification was provided that the position had developed since publication of the report and that it would run to the end of March 2019 instead of December 2018. It was also noted that this information would be addressed further as part of the Convergence and Transformation Task and Finish Group.

The alignment of convergence alongside the work of the Budget Working Group was raised as there was a need to validate financial savings assumptions and financial modelling for the delivery of the new council. The Programme Director confirmed that this area of work was fast-paced and further detail would be considered by the Budget Working Group and Convergence and Transformation Task and Finish Group.

A range of clarifications and questions were raised on the individual workstream updates included within the Programme Director's report which related to:

- The development of the Phase 3 Transformation Plan, which had progressed since publication of the report, but further clarity about resources was required.
- A coordinated approach to mitigate data disaggregation risk, which had moved on substantially since publication of the report. The risk had subsequently been downgraded from red.
- Identification of a single count venue after the Elections on 2 May 2019. This was confirmed as Redlands Sports Centre in Weymouth on Friday 3 May 2018 (and Saturday 4 May for town and parish count). This would be more efficient than multiple count locations in terms of returning officer attendance, staffing capacity, and would be logistically easier to manage.
- Work by CIPFA on financial analysis, which would hopefully be completed within the next couple of weeks and feedback would be provided in due course.
- Clarification that the risk to staff pay would be minimised to all groups of employees as there was a plan to keep the existing pay systems in place pending sign off by HMRC in October 2018.
- Clarification of the role of the theme boards which had been put in place to drive the service continuity workstreams of the programme. Questions were also asked about the issues and risks facing the theme boards. All status updates for the theme boards had moved on significantly since publication of the report.
- It was confirmed that the Bournemouth, Christchurch and Poole programme had chosen the Mosaic social care system which was the same as the Dorset programme.

It was generally accepted that the status updates needed to be more up to date for meetings of the Shadow Executive Committee through subsequent updates following agenda publication and/or through presentation at the meeting.

Decisions

1. That progress be noted.
2. That the Change Control Request on convergence be agreed, subject to any refinement and consequent update following consideration by the Convergence and Transformation Task and Finish Group.
3. That delegated authority be granted to the Chief Executive (designate), after consultation with the Convergence and Transformation Member Task and Finish Group, to agree the structure proposals for consultation purposes.
4. That the SWAP Programme Governance Follow Up Report and the Programme Board response be noted.

Reason for Decisions

To provide assurance that the Programme was progressing properly, and change was controlled and managed.

64. 2019/20 Budget and Medium Term Financial Forecast

The Committee considered a report by the Lead Member for Finance on the 2019/20 budget, future financial forecast and the strategic budgetary approach to enable the Dorset Council to deliver sustainable services.

Attention was drawn to savings required throughout 2019/20 and beyond, including stranded costs. The Budget Working Group would continue to address the budget challenges of the new council and further information would be shared with members as it was made available, which would include costs of the organisational design to deliver services. A particular request was received to illustrate the relationship between income derived from fees and charges against other income such as Council Tax.

Decision

1. That the current financial forecast for 2019/20 be noted and the strategy for balancing the budget of focusing on convergence savings be approved.
2. That the outline forecast for futures years and work being undertaken to ensure future financial sustainability be noted.

Reason for Decisions

To enable the development of budget proposals for 2019/20 that would set the foundations to creating a financially sustainable council.

65. Future of Local Plans in Dorset

The Committee considered a report by the Lead Member for Planning in relation to the future of local plans, which would see existing local plans transferred to Dorset Council as the statutory Development Plan from 1 April 2019, and the review process which would lead to a new council area Local Plan within five years of the reorganisation date.

The importance of making progress on local plans, in order to have an up to date basis for planning decisions, was emphasised. In addition legal clarification was being sought in relation to housing land supply as a result of the creation of Dorset Council, and application of existing plans prior to the development of a new Plan. The decision about how to progress local plan preparation would be one of the first tasks for the new Council after 1 April 2019.

Reference was made to the need for a plain English guide to be made available in due course to explain the arrangements to the public, and to share with town and parish councils at the earliest opportunity.

The Committee welcomed the report and thanked Cllr David Walsh, as the Lead Member for Planning, for his work in developing the position in relation to local plans.

Decision

1. That the current work on local plan reviews should continue until any decisions are made by the new Dorset Council about the future of local plans.
2. That the continuing status of the existing adopted local plans after the formation of the new council be noted.
3. That the essential need to progress local plan reviews in good time in future, and the risks associated with the various options for doing so, as outlined in the report be noted.

Reason for Decisions

To highlight the importance of maintaining progress on reviewing planning policy, and the decisions that needed to be made by the new Council about how this was achieved.

66. Parish and Town Council Elections - Recharging Structure

The Committee considered a report by the Chief Executive (designate), as the Returning Officer for Dorset Council, on the arrangements for recharging for the administration of town and parish council elections in 2019, incidental by-elections, and parish polls.

A request was made for information on the recharging to be shared with town and parish councils as soon as possible so that any financial impact could be taken account of in local budget and precept planning. The need for effective communications was highlighted through regular newsletters and through the Dorset Association of Town and Parish Councils (DAPTC).

Decision

That the implementation of the approach to recharging parish and town councils for the costs incurred by Dorset Council for administering their scheduled elections and by-elections set out in section 3 of the Returning Officer's report with effect from 1 April 2019, be approved.

Reason for Decision

Parish and town councils needed clarity about the likely costs that they would incur for both scheduled elections in 2019 and incidental by-elections to inform their budget-setting processes and decisions on the level of precept and beyond.

67. Shaping Dorset Council Programme - Tier 2 Process, Voluntary Release

The Committee considered a report by the Lead Member for HR and Workforce on the voluntary release arrangements for Tier 2 officers as part of the development of the management structure of Dorset Council. The report followed consideration of Tier 2 structure at the last meeting of the Shadow Executive Committee on 17 September 2018, and subsequent approval of the structure by the Shadow Dorset Council on 27 September 2018.

A question was asked whether the redundancy and HR costs were reflected in original case for change assessment. It was confirmed that the case for change did outline change costs, and that this element of the change costs related to a relatively small element of the overall costs.

Decision

1. That the approach to Voluntary Release, to be included as part of the Tier 2 Appointments Process, be agreed.
2. That sovereign councils be asked to include this approach to supporting Tier 2 officers in their organisations.

Reason for Decision

The approach would support the organisation in managing the reduction in senior manager posts in a way that included individual considerations to be taken account of.

68. Delegation of Waste Function for Christchurch

The Committee considered a report by the Lead Member for Waste to delegate the waste function of Bournemouth, Christchurch and Poole (BCP) Council for the Christchurch area to Dorset Council for a one-year period.

An amendment to recommendation 2 was proposed by Cllr Jill Haynes to ensure that consultation was undertaken with the Lead Members for Finance and Waste in respect of the terms of the legal agreement. It was confirmed that the financial impact would be minimal as the arrangement would charge for the service at cost. Cllr Jespersen seconded the proposal. On being put to the vote the amendment was agreed.

Encouragement was expressed to consider the level of street cleaning in the Christchurch area carefully as the requirement in the area was currently higher than other areas and should be reflected in the negotiations for the service.

Decision

1. That a delegation of function by agreement under Section 101 of the Local Government Act 1972 to allow waste services currently delivered by the Dorset Waste Partnership, to continue to be delivered in the existing Christchurch Borough area by Dorset Council on behalf of Bournemouth, Christchurch and Poole Council, for a period of one year from 1 April 2019, be approved.
2. That Director of the Dorset Waste Partnership, the Director of Environment Bournemouth Borough Council, and the Environmental Development Manager Borough of Poole, along with the two interim monitoring officers, be delegated authority to agree the terms of the legal agreement following discussion with lead members/portfolio holders (for the Dorset area these would be the Lead Member for Finance and Waste).

3. That a fee be agreed between the two interim S151 officers based on the waste and cleansing disaggregation template and determined as part of the budget making processes of the two Shadow Authorities. On the basis of the disaggregation template no council should be financially disadvantaged.

Reason for Decision

To ensure continuity of a high-profile service delivered to every household in Christchurch for a transitional period.

69. **Recommendations from the Shadow Overview and Scrutiny Committee**

The Committee considered recommendations from the Shadow Overview and Scrutiny Committee from meetings held on 31 July and 22 August 2018.

In relation to the recommendation on *'Town and Parish Councils – Principles for transfer and disposal of assets'* it was clarified that fortnightly communications were in place.

In relation to the recommendation on the *'Process for the appointment of a permanent Chief Executive for the Dorset Council'*, it was confirmed that an odd number of members would constitute the appointment panels for Tier 2 posts.

In relation to the recommendation on the *'Programme Highlight report including Internal Audit report produced by SWAP'*, members were informed that the format of the report had already been updated to take account of the recommendation.

Cllr Trevor Jones, as the Chairman of the Shadow Overview and Scrutiny Committee asked for a faster consideration of recommendations to Shadow Executive Committee. Officers confirmed that arrangements were in place and this would improve.

Decision

That the following recommendations from the Shadow Overview and Scrutiny Committee be agreed:

Town and Parish Councils – Principles for transfer and disposal of assets

1. That town and parish councils receive direct communication from the Shadow Dorset Council on a fortnightly basis.

Process for the appointment of a permanent Chief Executive for the Dorset Council

2. That any Senior Appointments Committee / Panel established for the purpose of undertaking the selection process for the recruitment of senior officers (below Chief Executive/Tier 1) is constituted with an odd number of members.

Programme Highlight report including Internal Audit report produced by SWAP

3. That the Programme Milestone Plan contained within the Shaping Dorset Council Highlight Report be amended to include the use of shapes in addition to colours, in order to identify progress in the different areas.

70. Independent Special School Provision - Framework Tender and Award

The Committee considered a report by Cllrs Andrew Parry and Steve Butler as the responsible Cabinet members from Dorset County Council, in relation to participation in a sub-regional framework tender for the provision of independent and special school placements.

It was explained that the framework would provide a broader range of independent special school and college placements that could deliver better outcomes for children and young people, especially when the number of placements was growing; and would meet procurement regulations by opening access to a range of placements to avoid spot purchasing placements as required.

Similar sub-regional arrangements were likely to be a feature of future commissioning due to the greater control of costs, including Adult Services.

The timing of the contract award in May 2019 was raised as a potential area of risk as the Dorset Council elections would take place at this time. It was confirmed that the responsible Cabinet members would continue to monitor and ensure the arrangements were on track leading up to the elections.

Decision

That the participation of Dorset County Council in a sub-regional framework tender for the provision of independent and special school placements be supported.

Reason for Decision

To improve the sufficiency and choice of independently provided school and college placements to meet the needs of children and young people with Special Educational Needs and Disabilities (SEND).

71. Urgent Items

There were no items of urgent business pursuant to section 100B (4) b) of the Local Government Act 1972 considered at the meeting.

Duration of meeting: 4.00 - 5.20 pm

Chairman

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UNISON Dorset Branch

Response to the report to the Shadow Dorset Council on 15 October 2018

Shaping Dorset Council - Change, Control, Convergence.

The Branch notes that this proposal involves bringing forward the convergence of some teams before 1 April 2019 in order to realise savings quickly after that date. It also notes that the report makes clear that this is not the transformational redesign of the new organisation required to enable the operating principles for the Dorset Council.

The potential for some job losses from convergence were outlined some time ago in the outline business plan. At that time UNISON indicated that since 2010 the Government's austerity agenda had placed considerable pressure on local government finances resulting in significant reductions to services, such as Social Care, provided to local communities. It indicated then that these funding pressures were continuing and intensifying and as a result UNISON understood why the Local Authorities were looking to merge to achieve cost savings. Whilst UNISON accepted the authorities have had little choice but to go down this route, it made clear that it was keen to ensure that this was not at the expense of further cuts to public services. UNISON noted that Central Government were providing no funding to support the merger process and the costs that had been identified by the authorities to pay for the inevitable costs associated with such a significant structural, organisational and administrative change. It expressed concern at the time that these additional costs would have their own pressures and would need to be found from existing, already very financially constrained, budgets.

Equally, the local Branches (now merged into the UNISON Dorset Branch) advised at that time that they would work very closely with the authorities to minimise the impact on staff and people receiving services over what will be a very challenging time limited implementation period. This would also involve challenging management, where appropriate, about any steps being considered to form the new Unitary Council. The aim being to work hard with staff and elected members to ensure that our members are treated fairly, that members' jobs were protected and to ensure that members were not disadvantaged by any harmonisation of existing agreed policies, terms and conditions. Furthermore, that the impact of this process of change would be minimised.

The Branch regrets the fact that it has only just been made aware of this proposed change and that at no time was it raised during our established consultation arrangements.

The report raises a number of concerns which need to be the subject of discussion as part of that process. The Branch notes the recommendation to agree structure proposals for consultation purposes and that discussion of these elements will commence soon. However,

a number of the issues have now been raised by UNISON on a number of occasions without resolution, which, given the apparent urgency, is now regrettable.

The Branch is concerned that the original number of posts in the business plan that might have been affected by convergence will have changed over time. The figures are over 18 months old and do not reflect the actual numbers that might be affected. At present it is unclear to us what alternatives are going to be considered other than staffing costs. In addition, the Branch is not aware whether the costs of redundancy, pension liability, redeployment, etc. have as yet been built in. Clearly existing staff hold significant concerns over the potential impact of the proposed changes, particularly in respect of job losses. It is also important to ensure that staff feel engaged with the process rather feeling it is being imposed upon them

There are also existing agreements in place which need to be addressed as part of this process, which we are concerned have yet to be acknowledged.

In terms of general points, the Branch is concerned about the legality of the proposed acceleration of any convergence measures potentially involving job losses at this time, particularly in respect of impacts on TUPE.

At this time there is the potential for inequality under this process, primarily due to carrying out EQIA's after decisions are made. Concerns have already been raised by our members that the new authority will have few women in senior positions, that in the two areas likely to suffer the brunt of the redundancies (Environment and Support Services) it seems likely many more women will face losing their jobs. Therefore, with further potential inequality, it is critical that a thorough and robust EQIA is presented for consideration prior to firming of any plan in order to prevent potential legal challenges.

To date, there has been no agreement on details of the proposed TUPE need for EQIAs.

Furthermore, and most importantly in terms of the current proposals, there is no agreement on Organisational change procedure to be adopted. As things stand there are a number of agreed documents.

The Branch would request that it would wish to see a more detailed breakdown of the budget costs and how any job losses are justified in each case.

Aileen Powell
Amanda Brown
Joint Branch Secretaries