

Shadow Dorset Council

SHADOW OVERVIEW AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 3 DECEMBER 2018

Present: Cllrs T Jones (Chairman), K Brookes, R Bryan, M Byatt, S Gibson, B Goringe, N Lacey-Clarke, J Sewell, J Somper and M Wiggins

Apologies: Cllrs C Brooks, S Bartlett, C Finch, R Nowak and J Tanner

Also present: Cllr A Alford, Cllr C Reynolds, Cllr P Shorland and Cllr A Thacker

Officers present (for all or part of the meeting):

Natalie Adam (Service Manager - Advisory Service), Keith Cheesman (LGR Programme Director), David Fairbairn (Solicitor), Robert Firth (Corporate Manager - Legal Services), Aileen Powell (Unison representative), Lee Ellis (Scrutiny Officer), Mark Taylor (Group Manager - Governance and Assurance) and Lindsey Watson (Senior Democratic Services Officer)

CHANGE TO ORDER OF AGENDA ITEMS

The Chairman noted that he would be changing the order of agenda items 6 and 7 so that the item on 'Programme Highlight Report' would be considered before the item on the 'Dorset Council Constitution'.

A comment was raised in respect of the attendance of members of the committee at meetings and it was noted that relevant members had been contacted about this.

58. **Declarations of Interest**

There were no declarations of interest.

In response to a question, it was noted that members did not need to declare an interest in respect of the Code of Conduct contained within the draft Dorset Council Constitution, to be considered on the agenda.

59. **Minutes**

The minutes of the meeting held on 7 November 2018 were agreed as a correct record and signed by the Chairman.

Councillor Bryan abstained from agreeing the minutes as a correct record as he had not been present at the meeting.

60. **Public participation**

There were no representations from members of the public.

61. TUPE - Progress to date

The committee received a presentation with regard to the TUPE process which covered:

- The key date in the process was 31 March 2019, after which staff would transfer to the new organisation
- Background and context - The HR Workstream Board was the key group in order to ensure that deadlines were being met and risks assessed. TUPE activity was being led through the TUPE Working Group. In addition, there were links to other workstreams, for example, ICT. Close working was undertaken with trade unions
- Legal position and process including TUPE legislation, working with other councils, getting the best approach for employees and work being undertaken with schools
- Current position – including the TUPE plan, meetings of the workstream, meetings with managers and trade unions, employee briefings, housekeeping for managers and communication of proposed TUPE destinations, standstill and vacancy management, consultation, letters and formal transfer
- Next steps – TUPE list data, measures and consultation and a timeline for action
- Unison were working hard with Human Resources colleagues and were in a position where they understood the process. There needed to be further work in order to agree the position regarding terms and conditions and TUPE measures.

Members raised questions in respect of the presentation and the following points were noted:

- A report would be taken to the Shadow Executive Committee with regard to the terms and conditions package and there would also be the opportunity to feed in the trade union comments
- Although there had been some issues in the early stages of the work, it was felt that the discussions between HR and the unions were productive, with both parties having an understanding and working towards doing the best for the new Council and employees
- Under TUPE legislation, staff would transfer to the new organisation with their current terms and conditions (subject to any measures). There would be a move over to new terms and conditions over a period of time where there was an economic, technical or organisational reason to do so
- In response to a question it was noted that there didn't appear to be any issues with recruitment and retention as a result of the change, beyond what would normally be expected
- The experiences of other unitary councils such as Cornwall and Wiltshire had been reflected upon, although the position in Dorset was different as it was to be the creation of a whole new council on a much larger scale than had previously been undertaken elsewhere

- It was noted that service continuity work was being handled by the theme boards working alongside the programme team
- Employee briefings were being led by the Chief Executive Designate which would include information on the impact of the work being undertaken and budgetary impacts. It was noted that the unions would be involved in the process

62. **Programme Highlight Report including SWAP Assurance report**

The Programme Director provided a verbal update in respect of the latest Programme Highlight Report, which would be considered by the Shadow Executive Committee on 17 December 2018. The report was not available for this meeting as the agenda for the Shadow Executive Committee would not be published until 7 December. There was no report from South West Audit Partnership at this time with their next report being the Gateway 2 report to be available in January 2019.

A number of comments were made with regard to the report not being available for the committee to view for this meeting. In response, the Programme Director noted that the report was currently being finalised and would be considered by the Programme Board prior to it being published in the Shadow Executive Committee agenda on Friday. The impact of the Shadow Executive Committee changing the date of their meeting was recognised and the Chairman indicated that he would be writing to the Leader of the Shadow Dorset Council to raise this issue. A copy of the reply would be provided to members of the committee.

The Programme Director noted that overall progress remained at Amber. There were two red milestones although it was noted that these were in relation to strategic priorities and would not impact on the arrangements for day 1. There were some issues with regard to the setting of the Budget with some pieces of work outstanding and a report to be considered by the Shadow Executive Committee with regard to releasing money from the budget. A series of communication pieces were to be sent out and there was confidence that outstanding issues would be resolved.

63. **Dorset Council Constitution**

The committee considered a report with regard to work undertaken to draft a Constitution for the new Dorset Council. A copy of the draft Constitution was provided for members' consideration. The draft Constitution had been developed with the Governance Working Group, which had agreed a number of principles to underpin the drafting of the various key parts of the Constitution. The draft Constitution was still work in progress, being subject to continued consultation with members and officers. The Governance Working Group would be meeting on 19 December 2018 to consider the comments from this committee and a member briefing and workshop to be held on 13 December. In addition a proposed draft committee structure was provided to members

The Legal Services Manager (Dorset Councils Partnership) provided an overview of the key principles which had been used to develop the draft Constitution, which included the preference of the Governance Working Group for a lean and light approach, consistency in use of terminology in the document, size of committees, decision making reserved to Full Council, Executive and overview and scrutiny arrangements.

Members considered the issues arising from the presentation and the draft document and during discussion the following points were raised:

- The Executive would be formed of the Leader and between 2 to 9 other members
- The detail around area forums was still work in progress and would be developed by the new Council including how they linked with town and parish councils and other local area organisations
- Relevant issues around emergencies and contingencies would be dealt with by the Executive or Full Council as appropriate and there was a need to consider officer delegations in this area with an appropriate reporting mechanism
- The draft committee structure included a body for the scrutiny of health matters however it was recognised that there may be a joint committee for the whole of Dorset
- A full discussion was held with regard to the proposed arrangements for area planning and a map of the proposed area boundaries was shown to members. The Governance Working Group had considered a range of options and had concluded that the option presented provided the best way forward and fitted in with the overarching principle of having a lean and light structure. A comment was made that it would be useful for members to see the background information and range of options considered and it was agreed that this information could be provided to members of the committee. Various comments were made with regard to the size of the areas, with some feeling that the areas were too large and would take away from local decision making and a comment was made with regard to the large workload for these committees. An alternative view was expressed that the areas should be kept as proposed so that the committees had a more strategic overview of issues in the Council and recognising the role that town and parish councils played in the planning process. It was felt that these issues could be explored with members during the member briefing and workshop session to take place
- It was expected that there would be a further review of the Constitution after a period of time
- Members considered arrangements for consideration of matters relevant to Revenues and Benefits and joint arrangements would be included in the Constitution. A point was noted that there was a proposal for a pan-Dorset arrangement
- Area arrangements were work in progress and was another area that could be focused on at the member briefing and workshop
- In response to a question it was noted that the work streams had been looking at the following themes – people, place, resources

and health. Place covered the regulatory work on the council including public realm

- A comment was made with regard to the proposed size of the Staffing Committee (5 members) and whether due to the small membership, there would be issues with being quorate? In response, it was not anticipated that the committee would sit very often but the point would be taken away and further considered
- There were opportunities for all members to have a role in the proposed committee structure which included joint committees and panels, however a point was noted that some members felt excluded
- In response to a question it was noted that decision making by individuals through the executive arrangements could be undertaken but that this could not apply to non-executive members. Portfolio holders could establish engagement with other members or establish advisory panels but they could not delegate the power to take decisions to non-executive members
- Consideration was given to the policies that would need to go to Full Council for approval and those that would not
- A comment was made with regard to powers proposed to be given to the Monitoring Officer and a concern was expressed that the Monitoring Officer could have unilateral authority to change the Constitution without consultation. It was noted that when this had been considered there was recognition that the Monitoring Officer shouldn't have to go through a process for every change to the Constitution. A suggestion was made that changes could be made in consultation with the Leader with the exception of where the Monitoring Officer was making changes in order to follow legal requirements. This comment would be taken away for further consideration as to the wording to be included
- A comment was made that there should be a review of the Constitution after a period of 12 months. In response it was noted that there could be recognition that a review would take place
- Members considered the proposed arrangements for overview and scrutiny and the arrangements for the call-in process. One view expressed was that the call-in process should sit with the Audit and Governance Committee and another view was that call-in should be undertaken by the 4 overview and scrutiny committees
- Members noted the interim committee arrangements for the period from 1 April 2019 until the elections for the Dorset Council in May 2019

64. Shadow Overview and Scrutiny Committee Work Programme

The Scrutiny Officer noted that a new date for a Special Meeting of the committee to undertake a Call to Account, would be confirmed shortly. A meeting of the committee was scheduled for 8 January 2019 and a further additional meeting would be arranged for late January/early February 2019 in order to consider the Budget.

Members discussed the arrangements for the special meeting for the Call to Account and how this could best be considered by the committee.

65. **Urgent items**

There were no urgent items.

Duration of meeting: 9.30 - 11.34 am

Chairman

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