

Shadow Dorset Council

SHADOW OVERVIEW AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 31 JULY 2018

Present: Cllrs T Jones (Chairman), C Brooks (Vice-Chair), K Brookes, Ray Bryan, C Finch, B Goringe, N Lacey-Clarke, R Nowak, J Sewell, J Somper, J Tanner and M Wiggins

Apologies: None

Also present: Cllr A Alford, Cllr A Burch, Cllr D Elliott, Cllr M Gould, Cllr M Hall, Cllr M Lawrence, Cllr M Penfold, Cllr V Potheary, Cllr C Reynolds, Cllr P Shorland, Cllr Jackie Stayt, Cllr John Stayt, Cllr D Taylor, Cllr A Thacker and Cllr B Trite

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

Matt Prosser (Interim Head of Paid Service), Jason Vaughan (Interim Section 151 Officer), Keith Cheesman (LGR Programme Director), Lee Ellis (Scrutiny Officer), Mark Taylor (Group Manager - Governance and Assurance) and Lindsey Watson (Senior Democratic Services Officer)

8. **Declarations of Interest**

K Brookes declared a non-pecuniary interest in respect of agenda item 6 – Town and Parish Councils – Principles for transfer and disposal of assets – as Chairman of a community organisation in Littlemoor.

R Nowak also declared an interest in agenda item 6 as above, as the Chairman of Portland Town Council.

9. **Minutes**

The minutes of the meeting held on 20 June 2018 were agreed as a correct record and signed by the Chairman.

10. **Chairman's update**

The Chairman noted that the committee was on a learning curve and its workings would be reviewed as it progressed.

11. **Public participation**

There were no representations from members of the public.

12. **Town and Parish Councils - Principles for transfer and disposal of assets**

The committee reviewed a report that had been considered by the Shadow Executive Committee at their meeting on 20 July 2018. The Chairman

welcomed the following to the committee, who had been invited to join with the discussion:

- Hilary Trevorah, Chief Executive Dorset Association for Parish and Town Councils (DAPTC)
- Councillor Adrian Hibberd, Alderholt Parish Council and member of the DAPTC Executive Committee and Chairman of DAPTC Eastern Area Committee.
- Dr Martin Ayres, Swanage Town Clerk

The Chairman of DAPTC, Councillor John Parker had sent his apologies as he was unable to attend the meeting.

Hilary Trevorah provided a statement from the DAPTC which set out their role in supporting 160 parish and town councils across Dorset including providing information to the councils in respect of current changes in local government in Dorset. She noted that the link with local councils was now even more important as parish and town councils had an understanding of local needs and could be involved in helping to shape future services. DAPTC were keen to work as partners with the unitary organisation to support local councils to work for and provide services for local communities where appropriate.

Dr Martin Ayres, Swanage Town Clerk expressed a wish to break down barriers and improve partnership working between the tiers of local government. He provided some examples of work being undertaken in Purbeck.

Councillor Adrian Hibberd asked that smaller parishes be included in direct communication about changes in local government. He expressed a desire for parish councils to be part of the changes but appreciated the tight timescale that was being worked to. He asked for an indication of services and powers that may be passed down by the end of the year in order for the parish council to precept accordingly.

The committee was invited to ask the attendees questions and during discussion the following points were raised:

- The DAPTC was working with the Shaping Dorset Council's Programme Team and received newsletters from the team and could contact the team if there was information that was needed by DAPTC members e.g. information on the review by the Boundary Commission. The DAPTC was not part of any officer group and made their representations by attending Shadow Council committee meetings and making representations during public participation time. The DAPTC was not comprehensively integrated but could be contacted by the Programme Team if there was information that needed to be sent out
- In response to a question, Hilary Trevorah noted that it would be helpful if there could be a more formal link between the DAPTC and the Programme Team

- Members discussed the position with communications with parish and town councils and a number of members expressed the view that communications should come direct from the Shadow Council or Programme Team
- It was noted that the report which was considered by the Shadow Executive Committee on 20 July 2018 provided a high level summary of what each sovereign council was doing in relation to the transfer of assets to town and parish councils and other community groups. The report also set out a suggested set of principles for Dorset to ensure a consistency of approach to asset transfer that would not adversely impact on the new Council
- The Programme Team was working to ensure a 'safe and legal' Council on 1 April 2019. Decisions about asset transfer and devolution of powers would be considered at an appropriate time after this point. This position needed to be clear in communications with town and parish councils and other relevant bodies
- It was recognised that some councils would be keen to take on the opportunity of providing more services and that some would not want this or have the resources to be able to provide additional services
- The Interim Head of Paid Service provided an update in respect of those task and finish groups that had been paused and noted that their work had been incorporated into the work of other task and finish groups
- Dr Martin Ayres provided information in respect of the experiences in Swanage Town Council in previous local government reorganisation in Dorset
- Hilary Trevorah noted that DAPTC members were aware of the budgetary constraints for the unitary organisation but emphasised the important role for parish and town councils in providing the understanding of the local needs of communities. Councils wanted to be part of the solution as to how services were delivered in future. Councillor Adrian Hibberd commented that this would provide an opportunity for local councils to have a real influence in their area
- The Interim Head of Paid Service read out a statement that had been provided at the meeting of the Shadow Executive Committee on 20 July 2018 with regard to the appropriate timing of the conversation with parish and town councils. The new unitary authority needed to decide how it would operate before any decisions could be taken on how services would be delivered in future or the devolution of powers. It was recognised that there could be an opportunity for a piecemeal approach to discussions with parish and town councils based on the agreed principles. Budgets would be agreed in the normal timescale and responses sent out to town and parish councils as quickly as possible. There would be a further 3 years with no cap put on town and parish councils
- In addition, the Interim Head of Paid Service noted that there was no reason why the DAPTC could not be linked in with the appropriate decision making frameworks. He also noted that

communications could be sent direct to town and parish councils from the Shadow Dorset Council

- The Chairman asked the committee whether they wished to receive a report at the next meeting with regard to how DAPTC could be integrated with the Programme Team and the decision making structure of the new unitary authority? There was not general support from the committee for this proposal
- A point was made in respect of the need for clarity on the future of services such as provision of public toilets
- Although there would need to be discussion at an appropriate time in the future about issues such as these it was noted that the main concerns for the unitary organisation would be the provision of Adult Social Care and Children's Services. It was recognised that the provision of local services such as public toilets and tourist information were important to parish and town councils
- Councillor C Reynolds provided information on the positive experience with engaging with parish and town councils in West Dorset and in particular the experience in Lyme Regis
- There was a general level of feeling that parish and town councils should be receiving regular information direct from the Shadow Dorset Council in order to ensure that there was a clear line of communication
- The Interim Head of Paid Service noted that members of the Shadow Dorset Council received bi-weekly communications from the Programme Team. The DAPTC was also now receiving this information. A full communications and engagement proposal was to be considered by the Shadow Executive Committee at their meeting in August

It was proposed by C Brooks seconded by N Lacey-Clarke

Recommendation to the Shadow Executive Committee

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

13. Shadow Overview and Scrutiny Committee - Draft Purpose and Guiding Principles

The committee considered a draft document which set out the purpose, guiding principles and a supporting Modus Operandi to help ensure that the committee maintained an appropriate approach and focus on its key role and responsibilities.

In response to a question, the committee discussed the meaning and use of the term 'Whip' within the document. It was noted that information in respect of this was contained within the Shadow Dorset Council's Constitution and that information would be circulated to members following the meeting.

It was noted that the wording 'Views must be formed after listening to officers, members and visitors in the room considering an issue, not before...' would

stand as a point in its own right and therefore it was felt that the reference to 'Whips' could be removed.

The Interim Head of Paid Service noted that a current review of task and finish groups could see their title changed in future and therefore this may need to be reflected in the document. The importance of pre-decision scrutiny was also recognised.

It was proposed by C Brooks seconded by J Sewell

Decision

That the wording '...in particular, *'Whips' are undesirable and have to be declared*' is removed from the document.

14. Shadow Dorset Council Programme

The Chairman welcomed Matt Prosser (Interim Head of Paid Service), Jason Vaughan (Interim Chief Finance Officer) and Keith Cheesman (Shaping Dorset Councils Programme Director). The purpose of the session was to provide an overview of the Shaping Dorset Councils Programme including the Shadow Dorset Council arrangements and allow a discussion based on the key lines of enquiry which had been included within the agenda.

The Interim Head of Paid Service provided information to address each point:

1. How will you ensure that the new vision and culture for the council, as set out in the submission to the Secretary of State, will be achieved?

Information was provided in respect of the role of the Interim Head of Paid Service and the work of the Shadow Executive Committee. A set of Design Principles had been established and these were available for members comments before they were further considered at the Shadow Executive Committee.

Details of the different phases of work being undertaken were provided. The first phase had been to establish design principles for the Shadow Executive Committee to focus on. The next phase would be to put an operating model together which would be considered by the Shadow Executive Committee in October. Shadow Council would consider the appointment of the Chief Executive for the unitary council who would drive the work forward. Areas to be determined included consideration of the standards the council wanted to achieve and how performance would be measured. These could not be determined until the necessary structures were put in place. A Corporate Plan would be produced for the unitary council and there could be monthly reporting on performance.

2. What is being done to ensure that proactive communication, consultation and engagement is in place with key stakeholders (public, partners, voluntary/third sector and staff)?

A variety of communication methods were in place for staff and members (including monthly member briefings). Other work undertaken or to be done included the creation of a calendar of events, a new internet site, interim branding protocol, vision identity work including developing the new logo and a newsletter for stakeholders. The Shadow Executive Committee would be considering the Shaping Dorset Council Communications and Engagement Plan at their next meeting.

3. What is the process to identify and assess risk and how are these monitored and, where necessary, escalated to support informed decision making? For example, what is the mechanism for ensuring business continuity?

The Dorset Area Joint Committee had established a risk management framework and each work stream had identified risks which were reported on, on a regular basis. Senior Management had an oversight of business continuity as six councils were integrated into one. Reference was made to issues around the recruitment and retention of staff during this period.

Reference was made to the previous experience when West Dorset District Council and Weymouth and Portland Borough Council came together into partnership. In response it was noted that the change programme created risks and that these were monitored by the Programme Board. High level risks were reported to the Shadow Executive Committee and this had included an informal session for the committee where members were able to look in detail at the areas covered. The experience and knowledge from previous partnership formation had been captured and analysed and included a lot of learning from across Dorset. The Interim Head of Paid Service was accountable for the programme until the permanent Chief Executive for the unitary council was appointed.

The important role of internal auditors was referred to and assurance work was being undertaken by the South West Audit Partnership (SWAP) on a regular basis.

4. What is the mechanism for ensuring consistency in the transfer of assets and liabilities?

The transfer of assets had been part of the Disaggregation Workstream. This work was mainly complete and moving into the delivery phase.

Reference was made to the ability to get information required and the impact that this could have on the setting of the budget and this was linked to the risks around recruitment and retention of officers including senior positions.

Internal auditors reviewed risk information on a monthly basis and information would be considered by the Shadow Executive Committee.

5. How long did Cornwall and Wiltshire have to prepare and what are we doing to liaise with them to understand and capture the key risks and lessons learned from their own experiences?

Information was provided on the situations with Cornwall and Wiltshire. The Interim Head of Paid Service noted that a meeting had been held with the Chief Executive and Assistant Chief Executive of Cornwall Council to gain their experiences after a period of time. Some of the issues that the council faced were highlighted and lessons learned including where early work to converge processes would have been useful, for example in elections. The Wiltshire Structural Change Order had been used as a basis for the Dorset Structural Change Order but had been amended. Some work was being undertaken in Dorset to produce a template for others to use in the future.

6. We gather that a peer review of the programme between now and vesting day is being commissioned. Could you tell us more?

The South West Audit Partnership had been asked to undertake assurance work on behalf of the Shaping Dorset Council Programme Board and this would be considered by the Shadow Executive Committee at the meeting in August. The report would be available within the agenda in advance of the meeting and Shadow Dorset members including members of this committee could attend the meeting and provide comments. In response to a member request, the Interim Head of Paid Service noted that this report could also be brought to the Shadow Overview and Scrutiny Committee at the next meeting.

In response to a question, the Interim Chief Finance Officer noted that spending on the transformation programme was monitored on a monthly basis.

A point was raised that the meeting of the Shadow Overview and Scrutiny Committee was the day after the Shadow Executive Committee meeting. The Interim Head of Paid Service noted that the formal cycle of Shadow committee meetings would start in September where the Shadow Overview and Scrutiny Committee would meet before the Shadow Executive Committee.

7. In your view what are the key milestones that have to be met if the vesting day target is to be met and what therefore are the key dates. What ability do we have to say that “we are not ready” and request a postponement? What are the top priorities before the end of September?

Details of the key milestones were provided to the committee which included work around the Human Resources (HR) and TUPE processes with a list of staffing and where posts would be going, to be produced by the end of September, pay and grading work, ICT work including a single domain name which had already been agreed, creation of a global address list by the end of September and public Wi-Fi in place from December. The Interim Head of Paid Service did not believe that there was the ability to postpone the creation of the new council. Work was progressing on the creation of a safe and legal

council on 1 April 2019. A discussion was to be held with the Department for Communities and Local Government to discuss progress.

Work had not started in respect of accommodation for the new council and there would be limited change by 1 April 2019. In the interim period, South Walks House in Dorchester provided the home for the Shadow Dorset Council for the purpose of having an address for setting up a bank account etc.

A concern was expressed with regard to the potential loss of staff and the knowledge and experience that they would take with them. Particular reference was made to the S151 officers in each council. It was recognised that not all officers could be retained but that work was being undertaken with HR specialists to put the best processes in place to ensure service continuity and that employees were treated in the right way.

In respect of considerations by existing district and borough councils in respect of their assets, the Interim Chief Finance Officer could provide advice. There was no wish to prevent councils from operating their business but there was a need to consider any potential impact of their decisions on the new council.

The ambition for day 1 was to have a safe and legal council with a Chief Executive and second tier structures in place, a single email domain, telephony and no noticeable changes in services. The Shadow Council would remain in place until four days after the elections in May 2019 in order to take necessary decisions.

The current situation with the use of interim officers was considered. There was a need to consider the use of interim staff in areas where there were vacancies.

8. What is the experience to date with task and finish groups? Will some be rebooted, in particular the local decision making one?

Various task and finish groups had originally been established by the Dorset Area Joint Committee and these were currently being reviewed in consultation with the Leader and Deputy Leader of the Shadow Council. The Governance Task and Finish Group had recently looked at the groups that had been paused and had reallocated their work to other task and finish groups. A point was made that some disquiet had been expressed that meetings had been cancelled or had reached no conclusion. In response it was noted that there was a need to ensure that sovereign councils were committed to provide information in a timely manner.

The issue of local decision making had been incorporated into the Governance Task and Finish Group and a point was made that the role of parish councils needed to be recognised.

In response to a question, it was reported that the conversation around area based decision making was ongoing.

9. What was the process for the recruitment of the Interim posts? On reflection was this the right process and how would this influence the process for the recruitment of permanent positions in the new council?

The process for the appointment of the Interim posts was set out and had been led by the Leaders of the six councils with input from South West Councils. The procedure for the appointment of the permanent Chief Executive was also set out which included independent HR and recruitment advice. A decision to appoint a permanent Chief Executive would be taken by the Shadow Council at the meeting on 27 September 2018.

Councillor B Trite addressed the committee to raise concern with regard to the process used for the selection of the Interim posts. Due to the nature of the comments being made it was proposed by C Brooks seconded by T Jones

Decision

That under section 100A (4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following discussion on the grounds that they involve the likely disclosure of exempt information as detailed in paragraph 1 of part 1 of schedule 12a to the Act.

The Interim Head of Paid Service and Interim Chief Finance Officer left the room.

Councillor Trite provided his comments in respect of the process used for the selection of the Interim posts and members discussed the issues arising.

Following discussion it was proposed by T Jones seconded by C Brooks

Decision

That an item be included on the agenda for the next meeting of the committee to consider the process for the appointment of a permanent Chief Executive for the unitary authority and that the Chairman and Vice-chairman of the appointments panel and relevant external advisors be invited to the meeting.

It was proposed by T Jones seconded by C Brooks

Decision

That the committee return to open business.

10. Most meetings of the Shadow Executive are held in public, but some are not, why is this?

It was noted that some informal meetings of the Shadow Executive would be held and that these may be opened up to others depending on the discussion to be held. Some concern was expressed with regard to this and it was felt that there was a need for some clarity in respect of this.

15. **Shadow Executive Committee Forward Plan**

Item deferred to next meeting.

16. **Shadow Overview and Scrutiny Committee Work Programme**

Item deferred to next meeting.

17. **Meetings of the committee 2018/19**

Members considered a schedule of dates for the committee for 2018/19 and the following dates were agreed by the committee:

22 August 2018, 9.30am
12 September 2018, 6.30pm
8 October 2018, 9.30am
7 November 2018, 6.30pm
3 December 2018, 9.30am
8 January 2019, 6.30pm
4 February 2019, 9.30am
7 March 2019, 6.30pm

All meetings to be held at South Walks House, Dorchester.

18. **Urgent items**

There were no urgent items.

Duration of meeting: 9.30 am - 12.50 pm

Chairman

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