

Shadow Dorset Council

Date of Meeting	18 June 2018
Officer	Interim Monitoring Officer
Subject of Report	Consideration of proposed operating arrangements for the Shadow Executive Committee
Executive Summary	<p>Taking as its starting point the requirements set out in the Bournemouth, Dorset and Poole (Structural Changes) Order 2018 this report invites the Shadow Executive Committee to consider and approve the arrangements for Shadow Executive Committee meetings.</p> <p>In order to meet the timetable for publishing an agenda for the first meeting of the Shadow Executive Committee the Programme Board have approved an initial agenda structure for this meeting, recognising that the shape of future agendas will be for members themselves to decide.</p> <p>There are also important decisions to be made by the Shadow Executive Committee about the respective responsibilities of the existing councils and the Shadow Executive Committee and what in practice the duty upon existing councils to co-operate with the Shadow Council/Executive Committee means in practice.</p> <p>Members are invited to approve as a holding position the continuation of, as task and finish groups of the Shadow Executive Committee, the task and finish groups established by the Dorset Area Joint Committee.</p> <p>Members are also asked to:</p> <ul style="list-style-type: none"> • agree a delegation to enable the Shadow Executive Leader to appoint to vacancies on task and finish groups • Give initial consideration to whether the Shadow Executive Leader should be invited to designate portfolio leads (a matter for decision by the Leader). • agree a delegation to enable each of the interim statutory officers, (after consulting the chairman of the relevant task and finish group), to agree policies and procedures for the new Dorset Council where this involves making only minor changes to align existing council policies as single policies of the new council.
Impact Assessment:	Equalities Impact Assessment: None

	<p>Use of Evidence: Members are invited to consider this report alongside the requirements of the Structural Changes Order, the implementation plan and the developing forward plan.</p> <p>Budget: There are no direct financial implications.</p> <p>Risk Assessment: Having considered the risks associated with this decision using the LGR approved risk management methodology, the level of risk has been identified as: Current LOW (Delete as appropriate) Residual Risk LOW (Delete as appropriate)</p> <p>Other Implications: None</p>
<p>Recommendation</p>	<p>Members are invited to:</p> <ol style="list-style-type: none"> 1. Consider the arrangements made for the first meeting of the Shadow Executive Committee as a starting point in deciding their future meeting arrangements. 2. Adopt the arrangements for decision making described in section 2.2 and that these be notified to the county and district councils. 3. Approve as a holding position the continuation of the Task and Finish Groups established by the Dorset Area Joint Committee as working groups of the Shadow Executive Committee. 4. Agree that the Shadow Executive Leader should appoint to any vacancies on Task and Finish Groups 5. Comment upon whether the Shadow Executive Leader should be invited to designate portfolio lead members from amongst the Shadow Executive. 6. Agree a delegation to enable each of the interim statutory officers, (after consulting the chairman of the relevant task and finish group) to agree policies and procedures for the new council where this will involve making only minor changes to align existing council policies as single policies of the Dorset Council.
<p>Reason for Recommendation</p>	<p>To ensure that meetings of the Shadow Executive are focused upon delivering the requirements set out in the Structural Changes Order and that they provide an appropriate framework within which the Shadow Executive can made decisions about the implementation of the Dorset Council and can make decisions about existing county and district council matters which will impact upon the new Dorset Council.</p>
<p>Appendices</p>	<p>Terms of reference of member task and finish groups</p>
<p>Background Papers</p>	<p>Bournemouth, Dorset and Poole Structural Changes Order 2018</p>

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1. Requirements of the Structural Changes Orders

1.1 At its first meeting (on 7 June 2018) the Shadow Council was required by the Structural Changes Order to create a Leader and Cabinet Executive within the meaning of part 1A of the Local Government Act 2000 (the Shadow Executive Committee). These arrangements are described in article 7 of the Constitution which was adopted by the Shadow Council at its meeting on 7 June.

1.2 The overall functions of the Shadow Council are:

- To prepare for the assumption, as Dorset Council, of local government functions and full local authority powers on 1 April 2019.
- To prepare any budgets or plans required by Dorset Council when these functions are assumed; and
- To liaise with the county and district councils for the purpose of ensuring continuity of the delivery of public services on and after 1 April 2019.

In order to enable these ends to be achieved the Structural Changes Order delegates the functions of the Shadow Council to the Shadow Executive Committee, including the function of preparing, keeping under review and revising as necessary an implementation plan.

1.3 The implementation plan is central to the Shadow Executive Committee's work in preparing for the new Dorset Council and must include:

- Such plans and timetables as are in your opinion necessary to secure the effective, efficient and timely discharge of your functions; and
- Such budgets and plans as you consider necessary or desirable to facilitate the economic, effective, efficient and timely discharge on or after 1 April 2019 of the functions that before that date were functions of the county or district councils.

It is therefore suggested that reporting on progress to deliver the implementation plan must be an essential element on every Shadow Executive Committee agenda.

1.4 The Structural Changes Order includes general transitional duties upon the county and the district councils, requiring those councils to take such steps as may be necessary to prepare for the transfer of their functions, property rights and liabilities to the Dorset Council (except those of the County Council relating to Christchurch or its inhabitants).

1.5 There are also requirements upon the county and district councils to consult and co-operate with one another and with the Shadow Council/Shadow Executive Committee. Specifically the county and district councils must each co-operate in the formation of the Dorset implementation team and must provide such information relating to their functions as any of the other councils or the Shadow Council/Shadow Executive Committee reasonably request.

- 1.6 Underpinning all of this is an obligation upon the county and district councils to co-operate with one another and with the Shadow Council/Shadow Executive Committee in ensuring a smooth transition to a new Dorset Council.

2 Suggested structure of agendas and proposed decision making responsibilities

- 2.1 In setting a suggested forward programme of meetings officers have utilised the monthly cycle of meeting dates previously set aside for meetings of the Dorset Area Joint Committee. As the work programme develops there may be a need for more frequent Shadow Executive Committee meetings but as a starting point members are invited to agree this monthly cycle of meetings.

- 2.2 Beyond standard agenda items (apologies for absence, minutes and actions from previous meetings, declarations of interest and public participation) officers propose that the agenda should be divided into two main categories, the second reflecting the changed responsibilities of councils and the role of the Shadow Council and its Executive during the transition period:

- Category 1 comprising activity to deliver the programme and central to this the monitoring of progress against delivery of the implementation plan.
- Category 2 dealing with matters for decision by the Shadow Executive Committee by the county or a district council. These are matters which would ordinarily be for decision by sovereign councils but which fall to be decided by the Shadow Executive Committee and not the county or district councils because either the decision will not come into effect until after 1 April 2019 or because the decision will have important consequences for the new Council.

A separate report on this agenda from the Interim section 151 officer recommends a protocol designed to ensure that decisions made in the county and district councils do not adversely impact upon the new Dorset Council. That protocol in effect defines what the county and district councils must do in order to satisfy the Structural Change Order duty to co-operate i.e. by referring to the Shadow Executive Committee for decision.

- any district council proposal with a financial impact of more than £100,000
- any county council proposal with a financial impact of more than £500,000

It is proposed that these matters referred for decision will be grouped separately on the agenda in category two.

3 Executive groups/panels and working group arrangements

- 3.1 The Dorset Area Joint Committee established the following task and finish groups to work towards establishing the new council and these are described in the appendix to this report.
- Communications and Engagement Task and Finish Group (formerly Wider member engagement)
 - Electoral boundary commission review
 - Disaggregation
 - Budget (revenue and capital)
 - Governance
 - Human Resources

- 3.2 Members are invited to approve as a holding position the continuation of the task and finish groups as working groups of the Shadow Executive Committee. The Programme Director will report to a future meeting with proposals for any changes to the existing Task and Finish Groups. It is also recommended that the Shadow Executive Leader be given authority to appoint to any vacancies as a result of changes in membership following transition from the Joint Committee to the Shadow Executive Committee.
- 3.3 Members are also invited to consider whether the Shadow Executive Leader should be invited to appoint individual members of the Shadow Executive Committee to lead on specific portfolio areas of responsibility (a matter for decision by the Leader).

4. Proposed delegation to statutory officers

- 4.1 As part of transition there will be a need to align a large number of policies and procedures of the existing councils and to create single Dorset Council arrangements to take effect from 1 April 2019. In some instances there will be significant policy differences where members will have to choose between options with important implications for the new Council. In other instances differences will be inconsequential and it will be more a matter of small changes or even only presentation in order to arrive at a single position.
- 4.2 Agreement is sought to a delegation to enable the interim statutory officers to make the changes needed to align policies and procedures. The delegation would be exercised only after consultation with the relevant task and finish group chairman, in circumstances where both agreed the changes to be minor in nature and necessary to arrive at a single policy or procedure for the new council.

Jonathan Mair
Interim Monitoring Officer