

Shadow Dorset Council

SHADOW EXECUTIVE COMMITTEE

MINUTES OF THE MEETING HELD AT SOUTH WALKS HOUSE, DORCHESTER ON MONDAY, 18 JUNE 2018

Present: Cllrs Rebecca Knox (Chairman), Anthony Alford, Pauline Batstone, Steve Butler, Jeff Cant, Graham Carr-Jones, Tony Ferrari, Spencer Flower, Matt Hall, Jill Haynes, Colin Huckle, Sherry Jespersen, Andrew Parry, Barry Quinn, Gary Suttle, Simon Tong, Daryl Turner, David Walsh and Peter Wharf

Apologies: Cllr Mary Penfold

Officers present (for all or part of the meeting): Matt Prosser (Interim Head of Paid Service), Steve Mackenzie (Chief Executive – Purbeck District Council), Jonathan Mair (Interim Monitoring Officer), David McIntosh (Chief Executive – East Dorset District and Christchurch Borough Council), Jason Vaughan (Interim Section 151 Officer) and Lee Gallagher (Democratic Services Manager – Dorset County Council).

(Note: In accordance with the Overview and Scrutiny Procedure Rules 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. Publication Date: **22 June 2018**)

Election of Chairman

- 1 It was proposed by Cllr Jill Haynes and seconded by Cllr Anthony Alford that Cllr Rebecca Knox be elected as Chairman of the Shadow Executive Committee.

Upon being put to the vote

Decision

That Cllr Rebecca Knox be elected as Chairman of the Shadow Executive Committee, and as ex officio Leader of the Shadow Dorset Council.

Election of Vice-Chairman

- 2 It was proposed by Cllr Andrew Parry and seconded by Cllr Peter Wharf that Cllr Gary Suttle be elected as Vice-Chairman of the Shadow Executive Committee.

Upon being put to the vote

Decision

That Cllr Gary Suttle be elected as Vice-Chairman of the Shadow Executive Committee, and as ex officio Deputy Leader of the Shadow Dorset Council.

Declarations of Interest

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

Public Participation

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

Consideration of Proposed Operating Arrangements for the Shadow Executive Committee

- 5 The Committee considered a report by the Interim Monitoring Officer on the operating arrangements for the Shadow Executive Committee, its meetings, task and finish groups, the duty upon existing councils to co-operate with the Shadow Council/Executive, and the working relationship between the Committee and the Programme Board.

The Shadow Executive Committee arrangements were discussed to shape meetings for the future and it was recognised that exploration of options would take place over time to steer agendas and how meetings would work in the light of Task and Finish Groups and the Forward Plan. A preference was expressed for meetings to be held on consistent days and times to be clearer for members and the public. A further request was received which asked for meetings to be held more frequently than monthly and that all members of the Committee should be surveyed for their preferences and to have broad consensus on the arrangements.

With regard to decision making, it was explained that the relationship between the Shadow Executive Committee and each of the Dorset councils needed to allow for decisions to be made in the right place under a duty to cooperate. The Committee would be responsible for decisions which took effect after 1 April 2019. Where decisions would normally be made by individual councils but would have a significant impact beyond 1 April 2019 they would consult the Committee before a decision was reached by the respective council. The arrangements were supported by members as crucial in enabling decisions to be made throughout the transition period to the new council, but there needed to be flexibility about final decisions on issues that had been underway for some time as it was not intended to stop any ongoing activity, and in some cases, it would not be appropriate for decision making to move away from the sovereign council so consultation would be key. It was also noted that the spend thresholds for decisions from the different councils would be monitored and the Forward Plan would be populated for the entire shadow period.

Task and Finish Groups were discussed and it was noted that there would be a need to review them to ensure that the right groups were in place, including those that were currently paused within the programme. The existing groups would continue subject to the review in an 'executive advisory' capacity. In terms of appointments, it was also noted that the arrangements would be discussed outside of the meeting by the Leader of the Shadow Dorset Council, Deputy Leader, Interim Head of Paid Service, and Interim Monitoring Officer.

In respect of the alignment of policies and procedures, it was agreed that delegation should be given to the Leader of the Shadow Dorset Council to determine the arrangements, which linked with the review of the Task and Finish Groups. It was noted that there could also be a key role for portfolio holders as well.

Decisions

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. That the arrangements for decision making described in section 2.2 of the Monitoring Officer's report be adopted, and that these be notified to the county and district councils.
3. That 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 be approved, subject to a review by the Interim Head of Paid Service in consultation with the Leader of the Shadow Dorset Council.

4. That the Shadow Executive Leader be invited to designate portfolio lead members from amongst the Shadow Executive Committee.

5. That arrangements for the appointment to any vacancies on Task and Finish Groups be delegated to the Leader of the Shadow Dorset Council and Deputy Leader, after consultation with the Interim Head of Paid Service and Interim Monitoring Officer.

6. That delegated authority be granted to the Leader of the Shadow Dorset Council to determine arrangements for 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.

Reason for Decisions

To ensure that meetings of the Shadow Executive were focused upon delivering the requirements set out in the Structural Changes Order and that they provided an appropriate framework within which the Shadow Executive could make decisions about the implementation of the Dorset Council and could make decisions about existing county and district council matters which would impact upon the new Dorset Council.

Shadow Executive Forward Plan

- 6 Members considered the Forward Plan of the Shadow Executive Committee, noting that all programme critical decisions had been mapped. However, the forthcoming decisions for the Shadow Executive in respect of county and district council matters were being collated and would be included in the Forward Plan, together with regular Task and Finish Group reporting.

Noted

High-Level Implementation Plan for Dorset Council

- 7 The Committee considered a report by the Programme Director on the outline Implementation 'Shaping Dorset Council Plan' for Dorset Council as required by the Bournemouth, Dorset and Poole (Structural Changes) Order 2018 which came into force on 26 May 2018. The Plan was considered and agreed by the first meeting of the Shadow Dorset Council on 7 June 2018 and the Committee was asked to consider the reporting intervals and mechanism to ensure appropriate monitoring, accountability and transparency. The Programme Director introduced the Implementation Plan and explained that it was under continual review given the ongoing workshops being held to continue to develop the Plan. It was anticipated that the final version would comprise of smaller plans which would collectively form the full Implementation Plan. The Plan would be considered by the Committee at its meeting on 21 August 2018, but reporting intervals would mean that the progress would be routinely reported to all meetings of the Committee. Detail would also be shared with members outside of formal meetings. The following updates were also shared at the meeting:

- Appointment of interim statutory officers had been completed
- Phase 2 workstream sponsor for finance had been passed to the Interim Section 151 Officer
- The Workstream on Customer and Services would now be sponsored by Matt Prosser as the Interim Head of Paid Service
- The Boundary Commission had now been engaged in respect of the Boundary Review (formerly led by MHCLG)

Members commented on feedback received at the first Shadow Dorset Council meeting in relation to the need to ensure consistent communications and engagement with members, town and parish councils and the public. The need to ensure high quality and consistent communications was a high priority and it was confirmed that resource had been increased in this area and additional officers were joining the Programme team. There was also a need to ensure that the information being shared included topics that residents would want to know about so that members could pass it on. Cllr Graham Carr-Jones, as the lead member of the Wider Member Engagement Task and Finish Group indicated that there was also a responsibility upon members to engage with the process as there had been limited feedback from members to regular briefings.

A question was asked in relation to a contract and supplier as part of Phase 3 of the programme which was clarified that it related to the use of a facilitator and development of the vision for Dorset Council and the operating model. It also included the arrangements to work through the visioning and operating model which may not be the same organisation and was still to be determined. Arrangements would be circulated to the Committee in the next 3-4 weeks.

The disaggregation work, although appearing in the Plan to be coming to an end, required integration into the other workstreams and embed into phases 2, 3 and 4 of the Programme. There was also a suggestion that it would be good to look at providing the Implementation Plan in a simple way that would enable information to easily be lifted and dropped into updates for partners, towns and parish councils, and the public as a narrative about services. This could also be usefully used by local members when engaging with their communities.

It was noted that the first meeting of the Shadow Overview and Scrutiny Committee was scheduled for 20 June 2018 and that it would determine its own work programme which would identify key areas to ensure delivery of Dorset Council. Members discussed representation at the scrutiny meetings by members of the Shadow Executive Committee, to which the Leader confirmed that she would attend the first meeting to provide any clarification and overview as needed. It was suggested that monitoring of the agenda for the Shadow Overview and Scrutiny Committee would need to take place to ensure the right people would attend meetings. It was also clarified that the latest guidance from the Centre for Public Scrutiny suggested that executive members should not routinely attend scrutiny meetings due to the influence they may have. It was also possible for Shadow Overview and Scrutiny Committee members to attend and observe the Shadow Executive Committee. The Leader indicated that she would speak with the Chairman of the Shadow Overview and Scrutiny Committee to see how it would wish to operate.

Decisions

1. That the Shadow Dorset Council's decisions on 7 June 2018 to:

a) Adopt this plan and note that further iterations and updates on progress against this plan will be brought forward and overseen through the Shadow Executive Committee arrangements.; and,

b) Approve the proposed Implementation Team.
be supported.

2. That the Plan's routine reporting at all meetings of the Shadow Executive Committee be approved.

Protocol on Spending and Commitments

- 8 The Committee considered a report by the Interim Section 151 Officer which presented a working protocol developed by the Budget Task and Finish Group to enable a successful new unitary by ensuring that the financial activities undertaken in the existing councils did not adversely impact upon the new Dorset Council.

Decision

1. That a Section 24 notice is not pursued.
2. That the protocol on spending and commitments be agreed.

Reason for Decisions

The protocol aimed to ensure that decisions taken before 1 April 2019 did not adversely impact on the budget of the future Dorset Council.

Update on Progress in Respect of Consequential Orders

- 9 The Committee received a verbal update from the Interim Monitoring Officer and Chief Executive of Purbeck District Council in relation to the progress and development of the consequential orders required to complete the transition to Dorset Council.

The Interim Monitoring Officer summarised that there were consequential orders in addition to the Structural Change Order that were being drafted which related to finance, staffing and miscellaneous matters. The latest draft miscellaneous order would be received on 20 June 2018 from the Ministry for Housing, Communities and Local Government (MHCLG) and responses were required within 5 days, and the second draft would then be provided 2 days later with a response expected within 2 days. It was noted that there had not been consultation with the Governance Task and Finish Group about how this would be considered by members, but Cllr Anthony Alford as the lead member for the Group indicated that arrangements would be put in place to consider as a matter of urgency. It was noted that some comments would need to be dealt with by email unless an additional meeting was scheduled.

Information had been circulated to the Shadow Executive Committee outside of the meeting in relation to an issue about local development plans and the proposed arrangements to consider the issue. It was requested that the Interim Monitoring Officer would contact Cllr David Walsh, as the Chairman of the Strategic Planning Forum, after the meeting to have a conversation about the proposed arrangements. It was acknowledged that the sensitivity of local plans for the different areas of Dorset, which were all at different stages, could not be overestimated and had to be managed very carefully.

The Chief Executive of Purbeck District Council summarised a further requirement in relation to the harmonisation of Council Tax for Dorset Council, following a request made by MHCLG for the Leader of the Shadow Council to write to the Local Government Minister setting out a clear preference for harmonisation. It was previously agreed by the Dorset Area Joint Committee on 8 March 2018 to harmonise on day one of the new council with the use of alternative notional amounts. The Secretary of State, when making a decision, would use three criteria to determine the future arrangements based on a clear local preference; to ensure taxpayers would not face substantial council tax rises; and to minimise the period to achieve harmonisation. Background information had been shared with the Shadow Executive Committee outside of the meeting. The letter would also be shared with Dorset MPs as the Minister would consult them to ensure they were content with the approach. An update would be reported back to the Committee in due course.

Members discussed the effect of harmonisation, noting that there would be an impact on a lot of people across Dorset. Clarification was provided that the potential increase was similar to Council Tax increases in 2018/19. However, Council Tax itself would not be set through this process as it would be considered by the Shadow Executive Committee in January 2019, and would be determined by the Shadow Dorset Council at its meeting on 20 February 2019.

Decisions

1. That arrangements be taken forward by the Interim Monitoring Officer regarding consultation with the Governance Task and Finish Group on the consequential orders.
2. That the Leader of the Shadow Council write to the Local Government Minister regarding Council Tax Harmonisation.

Decision Making Activity of Dorset Councils

- 10 The Committee received notification of the decision activity of Dorset councils. There were no matters raised in respect of decision making of Dorset Council.

Noted

Urgent Items

- 11 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: 6.30 pm - 7.40 pm