

REPORT TO THE EXECUTIVE		Report No. 11
Date of Meeting	20 th September 2007	
Title of Report	Councils' proposals for Unitary Local Government – an approach to implementation	
Portfolio	Leader's Responsibilities	
Link to Corporate Priorities	None specifically. The consultation paper from the Department for Communities and Local Government sets out proposals for Unitary Local Government.	
Key Decision	No	
Executive Workplan Ref	N/A	
Public Report	Yes	
<p>Summary of Report</p> <p>The purpose of the report is to seek the Executive's instructions as to any comments it may wish to make in response to the consultation paper published by the Department for Communities and Local Government previously provided to all members of the Council.</p>		
<p>Officer Recommendations</p> <p>It is recommended that:</p> <p>The Chief Executive responds to the Department for Communities and Local Government (DCLG) on behalf of the Council in accordance with the views of the Executive on the key DCLG proposals set out in this report.</p>		

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	Yes	Yes	No
Contact Officer	Delwyn Burbidge, Chief Executive 01249 706552 dburbidge@northwilts.gov.uk			

1. Introduction

- 1.1. On the 22nd August 2007 the DCLG published a paper entitled “Councils’ proposals for Unitary Local Government – an approach to implementation.” This sets out the governments proposals for the implementation of Unitary Councils. Responses to the consultation paper are required by 28th September 2007 and in the first instance I gained informal views from approximately forty members at the Policy Day held on the 6th September 2007. In addition members were also in agreement that the Leader and the Leader of the Opposition should send a letter to the Leader of Wiltshire County Council expressing concern at certain elements of the transition process. A copy of that letter is attached as Appendix 1.
- 1.2. A copy of the consultation paper was provided to all members in the week commencing 27th August 2007.

2. Options and Options appraisal

- 2.1. The Executive either has the option of responding to the consultation paper or not and a number of alternatives are included in this report for the consideration of the Executive should it decide to authorise the Chief Executive to respond on its behalf.

3. Background

- 3.1. In addition to receiving a copy of the consultation paper, most members attended the “Policy Day” on 6th September 2007 at which a presentation was given setting out the salient points of the consultation paper and the current position in Wiltshire. It is not intended that this paper should duplicate either.
- 3.2. Although the paper is clear that a restructuring of local government is about creating “new” authorities it also makes it clear that for Wiltshire, Wiltshire County Council will continue in existence as a “transitional authority” until the vesting day which will be the 1st April 2009 or sooner depending on the outcome of this consultation.
- 3.3. For the avoidance of doubt, a transitional authority is an existing authority which is given additional powers and responsibilities to prepare for the full transfer of functions to itself as a new authority from the vesting day.

4. Key Proposals

a) Membership of transitional authorities

The paper proposes that transitional authorities will be required to form “joint committees” (I understand that Wiltshire County Council will refer to this as a Transition Cabinet) to prepare for re-organisation. The paper proposes that all the existing Councils in an area be represented on that committee. The exact membership of the committee would be left to local agreement with the Secretary of State having reserve powers to appoint if there was no agreement. However the paper proposes that the Leader of the County Council chair the joint committee and that the committee reflects the political balance of the County. **Executives views are sought on the above proposal and on the suggested make up of the joint committee (I understand that the proposal by Wiltshire County Council is for five County Council cabinet members including the Leader and one District**

Council member from each constituent District Council (the Leaders of each District Council) to constitute the transition cabinet.)

b) Elections

Interestingly the paper states, “appointing existing councillors to take on the preparations for change might be seen to be very much a “second best” solution particularly as they will be making decisions which will effectively bind the new Unitary Authority. It will be preferable to give legitimacy to those decisions by the holding of an election. The question is when the elections to the new authorities (or, prior to the re-organisation date, to the shadow or transitional authorities) are best held...” Two options are given:

- i) Elections in May 2008 with the next election in the council cycle in 2013.**
- ii) Elections to a transitional authority in May 2008 with existing Councillors standing down with shortened terms of office and subsequent elections in 2013. (This would provide the fresh electoral mandate for the change as suggested by DCLG but it would result in five year terms for Councillors. In addition the elections would have to be held on a transitional basis i.e. in accordance with temporary arrangements made by the Secretary of State (based on those contained in the proposals made by local authorities) as it will not be possible for the electoral commission to review the arrangements before May 2008.)**

The views of the Executive are sought. (I understand that the County Council and the other District Councils favour May 2009 elections.)

c) Transfer of Functions Day

The DCLG’s aim is to have the new unitary authorities up and running by 1st April 2009. It is understood that some local authorities were contemplating a transfer of some, or all, functions before 1st April 2009. **Does the Executive believe that Vesting Day should be 1st April 2009 or sooner? (All other Wiltshire local authorities appear to be proposing a 1st April 2009 Vesting Day.)**

d) General

Members have considered the consultation paper. **Does the Executive wish to submit further views on other areas of the consultation paper for example with regard to proposed staffing arrangements?**

5. Legal Implications

- 5.1. The consultation paper is a precursor to the re-organisation of Local Government in Wiltshire.

6. Community and Environment Implications

- 6.1. Again the consultation paper relates to the re-organisation of Local Government in Wiltshire and therefore the manner in which services are provided.

7. Human Resources Implications

7.1. The re-organisation of Local Government within Wiltshire will have considerable human resource implications. Within the consultation paper itself it considers that between 10% and 20% of staff could lose their jobs as a result of the proposal. In addition it highlights issues such as difficulties in recruitment and retention of staff at a vital time for the development of the new unitary council.

Appendices:	<ul style="list-style-type: none">• 1 - Letter to Wiltshire County Council
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• Councils' proposals for Unitary Local Government – an approach to implementation – Department for Communities and Local Governments

Delwyn Burbidge
10 September 2007