

Title: **Local Government Reorganisation in Wiltshire  
Government consultation paper and emerging joint  
management arrangements**

Portfolio Holder: **Cllr Eaton - Change and Integration Portfolio Holder**

Reporting Officer: **Andrew Pate - Chief Executive**

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## **Purpose**

The purpose of this report is to advise members about the Government's consultation paper and to obtain views from Council for inclusion in our response.

## **Background**

The last report to Council was to a special meeting on 8 August. At that time it was decided to:

- Issue proceedings for judicial review of the Secretary of State's 'decision' about local government reorganisation in Wiltshire.
- Continue to support Shrewsbury and Atcham with their judicial review.
- Note the implications for Council projects and service plans and to request that Cabinet review these matters in detail.
- Note the potential role of the Scrutiny Committee, the Staffing Committee and the Local Strategic Partnership and to request them to positively assess the roles that they can play.
- Request that the Secretary of State agrees to a vesting day of August 2009 with elections in May 2009 for the 'new' authority (if indeed local government reorganisation continues beyond the judicial reviews).

Since then the following key actions have resulted:

- Proceedings have been jointly issued against the Secretary of State by West Wiltshire, Kennet and Salisbury District Councils. Similar action is being taken in most of the review areas. Shrewsbury and Atcham still have their High Court hearing scheduled for 12 and 13 September 2007.
- Cabinet will consider a report about projects and service plans at their November meeting; service managers are already discussing ideas with Portfolio Holders with a view to focusing the ongoing work to free up time to also work on planning the 'new' authority.
- Other Committees have started to look at their work programmes. Consideration is being given to a joint approach by the District Scrutiny Committees to enable them to effectively comment on emerging plans for the new authority.

In addition we have received:

- A consultation paper from Government entitled 'Councils' Proposals for Unitary Local Government – An Approach to Implementation'.
- A draft project plan from the County Council.
- A set of proposals from the County Council's Cabinet setting out their revised and preferred implementation dates.

## **Consultation Paper**

Copies of the Government's consultation paper – An Approach to Implementation - have previously been circulated to all members. Any response is required by 28 September and will be submitted by the Chief Executive and the Leader but also reflecting any decisions made by Council.

The Government's paper is detailed and deals with management issues as well as matters of principle. Its contents are:

- Introduction
  - Includes the statutory framework
- Method of Implementation
  - Defines the types of arrangements and deals with the issue of 'new' and 'transitional' authorities
- Representation for the 'new' authorities
  - Role of Joint Committees, a form of joint Executive, and also options for elections dates
- Co-operation and continuity
  - Joint implementation teams or management boards
  - Letting of contracts
  - Vesting date for the transfer of functions
  - Local Area Agreements
  - Comprehensive Performance Assessments
- Staffing
  - Application of TUPE-like rules to transfer staff on same contractual conditions
  - Enabling front line staff to transfer without competition
  - Ring fencing of competition for posts, where competition needs to apply, to limit that competition to existing staff in the affected Councils
  - Open competition for the most senior posts, yet to be defined
  - Redundancy payments allowing local discretion
- Finance
  - Role of Joint Committee in setting budget for the 'new' authority
  - Technical issues for tax base and council tax setting
  - Transfer of assets and liabilities
- Ceremonial arrangements
- Intention to issue guidance
  - Audit Commission, IDeA, Local Government Employers, LGA and a national 'expert group' all to assist.

There are several issues to address and many of these will be discussed by

the Corporate Management Team and in joint meetings between the Councils' Chief Executives, including:

- Staff recruitment and secondment protocols – staff need to be protected but at the same time the flexibility needs to be there to maintain services.
- Project planning – the membership and role of the joint implementation team (and supporting teams and boards) possibly to be known as the Joint Implementation Board (and supporting project arrangements).
- Project Methodology – to enable the right pace and sequence of change having first established the vision and values for the 'new' council.
- Staffing rules and extent of ring fenced and open competition for posts. Unions will need to be consulted.

The key issues for elected members include:

- Setting the vision and values for the 'new' authority.
- Agreeing the service plans and budget for the new authority.
- Reviewing letting of contracts jointly beyond an agreed date.
- Scrutinising new service plans as they emerge, as well as the management of this project to create a 'new' authority.
- Setting the terms and conditions for staff in the 'new' authority.
- Agreeing terms for redundancy for any staff that do not transfer.

The main methods that will be available are through the proposed Joint Committee and through Scrutiny Committees or a Joint Scrutiny Committee.

At this stage members need to express views about:

- Proposed vesting dates and elections dates in the light of the latest information.
- Membership of the Joint Committee or Transition Cabinet as the County Council would like to call it and date of creation of that committee – although this is primarily a matter for the Leader to consider in conjunction with his Cabinet colleagues.
- How Scrutiny should operate - although this might be left for our Scrutiny Committee to consider separately.

### **County Council draft project plan**

A copy of the latest version of the project plan will be circulated and explained at the meeting. It is clear that some attempts are now being made to ensure District staff are properly involved. There will be issues about capacity. The proposals for the Transition Cabinet also appear to broadly reflect Government guidance and will be explained.

### **County Council Cabinet recommendations**

The County Council will consider implementation issues at their meeting on 21

September. The County Cabinet has recommended:

- A vesting day to transfer services to the 'new' authority of 1 April 2009.
- An elections date for the 'new' authority of May 2009.
- A Joint Executive to manage the transition until then, starting as soon as the orders are in place, and to be made up of four County Executive members and one representative from each District (possible the Leader) together with a named substitute.

### **Next Steps**

The suggested next steps are:

- Council to comment on the key dates in the light of the new information, including a clear statement from the Secretary of State that she expects all re-organisations to be implemented no later than 1 April 2009.
- Corporate Management Team to consider the Government's consultation paper in detail.
- The Leader and the Chief Executive to provide a response to the Government's consultation paper, reflecting any views expressed by Council.

### **Recommendations**

Council is recommended to:

- Request the Leader and the Chief Executive to respond to the Government's consultation paper – 'An Approach to Implementation'
- Note the contents of the consultation paper together with the County Council's emerging project planning arrangements.
- Note and potentially comment on the proposals for the Joint Executive referred to by the County as the Transition Cabinet and by the Government as a Joint Committee.
- Comment on the County Council's revised recommendation for a vesting day of April 2009 followed by elections in May 2009.
- Note that the papers have now been filed for a judicial review of the Secretary of State's decision, or perhaps more precisely, her intended decision once the legislation has been passed.

### **Plain English**