Dorset Area Joint Committee

Minutes of the meeting held at South Walks House, South Walks Road, Dorchester DT1 1UZ on Thursday, 18 January 2018

Present:
Rebecca Knox (Chairman)
Anthony Alford, Cherry Brooks, Jeff Cant, Graham Carr-Jones, Spencer Flower, Matt Hall, David Harris, Jill Haynes, Colin Huckle, Sherry Jespersen, Bill Pipe, Byron Quayle, Barry Quinn, Simon Tong and Daryl Turner

Officer Attending: Stuart Caundle (Monitoring Officer - West Dorset District, Weymouth & Portland Borough and North Dorset District Council), Keith Cheesman (Programme Director – Local Government Reorganisation (Dorset Area)), Steve Mackenzie (Chief Executive - Purbeck District Council), Jonathan Mair (Head of Organisational Development - Monitoring Officer - Dorset County Council), David McIntosh (Chief Executive - East Dorset District and Christchurch Borough Council), Matt Prosser (Chief Executive - West Dorset District, Weymouth & Portland Borough and North Dorset District Council), Debbie Ward (Chief Executive - Dorset County Council) and Lee Gallagher (Democratic Services Manager - Dorset County Council).

Apologies for Absence
1 Apologies for absence were received from Cllr Andy Canning (Dorset County Council), Cllr Bill Pipe (Dorset County Council) and Cllr Gary Suttle (Purbeck District Council). Cllr David Harris attended for Cllr Canning, Cllr Daryl Turner attended for Cllr Pipe and Cllr Cherry Brooks attended in place of Cllr Suttle.

(Note: Cllr Quinn clarified that he would represent Cllr Suttle as Deputy Leader of Purbeck District Council.)

Code of Conduct
2 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

Minutes
3 The minutes of the meeting held on 13 December 2017 were confirmed and signed.

Matter Arising
Minute 35 - Programme Update – including formation of Task & Finish Groups
Cllr Barry Quinn provided clarity in relation to comments about the Strategic Planning Forum (SPF). He confirmed that the issue he raised was not due to attendance at meetings being low; the issue was that there had been experience of not all constituent councils sending a representative which would make meetings inquorate even though substitute arrangements were in place and had to be used to ensure attendance.

Public Participation
4 Public Speaking
There were no public questions received at the meeting in accordance with Standing Order 21(1).

There was one public statement received at the meeting in accordance with Standing Order 21(2) from the Dorset Association of Town and Parish Councils in relation to communications regarding Joint Committee meetings and other associated information to organisations and interested parties. The statement is attached as an annexure to these minutes.
The Chairman indicated that an approach to communications with interested parties and regular attendees of Joint Committee meetings, including automatic updates would be investigated to use a simple digital solution with an ‘opt-in’ facility.

Petitions
There were no petitions received at the meeting in accordance with the County Council’s Petition Scheme.

Local Government Reorganisation - Update

5 The Chief Executive Sponsor of the Central Programme Team provided a verbal update on the current status of the Future Dorset proposal. Work continued between the Central Team and the Ministry of Housing, Communities and Local Government (MHCLG) following the deadline for representations to be made on the Secretary of State’s ‘minded to’ decision to form two unitary authorities for Dorset. All councils made representations as part of the process which had been acknowledged by the MHCLG. There had been an opportunity for local representations to make suggestions for modifications, but none had been submitted. The decision would therefore be either to continue with the formation of two councils as proposed in the Future Dorset submission or not to proceed. It was hoped that a decision would be known before the next Parliamentary recess from 8 February 2018.

In addition, it was reported that the Chief Executive Sponsor of the Central Programme Team had also met with Oliver Letwin MP, Connor Burns MP, Simon Hoare MP and Richard Drax MP to provide an update on the progress to date, and had also had a conversation with Lord Porter, Chairman of the Local Government Association, who met with the Secretary of State on a weekly basis. The Chairman also indicated that she had written to the Chairman of the County Councils Network (who also attends the same meeting), and to Brandon Lewis MP as a positive voice for local government in a former role within the Department for Communities and Local Government.

Noted

Structural Change Order

6 The Joint Committee considered a report by Dorset Area Monitoring Officers on the Structural Change Order (SCO) which, alongside an Election Changes Order, would be used to implement two new multi-purpose councils to replace the existing nine councils across Dorset. Preferences to be included in the SCO needed to be considered and submitted to the Secretary of State by a 25 January 2018.

Cllr Anthony Alford, as the appointed lead member in respect of the Structural Change Order, presented the report and summarised the key considerations for the Joint Committee. He highlighted the degree of urgency for decisions to be made, which had been presented in as complete and objective a format as possible. However, due to the high-level nature of the report further information on particular areas could be provided on request.

The Joint Committee discussed each key consideration as follows:

- **Name of the new council for the Dorset area**
  All members were supportive of the new council being named Dorset Council.

- **Legal mechanism to transition to a new council**
  Strong support was expressed by all members for the formation of a new and exciting council, and to create a legacy for the future in Dorset.
A number of views were expressed to support the formation of a council created as a district council with county council powers, and as such would provide the opportunity for a brand-new council with a shadow authority and executive to be used for the implementation instead of a continuing authority arrangement.

Concerns were expressed in relation to the scale of Transfer of Undertakings Protection of Employment Regulations (TUPE) of staff and associated risk, and residual risks, if the council was formed as a district with county powers. In addition, a question was asked regarding the potential review of contracts for staff and restructuring which could have a negative impact on service delivery, and the possible need for additional staffing to manage a review, particularly in respect of safety and services for vulnerable children and adults. Clarification was provided that the TUPE arrangements would provide for the transfer and protection of rights for staff from one authority to the new council, and that this would not include a review of all contracts prior to the start of the new council.

Recognition was given to the significance of communications and engagement throughout the transition period to the new council both internally with staff and externally to the public, partners and other organisations.

Clarity was sought about the need for an Equalities Impact Assessment (EqIA) of the matters within the report. It was confirmed that there was already a high-level EqIA in place for Local Government Reorganisation and the formation of a new council would impact upon all staff in the same way irrespective of protected characteristics. There was therefore no requirement for an additional EqIA to be completed in respect of the SCO decisions.

Questions were asked regarding the original position of the Future Dorset submission and anticipated transition arrangements, and whether the headline strategy needed to be realigned in respect of finance and resources needed for transition to a new council and beyond 2019. There was also the need to ensure legal compliance of statutory duties and contracts. It was suggested that a critical path of compliance was needed.

The need for reassurance and a plan around the finance and resources for transition under a shadow authority was acknowledged and focussed work would address these areas as well as other significant areas which included risk management and mitigations, engagement with staff and unions for the arrangements. A further comment was received to encourage preparation for the novation of contracts to the new council.

From this point forward all members wished to refer only to the new organisation and not a model built on previous district or county organisation.

- **Size and composition of the transition body**
  A clear preference was given for the chairman of the shadow executive to be elected by the executive itself. A number of competing views were expressed, and it was explained that the shadow authority would be responsible for electing the Chairman of the authority, which would comprise all 176 councillors of all councils. However, the election of the chairman of the executive would be more practical to be elected from within the membership of the executive itself. It was also decided that the composition of the shadow executive would follow the same rationale as the current joint committee.
• **Identification of an officer to lead the officer implementation team**
  There was strong support for the shadow executive should have the flexibility to appoint the lead officer of the officer implementation team.

• **Electoral cycle to be followed by the new council**
  A choice of electoral cycles were considered, based on the first election of the new council taking place in 2019. A number of members supported the County electoral cycle which would enable the council to have consecutive 5 year terms of office for members and then to have 4 year terms of office from 2029. This would enable the new council to settle and provide stability.

  It was further explained that there were wider advantages of using the county cycle as part of the regional network of councils and neighbouring authorities, which would enable opportunities for the new council.

  The importance of alignment of town and parish councils with the future electoral cycle was a priority. The electoral cycles of town and parish councils could be brought in line with either arrangement for the new council, which was considered to be a necessity due to its positive impacts on democratic representation and cost. Cllr John Parker, Chairman of the Dorset Association of Town and parish Councils, expressed support for the alignment of electoral cycles and reported that the possible devolvement of powers to towns and parishes had started to reinvigorate community interest. He felt that the Association would welcome the synchronisation of the electoral cycle. The value of consultation at an earlier stage was noted, but this was not possible due to the pace and need to complete the SCO.

At the end of the discussion it was clarified that the submission to the MHCLG would be compiled and would be signed by the Chairman on behalf of the Joint Committee, after consultation with leaders of the Dorset area councils. In addition it was recognised that there would be the need for consideration of a number of key areas in the coming months by the Joint Committee, referenced at minute 10.

**Resolved**
1. That the name of the new council for the Dorset area should be Dorset Council.
2. That the new council should be created as a new legal body with a shadow authority and shadow executive managing the transition.
3. That the new council be established as a district with county powers.
4. That the five district councils should each be entitled to two places and the county council six places on the transition body (shadow executive), a total of sixteen places with members being appointed in accordance with the principles of political proportionality.
5. That the chairman of the transition body (shadow executive) should be elected by the transition body.
6. That there should be flexibility for the officer implementation team to be led by an officer to be appointed at the discretion of the transition body.
7. That the new council should hold all out elections based upon the county electoral cycle.
8. That the new council should serve for two 5 year terms, before harmonising with the county electoral cycle.
9. That the electoral cycle for all town and parish elections within the Dorset area is changed to be in harmony with 5.2 above.

**Disaggregation**
7 The Joint Committee received a report on the service and financial analysis and a series of service reviews in relation to disaggregation of County Council services for the Christchurch area.
Following completion of detailed planning and preparation for the service and financial analysis and the start of service reviews, the Task and Finish Group on Disaggregation (jointly with Bournemouth, Christchurch and Poole representatives) was due to hold its first meeting on 6 February 2018. The meeting would consider the first service areas in the disaggregation process, which would be reported back to the Joint Committee for formal sign off.

**Noted**

**Programme Management Budget**
8  Further to previous approvals regarding the Programme Management Budget in November and December 2017, the Joint Committee was updated on the appointment of the Programme Team, budget activity and considered the further appointment of a third Workstream Coordinator rather than two due to the large number of workstreams and Task and Finish Groups and the need to make progress quickly to meet the deadline of 1 April 2019 to form the new unitary council. It was clarified that authority to make appointments was already delegated to the Programme Board.

**Resolved**
That the appointment of a third Workstream Coordinator, provided there are suitable candidates, be supported.

**Progress against programme including relevant workstream reports**
9  The following workstream and task and finish group activities were reported:

**Progress of Task and Finish Groups**
9a  The Joint Committee noted updates on the progress of Task and Finish Groups.

Although the first meeting of the Task and Finish Group on Community Partners Engagement had been arranged for Monday 12 February 2018 at 2.30pm, it was agreed that there was a need to jointly hold a meeting with the Task and Finish Group on Area Based Decision Making as the workstreams were closely aligned. A new date would be found for the membership of both groups to meet and discuss the scope of the groups.

There was also a clash of dates with the initial meeting date of 12 February, to which it was acknowledged that there were going to inevitably be clashes of dates with the large number of meetings needed and that members needed to be prepared for clashes of meetings and to be flexible.

In relation to membership of Task and Finish Groups, it was noted that there were some outstanding appointments to be finalised, including some lead officers, and the list of members would be circulated to leaders and chief executives outside the meeting to finalise the Groups. However, it was appreciated that the memberships and arrangements for groups was flexible and could change as needed.

The progress of the Boundary Review Task and Finish Group was discussed at minute 47(b).

**Resolved**
1. That the Groups covering Community Partners Engagement and Area Based Decision Making meet to jointly scope the role and future of the Group.
2. That the membership of Groups be circulated outside of the meeting to be finalised by leaders and chief executives.
3. That the list of memberships on Groups be circulated to all members for information when finalised.
Task and Finish Group on Boundary Review - Recommendation

9b The Boundary Review for the Dorset Area, as a key part of work to establish electoral boundaries for a new council from 1 April 2019, had been led by the Task and Finish Group to develop an initial evidence stage submission to DCLG by 31 January 2018.

Cllr Spencer Flower, as the Chairman of the Group, introduced the report and explained that the submission would provide council size and electorate forecast information to 2023 which would inform a fall-back position to be included in the Structural Change Order, and provide the basis for the next stage of the Boundary Review which would include electoral ward mapping. He also presented a further recommendation from the Group which was agreed at its meeting on 17 January to propose delegated authority for the Chairman to make final amendments and to make the submission on behalf of the Joint Committee after consultation with leaders of all Dorset area councils.

The next phase of the Boundary Review would include engagement with all councillors across all Dorset area councils to build on the evidence and data in order to arrive at a final ward mapping submission. This would include the ability to make changes across previous district and borough administrative boundaries and would provide more flexibility than in previous boundary reviews.

Resolved
That the minutes of the Task and Finish Group be noted, and the following recommendations be approved:

3 January 2018 - Local Government Reorganisation Boundary Review - Initial Evidence Stage Submission
1. That a council size of 82 members be recommended to the Dorset Area Joint Committee for approval as part of a submission to the DCLG by 31 January 2018, subject to any further clarification of detail arising from the next meeting being held on 17 January 2018;
2. That this council size be used in the Structural Change Order as the fall-back electoral arrangements; and,
3. That electoral areas should be referred to as Electoral Wards.

17 January 2018 - Local Government Reorganisation Boundary Review – Updated Initial Evidence Stage Submission
That the Dorset Area Joint Committee be recommended to delegate authority to the Chairman of the Task and Finish Group, after consultation with leaders of all Dorset area councils, to approve the final wording of the submission on behalf of the Joint Committee, based on the information and context to date, and further updated 2023 electoral forecasts.

Work Programme and Forward Plan
10 The Joint Committee considered its Work Programme and Forward Plan and added the following items for future meetings throughout the meeting:

Governance of the Shadow Authority and Shadow Executive (Minute 44)
Shadow Authority Transition – Risk Management (Minute 44)
Shadow Authority Transition – Staffing (Minute 44)
Shadow Authority Transition – Legal Compliance, Statutory Duties and Contracts (Minute 44)
Shadow Authority Transition – Communications and Engagement (Minute 44)
Shadow Authority Transition – Finance and Resources (Minute 44)

In relation the Appointment of Chief Executive item scheduled for 21 February 2018, it was agreed to invite LGA officers to the meeting to talk through the timeline for taking the appointment process forward for the shadow executive.
It was also agreed that the work programme should be developed to include all Task and Finish Groups’ work programmes.

Scrutiny of Local Government Reorganisation was raised, to which it was clarified that as part of the current Joint Committee arrangements each of the Dorset area councils was able to undertake scrutiny of the Joint Committee. For the Shadow Authority, although the normal statutory rules regarding scrutiny did not apply, provision would be made for a Joint Scrutiny Committee. Slight caution was also raised in relation to the need to make decisions at pace in accordance with the needs of the legislative process, and that scrutiny of the Joint Committee could not slow the processes as this was a risk to successful implementation of the new authority.

**Resolved**
1. That the Work Programme and Forward Plan be updated.
2. That the Work Programme should be developed to include all Task and Finish Groups’ work programmes.

Meeting Duration: 10.00 am - 12.05 pm
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Dorset Area Joint Committee – 18 January 2018 – Request to make a statement

I would like to make the following statement to the joint committee as set out at item 4 of the agenda.

I am Councillor John Parker, Chairman of Dorset Association of Parish and Town Councils.

The time of the Joint Committee’s December meeting appeared to have been changed to facilitate a session with the LGA.

We fully understand that officers have to prioritise that the committee members are fully informed and that legal obligations on the publication of the time of the committee meeting are fulfilled, which they were.

However, as attendees of the previous meeting, when the arrangements for the LGA were initially discussed, we were not aware of the change of time for the December committee meeting and only discovered this by double checking the website.

Had the DAPTC been part of the formal process of the committee, I’m sure officers would have ensured that we were notified in good time.

While we appreciate that these things happen, we would like to re-inforce that the DAPTC very much wants to give positive and helpful support to the Joint Committee in the spirit of working for the benefit of its members and ultimately local communities.

Councillor John Parker
Chairman of Dorset Association of Parish and Town Councils