



NOTICE OF BOURNEMOUTH, CHRISTCHURCH AND POOLE SHADOW EXECUTIVE COMMITTEE

Date: Wednesday, 12 September 2018 at 10.00 am

Venue: Committee Suite, Civic Centre, Poole, BH15 2RU

Councillor	Authority
Cllr J Walton (Chairman)	Poole
Cllr J Beesley (Vice-Chairman)	Bournemouth
Cllr P Broadhead	Bournemouth
Cllr J Challinor	Poole
Cllr B Crawford	Bournemouth
Cllr A Filer	Bournemouth
Cllr D A Flagg	Christchurch
Cllr M Greene	Bournemouth
Cllr N Greene	Bournemouth
Cllr M Haines	Poole
Cllr P F Jamieson	Christchurch
Cllr J Kelly	Bournemouth
Cllr R Lawton	Bournemouth
Cllr I Potter	Poole
Cllr K Rampton	Poole
Cllr M White	Poole

All Members of the Shadow Executive Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

If you would like any further information on the items to be considered at the meeting please contact: Matt Wisdom (01202 451107) or email matthew.wisdom@bournemouth.gov.uk

Press enquiries should be directed to Ceri Lewis: Tel: 01202 795455 or email clewis@christchurchandeastdorset.gov.uk

This Notice of Meeting and all the papers mentioned within it are available at moderngov.bcpshadowauthority.com

JANE PORTMAN
DESIGNATED INTERIM HEAD OF PAID SERVICE

4 September 2018



Available online and
on the Mod.gov app



AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Members.

2. Declarations of Interests

Councillors are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests. Declarations received will be reported at the meeting.

3. Confirmation of Record of Decisions

To confirm the record of decisions from the meeting held on 24 July 2018, available to view at the following link:-

<https://moderngov.bcpshadowauthority.com/documents/g113/Decisions%2024th-Jul-2018%2010.00%20Executive%20Committee.pdf?T=2>

4. Public Issues

To receive any public questions or statements submitted in accordance with the Constitution. Further information on the requirements for submitting questions and statements is available to view at the following link:-

<https://bcpshadowauthority.files.wordpress.com/2018/07/public-participation-e28093-extract-from-the-constitution.pdf>

The deadline for the submission of public questions is 10.00 am, Thursday 6 September 2018.

The deadline for the submission of a statement is 12.00 noon, Tuesday 11 September 2018.

5. Recommendations from the Overview and Scrutiny Committee

To receive any recommendations from the Shadow Overview and Scrutiny Committee.

6. BCP LGR Programme Update

See report circulated at 6.

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7. Parliamentary Orders Update

See report circulated at 7.

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8. Executive Committee Forward Plan

The Committee is asked to note the latest published Forward Plan, available to view at the following link:-

<https://modern.gov.bcshadowauthority.com/documents/l107/Printed%20plan%2031%20August%202018%20-%20Forward%20Plan.pdf?T=4>

9. Any other business - not being a key decision - of which notice has been received before the meeting and by reason of special circumstances, which shall be specified in the record of decisions, the Chairman is of the opinion that the items should be considered as a matter of urgency.

In relation to the agenda for the Shadow Executive Committee on 12 September 2018, the Shadow Overview and Scrutiny Committee agreed the following:

1. That the Shadow Executive Committee be advised of the Overview and Scrutiny view that the work of the proposed Executive Task and Finish Group entitled 'Governance to focus on the development of the new council Constitution' may be strengthened by engaging with the Shadow O&S Committee on the matter of O&S design for the new BCP authority.
2. That the O&S Committee will establish a working group of up to 5 members in anticipation of undertaking this work.

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Bournemouth, Christchurch and Poole Shadow Executive Committee

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Report Subject	BCP LGR Programme Update
Meeting date	12 th September 2018
Report Author	Julian Osgathorpe, BCP LGR Programme Director
Contributors	BCP Interim Statutory Officers BCP Programme Board
Status	Public
Classification	For information for all Members
Key Decision	No
Executive summary	This report provides an overview of activity within the BCP Programme for Local Government Reorganisation in Dorset.
Recommendations	<p>1. Members note the progress made since the last BCP Shadow Executive Committee meeting on approved workstreams.</p> <p>2. Members consider establishing Phase 2 Task and Finish Groups and de-commission the Task and Finish Groups that have completed Phase 1 activity.</p>
Reason for Recommendations	<p>To note the progress made on the Bournemouth, Christchurch & Poole programme to prepare for local government reorganisation in Dorset and to provide assurance to Members that the Programme is progressing satisfactorily.</p> <p>To acknowledge the work that is nearing completion or has been completed as part of the Phase 1 Task and Finish groups and to establish Phase 2 Task and Finish groups to</p>

	progress activities required to achieve service continuity for day one.
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Background detail

1. Introduction

At its first meeting the Shadow Executive Committee adopted the programme framework that had previously been approved and adopted by the BCP Joint Committee.

2. The key components of this framework are as follows:

a. The Governance architecture comprising:

- i. The BCP Shadow Executive Committee
- ii. The BCP Programme Board, along with subordinate Phase 2 Delivery Boards established to oversee the specific operational areas of Adult's Services, Children's Services, Environment & Economy and Corporate & Support Services
- iii. The Programme Director/Central Implementation Team Leader and the implementation team
- iv. The Task & Finish Working Groups established under this architecture to progress specific workstreams.

b. The programme plan comprising three phases:

- i. Creating the new unitary authority
- ii. Delivering senior staffing structures and business functionality for April 2019
- iii. Designing and building the new local authority.

c. The allocation of an interim budget of £1.16m with delegation to the BCP Programme Board to approve spending from this budget.

3. The purpose of this report is to provide an overview of the activity within the programme in order to provide oversight by the Shadow Executive Committee.

Activity Undertaken in the Last Period

4. The last Programme Update Report was provided to the BCP Shadow Executive Committee in July 2018, therefore, this report covers the period since the July meeting.

5. Work continues with MHCLG on the subsequent Orders required for the creation of and transition to the BCP unitary authority. An update on this aspect of the programme appears on the Agenda and will provide more detail for Members.
6. The Disaggregation workstream has reached the successful conclusion of the service budget work. A report on this workstream which was provided in July included the next steps at Section 8 of the report, these are being progressed by both LGR area programmes.
7. Significant effort is now being focussed on the engagement and consultation required in order to develop the TUPE (Transfer of Undertakings (Protection of Employment)) arrangements for 1st April 2019.
8. The Senior Appointments Task & Finish Group has made significant progress during the last period. The Tier 1/Chief Executive appointment process, reported to and approved by the Shadow Executive Committee at the meeting in May 2018, has progressed. A Senior Appointments Committee will be convened for the formal recruitment process and will form the selection panel. The final panel interviews for the new Chief Executive for the BCP Council will be held on 26 September 2018 and the process is due to be concluded at the Shadow Authority meeting in October. The process and timetable for the Tier 2 roles is also progressing as reported to and approved by the Shadow Executive Committee in July.
9. The Financial Strategy & Council Tax Harmonisation Task & Finish Group is continuing to develop and refine the information and assumptions required to progress their work to its conclusions. A report on the MTFP is included in the Forward Plan for October Shadow Executive Committee meeting.
10. The Governance Task & Finish Group achieved a significant milestone with the creation and convening of both the Shadow Authority and the Shadow Executive Committee in June 2018. The adoption of the interim constitutional arrangements as developed and recommended by the Group was the conclusion of significant effort and cooperation between Members, Officers and representatives of MHCLG. Focus has now shifted to the development of constitutional arrangements for the BCP unitary authority and these will be reported in due course to the Shadow Authority or Shadow Executive Committee as appropriate.
11. The mobilisation of the Phase 2 arrangements within the programme continues. All of the Phase 2 Delivery Boards and their Unit of Service workstreams are now meeting and are supported by the BCP PMO/Central Implementation Team. Their focus is ensuring service continuity throughout the transition as well as the development of MTFP and budget proposals.
12. A significant amount of work has been completed or is nearing completion by the Task and Finish Groups established to focus on Phase 1 of the Programme for Civic Functions, Council Tax Harmonisation, Structural Change Order, Disaggregation, Electoral Review (ward boundaries), Governance Arrangements, Visioning and process for CEX appointment.

13. Members are recommended to consider establishing Phase 2 Task and Finish Groups to focus on the next stage of activity within the work programme. The following Task and Finish Groups are recommended:
- a) Vision to determine the future operating model for the new council
 - b) Finance to focus on MTFP and Budget Strategy
 - c) Governance to focus on the development of the new council Constitution
 - d) HR to appoint to senior roles and oversee the TUPE process
 - e) Civic Functions to focus on mayoralty and civic functions.

Summary of finance implications

14. The BCP Joint Committee approved an interim budget for Phases 1 and 2 of the programme in April 2018. The budget approved was £1.16m and was broken down into estimated amounts within categories of cost required to deliver the programme. Authority to approve spend from this budget was delegated to the BCP Programme Board.
15. The Programme Update report in July received the first quarterly budget monitoring schedule in relation to the interim budget, the next quarterly schedule will be reported in October 2018.
16. The BCP Joint Committee also acknowledged that additional resources would be required. The most significant categories of cost remaining to be quantified and approved are:
- a. The running costs of the Shadow Authority
 - b. The additional capacity and capability within the PMO/Central Implementation Team and the service units/preceding authorities required in order to ensure the continued delivery of day to day services while also successfully delivering the programme
 - c. Any restructuring and redundancy costs required to deliver Phases 1 and 2 of the programme
17. A further report on 16. a and b is expected to be made to the Shadow Executive Committee in October 2018.

Summary of legal implications

18. There are no legal implications arising from this report.

Summary of human resources implications

19. There are no human resources implications arising from this report.

Summary of environmental impact

20. There are no environmental impacts arising from this report.

Summary of risk assessment

21. The risks and issues have been developed and are being reviewed and managed through the BCP Programme Board and the PMO/Central Implementation Team. They are also regularly reviewed with the BCP Programme Steering Group (formerly approved and known as the Strategic Task & Finish Group).

22. In the event that there is a need to escalate any risks or issues to the Shadow Executive Committee for either awareness or decision they will be fully outlined with background information, a description of available options and carry recommendations for approval.

23. There are no risks or issues to be escalated at this stage.

Background papers

None

Appendices

None

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Bournemouth, Christchurch and Poole Shadow Executive Committee

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Report Subject	Parliamentary Orders Update
Meeting date	12 September 2018
Report Author	Tanya Coulter, Interim Monitoring Officer – BCP Shadow Authority 01202 451172 tanya.coulter@bournemouth.gov.uk
Status	Public
Classification	For information
Key Decision	No
Executive summary	<p>This report provides an update to the position outlined in the report to the Committee on 24 July 2018. For ease of reference a substantial proportion of the previous report is included within this paper.</p> <p>A number of statutory instruments, or orders, are required to be made within the next six months or so to provide for the transfer of functions and other associated issues necessary to enable local government reorganisation to take effect.</p> <p>These orders will amend and supplement existing orders in force which date predominantly from 2008/9. The existing orders require amendment and update to take account of intervening legislative changes, and to ensure specific issues relevant to current re-organisations are taken account of.</p>

	One of the orders will be an affirmative order to be laid before Parliament which will make amendments to legislation and transitional arrangements that are specific to Dorset.
Recommendations	That the Shadow Executive Committee note the progress made to date and current timetable.
Reason for Recommendations	To provide the Shadow Executive Committee with the opportunity to consider and make comments on the progress and timetable.

Background detail

1. There are a number of existing statutory instruments in force which were made to facilitate previous local government reorganisations, predominantly in 2008/9. These are in force and provide the basis for the transfer of functions, however they require amendment to ensure they are up to date with the current legal framework and updating to deal with specific issues relating to this particular local government re-organisation.
2. Following the making of the Structural Changes Order which established the Shadow Authorities, and provides for the creation of two new unitary councils in Dorset, MHCLG have considered what further orders are required.
3. The initial work focused on a miscellaneous order which amends and updates the existing orders. This Order – The Local Government (Structural Changes) (General) (Amendment) Regulations 2018 - No. 930 – will come into force on the 5th September 2018.
4. A Finance Order will be laid before Parliament later in the year – current timescales anticipate that it will be laid in November, and come into force at the turn of the year. This Order will cover Council Tax Harmonisation and additionally will make some amendments necessary to existing legislation to facilitate the transfer of functions to the new councils.
5. The other orders will be one setting out the warding and electoral arrangements following the boundary review; and an affirmative order covering issues relating to the civic matters and establishing charter trustees. This final order will also deal with any remaining matters which need to be resolved.

Miscellaneous Order – The Local Government (Structural Changes) (General) (Amendment) Regulations 2018 – No. 930

6. The Regulations ensure that existing orders are updated and provides for the transfer of functions from existing councils to the new unitary councils.
7. Key elements include:
 - a. Transfer of functions from existing councils to the new councils. This enables the new councils to take on all functions of the preceding councils from 1 April 2019.
 - b. Continuity – anything currently being done by an existing council can continue to be done by the new council. For example, if Borough of Poole has an enforcement process underway in regard to an issue, the new BCP council will be able to continue this work seamlessly from 1st April 2019.
 - c. Policies/strategies – existing policies and strategies will apply post April 2019 for the area for which they were originally approved. The only exception to this is the Emergency Plan framework which will need to be in place for the new council from day one.
 - d. Some key policies will be identified within the order which have to be reviewed as soon as practicable for the whole area, and in any event within 24 months of day one. These include certain housing allocations policies; licensing and gambling policies; policies relating to non-domestic rate relief, and certain statutory equalities policies.
 - e. Local plans for the new councils are likely to need to be in place within five years. During the intervening period the local plans in place will apply and the plans in progress can continue to be developed.

Finance Order

8. The Shadow Executive Committee at its first meeting agreed that a letter be sent by the Chairman setting out its preference in respect of harmonisation of council tax.
9. The local preference will be one factor taken into account by the Secretary of State when considering the approach to be taken. It should be noted that it is for the Secretary of State to agree what approach is taken and included in the Finance Order, which then proceeds through the parliamentary approval process. It is not a matter that the Shadow Authority itself can decide. Once the parameters are set out in the Order it will then be for the Shadow Authority as part of its budget setting process to agree the final council tax for the year 2019/20 within this framework.
10. It is anticipated that the Secretary of State will consider his approach to council tax harmonisation during the next few weeks, and that this approach will be contained within the first draft of the Finance Order. There will be a

period of time for comments and representations to be made, and the Shadow Executive Committee will be able to consider the proposed approach and make any comments and representations it wishes to make at that time. Following this period it is likely that a final Order will be laid before Parliament and come into force before the end of the year.

Affirmative Order

11. This Order will make amendments to legislation and transitional arrangements that are specific to Dorset.
12. It is anticipated that this Order will be laid before Parliament in January 2019 to be made and in force by mid-March 2019, with preparatory work being undertaken in Autumn. As the Order is being made under the affirmative procedure, it will need to be debated and approved in both Houses – as happened with the Structural Changes Order.
13. The Order is likely to include provisions relating to the following, and may include additional matters depending upon any legislation that has been passed since 2009.
 - a. Amendments to the definition of the area of the Fire and Rescue Authority, and transitional provisions for membership and appointments;
 - b. Any amendments required to the Police Area as defined in legislation – to provide for reference to the new councils, and transitional membership arrangements;
 - c. Amend areas and appointing bodies for the Valuation Tribunal
 - d. Port Health Authorities and Harbour Authorities– amend references to councils as required;
 - e. Specify Dorset Council as Pension Fund Authority;
 - f. Provisions to deal with any market rights to be vested in the new councils;
 - g. Provisions as required to amend legislation as necessary in respect of the Lord Lieutenant and High Sheriff;
 - h. Provisions to establish Charter Trustees and deal with civic functions and assets.

Summary of Legal Implications

14. The orders referred to in this report will be legally binding on the existing and future councils.

Summary of Financial Implications

15. The Finance Order when in force will have specific implications for the financial position of the new councils.

Summary of Human Resources Implications

16. There are no specific HR implications arising from the proposed new orders.

Summary of Environmental Impact

17. None arising directly from this report.

Summary of Equality and Diversity Impact

18. In terms of the equality duty, the councils will have to comply with the orders, which will be made in accordance with parliamentary process which includes relevant equalities act considerations.

Summary of Risk Assessment

19. In regard to specific risk assessments – there are no specific risks arising from the proposed orders which require highlighting at this stage. The orders assist the councils in mitigation operational risks by enabling a transition period during which policies and plans can be reviewed and harmonised in a considered and appropriate manner following the establishment of the new councils.

Background Papers

None.

Appendices

None.

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