

NORTHAMPTON BOROUGH COUNCIL
Scrutiny Panel 3 – Northampton Post Unitary

Your attendance is requested at a meeting to be held in The Jeffrey Room,
The Guildhall, St. Giles Square, Northampton, NN1 1DE on
14 June 2018 at 6pm

George Candler
Chief Executive

If you need any advice or information regarding this agenda please phone Tracy Tiff, Scrutiny Officer, 01604 837408 ttiff@northampton.gov.uk who will be able to assist with your enquiry. For further information regarding **Scrutiny Panel 3 - Northampton Post Unitary** please visit the website www.northampton.gov.uk/scrutiny

Members of the Panel

Chair	Councillor Brian W Sargeant
Deputy Chair	Councillor Paul Joyce
Panel Members	Councillor Mohammed Azizur Rahman (Aziz) Councillor Vicky Culbard Councillor Samuel Kilby-Shaw Councillor Jamie Lane Councillor Danielle Stone Councillor Graham Walker
Co-opted Member	To be confirmed

Calendar of meetings

Date	Room
4 July 2018 6:00 pm 20 September 29 November 7 February 2019 25 March	All meetings to be held in the Jeffery Room at the Guildhall unless otherwise stated

Northampton Borough Scrutiny Panel 3 - Northampton Post Unitary Agenda

Item No	Title	Pages	Action required
1.	Welcome and Introductions		The Chair to welcome Members to the inaugural meeting of the Scrutiny Panel – Northampton Post Unitary.
2.	Apologies		The Chair to note any apologies for absence.
3.	Declarations of Interest		Members to state any interests. Declarations will be for the life of this Scrutiny Review.
4.	Deputations/Public Address		<p>The Chair to note public address requests.</p> <p>The public can speak on any agenda item for a maximum of three minutes per speaker per item. You are not required to register your intention to speak in advance but should arrive at the meeting a few minutes early, complete a Public Address Protocol and notify the Scrutiny Officer of your intention to speak.</p>
5.	Scope of the Review		The Scrutiny Panel to scope the review.
6.	Background Information	1-15	Report to Full Council, 4 June 2018: Local Government Reorganisation in Northamptonshire

Appendices: 2



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

4th June 2018

Agenda Status: Public

Directorate: Chief Exec

Report Title	Local Government Reorganisation in Northamptonshire
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1. Purpose

- 1.1 The purpose of this report is to update members on the current situation regarding the potential for Local Government reorganisation within Northamptonshire. It also seeks approval to work with the other county, districts and borough councils on a draft unitary proposal for consultation, and for an agreed budget to finance the work, that will need to be undertaken over the next 3 months.

2. Recommendations

The recommendations are:

- 2.1 that Northampton Borough Council (NBC) acknowledge the recent invitation from the Secretary of State to submit a proposal for a single tier of Local Government in Northamptonshire
- 2.2 to continue to work with the other county, districts and borough councils on a draft unitary proposal for consultation, suitable for submission to the Secretary of State, set against the criteria as detailed in the formal invitation letter and attached schedule, to submit a proposal for a single tier of local government in Northamptonshire
- 2.3 to agree to a working budget of up to £100,000 (in addition to any internal resources consumed within existing budgets) with delegated authority to the Chief Executive in consultation with the Leader, that will fund any necessary work required in relation to local government reorganisation.

- 2.4 to receive a further report on the 29th August 2018 which will detail the final proposal to be submitted to the Secretary of State and the outcomes from the consultation, prior to the final submission deadline of 31st August 2018
- 2.5 To note and affirm that Council's resolution on the motion on Unitary Government dated 23rd January 2017 has been superceded following the later resolution of Council dated 14th May 2018.

3. Issues and Choices

3.1 Context

- 3.1.1 Council members will be aware of the financial challenges facing Northamptonshire County Council. Following the publication of a number of reports, the Secretary of State appointed a Best Value Inspector (Max Caller) on 9th January 2018 to specifically consider governance and financial issues at the Council.
- 3.1.2 The Best Value Inspectors report was published by the government on 15th March 2018. For information, a link to that report is provided below
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690731/Best_Value_Inspection_NCC.pdf
- 3.1.3 The Secretary of State provided his formal response to the Best Value Inspectors report on 27th March. Immediately after the Secretary of States response, each Local Authority across the County received a *formal invitation to submit a proposal for a single tier of local government in Northamptonshire*. A copy of the letter that the council received is attached as Appendix A.

3.2 Background

- 3.2.1 Discussions about the future structure of local government in the County have been ongoing for some time, the most recent debate at Full Council took place on 14th May 2018 by way of a motion. The motion was put forward in the context of the wider debate that was taking place across the county as a result of the Best Value Inspectors report and as a follow up to an earlier motion taken on 23rd January 2017.

- 3.2.2 The motion from the Council meeting held in May 2018 is reproduced below:

ii) *Councillors McCutcheon, Nunn and Beardsworth proposed the motion:*

“Northampton Borough Council remains committed to replacing the current two tier arrangements operating in Northamptonshire with Unitary Councils.

This Council, however, rejects Northamptonshire County Council's plan for a single county-wide local authority, believing that it is essential that local government remains local. Making local government more remote would decrease accountability and public engagement.

Additionally, it was noted that the Northamptonshire County Council's draft budget states a plan to achieve unitary status for 2019/2020 to save £10 million per annum. This Council would like to make it clear that it is opposed to a County Council unitary authority.

We strongly believe that the best solution for the town is a Northampton unitary authority with a limited expansion of the borough boundary to incorporate the Northampton Growth Area as defined in the West Northamptonshire Joint Core Strategy.

This Council will also ask our MPs to support us in this ambition."

Since the passing of that motion on 23rd January 2017 the Borough has co-commissioned with the Boroughs and Districts an independent report, the Deloitte report, looking at options for Unitary. We support the adoption of a Unitary Northampton, and maintain that the Deloitte's report shows this to be a viable and sustainable option. We have also written to the Secretary of State giving him our cross party view in favour of a unitary authority for Northampton. We therefore commit to the following urgent actions to be enacted prior to 4th June:-

- 1. That the Council raises awareness of unitary proposals and the benefits of a Unitary Northampton*
- 2. That the Council seeks the support of residents, institutions, businesses and the voluntary sector within the town for a unitary authority for Northampton on a wider boundary.*
- 3. That the Rt Hon. James Brokenshire MP, the new Secretary of State for Housing, Communities and Local Government, be invited to the council so he can personally be made aware of the cross-party support, the case for a Unitary Northampton and can be shown round our town.*
- 4. That the towns MP's be invited to a similar cross party meeting with the council.*
- 5. There is an online consultation to enable residents of the town to express their views on unitary proposals and a series of public meetings for the same purpose, supported cross party.*

The reasons behind this motion are that the next full council is not until 4th June, we wish to further discuss the Unitary proposals and to wait until this date would prove too late given the July deadline.

We also would like members of the public to come and air their opinions so the council can move forward our campaign on an informed basis.

3.2.3 Following debate and a request for a recorded vote the motion was not carried.

3.2.4 Council should note that its resolution regarding Unitary Government passed on 23rd January 2017 no longer stands and is inconsistent with Councils resolution passed on 14th May 2018.

- 3.2.5 Prior to the Council meeting on 14th May 2018 when the motion was not passed, the 3 Group Leaders had previously written to the Secretary of State on 20th April 2018 seeking his support as a result of both the January 2017 motion and the one put forward in May 2018. The response from Rishi Sunak MP, Minister for Local Government (attached as Appendix B) on 4th May 2018 drew attention to the fact that *any proposal put forward must be made up from whole, existing local government areas* and that it must have due regard to the statutory guidance issued with the Invitation letter in that *any proposed unitary authority should have a population that at a minimum is substantially in excess of 300,000*.
- 3.2.6 In the period since the 23rd January 2017 motion was approved, all of the District and Borough Councils in the County jointly commissioned an options report to be undertaken. Following the preparation of a joint brief, and having undertaken a formal procurement process, Deloitte were formally commissioned to undertake the study. They began their work in April 2017.
- 3.2.7 Deloitte have recently completed the study and formally issued it to the 7 District and Borough Councils on 19th April 2018. Members of Northampton Borough Council were provided access to the report on the day it was issued to the Council. Members should note that contents of the covering letter from the Leaders of the District and Borough Councils seeks to put the report from Deloitte into context given the current situation of the County Council and the invitation that has been received from the Secretary of State – the wording of that joint letter is reproduced here:

Some time ago, the District and Borough Councils in Northamptonshire jointly commissioned an independent study to consider options for the future delivery of public services in the County. Following a formal procurement process, Deloitte were commissioned to undertake the work.

The report has now been issued by Deloitte.

The study was commissioned as a precautionary measure to help the Districts and Boroughs to be prepared for two potential things – either the County Council submitting a proposal for a single County wide Unitary Council to the Government and/or County Council suffering a major service or financial failure.

Since the report was commissioned, a number of significant events occurred at the County Council – the LGA financial peer review, the report of the Best Value Inspector, and the recent budget setting process, have moved the debate forward at pace. Whilst the report by Deloitte makes interesting reading, it has effectively been overtaken by events. The report does however contain much useful information and comment, none more so than the commentary that without wider reform of public services, Local Government reorganisation (in isolation) is unlikely to resolve the financial challenges that are faced.

Given the report of the Best Value Inspector (and the subsequent response of the Secretary of State) the Deloitte report will primarily now be used as part of

the required evidence base for any response by the Councils to the Secretary of State's recent formal invitation to submit proposals for a single tier of local government in Northamptonshire.

3.3 Best Value Inspectors Report – key messages

3.3.1 The Best Value Inspectors report covered a number of key topics but the executive summary is worth considering and in particular noting the following paragraphs of that report:

- a) Paragraph 1.9 recommends the creation of two unitary councils across Northamptonshire with the abolition of the County Council and all 7 of the District and Borough Councils. The report advises that the new arrangement should be established following elections in May 2020. However, the Secretary of State cannot simply impose this new structure but must respond to a proposal from one or more of the County's local authorities.
- b) Paragraph 1.10 – the report advises that the Secretary of State should give serious consideration to whether commissioners take over the running of all services (save planning) currently provided by Northamptonshire County Council.

3.4 Secretary of States invitation letter to District and Borough Councils

3.4.1 The letter from the Secretary of State advises that proposals for a single unitary authority for the entirety of Northamptonshire is not an option under the invitation. Given the potential imminent appointment of advisors to run NCC, retaining the status quo is also not an option.

The government are looking for a proposal to:

- Improve local government and service delivery across the area
- Be based on a credible geography, and
- Command a good deal of local support

3.4.2 Other factors to be considered include the recommendations of the Inspectors report on NCC and wider regional issues such as boosting housing delivery and contribution to the Cambridge/Milton Keynes/Oxford growth corridor.

3.4.3 The letters appendix gives some Secretary of State guidance on proposals including that a unitary authority should have a substantial population and at a minimum should be in excess of 300,000.

3.4.4 Other factors to be taken into account include:

- how local government will be improved
- the inspectors report and its North and West Unitary recommendation
- wider regional and national growth plans
- the level of public consultation on any proposal prior to it being submitted and
- a good amount of public support

3.4.5 Using this guidance, and other information for discussion with the Secretary of State's civil servants, the Chief Executives of the District, Borough and County

Councils are now meeting on a weekly basis to formulate next steps in preparation for any submission that needs to be completed by the deadline and are then reporting into the 8 Leaders who are now meeting on a fortnightly basis.

- 3.4.6 The deadline for submission was originally set as Friday 27th July 2018. However the 8 Chief Executives subsequently wrote to officers at the Ministry for Housing, Communities and Local Government (MHCLG) pointing out the risks of meeting such an ambitious timeframe and as a result the deadline has subsequently been extended to 31st August 2018.
- 3.4.7 To achieve this deadline, the Councils will require externally procured assistance as it is important that any initial high level draft submission is pitched correctly and does what both the local authorities expect it to do as well as meeting the criteria specified by government.
- 3.4.8 PWC have been procured to assist with the development of the submissions and a Programme Director has also been appointed to co-ordinate the works of all partners and consultants.
- 3.4.9 The government have made it clear that they expect to see reasonable levels of local public consultation prior to any initial submission being made. Again, externally procured assistance has been secured (Opinion Research Services) as the consultation results will be a key part of any submission. The consultation will run for 6 weeks beginning on 13th June 2018 and will engage with a broad cross section of residents and key stakeholders.
- 3.4.10 Communication with members is vital throughout this period of time and work is ongoing to develop an engagement process including the development of a series of workshops. An informal, cross-party member group has recently been established and met twice already to help inform the process as well as discussing the 'key asks' that would like to be seen in the final proposal sent to MHCLG. There will also be internal communications throughout the process to keep both members and staff fully apprised of the situation.

3.5 Community Governance Review

- 3.5.1 As part of the consideration of the future of all tiers of local government locally consideration will need to be given on whether NBC undertake a community governance review to look at the potential for creating a parish council for the town of Northampton; this parish council can – if it so determines, once created – be known as a town council which can elect a Mayor annually.
- 3.5.2 At present there are 10 parish councils surrounding the periphery of the borough but a large proportion of the overall borough remains un-parished. The borough council has the power to create new parish (local) councils, but the review process is prescribed by legislation and the council has to have regard for the guidance issued by the Secretary of State. The guidance was last updated in March 2010.

- 3.5.3 Section 81 of the Local Government and Public Involvement in Health Act 2007 would require the council to publish terms of reference which would set out how it will be conducted, the expected timescales, its focus, its key considerations and the factual electoral information relating to the area.
- 3.5.4 The matters for consideration by the review (as set out in the terms of reference) would be the subject of public consultation. Following this, recommendations would be made by Members.
- 3.5.5 Recommendations would be made on matters such as whether any new Parish should be constituted and what the electoral arrangements would be (number of members, number of wards and names of wards) if creating a Parish Council was recommended.
- 3.5.6 Any recommendation agreed by the Council would be published. Members would then decide to what extent to give effect to the recommendations.
- 3.5.7 This is a summary only of the main aspects of the community governance process.
- 3.5.8 Officers are now doing further work on this; any decision on whether to proceed formally with a community governance review will be brought back to council for formal decision.

4. Next steps on the development of a proposal

- 4.1 Discussions are underway between all local councils, at leader and chief executive level, about the submission of a single collective proposal. Through this arrangement the work required, and any costs, can be shared.
- 4.2 All the district and borough councils are clear that they have neither sought nor wanted this change, but are all agreed that developing a proposal that seeks to ensure the best outcome for the people of the county is now the best way forward.
- 4.3 It is recommended that this council continue to participate in these discussions and in the work required to create a proposal in keeping with the Secretary of State's invitation and guidance, which will be used as part of the consultation process. The final decision on whether to be part of its formal submission will be brought back for discussion on 29th August 2018 prior to the submission deadline.

5. Implications (including financial implications)

5.1 Policy

- 5.1.1 Whilst this will be the most significant change in Local Government that Northampton Borough Council has had to face, there is no specific policy reference to highlight for this report.

5.2 Resources and risks

- 5.2.1 The resources in terms of specialist support have already been highlighted in paragraph 3.4. Northampton Borough Council will also need to develop its own internal project team which is currently being led by the Chief Executive and appropriate governance procedures will be put in place to ensure regular reporting to Cabinet and Council. When key decisions arise, it is likely that reports will need to go to either Cabinet or Council (or both depending on timeframes).
- 5.2.2 In terms of financial resources, the procurement of both specialist support with regards to consultation, alongside the commission of PWC, will incur costs and therefore it is proposed to create a working budget of £100,000 to be used to fund this specialist support in the short term (noting that the specialist support will be split amongst all 8 Local Authorities) as well as future work centred around local government reorganisation. The delegation of how this money is spent is given to the Chief Executive in consultation with the Leader.
- 5.2.3 This should be kept to purely local government reorganisation and the funding will be found from General Fund Reserves, if required at the end of 2018/19.
- 5.2.4 In terms of risk, clearly there is significant risk in undertaking this work, not least in meeting the deadline which is extremely tight. There are also a number of inherent risks particularly around the financing and long term sustainability of any new model and clearly this will form a key part of the overall proposal that is brought back to members for consideration prior to 31st August 2018.
- 5.2.5 There is a converse risk if NBC does not commit resources and effort to deliver the final submission in conjunction with the other seven local authorities affected, that NBC will not influence the eventual outcome and not deliver a solution in the best interest of the residents and businesses of the Borough.

5.3 Legal

- 5.3.1 The consideration outlined in this report stems from a formal invitation from the Secretary of State under the Local Government and Public Involvement in Health Act 2007. This whole area is subject to statutory regulation, the detail of which will be provided in further Cabinet reports as appropriate.
- 5.3.2 The Council will need to ensure that consultation processes are carefully structure and executed in a way that ensures that they inform and shape the proposals and by so doing minimises the risks of legal challenge.

5.4 Equality and Health

- 5.4.1 Nothing specifically arising from this report however, due consideration will be made to the extensive consultation that will be undertaken and a community impact assessment will be completed as the project moves forward.

5.5 Consultees (Internal and External)

5.5.1 Statutory officers; Senior Managers; Leader of the Council

6. Background Papers

- 6.1 Northamptonshire County Council Best Value Inspection report
<https://www.gov.uk/government/publications/northamptonshire-county-council-best-value-inspection>
- 6.2 The Deloitte Report: Strategic Options case for the future of Public Services in Northamptonshire
<https://www.northampton.gov.uk/downloads/file/10282/deloitte-report>
- 6.3 Letter of invitation from Paul Rowsell to submit a proposal for a single tier of local government in Northamptonshire (Appendix A)
- 6.4 Letter from Rishi Sunak MP, Minister for Local Government 4th May 2018 (Appendix B)

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Ministry of Housing,
Communities &
Local Government

27 March 2018

Ian Vincent
Acting Chief Executive
Northampton Borough Council
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NN1 1DE

Dear Ian,

Invitation to submit a proposal for a single tier of local government in Northamptonshire

The Secretary of State today has announced in a statement to Parliament how he proposes to proceed following receipt on 15 March 2018 of the Northamptonshire County Council Best Value Inspection report. In his statement he also announced that he is inviting the principal councils in Northamptonshire to develop and submit locally led proposals for establishing unitary authorities across the county which will be right for the communities and people they serve. Accordingly, he is exercising his powers under the Local Government and Public Involvement in Health Act 2007 ("2007 Act") to invite Northamptonshire councils to make proposals for restructuring local government, and I enclose the statutory Invitation to your council along with statutory guidance from the Secretary of State.

As you will see, a proposal in response to the Invitation can be submitted by an individual council or jointly with some or all of the other councils in Northamptonshire. Proposals should be received no later than Friday 27 July 2018.

The Invitation is to submit what the 2007 Act refers to as a 'combined proposal'. A combined proposal may be, for example, a proposal for two or more Type B proposals under the Act (a Type B proposal being a proposal for a unitary authority for the area of one or more districts which form part of a county area), or a proposal consisting of one or more Type B and Type C proposals (a Type C proposal being a proposal for a unitary authority for an area which is part of a county and one or more adjoining districts in an adjacent county). It should be noted therefore that a proposal for a single unitary authority covering the entirety of Northamptonshire is not an option under the Invitation.

Paul Rowsell CBE
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The guidance, to which any authority making a proposal must have regard, sets out what any proposal should seek to achieve, and the matters to be taken into account in formulating a proposal. In particular, any proposal should seek to achieve unitary structures which are likely to:

- Improve local government and service delivery across the area;
- Be based on a credible geography; and
- Command a good deal of local support.

These are therefore the criteria against which any proposal will be assessed.

Other factors that should be taken into account in formulating any proposal include the findings and recommendations of the Northamptonshire County Council Best Value Inspection report, and wider regional issues such as how a new authority might be able to boost housing delivery and contribute to the Cambridge-Milton Keynes-Oxford growth corridor.

If you have any questions please do not hesitate to get in touch, and if it would be helpful, I would of course be happy to meet you and your colleagues.

Yours sincerely,



P ROWSELL

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

INVITATION FOR PROPOSALS FOR A SINGLE TIER OF LOCAL GOVERNMENT

The Secretary of State for Housing, Communities and Local Government, in exercise of his powers under Part 1 of the Local Government and Public Involvement in Health Act 2007, hereby invites any principal authority for an area that is the whole or part of the county of Northamptonshire to make, in accordance with paragraphs 1 to 3 below, a combined proposal that there should be a single tier of local government for areas which together comprise an area of which that county is the whole or part.

1. Any proposal must be made by 27 July 2018.
2. In responding to this invitation an authority must have regard to the guidance from the Secretary of State set out in the Schedule to this invitation, and to any further guidance on responding to this invitation received from the Secretary of State.
3. An authority responding to this invitation may either make its own proposal or make a proposal jointly with any of the other authorities invited to respond.

Signed by authority of the Secretary of State for Housing, Communities and Local Government.



P Rowsell

A senior civil servant in the Ministry of Housing, Communities and Local Government

27 March 2018

SCHEDULE

Paragraphs 1 to 2 below set out guidance from the Secretary of State.

1. A proposal should seek to achieve for the area concerned the establishment of a single tier of local government, that is the establishment of unitary authorities:
 - a. which are likely to improve local government and service delivery across the area of the proposal, giving greater value for money, generating savings, providing stronger strategic and local leadership, and which are more sustainable structures;
 - b. which command a good deal of local support as assessed in the round overall across the whole area of the proposal; and
 - c. where the area of each unitary authority is a credible geography consisting of one or more existing local government areas and having a substantial population that at a minimum is substantially in excess of 300,000.

2. The following matters should be taken into account in formulating a proposal:
 - a. A proposal should describe clearly the single tier local government structures it is putting forward, and explain how, if implemented, these are expected to achieve the outcomes described in paragraph 1 above.
 - b. The need for evidence and analysis to support a proposal and any explanation of the outcomes it is expected to achieve, including evidence of a good deal of local support.
 - c. The report “Northamptonshire County Council Best Value Inspection: January – March 2018”, in particular the inspection team’s recommendation on the preferred way forward involving “the 2 unitary (West and North) model”.
 - d. The wider context for any unitary authorities in Northamptonshire around plans for growth. This includes authorities’ potential contributions to the Cambridge-Milton Keynes-Oxford corridor; and the potential for agreement between authorities and the Government to unlock ambitious housing delivery, above the level proposed in the Government’s Local Housing Need assessment.

- e. That there should be extensive local consultation about any proposal before it is made, seeking the views by appropriate means of residents, stakeholders and partners including local enterprise partnerships, health bodies, businesses, and other organisations including voluntary organisations. The means of seeking views may include professionally led open consultation questionnaires, representative household surveys, surveys of parish and town councils, workshops, telephone interviews with other major stakeholders, and inviting written submissions.



Ministry of Housing,
Communities &
Local Government

Rishi Sunak MP
Minister for Local Government

**Ministry of Housing, Communities and Local
Government**

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www.gov.uk/mhclg

Our Ref: 3754373
Your ref: JN/CB/0477

04 MAY 2018

Dear Cllr Nunn,

Thank you for your joint letter, with Councillors Danielle Stone and Sally Beardsworth of 20 April to the Rt Hon Sajid Javid MP, about Northampton Borough Council's proposal for a unitary authority. I am replying as this matter falls within my ministerial responsibilities.

I welcome your council's intention to put forward a joint proposal for unitary local government across the county. As the Secretary of State told the House of Commons, we are keen that the councils in Northamptonshire think about what is right for their communities and the people they serve, and come forward with proposals.

Under the legislation, any proposal made in response to the Invitation issued on 27 March 2018 must put forward two or more unitary councils whose area comprises whole existing principal local government areas - that is whole existing districts. I would also draw your attention to the statutory guidance which the Secretary of State has issued set out in the Schedule to the Invitation, and to which councils must have regard when formulating any unitary proposal; that guidance states that any proposed unitary authority should have a population that at a minimum is substantially in excess of 300,000.

As you know, councils have until 27 July 2018 to submit their proposals to me, having first conducted extensive local consultation. I look forward to receiving your submission.

15
RISHI SUNAK MP