

WESTMORLAND AND FURNESS JOINT COMMITTEE

Meeting date: 10 May 2022

Report of: Kim Rennie, LGR Programme Director

Subject: Implementation Plan

1.0 SUMMARY:

1.1 This report updates Members about the Implementation Plan and Programme Governance that has been developed by officers of the County Council, the Cumberland Councils and the Westmorland and Furness Councils, to ensure an effective transition to the new unitary Councils for Cumberland, and Westmorland and Furness on Vesting Day, 1 April 2023. This reflects the requirements in The Cumbria (Structural Changes) Order 2022.

2.0 RECOMMENDATIONS:

2.1 That the updated Implementation Plan (April 2022) attached at Appendix 1 be noted, pending the establishment of the two Shadow Authorities in May 2022.

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 Members will recall that in July 2021 the Secretary of State announced his decision, subject to Parliamentary approval, to implement a two unitary pattern of Local Government in Cumbria based on an East-West geography. The Cumbria (Structural Changes) Order 2022 (SCO) gives effect to that decision and came into force on 18 March 2022.

3.2 Under Article 24 of the Order, the Joint Committees must each prepare, keep under review, and revise as necessary, an Implementation Plan, including any plans and timetables that they consider necessary to secure the effective, efficient, and timely transfer of functions, property, rights, and liabilities to the successor Councils.

3.3 With the dissolution of the Joint Committees, (the day following that on which the Shadow Authorities for each area holds its first meeting), the Shadow Authorities then assume responsibility for keeping the Implementation Plan that has been prepared under review and revised as necessary.

3.4 At the meeting of this Committee on 29 March 2022 Members received a report on Implementation Plan and Programme Governance and resolved that the Plan be adopted pending the establishment of the two Shadow Authorities in May. Members at that meeting indicated a wish for further clarification and information on a number of matters, including in relation to the responsibility and process for agreeing Blueprints, the options for the Fire and Rescue Service, and spend in relation to the LGR Implementation Reserve, details of which were provided in the report. Officers have since provided further information on these matters, and this report provides additional updates where appropriate.

4.0 CURRENT POSITION

4.1 Progress has continued to be made in delivering the LGR Programme, and the Implementation Plan has subsequently been updated to reflect the progress made and in the light of comments made by the Joint Committees. The updated Implementation Plan is attached at Appendix 1 and will continue to be kept under review.

4.2 Since Members last considered the Implementation Plan progress has included:

- The embedding of the programme structure, and associated leadership and governance model together with agreed ways of working, developed as part of the Reset of arrangements in February
- Continuation of the three-way Senior Responsible Officer(s) (SROs) arrangement with accountability for programme delivery, and continuation of the Chief Executive level LGR Programme Board, as the Implementation Team, to oversee and direct the work being done
- The operation of thematic and cross cutting officer working groups, with the creation of new groups where appropriate, to provide service and technical expertise and deliver projects to support to the process
- The continued development of the Data-Hub, and analysis of the information it holds, providing a coordinated approach to data collection, analysis, and provision
- Use of internal resources has been supplemented by KPMG as the Strategic Partner to the Programme, adding capacity and expertise, and acting as advisors and critical friends to the programme. Most recently this has involved data analysis, support around day one readiness and identifying the “must have” deliverables, to ensure the councils can operate safely from Vesting Day in a consistent way. They have been helping to identifying the interfaces and tracking progress, helping to create generic guidance/training for/on the development of Blueprints, and providing some quality assurance to work that is being undertaken on assets, including how the recommendations as to future locations of Headquarters will be determined
- The further development of the overall Programme Timeline and the approach to the Implementation Phase of the Programme
- The selection process for the Interim Statutory Officers required to be designated at the first meetings of the Shadow Authorities
- On-going work to collate HR data and policies, and engage and consult with staff and unions
- The formal establishment of the Programme Management Team incorporating a Programme Management Office to coordinate the delivery of the programme, with Programme and Project Management, and Support staff formally seconded/transferred to the Programme from 1 April 2022, and a further recruitment process underway
- The continued operation of the LGR Implementation Reserve in line with the agreed Memorandum of Understanding governing the operation of this fund
- On-going work to support the Joint Committees and develop the work programmes/forward plans of the Shadow Authorities from May

- Continued work to evaluate the options for Day 1 delivery of services and to develop draft Blueprints for Shadow Authority consideration
- Representations made to Government on the draft Section 24 Direction that is proposed for all Councils/areas in this phase of Local Government Re-Organisation
- The continued delivery of communications plans for staff, Members, and key partners/stakeholders.

4.3 In terms of the development of draft Blueprints, the advice is now that these will be an Executive function of the Shadow Authorities, and it is anticipated that when established, Members of Shadow Authorities will want to have the benefit of and give early consideration to the work done to date. Members will be able to discuss and steer this through a range of informal and more formal mechanisms (e.g., task and finish groups, presentations, Committees etc.), to enable further development over the spring/summer, and beyond as part of the Strategic Planning process, (integrating the corporate planning (Council Plan), financial and service planning cycles).

4.4 For each Shadow Authority the draft Blueprint will pull together at a high level, the work done on baselining and options appraisal to date, also with that done on budget disaggregation/aggregation, (in line with the principles highlighted in the last report), to provide a baseline statement as to what services, staff and budget is envisaged each Authority is likely to have on Vesting Day. In a number of service areas transitional arrangements may be required/recommended pending any preferred option being deliverable. The focus of draft Blueprints will be on making the transition to the new Authorities a safe, legal, and smooth one, whilst paving the way for further transformation, and longer-term options development/consideration should Authorities so wish. The development of draft Blueprints is further described in the updated Implementation Plan attached at Appendix 1.

4.5 In respect of Cumbria Fire and Rescue service the Government's continued intention is that the fire service should be provided on a county basis with two potential options to achieve this. The first is for the functions to be transferred to the Police and Crime Commissioner for Cumbria by Order made under section 4A of the Fire and Rescue services Act 2004, should the Secretary of State be satisfied that the relevant statutory tests are met. The second option is for the Secretary of State to create a new combined fire and rescue authority. However, all options remain in scope at this time and discussions are on-going with Civil Servants in relation to these to enable effective planning in the context of the Structural Changes Order. Work as required is being developed through the Cumbria Fire and Rescue Service Transition Board.

5.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

5.1 It is recommended that Members note the updated Implementation Plan at Appendix 1, in line with the Structural Changes Order requirement to prepare, keep under review and revise this as necessary.

5.2 The Shadow Authorities will hold their first meetings on 17 May, and should the Committee so wish any agreed comments can be brought to the attention of the Members of the Authority.

6.0 IMPLICATIONS:

6.1 Financial and Procurement:

6.1.1 The funding available to deliver the Implementation Plan is through the LGR Implementation Reserve. This has been described in detail in a previous report.

6.1.2 Any funding required to support transformational change will need to be agreed as part of the budget setting processes for the two new Unitary Councils.

6.2 Staffing:

6.2.1 There are no direct implications associated with this report.

6.3 Legal:

6.3.1 To comply with the Cumbria (Structural Changes) Order 2022 the following Articles are relevant that relate to the Implementation Plan.

6.3.3 Article 22 provides that all Councils have an additional function, exercisable only in the transitional period beginning on the coming into force of the Order and ending on the fourteenth day after the 2022 election day, of preparing for and facilitating the economic, effective, efficient, and timely transfer to the, of such of its functions, property, rights, and liabilities as relate to the new Unitary Councils.

6.3.4 Article 24 further provides that the Joint Committees each prepare, keep under review, and revise as necessary, an Implementation Plan which must include—
(a) such plans and timetables as are in the opinion of each Joint Committee necessary to secure the effective, efficient, and timely discharge of the article 22 functions (referenced above); and
(b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient, and timely discharge, on and after 1st April 2023, of the functions that, before that date, are functions of the County Council, the Cumberland councils, or the Westmorland and Furness councils.

6.3.5 For the purposes of (a) preparing, reviewing, and revising the Implementation Plan, (b) discharging the article 22 functions, and (c) discharging such other functions as may be conferred on it, each Joint Committee must have regard to the information supplied to the Secretary of State in support of the proposal for single tier local government in Cumbria.

6.3.6 The report presents an updated Implementation Plan for noting by the Joint Committee. This will be kept under review and considered further by the Shadow Authorities.

6.3.7 The Terms of Reference reflect the above requirements.

6.4 Information Governance:

6.4.1 There are no direct Information Governance implications associated with this report.

7.0 HEALTH AND SUSTAINABILITY IMPACT:

7.1 There are no direct implications associated with this report.

8.0 EQUALITY AND DIVERSITY IMPACT:

8.1 There are no direct implications associated with this report.

9.0 RISKS:

9.1 There is a legal obligation to prepare, keep under review and revise as necessary an Implementation Plan as described at 6.3 above. Not doing so would be a contravention of the legal requirements of the SCO. Approval of the recommendations of the report will enable legal requirements to be met, in mitigation of this risk.

9.2 There is a risk of being unable to deliver the LGR process to meet the requirement to ensure that the two new Councils can operate safe and legally on day 1. The preparation and on-going review of the Implementation Plan, and creation of the Implementation Reserve to provide core funding for the Programme, together with the governance arrangements outlined in this report mitigate against this risk.

10.0 CONCLUSION:

10.1 This report provides details of the requirements of The Cumbria (Structural Changes) Order 2022 and advises Members of how Councils are meeting the requirements in relation to the Implementation Plan in order to facilitate the transition to the respective new single tiers of local government and the Cumbria Fire and Rescue service the transfer of the District and County Councils functions, property, rights, and liabilities.

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APPENDIX

Appendix 1 - The Implementation Plan (April 2022). (Ref: 20220222 LGR Programme Implementation Plan – April 22 v6.pptx).