

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

22 November 2006

Joint Report of Leader of the Council and Chief Executive

Part 1- Public

Matters for Recommendation to Council

1 LOCAL GOVERNMENT WHITE PAPER "STRONG AND PROSPEROUS COMMUNITIES"

Summary

An initial report giving a preliminary overview on the contents of the Local Government White Paper.

- 1.1.1 The long awaited Local Government White Paper was finally published on 26 October. There are two volumes to the White Paper comprising a total of 230 pages, which is why it has not been appended to this report.
- 1.1.2 The full document can be accessed through the Department of Communities and Local Government website via the following link:-
- www.communities.gov.uk/index.asp?id=1137789
- 1.1.3 To assist Members we have appended to this report at **Annex 1** a summary produced by the Local Government Association, which also gives that body's initial reaction to the various proposals. If any Members would like to receive a hard copy version of the full document then if they contact the Chief Executive he will be pleased to provide this.
- 1.1.4 Clearly there is a lot contained within the White Paper that requires careful analysis and this process will take some time. We believe it would be helpful for the Cabinet and the Council generally if the various proposals within the White Paper could be summarised in a detailed and analytical manner so that it is clear what is mandatory for the Council to do, what requires legislation and what the implications are of each proposal. If the Cabinet agrees this would be helpful then it would be appropriate to endorse an instruction to the Chief Executive to undertake this work as it will be quite resource intensive.
- 1.1.5 A full discussion on the White Paper proposals is probably best kept until we have the detailed analysis at the next Cabinet meeting but the LGA summary attached should certainly allow for initial observations from Members to be voiced.

- 1.1.6 There is one issue that does need to be addressed now, however, and that is the question of this Council's stance on the process for bidding for unitary status or to be a pathfinder.
- 1.1.7 Authorities can put forward proposals for future unitary structures or can apply to pioneer, as pathfinders, new two-tier models. A copy of the invitation document is appended at **Annex 2** for Members' information.
- 1.1.8 Dealing firstly with proposals for unitary structures, Members will see that the timescales for submissions is incredibly tight with a deadline of 25 January 2007. Frankly, it is our view that it is almost inconceivable that, allowing for the Christmas/New Year period, any authority could submit a bid that meets all the specified criteria in that timescale unless it had already been working on it for some considerable time.
- 1.1.9 This Council's position has consistently been one of opposing costly re-structuring and supporting improvement to the two tier system. It would be useful if that position were to be formally recorded through a decision that this Council will not be submitting proposals for unitary structures.
- 1.1.10 The position in respect of the pathfinder concept is more problematic we would suggest. For some considerable time there has been a body of work in progress aimed at improving the operation of the two tier system in Kent. Whilst this has led to many innovative proposals beginning to emerge, it is not sufficiently well advanced to form the basis of a pathfinder bid which, again, has to be submitted by 25 January 2007.
- 1.1.11 Members will have noted from Annex 2 that unlike proposals for unitary structures, pathfinder bids have to come from partnership of the county council and all the district councils in any given area. In the Kent context, that means that no fewer than 13 separate local authorities must be in agreement with any pathfinder proposals. Initial soundings at a political level suggest there is not a common view at the present time as to whether a pathfinder bid should be submitted. Further discussions are envisaged, however, and it is hoped that a common view will be reached which could be either that no bid be submitted or that a bid is put together.
- 1.1.12 That is why the matter is so problematic. If there emerges a common view across Kent that there is benefit in submitting a bid then agreement has already been reached that expert assistance in the form of consultancy resources will be needed to meet the tight deadline. The costs of such advice cannot be determined because there is as yet no specification of what exactly they would be asked to do. This will only be possible in the light of further discussions between all of the authorities.

1.1.13 Thus, we are in a position where we, as part of the partnership of Kent authorities, may be required to agree and contribute to the costs of appointing consultants. The ability to come back to the Council for a view on this and the necessary authority to commit resources is unlikely to be available because of the tight timescales. However, it is in this Council's and its community's interests to be fully engaged in any pathfinder proposals so that our influence can be brought to bear during the process of development. We believe, therefore, that the only practicable way forward is to grant delegated authority to the Chief Executive, in consultation with the Leader of the Council and the two other Group Leaders, to agree on behalf of the Council the appointment of consultants to progress a pathfinder bid if he believes it is in the Council's best interests to do so. We apologise for the somewhat vague nature of this proposal but hope Members will see the difficulty in foreseeing whether a common view for or against a submission will be reached and the problems created by such a tight timescale.

1.2 Legal Implications

1.2.1 The White Paper proposes legislative changes that will impose new statutory duties on the Council. Beyond that, there are no legal implications at the present time.

1.3 Financial and Value for Money Considerations

1.3.1 The proposals in the White Paper will undoubtedly carry resource implications that will need to be assessed in due course. If the councils in Kent decide to submit a bid for pathfinder status it is likely that consultants will be appointed and the Council will be asked to contribute to the cost of this. The amount of any contribution cannot at this stage be quantified.

1.4 Risk Assessment

1.4.1 Further analysis is required to evaluate the opportunities and challenges the White Paper presents for this Council.

1.5 Recommendations

1.5.1 The recommendations we feel obliged to put forward are as follows:-

- i. The Chief Executive **be instructed** to prepare a detailed analysis of the White Paper and to submit this for discussion at the next meeting of the Cabinet;
- ii. This Council **resolves** not to submit any proposals for unitary structures in response to the Secretary of State's invitation;

- iii. This Council **reserves** its position on the question of the submission of a bid for pathfinder status with the other eleven districts and county council but authorises the Chief Executive, in consultation with the Leader of the Council and the other Group Leaders, to agree to the appointment of consultants to progress a bid if he believes it is in the Council's best interests to do so.

Background papers:

contact: David Hughes

Nil

Mark Worrall
Leader

David Hughes
Chief Executive