



# Local Government Restructuring **Guidance on Staffing Issues**



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## Chapter 1: Purpose of this guidance

- 1.1** This document sets out the issues and approaches that affected local authorities, Implementation Executives and Shadow Councils will need to consider when taking decisions relating to staffing arising from the structural change orders for unitary local government made under Part 1 of the Local Government and Public Involvement in Health Act 2007 (the '2007 Act').
- 1.2** It is provided in addition to the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008 (the 'Staffing Regulations'), to set out the Government's expectations on how staffing issues should be handled.
- 1.3** This document does not provide any definitive interpretation of the Staffing Regulations, and nothing in this document should read as precluding the need for affected authorities to obtain their own legal advice and to fulfil their statutory obligations.
- 1.4** Further information regarding the policy background to the Staffing Regulations, including how discussions with key stakeholders influenced the development of Government policy, can be found in the Explanatory Memorandum which is being laid in Parliament at the same time as the Staffing Regulations<sup>1</sup>.
- 1.5** The terms used in the Staffing Regulations (and also in this document) are defined within those Regulations, but of particular note are:
- 'predecessor council', means a local authority which, by or in consequence of an order, will cease to exercise functions in relation to an area;
  - 'preparing council' means a local authority which, in accordance with an order, becomes a single tier council on the reorganisation date;
  - 'Implementation Executive', means a committee of a preparing council's executive established in pursuance of an order;
  - 'Shadow Council', means an authority (not being a local authority) which, in accordance with an order, becomes a single tier council on the reorganisation date; and
  - 'single tier council' means a local authority which on or after the reorganisation date is the sole principal authority for an area.

<sup>1</sup> The Explanatory Memorandum is available alongside the Staffing Regulations on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk))

## Chapter 2: Overall approach

### Application of TUPE

- 2.1** The Government is committed under the Cabinet Office *Statement of Practice on Staff Transfers in the Public Sector* to ensuring that transfers within the public sector 'at the instigation and under the control of Central Government ... make provision for staff to transfer and on a basis that follows the principles of TUPE [the Transfer of Undertakings (Protection of Employment) Regulations 2006].' Furthermore, the Government's discussion paper, *Councils' Proposals for Unitary Local Government: An Approach to Implementation*<sup>2</sup> published in August 2007 ('the August 2007 discussion document') confirmed 'we intend that the legislation will therefore provide that staff who transfer do so on terms no less favourable than those they enjoy immediately before the transfer.'
- 2.2** The Staffing Regulations apply to the seven areas subject to structural change orders made under section 7 of the 2007 Act. The drafting of the Staffing Regulations allows for them to be applicable to any future orders made under section 7 or 10 of the 2007 Act.
- 2.3** **The Staffing Regulations therefore provide that (subject to the requirement to recruit to the post of head of paid service of the single tier council) the transfer of functions from a predecessor council to a single tier council in connection with a structural and/or boundary change occurring as a result of an order, shall be treated for all purposes as a relevant transfer under TUPE.**
- 2.4** **This approach ensures that employees of predecessor councils who are in post immediately before the reorganisation date and whose terms and conditions of employment provide for their employment to continue beyond that date, become employees of the single tier council that succeeds their predecessor council, and that they shall transfer on the same terms and conditions as they had enjoyed immediately beforehand.**

<sup>2</sup> <http://www.communities.gov.uk/publications/localgovernment/unitarycouncilsimplementation>

## Senior management board posts

- 2.5** Moreover, in relation to the appointment of each new single tier council's senior management board<sup>3</sup>, the Government attaches great importance to open competition for such posts. This is a recognition of the reality of the new start that these single tier councils signify, where senior officers with fresh skills, experiences and different perspectives will be vital in designing new service delivery models and innovative ways of empowering the most local communities. Alongside the elected councillors, such senior officers will also provide the vision necessary to take full advantage of the opportunity that the establishment of the new single tier councils provides for creating genuine flagship councils leading the future of local government.
- 2.6** Accordingly, ministers stated during the Parliamentary debates on the structural change orders that 1 April 2009 must be a genuinely 'new start' for authorities for which local people will have wholly different expectations. Nowhere is it simply a case of one local authority taking on the functions of another – nor must it be perceived as such. In those debates, the Government made clear that it would be essential that in each new single tier council there is a new or refreshed senior management team.
- 2.7** The Government also recognises that the process of transition may require a degree of continuity on the senior management board, and hence that there may indeed be specific cases where appointments might need to be made by means other than open competition. It may, for example, be appropriate for an appointment to be made to a post immediately, perhaps on a fixed term contract, which will be followed by a fresh appointment through open competition.
- 2.8** **The Staffing Regulations thus require the post of chief executive (head of paid service) of each new single tier council to be recruited by means of open competition, and in respect of the seven areas for which orders have been laid, the competition is to be held by 1 April 2010 at the latest<sup>4</sup>.**

<sup>3</sup> For these purposes, 'senior management board' should be taken as referring to those directors, directors-general or other senior postholders who (together with the head of paid service) form the executive board of the new single tier council, and who report directly to that head of paid service.

<sup>4</sup> The Staffing Regulations are subject to the terms of orders made under section 7 or 10 of the 2007 Act and particular orders may provide for appointment by a specified date.

**2.9** Similarly, the Government expects to see open competition as the means of recruiting to all other senior management board posts, unless there are clear and specific circumstances on the basis of which the council considers there is a compelling case for an alternative approach, which would not detract from both the reality and the perception of the authority being genuinely new. In any event, the Government's expectation is that, in every new single tier council, a majority of senior management board posts will, over a period of time, be subject to open competition.



## Chapter 3: Background to local government restructuring

- 3.1** Structural change orders providing for the creation of new single tier councils in the counties of Cornwall, County Durham, Northumberland, Shropshire and Wiltshire were approved by Parliament and subsequently came into force on 26 February 2008<sup>5</sup>.
- 3.2** These structural change orders establish an Implementation Executive as a committee of the existing county council executive in each of the five areas to discharge the functions of ‘preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils’ functions, property, rights and liabilities (‘the main transitional function’).’
- 3.3** Under these structural change orders, the Implementation Executive discharges this function until the fourth day after the elections to the new council. In County Durham and Northumberland, the orders provide for the elections to take place on the ordinary day of election of councillors in 2008, while in Cornwall, Shropshire and Wiltshire the orders provide for this to be on the ordinary day of election of councillors in 2009. References in the rest of this document to the ‘Implementation Executive’ should be taken to mean, therefore, the Implementation Executive so long as it exists and thereafter the newly elected single tier council, or its executive as the context requires.
- 3.4** The Cheshire (Structural Changes) Order 2008<sup>6</sup>, which was approved by Parliament and subsequently came into effect on 5 March 2008, provides for the creation of two new single tier councils in Cheshire: Cheshire West & Chester and Cheshire East. In advance of 1 April 2009, however, Cheshire West & Chester and Cheshire East exist as Shadow Authorities, with council elections held on the ordinary day of election of councillors in 2008. The order confers on these councils the duty to ‘prepare for the assumption... of local government functions and full local authority powers’ and to liaise with the county council and the district councils for the purpose of ensuring continuity of the delivery of public services. Accordingly, this paper refers throughout to an ‘Implementation Executive and/or Shadow Council’. Any reference to a Shadow Council includes a reference to that council’s executive if the context requires it.

<sup>5</sup> The structural change orders can be found under statutory instruments made on 25 February 2008 on the website of the Office of Public Sector Information [www.opsi.gov.uk](http://www.opsi.gov.uk), SI Numbers 2008/490-495.

<sup>6</sup> The Cheshire (Structural Changes) Order 2008, SI 2008/634, may be viewed on the OPSI website at [http://www.opsi.gov.uk/si/si2008/uksi\\_20080634\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080634_en_1)

- 3.5** The Bedfordshire (Structural Changes) Order 2008<sup>7</sup>, which was approved by Parliament and subsequently came into force on 28 March 2008, provides for the creation of a new single tier council for Central Bedfordshire and for Bedford Borough to become a single tier council on its existing boundaries. In Central Bedfordshire, the main transitional function is to be discharged by a Shadow Authority which will form a Shadow Executive (though note that the elections are to be held on the ordinary day of election of councillors in 2009), and in Bedford Borough by an Implementation Executive consisting of members of both the Borough and of Bedfordshire County Council. References in the rest of this document to a 'Shadow Council' should, therefore, be taken to include in its application to Central Bedfordshire Shadow Council, to be a reference to its Shadow Executive exercising the transitional functions as provided for in the order.
- 3.6** The Government's August 2007 discussion document set out proposed approaches to staffing and human resources-related matters in relation to local government reorganisation. The views expressed by many of the affected councils, the trades unions, and the Local Government Employers amongst others, along with subsequent discussions, have greatly shaped the approach that the Government has ultimately adopted, and we are grateful to everyone who contributed their thoughts and advice.
- 3.7** Since then and particularly since Government announced its initial 'minded to' decisions about which proposals to implement, we have worked closely with the Joint Implementation Team established in each area under an order, the Local Government Employers and trades unions, to identify the key issues for staff and hone our approach. Their advice and co-operation in particular have been greatly appreciated.

<sup>7</sup> The Bedfordshire (Structural Changes) Order 2008, SI 2008/907, may be viewed on the OPSI website at [http://www.opsi.gov.uk/si/si2008/uksi\\_20080907\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080907_en_1)

## Chapter 4: Principles for staff transfers and appointments

- 4.1** The Government remains of the view, as set out in our August 2007 discussion document, that a detailed national scheme for staffing issues is neither appropriate nor possible. Each restructuring is the result of a locally developed proposal for one or more councils accountable to their own electorates and with their own structures and circumstances; equally, there is a need for local flexibility to enable these local variances to be fully addressed.
- 4.2** Local authorities are responsible, as the employers, for the terms and conditions of their staff and, through the Implementation Executive or Shadow Council, for managing the transition to the new single tier councils.
- 4.3** Our approach, therefore, has been to adopt a regulatory framework which:
- a. offers a high level of reassurance to staff in relation to their employment and associated terms and conditions;
  - b. ensures as far as possible equality of opportunity for existing employees to secure jobs in the new single tier council;
  - c. recognises the financial implications of staffing decisions and avoids unnecessarily imposing costs on the new single tier councils while providing flexibility to allow them to deal with the diverse range of situations with which they will inevitably be faced; and
  - d. recognises the need to strike the right balance between the need for competition for key senior appointments to ensure the right staff are in place to enable the new single tier councils to fulfil their new roles and the need for a sufficient level of business continuity.
- 4.4** Clarity and consistency for all staff are important, not only for staff welfare and productivity, but also to aid retention and, therefore, authorities' ability to maintain service levels in the run-up to the reorganisation date and for the new single tier councils in the period immediately afterwards.
- 4.5** The Staffing Regulations set out the principles governing the treatment of employees in the authorities affected by restructuring. This document contains guidance on general issues relating to the appointment and transfer of employees to the new single tier councils.

- 4.6** Within this framework of regulation and guidance, it is for all the councils – their members and employees – to work constructively and imaginatively together to deliver a new single tier council that will achieve its full potential for local residents.
- 4.7** The Government encourages Implementation Executives and Shadow Councils to draw up proposals for the structure of the new single tier council early on and begin consultation with employees and their recognised trades unions as early as possible, in order to give as much certainty as possible in advance of the reorganisation date.
- 4.8** The Government strongly encourages Implementation Executives and Shadow Councils to agree with their affected authorities and local trades unions representatives protocols to enable them to establish quickly, where they have not already done so, how staffing issues are to be handled (see paragraph 8.6 below).

## Chapter 5: Staffing Regulations

**5.1** The following paragraphs provide an informal explanatory commentary to assist in the understanding and interpretation of the Staffing Regulations. It remains for each local authority, each Implementation Executive and each Shadow Council to take its own legal advice.

### Preamble

**5.2** Section 14 of the 2007 Act gives the Secretary of State the power, by regulations of general application, to make incidental, consequential, transitional or supplementary provisions for the purposes or in consequence of any orders under section 7 or 10 of the 2007 Act or for giving full effect to such orders. Section 14(2) provides for subsection 14(1) to be read with section 15 of the 2007 Act. Section 15 provides that references to ‘incidental, consequential or supplementary provision’ include, in particular, provisions for the transfer of staff and other staffing matters and provisions for treating any body to whom a transfer is made for some or all purposes as the same person in law as the body from whom the transfer is made. The 2007 Act also provides that regulations made under that Act may make different provision for different cases (section 240(10)).

### Interpretation

**5.3** The terms used in the Staffing Regulations (and also in this document) are defined within those Regulations, but of particular note are:

- ‘predecessor council’, means a local authority which, by or in consequence of an order, will cease to exercise functions in relation to an area;
- ‘preparing council’ means a local authority which, in accordance with an order, becomes a single tier council on the reorganisation date;
- ‘Implementation Executive’, means a committee of a preparing council’s executive established in pursuance of an order;
- ‘Shadow Council’, means an authority (not being a local authority) which, in accordance with an order, becomes a single tier council on the reorganisation date; and
- ‘single tier council’ means a local authority which on or after the reorganisation date is the sole principal authority for an area.

### Regulation 3 – Transfers of functions: staff

**5.4** Regulation (3) of the Staffing Regulations provides that, subject to the requirement to recruit to the post of head of paid service of the new single tier council through open competition, the transfer of functions from

a predecessor council to a single tier council (in connection with one or both of a structural change and a boundary change) shall be treated as a 'relevant transfer' for the purposes of TUPE. Regulation 3(1) of TUPE defines as a relevant transfer the transfer of an economic entity which retains its identity. In this reorganisation the council that will cease to exercise its functions will transfer both economic and non economic entities to the single tier council. The approach of the Staffing Regulations ensures that employees assigned to economic and non-economic functions that transfer fall within the scope of a 'relevant transfer' within the meaning of TUPE.

**5.5 This approach ensures that employees of a predecessor council in post immediately before the reorganisation date, whose terms and conditions provide for continued employment after the reorganisation date, become employees of the single tier council that succeeds their predecessor council, and that they shall transfer on the same terms and conditions as they had enjoyed immediately beforehand.**

**5.6** Section 6.1 below provides guidance to be used in determining which new single tier council employees shall transfer to in cases where there is more than one new single tier council for the area of a predecessor council.

#### **Continuity of employment**

**5.7** Regulation 4 of TUPE preserves continuity of employment where there is a relevant transfer as (in brief) it provides that the contract of employment of any person employed by the transferor (i.e. old employer – a predecessor council) immediately before the transfer shall have effect after the transfer as if originally made between the employee and the transferee (i.e. new employer – single tier council). The transferee inherits the contracts of employment and the transferor's rights, powers, duties and liabilities under or in connection with the contract. In addition, any act or omission of the transferor in respect of a contract of employment is deemed to have been an act or omission of or in relation to the transferee.

#### **Regulation 4 – Heads of paid service and other chief officers**

**5.8** The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations') and the Local Authorities (Standing Orders) Regulations 1993 ('the 1993 Regulations') apply to a preparing council, a Shadow Council and a single tier council for the relevant period subject to the modifications provided in regulation 4. The relevant period is defined in the Staffing Regulations.

**5.9** In order to ensure that the best possible leadership is in place, the Staffing Regulations require the post of head of paid service (chief executive) of the new single tier councils to be recruited to in accordance with Schedule 1, Part 1, Appointments (paragraphs 1-2) to the 1993 Regulations as modified (see regulation 4(1)). Those Regulations require the council to draw up a job description, 'make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it' 'and' 'interview all qualified applicants for the post'. The Government considers that, as well as being the best available person for the job, a head of paid service recruited by means of open competition will have a greater legitimacy in leading the new council (or the preparing council or Shadow Council that will become the new single tier council on the reorganisation date) in delivering better services and innovative arrangements.

Reg 4(1) An authority to which this regulation applies must recruit to the position of head of paid service of the single tier council within the relevant period in accordance with the 1993 Regulations as modified. The appointment of a head of paid service of the single tier council may take effect before the reorganisation date (regulation 4(1)(b)(ii)).

The Government expects the post of head of paid service to be advertised in such *national* publications as will adequately serve to bring it to the attention of such persons as would be suitably qualified to apply.

Reg 4(2) The functions of advertising, recruiting, appointing and dismissing a head of paid service shall, in respect of a preparing council or its succeeding single tier council, be discharged by the Implementation Executive until its dissolution. In respect of the appointment of a head of paid service of a Shadow Council, the function shall be discharged by either the Shadow Executive (up to the fourth day after the next election day of councillors to that council) or the Shadow Council (from the fourth day after the next election day of councillors), for the specified period; there is provision for the case of a Shadow Council with elections in 2008. In relation to a preparing council and a Shadow Council the function shall thereafter be discharged by the local authority for the local government area. Where the function is the responsibility of an Implementation Executive, if this committee has been dissolved and no longer exists at the time the Staffing Regulations come into force (as is the case for

areas where elections took place in May 2008) then the powers will be exercised by the local authority for the local government area in accordance with its constitution.

- Reg 4(3) Where a preparing or a Shadow Council has made an appointment under the 1993 Regulations (as modified) the succeeding single tier council is not under a duty to make a further appointment to that post.
- Reg 4(4) In the interest of clarity, certain items in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, which provide that the appointment of staff is not a function of a council's executive, are disapplied in these circumstances.
- Reg 4(5) Regulation 4(5) defines the 'relevant period' during which the 1993 and 2001 Regulations (as modified) apply to a preparing council, a Shadow Council and a single tier council. In order to allow the timing of the appointment of head of paid service to be decided upon in the light of local circumstances, the Staffing Regulations provide that the appointment may be made at any time up to 12 months after the reorganisation date, and make further provisions for Shadow Councils.

In relation to a Shadow Council required to hold elections in 2008, the relevant period ends on 31 December 2008 (so in relation to Cheshire in accordance with article 8(3) of the Cheshire (Structural Changes) Order 2008).

In relation to a Shadow Council required to hold elections in 2009, the relevant period ends on 31 March 2009 (and so the Government expects the appointment of the head of paid service in Central Bedfordshire to be made in accordance with articles 17(2) and 17(3) of the Bedfordshire (Structural Changes) Order 2008).

- 5.10** Any proposal for dismissal of a head of paid service that arises from the requirement to advertise, recruit and appoint to the post of head of paid service of the single tier council, is excluded from the definition of 'disciplinary action' in the 2001 Regulations for the relevant period. Therefore a recommendation in a report from a designated independent person (pursuant to regulations 6 and 7 and schedule 3 of the 2001 Regulations) will not be required for a proposal to dismiss a head of paid service during the relevant period.



- 5.11** The requirement to recruit a head of paid service through open competition does not preclude suitably-qualified members of the existing officer cadre from applying for the post, or being selected following open competition.

### **Regulation 5 – Redundancy Payments**

- 5.12** Any head of paid service employed by a preparing council or a single tier council and whose employment would have continued but for the appointment of another person to the post of head of paid service of the single tier council (in accordance with the 1993 Regulations, as modified) shall be treated as if they had been dismissed by reason of redundancy by their employing authority for the purposes of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007. An incumbent head of paid service does not need to compete for the post in the successor single tier council to be deemed to have been made redundant. This measure has been taken to ensure that as a result of the requirement to recruit to the post of head of paid service, an incumbent head of paid service of a preparing council is not unfairly deprived of the opportunity to be considered for compensation and will be eligible to be considered for redundancy compensation and early receipt of pension in the same way as his counterparts in predecessor councils who are highly likely to satisfy the definition of redundancy as a consequence of the restructuring.

### **Regulation 6 – Local Government Pension Scheme (LGPS)**

- 5.13** The Government is of the view that employees of Shadow Councils, who may be employed in advance of the reorganisation date in order to undertake certain functions to ensure a smooth transition to single tier status, should be eligible to join the LGPS and have their employment count for the purposes of the Scheme, as if they were employed by a local authority. However, an employee can only become a member of the Scheme if he is employed by an organisation which is listed in Schedule 2 to the Local Government Pension Scheme (Administration) Regulations 2008. Shadow Councils are not expressly listed in the 2008 Regulations and will not become local authorities until such time as specified in an order. To ensure that persons employed directly by a Shadow Council are eligible for membership to the LGPS, regulation 6 of the Staffing Regulations provides that a Shadow Council shall be treated as falling within Schedule 2 to the 2008 Regulations and enables staff employed by a Shadow Council to be eligible for membership of the LGPS. This regulation therefore provides certainty for staff appointed to a Shadow Council by ensuring that such staff will be eligible for membership to the LGPS.

## Chapter 6: Practical implementation of the Staffing Regulations

### 6.1 Disaggregating employees where there is more than one new single tier council for the area of a predecessor council

**6.1.1** In areas where there is more than one new single tier council covering the area of a predecessor council (in relation to the seven structural change orders which Parliament has approved to date, therefore, in Cheshire and Bedfordshire) the Government expects the Shadow Council or the Implementation Executive and predecessor councils to work together closely in determining to which of the new single tier councils individual employees should transfer. In particular, the predecessor council should provide such information as is requested by the Implementation Executive or Shadow Council, or as may be necessary for the Implementation Executive or the Shadow Council to fulfil their obligations as the 'transferee' organisation. Similarly, the Shadow Council or Implementation Executive should provide the predecessor council with such information as may be necessary for it to meet its obligations as the 'transferor' organisation. This should be done having regard to the requirements of the relevant structural change orders, the Staffing Regulations, TUPE and other relevant employment law.

**6.1.2** **By applying TUPE through the Staffing Regulations, the Government is ensuring, subject to the requirement to recruit to the post of head of paid service of the single tier council, the same basic level of protection to employees of all local authorities that will cease to exist on the reorganisation date as a result of local government restructuring, regardless of whether they work in a district or county council. Such employees, who are in post immediately prior to that date and whose terms and conditions of employment provide for their employment to continue beyond the reorganisation date, will become employees of the new single tier councils, and shall transfer on the same terms and conditions as they had enjoyed immediately beforehand.**

**6.1.3** However, while there are many employees for whom it will be clear which new single tier council the work function to which they are assigned will transfer to (such as most teachers and certain social workers), it is likely that there will be some

employees who cannot be so readily assigned to functions transferring to a particular new single tier council (such as staff engaged in corporate functions and senior managers).

- 6.1.4** In these cases, the Government considers that a careful assessment will need to be carried out to determine which of the new single tier councils the individual will transfer to. This assessment should be conducted for the purposes of TUPE and having regard to all the provisions of TUPE, as well as other relevant employment law. However, on a practical level, the Government recognises that councils will be assisted by developing a set of criteria to assist with interpreting and applying TUPE to individual circumstances.
- 6.1.5** For example, an assessment may be carried out at an individual level to see which transferee organisation would have occupied more than 50% of that individual's work and time<sup>8</sup>, along with an assessment of the proportion of the work of that organised grouping of resources that relates to each transferee organisation. The likely full time equivalent needs of each transferee organisation for employees with different skills and experience is also likely to be a major factor in any assessment. The Government considers that regard should be given to all these factors in determining to which new single tier council the individual employee should transfer. It is vital that each new single tier council receives on the reorganisation date an appropriate number of employees with the right expertise to enable each to continue to deliver public services of the highest standard, and the Government considers that this should rightly count as a key criterion in any assessment.
- 6.1.6** In such cases where there is particular difficulty in identifying which new single tier council an individual employee should transfer to, the employing (transferor) council and Shadow Council/Implementation Executive (transferee council) should take all reasonable steps to agree a way forward. The individual employee's preferences and personal circumstances will, of course, play a part in any reasonable consideration, and the transferor council will therefore wish to ensure the employee and their trade union representative are given the opportunity

<sup>8</sup> This is a general practical approach and does not fully reflect the complexity of some individual circumstances, whose working arrangements or particular task at a given point in time might not be fully and accurately considered on a '50%' assessment. Each affected council, Implementation Executive or Shadow Council should take its own legal advice and make decisions based on individual cases.

to make their views known and are kept informed. An internal appeal mechanism should, of course, form part of the reasonable approach which the relevant councils will wish to adopt.

**6.1.7** In particular, consideration should be given to the wide variety of local and individual circumstances which might influence the determination of the most appropriate new single tier council to which the individual should be transferred. In cases where there is particular difficulty in identifying the transferee council, the councils concerned should draw up a list of criteria they intend to use in such cases and the Government would expect these criteria to be discussed with local trades unions. The criteria should include the approximate time allocation on both an individual and corporate level (as described above), and the relevant skills and experience of the individual employee in relation to the business needs of each potential transferee organisation. Other relevant criteria might include, but would not be limited to:

- distance from the employee's home to the proposed places of work;
- method of transport;
- consequent travelling time from home to work; and
- the potential for flexible working patterns, including working from home, as may be appropriate for the individual's post.

**6.1.8** Particular consideration should be given to those who have caring responsibilities, and those who have mobility or other disabilities, and every opportunity should be taken to explore the possibilities of flexible working. Councils will, of course, need to have regard to their equalities duties in drawing up procedures and taking reasonable steps in making decisions.

**6.1.9** Where a reorganisation will result in more than one new single tier council for the area of a predecessor council, the Government does not believe that any additional legislative provision is necessary to assist with disaggregation of employees between the new single tier councils. We consider that a pragmatic approach based on the practical application of TUPE will be sufficient to ensure that, if employment continues after the reorganisation date under the terms of the contract, the employment contracts of employees of a predecessor council in post immediately before the reorganisation date shall, on that date, transfer to one or other of the new single tier councils.

**6.1.10** Providing that the disaggregation of employees is carried out on the basis of a careful assessment of individual circumstances and the business needs of the transferee councils and against a clear set of criteria (which have been discussed with the trades unions in advance), an appropriate number of employees with the right expertise should transfer to each new council on the reorganisation date. However, in the unlikely event that one of the new councils receives, by comparison with the other council, a significantly larger number of employees in relation to the posts available in that council and to its share of the financial resources (following the disaggregation of the predecessor councils' rights and liabilities), the Government expects Implementation Executives and Shadow Councils to agree a protocol setting out how any redundancy costs will be shared fairly and reasonably between the new councils. It will of course be for each transferee council to take all reasonable steps to identify suitable posts for these employees and provide equality of opportunity for them to apply for such posts before any compulsory redundancies are made.

## **6.2 Appointments to posts**

**6.2.1** The Government encourages Implementation Executives and Shadow Councils to emphasise that all employees in affected authorities have an equality of opportunity to apply for roles within the new structure. It should not be assumed in every case that those previously employed by the preparing council would be more likely to secure similar or equivalent roles in the new single tier council than those transferred from a predecessor council – rather, this matter will be subject to an assessment of individual circumstances, being partly dependent on whether there are employees transferring into the new council who have been performing equivalent roles in predecessor councils. The Government would not expect any group of staff to be treated preferentially simply because they have been employed by the preparing council.

## **6.3 Open competition and preferential consideration**

**6.3.1** As explained above, the Staffing Regulations provide for the post of head of paid service of the new single tier council to be recruited by means of open competition and there is an expectation to see open competition as the means of recruiting to other senior management posts.

- 6.3.2** Generally, in making decisions about appointments to individual posts, the Implementation Executive or Shadow Council will need to have regard to the particular circumstances and operate within the relevant legislative requirements (including TUPE, the Staffing Regulations and other relevant employment law). In some cases, it may be judged that the post has not changed substantially or it may be clear that there are no employees transferring into the authority who have been performing an equivalent role in their predecessor council. In such cases, it is likely that the existing postholder will be confirmed in their post. In order to illustrate the potential practical effects of the Staffing Regulations, the paragraphs below set out a few examples in general terms. Each individual case, will of course, be subject to an assessment by the employer, and the paragraphs below should not be read as implying any judgement about individual cases.
- 6.3.3** As a general rule, the Government considers that, provided an employee has had the opportunity to apply for suitable alternative posts in the new single tier council, if they fail to be appointed to these or other suitable alternative posts following fair competition (whether open or ringfenced), then their employment is likely to come to an end by reason of redundancy.
- 6.4.4** Take, for example, a human resources (HR) director of a district council which is to be wound up and dissolved on 1 April 2009. If the relevant Implementation Executive decided to subject the post of HR director in the new single tier council to open competition in summer 2008, the district HR director might consider himself suitable and therefore apply for that post. Subsequently, if he were not appointed to the post, or if he did not apply, and his contract provided for continued employment after 1 April 2009, on 1 April 2009 he would transfer along with other district employees to the new single tier council. The single tier council would then be required to identify other alternative posts, if possible, similar to his previous post, and suitable to the individual's level of skills, experience and qualifications, and consider him for any such posts (including allowing him to compete for them by means of either ringfenced or open competition if appropriate). If no suitable alternative posts were available, it is likely that the individual's employment would be terminated, possibly by reason of redundancy (though this will be dependent upon the individual circumstances).

- 6.3.5** Similarly, if a Shadow Council wished to employ a director of adult services in advance of the reorganisation date, in order to prepare for the assumption of those functions, it would be necessary for the Shadow Council to advertise that post. If the existing county director of adult services was not successful or did not apply for the post, and his contract provided for continued employment after 1 April 2009, he would transfer on 1 April 2009. Suitable alternative posts in the single tier council would then need to be identified and, if none existed, it is likely that the individual's employment would be terminated, possibly by reason of redundancy (though this will be dependent upon the individual circumstances).
- 6.3.6** In relation to the chief executives of predecessor councils, the Government expects all parties concerned to take a reasonable approach. It may be that some such chief executives would like to be considered for posts in the new single tier council – perhaps the chief executive post or a senior management board post. The requirement in the Staffing Regulations for the post of head of paid service of the new single tier council to be recruited by means of open competition clearly enables chief executives of predecessor councils to apply for this post. Where the Implementation Executive or Shadow Council decides that a senior management board post should also be subject to open competition, as the Government expects will happen in many cases, this will also enable a chief executive (or indeed a senior manager) of a predecessor council to apply for the post. In other circumstances, the Implementation Executive or Shadow Council may decide to run a ringfenced competition for a particular senior management board post. In such cases, an assessment will need to be made of which posts, both in the predecessor councils and (if appropriate) in the preparing council, are broadly similar in nature, and those employees should be allowed to compete in the ringfenced competition.
- 6.3.7** Any chief executive of a predecessor council for whom there was no suitable alternative post on transfer on 1 April 2009 is likely to be made redundant. There is, however, nothing to prevent a chief executive (or other senior officer) of a predecessor council from reaching agreement with their existing employers on terms of severance, if they wish to leave before the reorganisation date, though we would expect the agreement of the Implementation Executive or Shadow Council to be obtained, perhaps within the context of a local protocol on staffing issues.

- 6.3.8** The Staffing Regulations provide that the head of paid service of a preparing council or a single tier council whose employment would have continued but for the fact that his employer has appointed another person to the post of head of paid service of the new single tier council, shall be treated as being dismissed by reasons of redundancy for the purposes of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (the '2006 Compensation Regulations') and the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.
- 6.3.9** This provision has been included for reasons of fairness, to correct an anomaly created by the requirement for the post of head of paid service of the new single tier council to be subject to open competition: there is some doubt as to whether, in the absence of any specific provision to the contrary, it would be within the vires of a council to pay a head of paid service in this position any redundancy package. Therefore, this provision has been included to ensure a head of paid service in this position is eligible for redundancy payments under the council's discretionary compensation policy and for any early receipt of pension. In order to minimise bureaucracy and delay, it is not necessary for such a head of paid service to apply for the new post; to impose a requirement on the incumbent head of paid service to apply for the new post would place an additional burden on them and put them in a different situation to other employees, who may be considered redundant without having to apply for specific posts.
- 6.3.10** No similar provision is included for other employees of a preparing council or any predecessor council, because there is no requirement for any other posts to be subject to open competition. Where a council does decide to subject other senior management board posts to open competition, this will be on the basis of an assessment of the individual posts concerned.
- 6.3.11** Where ringfenced competition is considered the most appropriate means of filling a post in the single tier council, an employee should be assessed by the Implementation Executive or Shadow Council to identify any post in the succeeding single tier council which is broadly similar to the post he has been fulfilling in any of the predecessor councils in the area, and for which he is deemed to possess the appropriate skills and experience to undertake. He should then be considered for that post (including through ringfenced competition if appropriate). If he is not judged the most suitable person to undertake that role, the authority should



then take all reasonable steps to identify other suitable posts. However, no employee has any absolute right to any particular post following restructuring. In the absence of any other suitable posts being identified, therefore, ultimately the pragmatic course of action may lead to the termination of employment. We consider this to be the most pragmatic and sensible way of resolving the situation.

**6.3.12** The Government encourages Implementation Executives and Shadow Councils to draw up proposals for the structure of the new single tier council early on and begin consultation with employees and their recognised trades unions as early as possible, in order to give as much certainty as possible in advance of the reorganisation dates.

**6.3.13** Whilst this paper sets out the Government's interpretation and some general examples of the practical application of the Staffing Regulations, TUPE and employment law generally, it is, of course, for local authorities to obtain their own legal advice, in light of case law concerning TUPE.

## **6.4 Voluntary Early Redundancy (VER)**

**6.4.1** Under a VER scheme, an employer offers his employees, or certain groups of employees, the opportunity to apply to the scheme if they wish to terminate their employment and receive a financial severance package. The employer can set criteria for eligibility to the scheme and, subject to employment legislation, can select which contracts of employment amongst those who have applied it wishes to terminate. If the employer and employee enter into a VER agreement, the contract will be terminated by mutual agreement.

**6.4.2** The Government recognises that Implementation Executives and Shadow Councils may, in the interests of staff morale and in order to effect a smooth and efficient transition to single tier councils, wish to offer employees of affected councils the opportunity of taking VER *in advance of the reorganisation date* and including an appropriate financial package. The Government recommends that the Implementation Executive or Shadow Council should consider co-ordinating the offering of a VER scheme with the existing employers (though the decision to actually make any redundancy ultimately rests with the existing employer). The Government expects any predecessor council to co-operate fully with the Implementation Executive or Shadow Council in arranging for a VER scheme to be offered to its employees.

## Chapter 7: Consultation and involvement of trades unions

- 7.1** The constructive engagement of the trades unions in the restructuring process has been, and will continue to be, essential to ensuring that staff can be confident their interests are being protected.
- 7.2** We intend through the application of TUPE that trades unions will enjoy their full rights in relation to the transfer of functions to the new single tier councils, including information and consultation, continued trades unions recognition, and the continuation of collective agreements.
- 7.3** In particular, regulation 13 of TUPE places duties on the employer of affected employees to provide their representatives (namely, the recognised trades unions) with various categories of information in relation to the relevant transfer and measures he envisages taking in respect of it, long enough before the transfer to enable the necessary consultation to take place. That consultation should take place in relation to the measures envisaged and with a view to seeking agreement to the intended measures.
- 7.4** Agreements made under the Information and Consultation of Employees Regulations 2004 may also place obligations on employers to inform and consult employees in relation to certain changes to the workforce.
- 7.5** Furthermore, we recommend that Implementation Executives and Shadow Councils discuss all relevant aspects of staff transfers and the human resources implications of the new single tier council with local trades unions, even where this would not be required under TUPE.
- 7.6** **The Government strongly encourages affected authorities and Implementation Executives/Shadow Councils to engage constructively with trades unions early on and consistently throughout the transition period leading to the commencement of a single tier council, in order to facilitate the creation of new single tier councils that will effectively achieve their full potential for local residents.**

## Chapter 8: Issues and approaches

### 8.1 Equalities duties

- 8.1.1** The new single tier councils will be subject to the same statutory equalities duties as all other local authorities.
- 8.1.2** The Implementation Executives and Shadow Councils will, therefore, need to consider their equalities obligations at every stage in discharging their main transitional function. This will include the need to ensure that assessments have been made of the structures and policies of the new single tier council for their impact on different sections of the workforce, and that appropriate policies are in place.

### 8.2 Equal pay

- 8.2.1** The Government expects new single tier councils, as all other local authorities, to identify and address equal pay issues proactively and affordably. The new single tier councils will, of course, be subject to the requirements of the Equal Pay Act 1970.
- 8.2.2** The original *Invitation to Councils in England*<sup>9</sup> in October 2006 to come forward with proposals for unitary local government in their area made clear that all proposals needed to be fully costed and there would be no additional funding from central Government – and nor should there be any additional pressure on council tax as a result of restructuring.
- 8.2.3** The August 2007 discussion document stated that the new single tier councils would take on all the employer responsibilities from the predecessor councils, including equal pay responsibilities and liabilities.
- 8.2.4** This approach is being provided for in regulations. Firstly, by means of the Staffing Regulations which ensure that the transfer of functions from a predecessor council to a single tier council in connection with a structural and/or boundary change constitutes a ‘relevant transfer’ within the meaning of regulation 3(1) of TUPE. In addition, the Government intends to make further regulations during 2008 to provide that all rights and liabilities of the predecessor councils which will cease to exist by virtue of an

<sup>9</sup> <http://www.communities.gov.uk/publications/localgovernment/invitationall>

order made under the 2007 Act shall transfer to the succeeding single tier council on the reorganisation date. This will include the transfer of any act or omission on the part of the predecessor councils and the transfer of legal proceedings commenced by or against a predecessor council, to the single tier council that will succeed the predecessor council.

**8.2.5** At the point of transfer, the predecessor councils may have unresolved equal pay claims placed before Employment Tribunals. The predecessor councils may also be at different stages of progress towards implementing pay and grading reviews. As stated above, any ongoing legal proceedings will be included in the transfer of rights and liabilities.

**8.2.6** Planning for and resolving the issue of equal pay affordably is likely to be a major activity for the Implementation Executives and Shadow Councils and, subsequently, for the new single tier councils themselves. Implementation Executives, Shadow Councils, and the single tier councils themselves post-reorganisation date, should take affordable steps to avoid future pay inequalities which may potentially arise from restructuring. Good communication with staff and trades unions will be needed, and Government expects that affected authorities will share information on progress.

**8.2.7 The Government therefore:**

**8.2.7.1 expects Implementation Executives and Shadow Councils to make delivery and affordability of equal pay a high priority, and put in place detailed project proposals for achieving this; and**

**8.2.7.2 recommends that Implementation Executives and Shadow Councils obtain their own legal advice when considering their approaches to the issue of pay equalisation in the context of local government restructuring.**

**Preservation of employment**

**8.2.8** The Government wishes to ensure that all employees transferring to a new single tier council retain the right to bring an equal pay claim against their employer in relation to their employment with the transferor (predecessor council). We do not consider that an

explicit provision for preservation of employment for the purposes of the Equal Pay Act is necessary or appropriate. The Government is of the opinion that TUPE fully provides for the continuity of employment of employees that transfer from a transferee to a transferor authority. Regulation 4 of TUPE preserves continuity of employment where there is a relevant transfer as (in brief) it provides that the contract of employment of any person employed by the transferor immediately before the transfer shall have effect after the transfer as if originally made between the employee and the transferee. The transferee inherits the contracts of employment and the transferor's rights, powers, duties and liabilities under or in connection with any such employment contract. In addition to this, any act or omission of the transferor in respect of a contract of employment is deemed to have been an act or omission of, or in relation to, the transferee.

- 8.2.9** Regulation 4(1) of TUPE clearly states: 'a relevant transfer shall not operate so as to terminate the contract of employment of any person employed by the transferor and assigned to the organised grouping of resources . . . but any such contract shall have effect after the transfer as if originally made between the person so employed and the transferee' and that 'all the transferor's rights, powers, duties and liabilities under or in connection with any such contract shall be transferred by virtue of this regulation to the transferee.'
- 8.2.10** In addition, the Government shall further legislate in 2008 on the transfer of rights and liabilities. The forthcoming regulations shall (in brief) provide that all the rights and liabilities in relation to a predecessor council transfer on the reorganisation date to the succeeding single tier council.
- 8.2.11** Furthermore, the Government considers that any specific provision for preservation of employment for equal pay purposes would be potentially disadvantageous, since there is a risk this could cast doubt on the effects of TUPE and their application elsewhere. The Government believes that currently there is no such doubt, and that it would be wrong to make provision as this could in itself create that doubt, and that accordingly it is not appropriate to make any such provision.

## 8.3 Pensions

- 8.3.1** County councils are currently the administering authorities for the pension funds of all county and district staff within the county administrative area. The August 2007 discussion document made clear the Government saw no reason to split pension funds as a result of restructuring. In Cheshire and Bedfordshire, however, the dissolution of the county councils will result in one of the two new single tier councils in each area becoming the administering authority for both. The Department is discussing arrangements, including possible adjustments to the Local Government Pension Scheme regulations – which would involve an eventual statutory consultation over the technical changes that are likely to be required – with the Joint Implementation Teams concerned.
- 8.3.2** Whichever of the new single tier councils in an area becomes the administering authority, each local authority can determine its own policies in relation to discretions available within the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, and will need to consider the formulation and publication of policy statements as required by the Local Government Pension Scheme (Administration) Regulations 2008. In particular they can consider the award of up to 10 added years' scheme membership or extra pension of up to £5,000 per annum.

## 8.4 Discretionary compensation arrangements

- 8.4.1** Under the 2006 Compensation Regulations, local authorities have discretionary powers to award compensation where an employee who is eligible for the Local Government Pension Scheme (though not necessarily a member) has their employment terminated early by reason of redundancy. The authorities can consider making discretionary payments under the 2006 Compensation Regulations which must not exceed 104 weeks' pay.
- 8.4.2** Local authorities are required to formulate, publish and keep under review their policy with any changes to the policy only coming into effect one month after publication.
- 8.4.3** Accordingly, redundancy compensation arrangements are at the discretion of the employer and the employee does not have an entitlement to compensation before an award is made. Furthermore, a public authority should not fetter its discretion by undertaking always to exercise its discretion in any particular way.

- 8.4.4** The Government advises the Implementation Executives and Shadow Councils to take their own legal advice as to whether and to what extent the published policies might be protected as part of an employee's terms and conditions following transfer.
- 8.4.5** As is recommended in *Local Government Reorganisation: Interim People Management Issues* by the Local Government Employers, **we encourage the Implementation Executive or Shadow Council in each affected area to explore with the predecessor councils whether it may be desirable to harmonise their discretionary compensation arrangements in advance of 1 April 2009** by way of local protocols and in consultation with the trades unions, and in accordance with TUPE and other relevant employment law.
- 8.4.6** In doing so, Implementation Executives, Shadow Councils and predecessor councils must under the 2006 Compensation Regulations:
- have regard to the extent to which the exercise of their discretionary powers (in accordance with their policy), unless properly limited, could lead to a serious loss of confidence in the public service; and,
  - be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.
- 8.4.7** As mentioned above, in order to ensure that chief executives of preparing councils are treated fairly and in the same way as other employees, provision is made in the Staffing Regulations for a head of paid service of a preparing council to be treated as if made redundant for the purposes of entitlement to early receipt of pension under the Local Government Pension Scheme and eligibility under the 2006 Compensation Regulations.

## **8.5 Recruitment, retention and detriment**

- 8.5.1** We recognise it is likely that some local authorities, particularly those that will cease to exist on the reorganisation date, might experience difficulties in retention of staff up until that date. However, it is essential that all affected local authorities are able to continue delivering high-quality services to the public and run their day-to-day business in the period prior to the reorganisation date.

- 8.5.2** We are aware that some predecessor and preparing councils may, therefore, make use of retention techniques such as ‘golden handcuffs’ for key staff. **The Government encourages Implementation Executives and Shadow Councils to consider retention issues and seek common approaches in light of the local situation.**
- 8.5.3** Similarly, when employees are offered posts in the new single tier council which becomes their employer on the reorganisation date, it is likely that issues of detriment may arise, particularly in terms of geographical location and travel to work times. **The Government encourages Implementation Executives and Shadow Councils to discuss the principles of detriment arrangements (if any) with local trades unions as part of their main transitional functions.**
- 8.5.4** In relation to recruitment in the period leading up to the reorganisation date, we strongly encourage Implementation Executives and Shadow Councils to agree with their affected local authorities a common approach to filling vacancies that might arise in key areas. In the first instance, we suggest such posts might be filled from within the organisation or using secondments from other local authorities in the area.
- 8.5.5** However, all local authorities should bear in mind the directions which have been issued on behalf of the Secretary of State under section 24 of the 2007 Act to those predecessor councils which will cease to exist on the reorganisation date, providing that they must seek the consent of specified persons before: disposing of any land with a value over £100,000, entering into certain capital and non-capital contracts and using reserves as part of budget calculations. Employment contracts are likely to fall within this direction once the criteria provided for in the direction are met, and so new employment contracts may need the consent of the person(s) specified.<sup>10</sup>
- 8.5.6** The Government also highlights to predecessor and preparing councils affected by restructuring that to make material changes in terms and conditions of service in the period before the reorganisation date that are very different from prevailing practice or terms could leave them open to legal challenge.

<sup>10</sup> The direction issued to district councils in Cornwall, Durham, Northumberland, Shropshire and Wiltshire may be viewed on the CLG website at: [www.communities.gov.uk/publications/localgovernment/disposalscontractsreserves](http://www.communities.gov.uk/publications/localgovernment/disposalscontractsreserves). A direction was issued to Cheshire and Bedfordshire on 9 April 2008, and are available at: [www.communities.gov.uk/publications/localgovernment/directionscheshirebedfordshire](http://www.communities.gov.uk/publications/localgovernment/directionscheshirebedfordshire)



Under the Local Government Act 1972, the employing authority decides upon terms and conditions for its staff, including as to remuneration, but those terms and conditions must be 'reasonable'. These powers must, of course, be exercised reasonably and in good faith and for proper purposes. Material changes in terms and conditions could, therefore, leave an authority open to challenge as being an abuse of discretion in its fiduciary duty to council taxpayers.

- 8.5.7** We strongly encourage Implementation Executives and Shadow Councils to agree early on a common basis for changes to terms and conditions and recruitment and retention procedures across the affected authorities in each area, perhaps by means of a local protocol (see section 8.6 below).

## **8.6 Protocols**

- 8.6.1** Since the Government is taking a different approach to previous local government restructuring and is not putting in place a detailed, national, legislative scheme for the treatment of staff, many decisions will fall to the Implementation Executives and Shadow Councils to determine in the light of local circumstances.

- 8.6.2** In order to ensure clarity, consistency and fairness, many Implementation Executives and Shadow Councils are already in the process of agreeing protocols with their affected authorities and trades unions. These cover such issues as the involvement of trades unions, recruitment procedures for the new authority, and recruitment, vacancy management and secondments in and between existing authorities prior to the reorganisation date.

- 8.6.3** **The Government strongly encourages Implementation Executives and Shadow Councils to consider drawing up such protocols in collaboration with affected authorities and local trades union representatives.**

## **8.7 Communication with employees**

- 8.7.1** Local government restructuring will only succeed in delivering better outcomes for local people if the employees of the new single tier councils share the vision and commitment to providing high-quality public services in their area and shaping its future. Ensuring staff feel informed, involved and valued throughout the process will go a long way to achieving this.

- 8.7.2** The Government of course recognises that the process of local government reorganisation may have an unsettling effect upon many local government staff who might be uncertain as to what their position, terms and conditions are likely to be in the new single tier council.
- 8.7.3** The framework we are putting in place provides reassurance about the basic protections that govern the transfer to the new single tier councils.
- 8.7.4** The extent to which the Implementation Executives and Shadow Councils actively engage trades unions and keep staff involved and informed throughout the process will, however, be of vital importance.
- 8.7.5** **The Government strongly encourages Implementation Executives and Shadow Councils to consider establishing a means of direct communication with employees across all affected authorities, to keep them regularly informed of progress in creating the new organisation, communicate key messages and assist in the creation of a new and homogenous corporate identity for the new single tier council.**
- 8.7.6** **The Government expects all predecessor councils to co-operate fully in facilitating the means for the Implementation Executive or Shadow Council to communicate directly with all employees.**
- 8.7.7** **The trades unions will, of course, need to be informed and consulted on developments. Furthermore, the Government encourages all Implementation Executives and Shadow Councils to consider issuing joint communications to employees – from the Implementation Executive/Shadow Council, the employing council and the trades unions – on key issues where possible.**

## Chapter 9: Conclusion

- 9.1** It is clear that the current restructuring of local government is about creating new single tier councils – authorities with new functions and responsibilities but, just as importantly, with revitalised and strengthened local leadership and governance arrangements with a new innovative approach to service delivery in their area. It will be key to the success of the new single tier councils that staff are supported and valued over this critical period.
- 9.2** Overall, through the structural change orders and the Staffing Regulations, the Government is creating a clear and consistent framework for implementation. Within that framework, in each area concerned, it is now for all the councils – their members and employees – to work constructively and imaginatively together to deliver a new single tier council that will be fair and affordable for tax payers and achieve its full potential for local residents.

### **Local Governance and Structures Communities and Local Government JUNE 2008**

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