

# Extraordinary Cabinet



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title:</b>	<b>Agenda</b>																
<b>Date:</b>	<b>Monday 21 November 2016</b>																
<b>Time:</b>	<b>7.00 pm (or at the conclusion of the Extraordinary Council meeting, whichever is the later)</b>																
<b>Venue:</b>	<b>Conference Chamber West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU																
<b>Membership:</b>	<p style="text-align: center;"><b>Leader</b> John Griffiths</p> <p style="text-align: center;"><b>Deputy Leader</b> Sara Mildmay-White</p> <table border="0"> <tr> <td style="vertical-align: top;"><b><u>Councillor</u></b></td> <td style="vertical-align: top;"><b><u>Portfolio</u></b></td> </tr> <tr> <td>Robert Everitt</td> <td>Families and Communities</td> </tr> <tr> <td>Sara Mildmay-White</td> <td>Housing</td> </tr> <tr> <td>John Griffiths</td> <td>Leader</td> </tr> <tr> <td>Ian Houlder</td> <td>Resources and Performance</td> </tr> <tr> <td>Alaric Pugh</td> <td>Planning and Growth</td> </tr> <tr> <td>Jo Rayner</td> <td>Leisure and Culture</td> </tr> <tr> <td>Peter Stevens</td> <td>Operations</td> </tr> </table>	<b><u>Councillor</u></b>	<b><u>Portfolio</u></b>	Robert Everitt	Families and Communities	Sara Mildmay-White	Housing	John Griffiths	Leader	Ian Houlder	Resources and Performance	Alaric Pugh	Planning and Growth	Jo Rayner	Leisure and Culture	Peter Stevens	Operations
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<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																
<b>Quorum:</b>	Three Members																
<b>Committee administrator:</b>	<b>Claire Skoyles</b> Democratic Services Officer <b>Tel:</b> 01284 757176 <b>Email:</b> <a href="mailto:claire.skoyles@westsuffolk.gov.uk">claire.skoyles@westsuffolk.gov.uk</a>																

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# Public Information



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Venue:</b>	<b>West Suffolk House</b> Western Way Bury St Edmunds Suffolk IP33 3YU	Tel: 01284 757176 Email: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> Web: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a>
<b>Access to agenda and reports before the meeting:</b>	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website.	
<b>Attendance at meetings:</b>	The Borough Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
<b>Public participation:</b>	Members of the public who live or work in the Borough are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply. A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.	
<b>Disabled access:</b>	West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons.  Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.	
<b>Induction loop:</b>	An Induction loop is available for meetings held in the Conference Chamber.	
<b>Recording of meetings:</b>	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).  Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.	

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# Agenda

## Procedural Matters

### 1. Apologies for Absence

#### Part 1 - Public

### 2. Open Forum

At each Cabinet meeting, up to 15 minutes shall be allocated for questions from and discussion with, non-Cabinet members. Members wishing to speak during this session should if possible, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

### 3. Public Participation

Members of the public who live or work in the Borough are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply.

A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start.

There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.

#### NON-KEY DECISIONS

### 4. Findings of the Extraordinary Informal Joint Overview and Scrutiny Committee: 4 October 2016 - What Will Devolution Mean for West Suffolk? 1 - 4

Report No: **CAB/SE/16/056**

Chairman of SEBC Overview and Scrutiny Committee: Diane Hind

Portfolio Holder: John Griffiths

Lead Officer: Ian Gallin

#### KEY DECISIONS

### 5. Norfolk and Suffolk Devolution Agreement 5 - 8

Report No: **CAB/SE/16/057**

Portfolio Holder: John Griffiths      Lead Officer: Ian Gallin

**Part 2 – Exempt**

**NONE**

# Extraordinary Cabinet



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Findings of the Extraordinary Informal Joint Overview and Scrutiny Committee: 4 October 2016 – What Will Devolution Mean for West Suffolk?</b>	
<b>Report No:</b>	<b>CAB/SE/16/056</b>	
<b>Report to and date:</b>	<b>Extraordinary Cabinet</b>	21 November 2016
<b>Portfolio Holder:</b>	John Griffiths Leader of the Council <b>Tel:</b> 07958 700434 <b>Email:</b> <a href="mailto:john.griffiths@stedsbc.gov.uk">john.griffiths@stedsbc.gov.uk</a>	
<b>Chairman of the Committee:</b>	Diane Hind Chairman of the Overview and Scrutiny Committee <b>Tel:</b> 01284 706542 <b>Email:</b> <a href="mailto:diane.hind@stedsbc.gov.uk">diane.hind@stedsbc.gov.uk</a>	
<b>Lead Officer:</b>	Ian Gallin Chief Executive <b>Tel:</b> 01284 757001 <b>Email:</b> <a href="mailto:ian.gallin@westsuffolk.gov.uk">ian.gallin@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	<p>On 4 October 2016, the Overview and Scrutiny Committee held an Extraordinary Informal Joint meeting with Members of Forest Heath's Overview and Scrutiny Committee, and considered the following item jointly:</p> <p style="text-align: center;">What Will Devolution Mean for West Suffolk?</p> <p>The report provided the Committee with further information to enable it to come to a view on five areas identified during a workshop session held on 8 September 2016.</p>	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> to Cabinet that it <u>NOTES</u> that the Overview and Scrutiny Committee wishes to express its concern regarding the veto vote of the directly elected Mayor, as outlined in paragraph 1.2 of Report No: CAB/SE/16/056.</b>	

<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>		• See Report No: <a href="#">OAS/SE/16/026</a>	
<b>Alternative option(s):</b>		• See Report No: OAS/SE/16/026	
<b>Implications:</b>			
<i>Are there any <b>financial</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/16/026	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/16/026	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/16/026	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/16/026	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/16/026	
<b>Risk/opportunity assessment:</b> <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
See Report No: OAS/SE/16/026			
<b>Wards affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		East Anglia Devolution Website at <a href="http://www.eastangliadevo.co.uk">www.eastangliadevo.co.uk</a>	
<b>Documents attached:</b>		None	

## **1. Key issues and reasons for recommendation**

1.1.1 In examining the issue of Devolution, and how Overview and Scrutiny can influence or have an input, a workshop was initiated by Councillor Diane Hind, Chairman of St Edmundsbury's Overview and Scrutiny Committee and Councillor Simon Cole, Chairman of Forest Heath's Overview and Scrutiny Committee, to help inform, focus and drive the agenda for the Joint Overview and Scrutiny Committee on 4 October 2016.

1.1.2 The Committee received Report No: OAS/SE/16/026, which provided further information on five key areas identified during the workshop session held on 8 September 2016, which scrutiny felt it would benefit from. These were:

- Running costs of the Combined Authority;
- Statutory bodies and their duties/powers in relation to the role of the Combined Authority and the arrangements proposed for voting;
- The Combined Authority Board and Co-opted persons;
- Governance and Exit Arrangements; and
- Double Devolution and Subsidiarity.

1.1.3 The Committee was asked to discuss the five key issues as set in Section 3 of Report No: OAS/SE/16/026 and to formulate findings, as appropriate.

### **1.2 Overview and Scrutiny Committee**

1.2.1 The Overview and Scrutiny Committee scrutinised the report in detail and asked a number of questions to which comprehensive responses were provided by the Leader's and the Chief Executive.

1.2.2 In particular, discussions were held on the role of the Mayor on the Combined Authority Board. Members expressed concern regarding the Mayor and their ability to vote against a majority decision or proposal by right of veto.

1.2.3 Discussions were also held on the "gateway reviews" proposed by Government, which would be carried out every five years between the Combined Authority and the Government in relation to the £25 million funding per year; the voting rights of constituent councils within a Combined Authority; staffing of a Shadow Combined Authority; and potential future options if any of the constituent councils voted against a Norfolk and Suffolk Combined Authority.

1.2.4 The Overview and Scrutiny Committee has put forward a recommendation as set out on page one of this report.

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# Extraordinary Cabinet



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Norfolk and Suffolk Devolution</b>	
<b>Report No:</b>	<b>CAB/SE/16/057</b>	
<b>Report to and date:</b>	<b>Extraordinary Cabinet</b>	21 November 2016
<b>Portfolio holder:</b>	John Griffiths Leader of the Council <b>Tel:</b> 01284 757136 <b>Email:</b> <a href="mailto:john.griffiths@stedsbc.gov.uk">john.griffiths@stedsbc.gov.uk</a>	
<b>Lead officer:</b>	Ian Gallin Chief Executive <b>Tel:</b> 01284 757009 <b>Email:</b> <a href="mailto:ian.gallin@westsuffolk.gov.uk">ian.gallin@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To consider the report placed before Council on 21 November 2016 (Report No: COU/SE/16/019 refers) in respect of moving forward with establishing a Mayoral Combined Authority for Norfolk and Suffolk and to take a final decision as there are Executive Functions in the decisions taken.	
<b>Recommendations:</b>	<p><b>Subject to their approval by Council on 21 November 2016, Cabinet is asked to <u>ENDORSE</u> the decision made by Council in respect of the next stage of the Devolution Agreement for Norfolk and Suffolk contained in Report No: COU/SE/16/019, as follows:</b></p> <p><b>It is <u>RECOMMENDED</u> that:</b></p> <p><b>(1) on the basis of the earlier Governance Review (Appendix B to Council Report No: COU/SE/16/010 (28 June 2016)), Equalities Impact Assessment (EqIA) and the results of the consultation, the Authority continues to conclude that the establishment of a Mayoral Combined Authority for Norfolk and Suffolk is the option which most fully permits the effective discharge of the functions that Government is prepared to devolve to this area.</b></p> <p style="text-align: right;"><i>Continued over....</i></p>	

	<p><b>(2) The Council authorises the Chief Executive to consent to the Council being included in an Order that will be laid before Parliament by the Secretary of State for Communities and Local Government to create the Norfolk and Suffolk Combined Authority, such Order to:</b></p> <ul style="list-style-type: none"> <li>• <b>establish a Norfolk and Suffolk Combined Authority and specify the high level constitutional arrangements;</b></li> <li>• <b>confer functions on the Norfolk and Suffolk Combined Authority; and</b></li> <li>• <b>specify those functions exercisable by the Mayor.</b></li> </ul> <p><b>(3) In the event that any minor drafting changes are required to reflect legislative requirements and the contents of the Deal Agreement, authority is delegated to the Chief Executive, in consultation with the Leader and agreement with the other Chief Executives/Managing Directors of the Constituent Councils across Norfolk and Suffolk to make the necessary changes to the Order.</b></p> <p><b>(4) Further reports are presented to the Authority, as appropriate, as the Devolution process progresses.</b></p>
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input checked="" type="checkbox"/></p> <p>No, it is not a Key Decision - <input type="checkbox"/></p> <p>(a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:</p> <p>(i) be significant in terms of its effects on communities living or working in an area in the Borough/District; or</p> <p>(ii) result in any new expenditure, income or savings of more than £50,000 in relation to the Council's revenue budget or capital programme;</p> <p>(iii) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.</p>

	(b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this [the] Constitution.
<i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i>	
<b>Ward(s) affected:</b>	Not applicable
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>	<a href="#">Council Report No: COU/SE/15/029 – 22 September 2015</a>  <a href="#">Council Report No: COU/SE/16/010 – 28 June 2016</a> <a href="#">Appendix A: Deal Agreement</a> <a href="#">Appendix B: Governance Review</a> <a href="#">Appendix C: Governance Scheme</a> <a href="#">Appendix D: EqIA</a>
<b>Documents attached:</b>	None

## **1. Key issues and reasons for recommendations**

- 1.1 At its meeting immediately prior to this meeting, Council will have considered and voted upon the report in connection with progressing the next stage of the Norfolk and Suffolk Devolution Agreement (Report No: COU/SE/16/019 refers.)
- 1.2 The Council operates a Leader and Cabinet (Executive) decision making model. The Local Government Act 2000 makes reference to decisions that are to be made by the Executive and those that cannot be. The Act states that if a function is not included in any enactment as being taken elsewhere, then it is an Executive Decision. Under that proviso this particular decision would be an Executive Decision by omission.
- 1.3 In order to realise the benefits associated with Norfolk and Suffolk Devolution Deal and maximise potential for future devolution deals, Council has been asked to give consent to being included in an Order that will be laid before Parliament by the Secretary of State for Communities and Local Government, to create a Norfolk and Suffolk Mayoral Combined Authority that will receive devolved powers and funding. In order to avoid a challenge on technical grounds, Cabinet is asked to endorse the decision of Council associated with this because it is technically an Executive decision.
- 1.4 For that reason, subject to their approval by Council on 21 November 2016, Cabinet is asked to endorse the recommendations considered by Council, as contained in Report No: COU/SE/16/019, as reproduced on pages 1 and 2 of this report.