

Extraordinary Cabinet



Forest Heath
District Council

Title:	Agenda												
Date:	Tuesday 22 November 2016												
Time:	6.30 pm (or at the conclusion of the Extraordinary Council meeting, whichever is the later)												
Venue:	Council Chamber District Offices College Heath Road Mildenhall												
Membership:	<p>Leader James Waters</p> <p>Deputy Leader Robin Millar</p> <table border="0"> <tr> <td>Councillor</td> <td>Portfolio</td> </tr> <tr> <td>David Bowman</td> <td>Operations</td> </tr> <tr> <td>Stephen Edwards</td> <td>Resources and Performance</td> </tr> <tr> <td>Andy Drummond</td> <td>Leisure and Culture</td> </tr> <tr> <td>Robin Millar</td> <td>Families and Communities</td> </tr> <tr> <td>Lance Stanbury</td> <td>Planning and Growth</td> </tr> </table>	Councillor	Portfolio	David Bowman	Operations	Stephen Edwards	Resources and Performance	Andy Drummond	Leisure and Culture	Robin Millar	Families and Communities	Lance Stanbury	Planning and Growth
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Interests – Declaration and Restriction on Participation:	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.												
Quorum:	Three Members												
Committee administrator:	Sharon Turner Democratic Services Officer (Cabinet) Tel: 01638 719237 Email: sharon.turner@westsuffolk.gov.uk												

Public Information



Forest Heath

District Council

Venue:	District Offices College Heath Road Mildenhall Suffolk, IP28 7EY	Tel: 01638 719000 Email: democratic.services@westsuffolk.gov.uk Web: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting:	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.	
Attendance at meetings:	The District 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.	
Public speaking:	Members of the public who live or work in the District 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.	
Disabled access:	The public gallery is on the first floor and is accessible via stairs. There is not a lift but disabled seating is available at the back of the Council Chamber on the ground floor. Please see the Committee Administrator who will be able to help you.	
Induction loop:	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.	
Recording of meetings:	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.	

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 District are invited to put one question/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/FH/16/050**

Portfolio Holder: James Waters

Chairman of FHDC Overview and Scrutiny Committee: Simon Cole

Lead Officer: Ian Gallin

KEY DECISIONS

5. Norfolk and Suffolk Devolution Agreement 5 - 8

Report No: **CAB/FH/16/051**

Portfolio Holder: James Waters

Lead Officer: Ian Gallin

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Extraordinary Cabinet



Forest Heath
District Council

Title of Report:	Findings of the Extraordinary Informal Joint Overview and Scrutiny Committee: 4 October 2016 – What Will Devolution Mean for West Suffolk?	
Report No:	CAB/FH/16/050	
Report to and date:	Extraordinary Cabinet	22 November 2016
Portfolio Holder:	James Waters Leader of the Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Chairman of the Committee:	Simon Cole Chairman of the Overview and Scrutiny Committee Tel: 07974 443762 Email: simon.cole@forest-heath.gov.uk	
Lead Officer:	Ian Gallin Chief Executive Tel: 01284 757001 Email: ian.gallin@westsuffolk.gov.uk	
Purpose of report:	<p>On 4 October 2016, the Overview and Scrutiny Committee held an Extraordinary Informal Joint meeting with members of St Edmundsbury'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>	
Recommendation:	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/FH/16/050.	

Key Decision: <i>(Check the appropriate box and delete all those that do not 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"/>	
Consultation:		• See Report No: OAS/FH/16/027	
Alternative option(s):		• See Report No: OAS/FH/16/027	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/FH/16/027	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/FH/16/027	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/FH/16/027	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/FH/16/027	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/FH/16/027	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
See Report No: OAS/FH/16/027			
Wards affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		East Anglia Devolution Website at www.eastangliadevo.co.uk Extraordinary (Informal Joint) Overview and Scrutiny Committee (FHDC): 4 October 2016 (Report No: OAS/FH/16/027 and Appendix A)	
Documents attached:		None	

1. Key issues and reasons for recommendation

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/FH/16/027, 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/FH/16/027 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 Audit Scrutiny Committee has put forward a recommendation as set out on page one of this report.

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Extraordinary Cabinet



Forest Heath
District Council

Title of Report:	Norfolk and Suffolk Devolution Agreement	
Report No:	CAB/FH/16/051	
Report to and date:	Extraordinary Cabinet	22 November 2016
Portfolio holder:	James Waters Leader of the Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officer:	Ian Gallin Chief Executive Tel: 01284 757009 Email: ian.gallin@westsuffolk.gov.uk	
Purpose of report:	To consider the report placed before Council on 22 November 2016 (Report No: COU/FH/16/023 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.	
Recommendations:	<p>Subject to their approval by Council on 22 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/FH/16/023, as follows:</p> <p>It is <u>RECOMMENDED</u> that:</p> <p>(1) on the basis of the earlier Governance Review (Appendix B to Council Report No: COU/FH/16/012 (29 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.</p>	

	<p>(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:</p> <ul style="list-style-type: none"> • establish a Norfolk and Suffolk Combined Authority and specify the high level constitutional arrangements; • confer functions on the Norfolk and Suffolk Combined Authority; and • specify those functions exercisable by the Mayor. <p>(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.</p> <p>(4) Further reports are presented to the Authority, as appropriate, as the Devolution process progresses.</p>
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not 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 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>	
Ward(s) affected:	Not applicable
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	Council: 16 September 2015 Report No: COU/FH/15/029 & Appendix A Council: 29 June 2016 Report No: COU/FH/16/012 & Appendix A: Deal Agreement Appendix B: Governance Review Appendix C: Governance Scheme Appendix D: EqIA
Documents attached:	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/FH/16/023 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 22 November 2016, Cabinet is asked to endorse the recommendations considered by Council, as contained in Report No: COU/FH/16/023, as reproduced on pages 1 and 2 of this report.