

Cabinet



Forest Heath
District Council

Title of Report:	Annual Review and Appointment of the Cabinet's Working Group, Joint Committees/Panels and Other Groups	
Report No:	CAB/FH/16/021	
Report to and date:	Cabinet	17 May 2016
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Purpose of report:	<p>The Cabinet is requested to review the membership and Terms of Reference of its Working Group, Joint Committees/Panels and other Groups for the year 2016/2017.</p> <p>The existing Terms of Reference (ToR) for each body are contained in Appendices A to E inclusive.</p> <p>Recommendations are contained within appropriate Sections of this report and further summarised in the recommendations listed below.</p>	

Recommendation:

It is RECOMMENDED:

Current Cabinet Working Group: Forest Heath District Council Membership only

(1) That:

- (a) The Local Plan Working Group continues to operate at the present time in accordance with its current Terms of Reference, as detailed in Appendix A to Report No CAB/FH/16/021.**
- (b) The future direction of the Local Plan Working Group, as outlined in Section 1.2.3 of Report No CAB/FH/16/021, be noted.**

Current Joint Panels and Steering Group: Joint Membership with St Edmundsbury Borough Council

(2) That:

- (a) The West Suffolk Joint Growth Steering Group, West Suffolk Joint Emergency Planning Panel, West Suffolk Joint Health and Safety Panel and the West Suffolk Joint Staff Consultative Panel continue to operate in accordance with their current Terms of Reference contained in Appendices B, C D and E to Report No CAB/FH/16/021 respectively.**
- (a) Meetings of the Joint Panels set out in Section 1.3.1, continue to be scheduled as and when required, but with regard to the discussion outlined in Section 1.3.4.**

Political Balance

(3) That:

- (a) The Interim Service Manager (Legal and Democratic Services) be given delegated authority to re-appoint or appoint as applicable, Members and substitute Members to the Working Group, Joint Panels and Steering Group for 2016/2017, as set out in Sections 1.2.1 and 1.3.1, on the nominations from the Group Leaders.**
- (b) Such re-appointments/appointments be made on the basis of political balance requirements, where applicable and**

identified in Report No CAB/FH/16/021.

Joint Committees: Anglia Revenues and Benefits Partnership Joint Committee

- (4) That the Interim Service Manager (Legal and Democratic Services) be given delegated authority to re-appoint or appoint as applicable, one full Cabinet Member and two substitute Cabinet Members to the Anglia Revenues and Benefits Partnership Joint Committee for 2016/2017, on the nomination of the Leader of the Council.

Other Informal Working Groups

- (5) That:
- (a) The Cabinet's existing informal Working Groups be retained or disbanded as indicated in Section 1.6.2 of Report No CAB/FH/16/021.
- (b) Provided that resources are available to support them, further informal task-and-finish working groups continue to be established to consider specific issues as required throughout 2016/2017.

Re-appointment of Representatives to Outside Bodies

- (6) The Members stated in Section 1.7.2 of Report No CAB/FH/16/021 be re-appointed as 'Observers' to the respective outside bodies listed.

Key Decision:

*(Check the appropriate box and delete all those that **do not** apply.)*

Is this a Key Decision and, if so, under which definition?

Yes, it is a Key Decision -

No, it is not a Key Decision -

*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.*

Consultation:

- Consultation has been undertaken with the Leadership Team, Portfolio Holders and other Cabinet Members.

Alternative option(s):

- Not to undertake a review. However it is considered sensible to review the purpose and remit of the Cabinet's Working Groups, Joint Committees/Panels and other Groups to ensure that they remain productive and in line with the Council's

		strategic priorities.	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> The review has been undertaken within existing resources. Any changes required as a result of the review will also be borne from existing budgets. 	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Section 1.4 below 	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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)
Opportunities for joint working are missed	Medium	Consider the creation of joint committees, panels and working parties wherever possible.	Low
Duplication of effort between member bodies	Medium	Carry out an annual review of working parties, etc, to ensure that they are all still relevant and adding value and do not cross over with the activities or other bodies eg scrutiny committees or task and finish groups.	Low
The number of meetings and reviews cannot be accommodated with available member and officer time and resources.	High	Carry out an annual review to disband any groups no longer required and to optimise frequency of meetings. Keep under constant review.	Medium
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Terms of Reference: <ul style="list-style-type: none"> Appendix A – Local Plan Working Group Appendix B – West Suffolk Joint Growth Steering Group 	

	<ul style="list-style-type: none">• Appendix C – West Suffolk Joint Emergency Planning Panel• Appendix D – West Suffolk Joint Health and Safety Panel• Appendix E – West Suffolk Joint Staff Consultative Panel
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1. Key issues and reasons for recommendation(s)

1.1 Background

1.1.1 Under Article 6 (The Cabinet) (paragraph 6.6.2) of the Council's Constitution, it states that:

"The Cabinet may carry out its functions:

d. by delegating power to a joint committee, area committee or another local authority".

1.1.2 Under Article 10 (Joint Arrangements and Working Groups) of the Council's Constitution, it states that:-

"10.2 Joint Arrangements

10.2.3 the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political balance of the Council as a whole."

"10.3 Working Groups

10.3.1 The Council, Cabinet or Committees may appoint from time to time such working groups as they think fit, including joint working groups with St Edmundsbury Borough Council...."

1.1.3 Under the arrangements for the administration of a Leader/Cabinet political management structure, the following Working Group, Joint Committees/Panels and other Groups, either report to the Cabinet or exercise Executive functions:

(a) Exercise Executive functions on behalf of the Cabinet

- Anglia Revenues and Benefits Partnership Joint Committee

(b) Report to the Cabinet

- Local Plan Working Group
- West Suffolk Joint Emergency Planning Panel
- West Suffolk Joint Health and Safety Panel
- West Suffolk Joint Growth Steering Group
- Other informal working groups, as detailed in Section 1.6 below

1.1.4 The Cabinet is requested to review the membership and the terms of reference for its Working Group, Joint Committees/Panels and other Groups for the year 2016/2017 as set out below.

1.2 Current Cabinet Working Group: District Council Membership only

1.2.1 The following Cabinet Working Group currently operates in accordance with Appendix A attached:

FHDC Working Group	Members	Terms of Reference
Local Plan Working Group <i>(Membership is appointed with regard to the political balance – see Section 1.4 below)</i>	9	Appendix A

- 1.2.2 As the Council's Local Plan is not due to be adopted until August 2017, it is recommended that the Local Plan Working Group continues to operate and meetings be arranged as substantive business dictates.
- 1.2.3 Following adoption of the Local Plan, it will be the intention to disband both the St Edmundsbury Borough Council's Sustainable Development Working Party (SDWP) and the Local Plan Working Group, as common joint planning policies would develop through the West Suffolk Joint Growth Steering Group, as a West Suffolk Local Plan, as previously agreed by both Cabinets (see Appendix A for Terms of Reference and Section 1.3.2 below).

1.2.4 It is **RECOMMENDED** that:

- (a) **The Local Plan Working Group continues to operate at the present time in accordance with its current Terms of Reference, as detailed in Appendix A to Report No CAB/FH/16/021.**
- (b) **The future direction of the Local Plan Working Group, as outlined in Section 1.2.3 of Report No CAB/FH/16/021, be noted.**

1.3 **Current Joint Panels and Steering Group: Joint Membership with St Edmundsbury Borough Council**

1.3.1 The following Joint Panels and Steering Group have been established with St Edmundsbury Borough Council:

Joint Panels and Steering Group	District Council Members	Substitutes	Terms of Reference
West Suffolk Joint Growth Steering Group (<i>Membership is appointed with regard to the political balance – see Section 1.4 below</i>)	6	2	Appendix B
West Suffolk Joint Emergency Planning Panel	4	1	Appendix C
West Suffolk Joint Health and Safety Panel	3	1	Appendix D
West Suffolk Joint Staff Consultative Panel	3	2	Appendix E

1.3.2 **West Suffolk Joint Growth Steering Group**

This Steering Group has further developed its role in 2015/2016, particularly given its close association with all three West Suffolk Strategic Priorities and its flexibility to be able to co-opt external representatives to assist it with specific issues or to provide particular areas of expertise. An example of the Group's developing role was when it considered the West Suffolk Sports Facilities Assessment in February 2016. The evidence base behind this document will inform the delivery of a more strategic approach to sport and leisure facilities in the future and the Group's input into the shaping of this document was therefore of particular value.

In addition and to place further emphasis on the future significance of this

Steering Group, it is expected that all common West Suffolk planning policies across the two districts will eventually be developed via this Group (see Section 1.2.3 above).

1.3.3 Since its inception in January 2014, meetings of the Steering Group have been arranged as and when substantive business dictates. However, as this Group has particularly grown in significance in 2015/2016, diarised quarterly meetings have been arranged for 2016/2017. It is suggested that this practice continues with more meetings arranged in advance, if required.

1.3.4 **West Suffolk Joint Emergency Planning Panel, West Suffolk Joint Health and Safety Panel and West Suffolk Joint Staff Consultative Panel**

It is suggested that these Panels continue to operate to consider policy matters for recommending to Cabinet/Council for approval, in accordance with the remit of each Panel's Terms of Reference (ToR).

1.3.5 Where recommendations to Cabinet and/or Council are not required, the greater use of electronic means is exercised to keep Members informed of issues that would usually be noted by these Joint Panels. With greater emphasis now placed on Members' use of electronic devices, such information can be accessed more easily by e-mail, or within dedicated areas on the West Suffolk intranet. This practice has been exercised in 2015/2016, particularly for the West Suffolk Joint Emergency Planning Panel which has not met since February 2015, but notable information has been circulated by e-mail. The West Suffolk Joint Health and Safety Panel and West Suffolk Joint Staff Consultative Panel have only met twice each in 2015/2016, which again, demonstrates that meetings are only being convened as substantive business dictates.

1.3.6 It is therefore suggested that this arrangement continues to operate for 2016/2017. However, subject to the agreement of the relevant Chairman of each of the Joint Panels, this does not preclude Members suggesting that meetings be convened to discuss a specific topic that may arise from information provided electronically.

1.3.7 It is **RECOMMENDED** that:

(a) The West Suffolk Joint Growth Steering Group, West Suffolk Joint Emergency Planning Panel, West Suffolk Joint Health and Safety Panel and the West Suffolk Joint Staff Consultative Panel continue to operate in accordance with their current Terms of Reference contained in Appendices B, C, D and E to Report No CAB/FH/16/021 respectively.

(b) Meetings of the Joint Panels set out in Section 1.3.1, continue to be scheduled as and when required, but with regard to the discussion outlined in Section 1.3.4.

1.4 **Political Balance**

1.4.1 The formula for the allocation of seats to the political groups of the Council will

not be approved until the Annual Meeting of Council on 11 May 2016. It is therefore suggested that the allocation of seats to the Working Group/Steering Group that have historically been calculated with regard to the political balance be considered following this meeting and re-appointments/appointments made under delegation, as reflected in the following recommendation.

1.4.2 It is **RECOMMENDED** that:

(a) The Interim Service Manager (Legal and Democratic Services) be given delegated authority to re-appoint or appoint as applicable, Members and substitute Members to the Working Group, Joint Panels and Steering Group for 2016/2017, as set out in Sections 1.2.1 and 1.3.1 above, on the nominations from the Group Leaders.

(b) Such re-appointments/appointments be made on the basis of political balance requirements, where applicable and identified in Report No CAB/FH/16/021.

1.5 **Joint Committees**

1.5.1 To comply with the Constitution, the Council's Joint Committees exercise executive functions on behalf of the Cabinet. Forest Heath District Council's membership of the Joint Committees indicated in Section 1.5.2 below is therefore required to comprise Cabinet Members:

Joint Committee	FHDC Full Members	FHDC Substitutes
Anglia Revenues and Benefits Partnership Joint Committee	1	2

1.5.2 **Anglia Revenues and Benefits Partnership Joint Committee**

On 17 September 2015, Anglia Revenues and Benefits Partnership Joint Committee recommended to each of the seven Councils represented on the Partnership (Forest Heath District Council, St Edmundsbury Borough Council, Breckland Council, East Cambridgeshire District Council, Fenland District Council, Suffolk Coastal District Council and Waveney District Council) that membership of the Joint Committee should move to comprise one Member and two Substitutes appointed from each of the Councils represented.

1.5.3 Following expansion of the Partnership to seven, this had impacted on the membership for the Joint Committee, which under the previous arrangements would have enabled a total of 14 Members (plus substitute Members) to sit on the Joint Committee. It was, therefore, considered that to avoid the potential negative effect on performance often associated with committees/boards of ten members or more, whether the Joint Committee should move to an arrangement of a single Member and two substitutes per authority, with the option for one of the substitutes to attend and take part in debate (but not vote).

This was subsequently agreed by all seven partnering authorities and became effective from 1 December 2015 and has had since a positive impact on the functionality of the Joint Committee.

1.5.4 It is **RECOMMENDED** that **the Interim Service Manager (Legal and Democratic Services) be given delegated authority to re-appoint or appoint as applicable, one full Cabinet Member and two substitute Cabinet Members to the Anglia Revenues and Benefits Partnership Joint Committee for 2016/2017, on the nomination of the Leader of the Council.**

1.6. **Other Informal Working Groups**

1.6.1 The Cabinet also sets up from time to time informal Member/Officer Working Groups to consider specific issues usually on a task-and-finish basis and often as joint groups with St Edmundsbury Borough Council. These groups make recommendations directly to Cabinet or the appropriate Committee in the form of reports and it is proposed that the practice of setting up such informal groups to look at specific issues should continue as required, provided there are resources available to support them.

1.6.2 In relation to the groups currently operating, the situation going into 2016/2017 is as follows:

(a) **Joint Diversity Working Party:** This informal Working Party was established with St Edmundsbury Borough Council in April/May 2013 to replace the pre-existing separate groups looking at equality and diversity issues. It has, however, not met in 2015/2016, mainly because the Councils are now in a position across the West Suffolk organisation where, instead of diversity and equality being considered in isolation, it is now mainstreamed into the way in which the Councils work and reported to Members through the Annual Report. **Disband.**

(b) **Joint Member Development Group:** This is a joint group with St Edmundsbury Borough Council which was established in December 2012 as an informal group to contribute to and support member development opportunities. It has met reasonably frequently in 2015/2016 and will continue to be needed for the foreseeable future. **Retain.**

1.6.3 It is **RECOMMENDED** that:

(a) **The Cabinet's existing informal Working Groups be retained or disbanded as indicated in Section 1.6.2 of Report No CAB/FH/16/021.**

(b) **Provided that resources are available to support them, further informal task-and-finish working groups continue to be established to consider specific issues as required throughout 2016/2017.**

1.7 **Re-appointment of representatives to outside bodies**

1.7.1 The Council is required by the Constitution at each Annual Meeting to:

(1) Receive, or arrange the delegation of, nominations of Councillors to serve on any outside body for which a new appointment or re-appointment is required; and

(2) Appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

1.7.2 Council has delegated the appointment or re-appointment of 'Observers' to the Cabinet. The following Members are currently appointed by the District Council as 'Observers' to the following outside bodies:

(a) Home of Horseracing Trust: Councillor Andy Drummond (*supported by Councillor Chris Barker*)

(b) National Horseracing Museum: Councillor Andy Drummond (*supported by Councillor Chris Barker*)

1.7.3 Cabinet is **RECOMMENDED** to re-appoint the Members stated in Section **1.7.2 above, as 'Observers' to the respective outside bodies listed.**