

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Annual Review and Re-Appointment of the Cabinet's Working Parties, Joint Committees/Panels and Other Groups	
Report No:	CAB/SE/16/022	
Report to and date:	Cabinet	24 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 Parties, Joint Committee/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 F inclusive</p> <p>Recommendations are contained within the appropriate sections of this report and further summarised in the recommendations listed below.</p>	
Recommendation:	<p>It is <u>RECOMMENDED</u> that:</p> <p>(1) the Grant Working Party continues to operate in accordance with its Terms of Reference, as detailed in Appendix A of Report No: CAB/SE/16/022.</p>	

- (2)
- (a) **The Sustainable Development Working Party continues to operate at the present time in accordance with its current Terms of Reference, as detailed in Appendix B to Report No: CAB/SE/16/022; and**
- (b) **the future direction of the Sustainable Development Working Party, as outlined in Section 1.2.8 of Report No: CAB/SE/16/022, be noted.**
- (3)
- (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 C, D, E and F to Report No: CAB/SE/16/022 respectively; and**
- (b) **meetings of the Joint Panels set out in Section 1.3.4 of Report No: CAB/SE/16/022, continue to be scheduled as and when required but with regard to the discussion outlined in Section 1.3.5.**
- (4)
- (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 Parties, 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; and**
- (b) **such re-appointments/appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/SE/16/022.**
- (5) **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.**

	<p>(6)</p> <p>(a) The Cabinet’s existing informal Working Groups be retained or disbanded as indicated in Section 1.6.2 of Report No: CAB/SE/16/022; and</p> <p>(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.</p> <p>(7) The Members stated in Section 1.7.2 of Report No: CAB/SE/16/022 be re-appointed as observers to the respective outside bodies listed, and to <u>NOTE</u> the Leader or ex-officio appointments to the project or partnership groups listed in Section 1.7.3 and 1.7.4 .</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 type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><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></p>	
<p>Consultation:</p>	<ul style="list-style-type: none"> • Consultation has been undertaken with the Portfolio Holder and other Cabinet Members.
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • Not to undertake an annual review; however, it is considered sensible to review the purpose and remit of the Cabinet’s working parties and groups to ensure they remain productive and in line with the Council’s strategic priorities.
<p>Implications:</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <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.
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p><i>Are there any legal and/or policy implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • See Sections 1.1.1 and 1.1.2 below

<i>Are there any equality implications? 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 e.g. 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:		Appendices A to F inclusive: Terms of Reference	

1. Key issues and reasons for recommendations

1.1 **Background**

1.1.1 Under Article 6 (The Cabinet) (paragraph 6.5.2) 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 Forest Heath District Council...."

1.1.3 The following Working Parties, Joint Committee/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
 - Grant Working Party
 - Sustainable Development Working Party
 - 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 Parties, Joint Committee/Panels and other Groups for the year 2016/2017 as set out below.

1.2 **Current Working Parties and Panels: Borough Council Membership only**

1.2.1 The following Cabinet Working Parties currently operate in accordance with the Appendices attached as indicated in the table below:

SEBC Working Party or Panel	Members	Subs	Terms of Reference
Grant Working Party*	7	3	Appendix A
Sustainable Development Working Party*	13	6	Appendix B

*membership is appointed with regard to the political balance – see Section 1.4 below

1.2.2 **Grant Working Party**

The role and function of the Grant Working Party has been streamlined in recent years by making more use of the electronic voting system, and in 2015, this Working Party was subject to separate review as part of the overall Grants review undertaken to develop the Families and Communities agenda.

- 1.2.3 This new approach to grant funding arrangements for implementation from 2015/2016 acknowledged the value of retaining the Grant Working Party for its views and advice on how it considers future funding should be granted. In September 2015, the Grant Working Party considered applications for funding from the Community Chest for the 2015/2016 transitional year, and again in November 2015 for the 2016/2017 year. The substantial number of recommendations, which had demanded significant consideration and discussion by the Working Party were approved in their entirety by the Cabinet (or by the Portfolio Holder for Families and Communities using his individual executive powers). Grants totalling £19,005 were approved for the 2015/2016 transitional year with £250,806 approved for the 2016/2017 year, with some organisations, subject to provisos, benefitting from the knowledge that they will receive funding for the 2017/2018 year as well. The introduction of this new approach regarding the consideration of Community Chest funding applications has therefore worked well for the transitional and first full year.
- 1.2.4 In 2016/2017 as part of the budget setting process, the RIGS fund has been extended to include the current Rural Action Plan underspend of circa £90,000. This will allow the scheme to continue for the four year period 2016-2020, by allocating an equal sum in each of those years, taking into account an underspend from the budget for 2015/2016. The fund will then cease from April 2020 and it is envisaged that Community Infrastructure Levy will be in place by then acting as the funding stream direct to town and parish councils for such projects.
- It is therefore considered that decisions on the Rural Initiative Grant Scheme (RIGS) grants will remain the responsibility of the Grant Working Party until all of the funding has been allocated.
- 1.2.5 Other than the two meetings referred to above, additional meetings would only be arranged during 2016/2017 as substantive business dictates.
- 1.2.6 It is **RECOMMENDED** that **the Grant Working Party continues to operate in accordance with its Terms of Reference, as detailed in Appendix A of Report No: CAB/SE/16/022.**

1.2.7 **Sustainable Development Working Party**

As Forest Heath District Council's (FHDC) Local Plan is not due to be adopted until August 2017, it has been recommended to FHDC's Cabinet that its Local Plan Working Group continues to operate and meetings be arranged as substantive business dictates.

1.2.8 Following adoption of the Local Plan, it will be the intention to disband both the Sustainable Development Working Party (SDWP) and FHDC's 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 C for Terms of Reference and Section 1.3.2 below).

1.2.9 It is **RECOMMENDED** that:

(a) the Sustainable Development Working Party continues to operate at the present time in accordance with its current Terms of Reference, as detailed in Appendix B to Report No: CAB/SE/16/022; and

(b) the future direction of the Sustainable Development Working Party, as outlined in Section 1.2.8 of Report No: CAB/SE/16/022, be noted.

1.3 **Current Joint Panels and Steering Group: Joint Membership with Forest Heath District Council**

1.3.1 The following Joint Panels and Steering Group have been established with Forest Heath District Council:

Joint Panels and Steering Group	Borough Council Members	Substitutes	Terms of Reference
West Suffolk Joint Growth Steering Group*	6	2	Appendix C
West Suffolk Joint Emergency Planning Panel	4	1	Appendix D
West Suffolk Joint Health and Safety Panel	3	1	Appendix E
West Suffolk Joint Staff Consultative Panel	3	2	Appendix F

*membership is appointed with regard to the political balance – see Section 1.4 below

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 1.2.8 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 the West Suffolk Joint Emergency Planning Panel, West Suffolk Joint Health and Safety Panel and West Suffolk Joint Staff Consultative Panel continue to operate to consider policy matters for recommending to Cabinet/Council for approval, in accordance with the remit of each Panel's 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 email, 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 email. 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 C, D, E and F to Report No: CAB/SE/16/022 respectively; and**

- (b) meetings of the Joint Panels set out in Section 1.3.4 of Report No: CAB/SE/16/022, continue to be scheduled as and when required but with regard to the discussion outlined in Section 1.3.5.**

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 19 May 2016. It is therefore suggested that the allocation of seats to the Working Parties/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 Parties, 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; and**

- (b) such re-appointments/appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/SE/16/022.**

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. St Edmundsbury Borough Council's membership of the Joint Committee indicated in 1.5.2 below is therefore required to comprise Cabinet Members:

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

1.5.2 Anglia Revenues and Benefits Partnership Joint Committee

On 17 September 2015, the 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 Forest Heath District 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 Forest Heath District 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) **The Apex Performance Panel:** this group was established in March 2013 to implement the findings of the two-year review. It reports to the Performance and Audit Scrutiny Committee on an annual basis and will continue to be needed for the foreseeable future. **Retain.**
- (c) **Joint Member Development Group:** This is a joint group with Forest Heath District 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/SE/16/022; and**
- (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 Borough Council as observers to the following outside bodies:

- (a) Suffolk West Citizens Advice Bureau (Bury St Edmunds):
Councillor Patrick Chung; and
- (b) Theatre Royal Board of Management: Councillor Joanna Rayner.

1.7.3 The Leader also has authority, under the terms of Memoranda of Understanding for projects, to appoint Members to sit on project groups, or equivalent. Councillor Patsy Warby represents the Cabinet on the Guildhall Project and Councillor Patrick Chung performs the same role for the Newbury Community Centre Project on this basis.

1.7.4 The Leader, or a substitute appointed by the Leader, also represents the Cabinet on the informal partnership group which examines the 'One Public Estate' programme in West Suffolk (the West Suffolk Property Board). This is an ex-officio appointment, as the partnership arrangements require the leaders of St Edmundsbury and Forest Heath to attend.

1.7.5 Cabinet is **RECOMMENDED** to re-appoint the Members stated in Section 1.7.2 above as observers to the respective outside bodies listed, and to **NOTE** the Leader or ex-officio appointments to the project or partnership groups listed in Section 1.7.3 and 1.7.4 .