

# Extraordinary Cabinet



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Norfolk and Suffolk Devolution Agreement</b>	
<b>Report No:</b>	<b>CAB/FH/16/028</b>	
<b>Report to and date:</b>	<b>Extraordinary Cabinet</b>	29 June 2016
<b>Portfolio holder:</b>	James Waters Leader of the Council <b>Tel:</b> 07771 621038 <b>Email:</b> <a href="mailto:james.waters@forest-heath.gov.uk">james.waters@forest-heath.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 29 June 2016 (Report No: COU/FH/16/012 refers) in respect of Devolution and 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 29 June 2016, Cabinet is asked to <u>ENDORSE</u> the recommendations considered by Council in respect of the Norfolk and Suffolk Devolution Agreement contained in Report No: COU/FH/16/012, as follows:</b></p> <ol style="list-style-type: none"> <li><b>1. That the Authority endorses the signing of the Norfolk and Suffolk Devolution Agreement by the Leader.</b></li> <li><b>2. That, on the basis of the Governance Review, and having regard to any impact on equalities explored in the Equalities Impact Assessment (EqIA), the Authority concludes 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></li> <li><b>3. That the Authority endorses and supports the publication of the draft Scheme for a Norfolk and Suffolk Mayoral Combined Authority as attached to this report for consultation</b></li> </ol>	

**purposes, subject to such final revisions as may be approved by the Chief Executive in consultation with the Leader, and prior to the commencement of the formal consultation exercise. Such formal consultation, on the Scheme, to commence once all Norfolk and Suffolk Councils have considered the matters in this report and, in any event, no later than the 4 July 2016. In the event that a Constituent Authority named in the attached Scheme does not agree to endorse the Deal Agreement and/or the Scheme, the Authority authorises, through its Chief Executive the relevant changes to be made to the Deal Agreement, the Scheme and the Governance Review to reflect that Authority's non-participation.**

- 4. That the outcome of the consultation exercise is submitted to the Secretary of the State by the Chief Executive, in consultation with the Leader, by early September.**
- 5. That council meets by no later than 28 October 2016 to consider giving consent to an Order establishing a Mayoral Combined Authority for Norfolk and Suffolk.**
- 6. Insofar as any of the matters referred to in this report concern the discharge of functions ancillary to the endorsing and signing of the Norfolk and Suffolk Devolution Agreement and the publication of the Scheme, authority is delegated to the Chief Executive in consultation with the Leader, to take all necessary steps and actions to progress the recommendations detailed in this report.**
- 7. Negotiations on the Deal agreement have only recently been concluded and the Review and Scheme have been subject to last minute change. In the event that additional powers are required by the Combined Authority to deliver the Deal Agreement, authority is delegated to the Chief Executive, in agreement with the other Chief Executives across Norfolk and Suffolk to make the necessary changes to the Scheme.**
- 8. That further reports are presented to the Authority as appropriate as the Devolution process develops.**

<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> <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.</p>
<p><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></p>	
<p><b>Ward(s) affected:</b></p>	<p>Not applicable</p>
<p><b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i></p>	<p><a href="#">Council Report No: COU/FH/15/029 – 16 September 2015</a></p> <p>Council Report No: COU/FH/16/012 – 29 June 2016</p>
<p><b>Documents attached:</b></p>	<p>None</p>

## **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 the Norfolk and Suffolk Devolution Agreement document in preparation for public consultation (Report No: COU/FH/16/012 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 avoid a challenge on technical grounds, the decision to endorse the Norfolk and Suffolk Devolution Agreement document and approve the Scheme for publication needs be taken by the Cabinet because it is technically an Executive decision.
- 1.4 For that reason, subject to their approval by Council on 29 June 2016, Cabinet is asked to endorse the recommendations considered by Council, as contained in Report No: COU/FH/16/012, as reproduced on pages 1 and 2 of this report.