

# 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/16/051</b>	
<b>Report to and date:</b>	<b>Extraordinary Cabinet</b>	22 November 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 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.	
<b>Recommendations:</b>	<p><b>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:</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/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.</b></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>	<p>Council: 16 September 2015  <a href="#">Report No: COU/FH/15/029</a> &amp;  <a href="#">Appendix A</a></p> <p>Council: 29 June 2016  <a href="#">Report No: COU/FH/16/012</a> &amp;  <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></p>
<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/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.