

Extraordinary Cabinet



Forest Heath
District Council

Title of Report:	Review and Appointment of the Cabinet's Working Group, Joint Panels and Other Groups	
Report No:	CAB/FH/18/005	
Report to and date:	Extraordinary Cabinet	9 January 2018
Portfolio holder:	Councillor James Waters Leader of the Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
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Purpose of report:	<p>As the Cabinet's Local Plan Working Group and presently, the West Suffolk Joint Growth Steering Group, are constituted with having regard to the political balance of the Council, the Cabinet is requested to review the membership and Terms of Reference of its Working Group, Joint Panels and other Groups as a result of recent changes to the political composition of the Council.</p> <p>This has also provided an opportunity to review and propose amendments to the Terms of Reference (ToR) for the existing West Suffolk Joint Growth Steering Group and Future Governance Steering Group.</p> <p>The existing Terms of Reference (ToR) for each body, and any amendments proposed to them, as appropriate, 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>	

<p>Recommendations:</p>	<p>It is <u>RECOMMENDED</u> that:</p> <ul style="list-style-type: none"> (1) The Local Plan Working Group continues to operate in accordance with its Terms of Reference, as detailed in Appendix A of Report No: CAB/FH/18/005. (2) The existing West Suffolk Joint Growth Steering Group be disbanded and replaced by the Growth and Innovation Group, in accordance with the new Terms of Reference contained in Appendix B. (3) The Future Governance Steering Group continues to operate, in accordance with the amended Terms of Reference contained in Appendix C. (4) <ul style="list-style-type: none"> (a) The 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 D and E respectively; and (b) periodical meetings of the Joint Panels continue to be scheduled as and when required but with regard to the discussion outlined in Section 1.3.16. (5) <ul style="list-style-type: none"> (a) The Cabinet's existing informal Working Group be retained as indicated in Section 1.4.2; 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 the remainder of 2017/2018. (6) <ul style="list-style-type: none"> (a) Forest Heath District Council's membership (including substitutes) of the Local Plan Working Group, Future Governance Steering Group, West Suffolk Joint Health and Safety Panel, West Suffolk Joint Staff Consultative Panel and Joint Member Development Group, as set out in Table 1 of Appendices A, C, D, E and F respectively, be re-appointed for the remainder of 2017/2018;
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	<p>(b) should any future changes to membership of the bodies listed in (6)(a) above be required in the remainder of 2017/2018, the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to appoint on the nominations of Group Leaders; and</p> <p>(c) such appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/FH/18/005.</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>	
Consultation:	<ul style="list-style-type: none"> • Consultation has been undertaken with the Portfolio Holder and other Cabinet Members.
Alternative option(s):	<ul style="list-style-type: none"> • Not to undertake a review; however, given the recent changes to the political composition of the Council and identifying an opportunity to review and amend the existing Terms of Reference for two of its joint steering groups to further accord with the Council's strategic priorities and future direction, it is considered appropriate to undertake an interim review at this time.
Implications:	
<p>Are there any financial implications? If yes, please give details</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 be borne from existing budgets.
<p>Are there any staffing implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Are there any ICT implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Are there any legal and/or policy implications? If yes, please give details</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
<p>Are there any equality implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

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 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 a 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>		West Suffolk Joint Steering Group: 9 October 2017 – Report No: JGG/JT/17/005 Proposed draft Terms of Reference for Growth and Innovation Group. Cabinet: 30 May 2017 - Report No: CAB/FH/17/026 The Future of Local Government in West Suffolk.	
Documents attached:		Terms of Reference and Membership: <ul style="list-style-type: none"> • Appendix A – Local Plan Working Group • Appendix B– West Suffolk Joint Growth Steering Group (Proposed New – to replace existing) • Appendix C – Future Governance Steering Group (Proposed Amended) • Appendix D – West Suffolk Joint Health and Safety Panel • Appendix E – West Suffolk Joint Staff Consultative Panel • Appendix F – Joint Member Development Group 	

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
- Local Plan Working Group
- West Suffolk Joint Growth Steering Group
- Future Governance Steering Group
- West Suffolk Joint Health and Safety Panel
- West Suffolk Joint Staff Consultative Panel
- Other informal working groups, as detailed in Section 1.4 below

- 1.1.4 The Cabinet is requested to review the membership and the terms of reference for its Working Group, Joint Panels and other Groups for the interim period to May 2018 as set out below. No interim review however, is required to the membership or appointment to the Anglia Revenues and Benefits Partnership Joint Committee at this time (see 1.1.3 (a) above).

1.2 Current Working Parties and Panels: District Council Membership only

- 1.2.1 The following Cabinet Working Group currently operates in accordance with the Appendix attached as indicated in the table below:

FHDC Working Group	Members	Terms of Reference and Membership
Local Plan Working Group*	9	Appendix A

*membership is appointed with regard to the political balance – see Section 1.5 below

1.2.2 **Local Plan Working Group**

1.2.3 As the Council's Local Plan is not due to be adopted until early 2018, it is recommended that the Local Plan Working Group continues to remain in operation and meetings be arranged, if and when, substantive business dictates. Following adoption of the Council's Local Plan, it would then be the intention for the Working Group to be disbanded, as its primary purpose would no longer be required.

1.2.4 It is **RECOMMENDED** that **the Local Plan Working Group continues to operate in accordance with its Terms of Reference, as detailed in Appendix A of Report No: CAB/FH/18/005.**

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

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

Joint Panels and Steering Group	District Council Members	Substitutes	Terms of Reference and Membership
West Suffolk Joint Growth Steering Group*	6	2	Appendix B
Future Governance Steering Group	3	1	Appendix C
West Suffolk Joint Health and Safety Panel	3	1	Appendix D
West Suffolk Joint Staff Consultative Panel	3	2	Appendix E

*membership is currently appointed with regard to the political balance – see Section 1.5 below; however this is proposed to be changed.

1.3.2 **West Suffolk Joint Growth Steering Group/Growth and Innovation Group**

On 9 October 2017, the West Suffolk Joint Growth Steering Group (WSJGSG) considered new proposed draft Terms of Reference, which would see the Group evolve into a 'Growth and Innovation Group'. The prime purpose of this Group is to develop and push thinking by considering other best practice and using personal insights to inform debate on issues relating to the Councils' Growth agenda. It is not a decision making body nor a duplicate of Cabinet decision making. The Group will, through debate and discussion, inform Portfolio Holders' recommendations to Cabinet on strategy and policy, thus according more suitably to the revised Strategic Priorities contained in the newly adopted West Suffolk Strategic Plan [Council – 20 December 2017] and the emerging West Suffolk Growth Investment Strategy [Council – 21 February 2018].

- 1.3.3 There is no defined membership of the Growth and Innovation Group, therefore, there would no longer be a requirement for the Group to have regard to the political balance of the Council. Agenda topics will be given to all members, who may attend wherever the subject matter is of interest to them.
- 1.3.4 As is the case with the WSJGSG, the new Growth and Innovation Group would not be a decision making body. However unlike the WSJGSG, meetings would not be open to the public. Where appropriate, Officers and the Portfolio Holders may however, request that other stakeholders attend meetings. Issues under consideration will obviously become public when they reach a formal decision-making stage and be subject to all the normal transparency and scrutiny roles in the Constitution at this point.
- 1.3.5 Some aspects of the new Group's work may require the formation of sub-groups to assess detailed proposals with their own separate ToR.

In certain circumstances, such as when development plan documents require consideration that may inform the development of a new West Suffolk Local Plan, it may be more appropriate for such a sub-group to be constituted by the Cabinet and operate in a traditional committee format, with nominated Members, a Chairman, voting arrangements and operate to the Council's standard rules of debate.

- 1.3.6 In relation to the development of a new West Suffolk Local Plan, it should be noted that further discussions will be held with Portfolio Holders and Cabinet in early 2018 regarding engaging Members with the detail of its development.
- 1.3.7 The existing and proposed new Terms of Reference are shown in Appendix B attached. Membership is not listed as the proposal is not to define membership or have regard to the political balance.
- 1.3.8 It is **RECOMMENDED** that **the existing West Suffolk Joint Growth Steering Group be disbanded and replaced by the Growth and Innovation Group, in accordance with the new Terms of Reference contained in Appendix B.**

1.3.9 **Future Governance Steering Group**

On 30 May 2017, both Forest Heath District and St Edmundsbury Borough Councils' Cabinets approved the establishment and ToR for the Future Governance Steering Group (Report No: [CAB/FH/17/026](#)) refers. Its principal remit was to assess the technical requirements involved in moving forward the proposals for the creation of a single council for West Suffolk, the business case for which was approved by both Forest Heath and St Edmundsbury Councils in September 2017.

- 1.3.10 It has been established that the FGSG has functioned extremely well since its inception and has undertaken the requirements and responsibilities set out in its original ToR to the letter.
- 1.3.11 As matters for creating a single council for West Suffolk are progressing rapidly with a view to the new Council being formed from April 2019, the role and remit of the FGSG needs to evolve to enable it to consider a wider

range of technical issues to ensure the appropriate governance is in place for the new Council.

- 1.3.12 The proposed amended Terms of Reference, as indicated using tracked changes, and its current membership, are shown in Appendix C attached.
- 1.3.13 It is **RECOMMENDED** that **the Future Governance Steering Group continues to operate, in accordance with the amended Terms of Reference contained in Appendix C.**
- 1.3.14 **West Suffolk Joint Health and Safety Panel and West Suffolk Joint Staff Consultative Panel**
- 1.3.15 It is suggested that the 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.
- 1.3.16 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 previous years; however the importance of maintaining positive face-to-face engagement between employer (council) and employee (staff) representatives on both of these Panels is recognised.
- 1.3.17 It is therefore suggested that this arrangement continues to operate for the remainder of the 2017/2018. 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.
- 1.3.18 It is **RECOMMENDED** that:
 - (1) **the 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 D and E respectively; and**
 - (2) **periodical meetings of the Joint Panels continue to be scheduled as and when required but with regard to the discussion outlined in Section 1.3.16.**

1.4 **Other Informal Working Groups**

- 1.4.1 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.
- 1.4.2 In relation to the groups currently operating, the situation for the remainder

of 2017/2018 is as follows:

- (a) **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 2017/2018 and has recently considered the findings of review undertaken by the Overview and Scrutiny Committee on implementing an effective member development programme, which included exploring alternative means of delivery to encourage greater engagement. **Retain.** ToR and membership contained in Table 1 of Appendix F.

1.4.3 It is **RECOMMENDED** that:

- (1) the Cabinet's existing informal Working Group be retained as indicated in Section 1.4.2; and**
- (2) 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 the remainder of 2017/2018.**

1.5 **Political Balance and Appointment of Membership**

- 1.5.1 The formula for the allocation of seats to the political groups of the Council was last approved by Council at an extraordinary meeting on 18 October 2017. It is therefore suggested that the allocation of seats to the Local Plan Working Group, which has historically been calculated with regard to the political balance be considered and membership to be re-appointed/appointed in accordance with Table 1 set out in Appendix A.
- 1.5.2 Although not required to have regard to the political balance, Table 1 contained in Appendices C to F include the existing membership of each of these Joint Panels/Steering Group (Appendix B does not as it is proposed that the new Growth and Innovation Group does not have defined membership). It is proposed that the membership for each of these Panels/Groups be re-appointed/appointed as applicable.
- 1.5.3 Any future changes to membership of the Working Party/Joint Panels/Steering Group, are suggested to be made under existing delegation, as reflected in the following recommendation.
- 1.5.4 It is **RECOMMENDED** that:

- (1) Forest Heath District Council's membership (including substitutes) of the Local Plan Working Group, Future Governance Steering Group, West Suffolk Joint Health and Safety Panel, West Suffolk Joint Staff Consultative Panel and Joint Member Development Group, as set out in Table 1 of Appendices A, C, D, E and F respectively, be re-appointed for the remainder of 2017/2018;**
- (2) should any future changes to membership of the bodies listed in (1) above be required in the remainder of 2017/2018, the Service Manager (Democratic Services) be requested to**

exercise their existing delegated authority to appoint on the nominations of Group Leaders; and

- (3) such appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/FH/18/005.**