

# Annual Council



Forest Heath  
District Council

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| <b>Title of Report:</b>   | <b>Proposals to form a Joint Executive (Cabinet) Committee</b>   |             |
| <b>Report No:</b>   | <b>AGM/FH/18/002</b>   |             |
| <b>Report to and dates:</b>   | <b>Forest Heath District Council: Annual Council</b>   | 9 May 2018  |
|   | <b>St Edmundsbury Borough Council: Annual Council</b>  | 17 May 2018 |
| <b>Portfolio holder:</b>  | Councillor Stephen Edwards<br>Portfolio Holder for Resources and Performance<br><b>Tel:</b> 01799 530325<br><b>Email:</b> <a href="mailto:Stephen.edwards@forest-heath.gov.uk">Stephen.edwards@forest-heath.gov.uk</a>               |             |
| <b>Lead officer:</b>  | Leah Mickleborough<br>Monitoring Officer<br><b>Tel:</b> 01284 757162<br><b>Email:</b> <a href="mailto:leah.mickleborough@westsuffolk.gov.uk">leah.mickleborough@westsuffolk.gov.uk</a>   |             |
| <b>Purpose of report:</b>   | This report outlines proposals to form a Joint Executive (Cabinet) Committee, and, following consideration by the Joint Constitution Review Group, requests the Council to approve the consequential amendments to the Constitution. |             |
| <b>Recommendation:</b>  | <b>It is <u>RECOMMENDED</u> that Council approves the constitutional amendments in Appendix A to Report No: AGM/FH/18/002.</b>   |             |
| <b>Key Decision:</b><br><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i> | <i>Is this a Key Decision and, if so, under which definition?</i><br>Yes, it is a Key Decision - <input type="checkbox"/><br>No, it is not a Key Decision - <input checked="" type="checkbox"/>                                      |             |
| <b>Consultation:</b>  | The constitutional amendments have been considered by the Joint Constitution Review Group  |             |
| <b>Alternative option(s):</b>   | To maintain the current working arrangements for Cabinet   |             |

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| <b>Implications:</b>   |   |   |                                       |
| Are there any <b>financial</b> implications?<br><i>If yes, please give details</i>                                 |   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |                                       |
| Are there any <b>staffing</b> implications?<br><i>If yes, please give details</i>                                  |   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |                                       |
| Are there any <b>ICT</b> implications? <i>If yes, please give details</i>  |   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |                                       |
| Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>                          |   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |                                       |
| Are there any <b>equality</b> implications?<br><i>If yes, please give details</i>                                  |   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |                                       |
| <b>Risk/opportunity assessment:</b>  |   | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>                                |                                       |
| <b>Risk area</b>   | <b>Inherent level of risk</b> (before controls) | <b>Controls</b>   | <b>Residual risk</b> (after controls) |
| Unclear arrangements lead to inconsistent or ineffective decision making   | Low   | The proposals in this report, if agreed, will provide clarity on how executive arrangements operate under the joint executive | Low                                   |
| <b>Ward(s) affected:</b>   |   | n/a   |                                       |
| <b>Background papers:</b><br><i>(all background papers are to be published on the website and a link included)</i> |   | n/a   |                                       |
| <b>Documents attached:</b>   |   | <b>Appendix A:</b> Proposed amendments to the Constitution  |                                       |

## **1. Key issues and reasons for recommendation(s)**

- 1.1 The Local Government Act 2000 outlines how executive (cabinet) functions are performed in a leader / executive model. This allows for functions to be performed by the Leader, or they may delegate them to Portfolio Holders, the Cabinet, an area or Joint Committee, or Officers.
- 1.2 Any delegations to a joint committee must operate in line with the Local Authorities (Arrangements for the Discharge of Functions) (Regulations) 2012.
- 1.3 Members who have attended the current Joint Informal Cabinet meeting will have noted these meetings can be confusing, with joint debates followed by individual Cabinet meetings who each vote on the agenda items (many of which are joint items). Recognising this, alongside the progress achieved towards forming a single Council from April 2019, the Leaders have confirmed it is their intention to form a Joint (Executive) Cabinet Committee to make decisions that are currently made by their individual Cabinet meetings. The Joint Cabinet Committee would consist of all Forest Heath and St Edmundsbury Cabinet members.
- 1.4 The Leaders, and their portfolio holders, will still have responsibility for their individual designated areas (within Forest Heath and St Edmundsbury areas), and be able to make decisions in line with the rules for portfolio holder decision making. As is current practice with joint meetings, the Joint Cabinet meeting will be chaired by the Leader at whose Council offices the meeting is being held.
- 1.5 Whilst it is within the gift of the Leaders to form such a Committee, the necessary constitutional amendments require Council approval. At Appendix A, we have included proposed revisions to the Constitution.
- 1.6 In practice, many of the amendments are straightforward. Importantly, the proposals maintain the ability of either Council to still have its own individual Cabinet meeting if it wished.

## **2. Decision Making**

- 2.1 Given this proposal, it is also considered sensible to re-assess the key decision making thresholds, which have not been revised for some significant time. As the two Cabinet meetings are coming together, it is proposed to increase the threshold to £100k from the current £50k level as a way of not diluting the current key decision thresholds. Decisions below the £100k level would be made by officers or portfolio holders, but would still be referred to Cabinet where it is considered they have a significant impact on the local areas or officers / portfolio holders do not wish to exercise their delegation.

## **3. Impact on Overview and Scrutiny**

- 3.1 It is fully intended that the Overview and Scrutiny and Performance and Audit Scrutiny Chairs would still have the right to attend Joint Cabinet meetings and report the activities of their Committee. The Overview and

Scrutiny Committees would receive the Joint Cabinet Decisions Plan to consider.

- 3.2 However, the current overview and scrutiny work programmes have some significant differences, and thus it is not considered appropriate to form a joint committee at present. The proposals make clear that should the committees wish to operate jointly to scrutinise cabinet decisions, they have the constitutional ability to do so.
- 3.3 The Performance and Audit Scrutiny Committee already works jointly together as a matter of course and as such it is also not considered necessary to revise their terms.

#### **4. Link to Shadow Council**

- 4.1 It is expected both Cabinets will seek appointment to the Shadow Executive. The Shadow Executive meetings would either take place in the weeks between Joint Cabinet meetings, or directly after Cabinet. Whilst it is feasible for the Shadow Executive to be combined into a Joint Cabinet Committee, it is proposed these should be kept formally apart to ensure clarity between existing cabinet functions and future cabinet functions, albeit options to effectively integrate the meetings will be considered. This will be kept under review to assess whether it may be preferable to join the meetings together, if the current proposals are adopted.

#### **5. Joint Constitution Review Group**

- 5.1 The Joint Constitution Review Group have reviewed the proposals within this report and are satisfied with the constitutional amendments. They particularly noted the importance of ensuring the Scrutiny functions had access to the Joint Cabinet meetings.