

(Informal Joint) Cabinet



Forest Heath
District Council

Title of Report:	Annual Review and Appointment of the Cabinet's Working Group, Joint Committees/Panels and Other Groups	
Report No:	CAB/FH/18/032	
Report to and date:	FHDC/SEBC (Informal Joint) Cabinets	22 May 2018
Portfolio holder:	Councillor James Waters Leader of the Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officers:	Leah Mickleborough Service Manager (Democratic Services) / Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	<p>The Cabinet is requested to review the membership and Terms of Reference of its Working Group, Joint Committees/Panels and other Groups for the year 2018/2019.</p> <p>The existing Terms of Reference (ToR) for each body are contained in Appendices A to E inclusive.</p> <p>Recommendations are contained within appropriate Sections of this report and further summarised in the recommendations listed below.</p>	
Recommendation:	It is <u>RECOMMENDED</u>: <u>Current Cabinet Working Group: Forest Heath District Council Membership only</u> (1) That: (a) The Local Plan Working Group continues to operate at the present time in accordance with its current Terms of Reference, as detailed in Appendix A to Report No: CAB/FH/18/032.	

- (b) The future direction of the Local Plan Working Group, as outlined in Section 1.2.2 of Report No: CAB/FH/18/032, be noted.

Current Joint Panels and Steering Group: Joint Membership with St Edmundsbury Borough Council

- (2) That the Growth and Innovation Group continues to operate in accordance with its amended Terms of Reference contained in Appendix B to Report No: CAB/FH/18/032.
- (3) The Future Governance Steering Group continues to operate in accordance with its current Terms of Reference contained in Appendix C.
- (4) That:
- (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 to Report No: CAB/FH/18/032 respectively.
- (b) Periodical meetings of the Joint Panels continue to be scheduled as and when required, but with regard to the discussion outlined in Section 1.3.18.

Joint Committees: Anglia Revenues and Benefits Partnership Joint Committee

- (5) That:
- (a) The Portfolio Holder for Resources and Performance be re-appointed as the full Member and the Portfolio Holder for Operations and the Leader of the Council be re-appointed as the two substitute Members to the Anglia Revenues and Benefits Partnership Joint Committee for 2018/2019.
- (b) The proposal to establish and appoint to a Joint Executive (Cabinet) Committee for consideration by Council at its Annual Meeting on 9 May 2018, be noted.
- (c) Should any future changes to membership of the bodies listed in (a) and (b) above be required during

2018/2019, the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to appoint on the nomination of the Leader of the Council.

Other Informal Working Groups

(6) That:

(a) The Cabinet's existing informal Working Groups be retained as indicated in Section 1.6.2 of Report No: CAB/FH/18/032.

(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 2018/2019.

Joint Committees/Panels

(7) That:

(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, as set out in Table 1 of Appendices A, C, D and E respectively, be re-appointed for 2018/2019.

(b) Should any future changes to membership of the bodies listed in (1) above be required in the remainder of 2018/2019, the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to appoint on the nominations of Group Leaders.

(c) Such appointments be made on the basis of political balance requirements, where applicable and identified in Report No CAB/FH/18/032.

Political Balance and Appointment of Membership

(8) That:

(a) Forest Heath District Council's membership (including substitutes) of the Local Plan Working Group, Future Governance Steering Group, West

	<p>Suffolk Joint Health and Safety Panel and the West Suffolk Joint Staff Consultative Panel, as set out in Table 1 of Appendices A, C, D and E respectively, be re-appointed for 2018/2019.</p> <p>(b) Should any future changes to membership of the bodies listed in (a) above be required for the remainder of 2018/2019, the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to appoint on the nominations of Group Leaders.</p> <p>(c) Such appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/FH/18/032.</p> <p><u>Re-appointment of Representatives to Outside Bodies</u></p> <p>(8) The Members stated in Section 1.7.2 of Report No: CAB/FH/18/032 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.</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 Holders and other Cabinet Members.
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • Not to undertake a review. However it is considered sensible to review the purpose and remit of the Cabinet's Working Groups, Joint Committees/Panels and other Groups to ensure that they remain productive and in line with the Council's strategic priorities.

Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <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. 	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Sections 1.1.1 and 1.1.2 below 	
Are there any equality implications? <i>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 a 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 eg 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>		<p>Extraordinary (Informal Joint) Cabinet: 30 May 2017 Report No: CAB/FH/17/026 – The Future of Local Government in West Suffolk</p> <p>Extraordinary (Informal Joint) Cabinet: 9 January 2018 Report No: CAB/FH/18/005</p>	

	Annual Council: 9 May 2018 Report No: AGM/FH/18/002
Documents attached:	Terms of Reference: <ul style="list-style-type: none">• Appendix A: Local Plan Working Group• Appendix B: Growth and Innovation Group• Appendix C: Future Governance Steering Group• Appendix D: West Suffolk Joint Health and Safety Panel• Appendix E: West Suffolk Joint Staff Consultative Panel

1. Key issues and reasons for recommendation(s)

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 St Edmundsbury Borough Council...."

1.1.3 The following Working Group, Joint Committees/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
- Joint Executive (Cabinet) Committee

(b) Report to the Cabinet

- Local Plan Working Group
- Growth and Innovation 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 1.5 below)

1.1.4 The Cabinet is requested to review the membership and the terms of reference for its Working Group, Joint Committees/Panels and other Groups for the year 2018/2019 as set out below.

1.2 Current Cabinet Working Group: District Council Membership only

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

FHDC Working Group	Members	Terms of Reference and Membership
Local Plan Working Group <i>(Membership appointed with regard to the political balance as set out in Section 1.6 below)</i>	9	Appendix A

1.2.2 As the Council's Local Plan is due for adoption in 2018, it is recommended that the Local Plan Working Group (LPWG) continues to remain in operation and meetings be arranged, if and when, substantive business dictates. Following adoption of the 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:

(a) The Local Plan Working Group continues to operate at the present time in accordance with its current Terms of Reference, as detailed in Appendix A to Report No: CAB/FH/18/032.

(b) The future direction of the Local Plan Working Group, as outlined in Section 1.2.2, be noted.

1.3 **Current Joint Panels and Steering Group: Joint Membership with St Edmundsbury Borough Council**

1.3.1 The following Joint Panels and Steering Group have been established with St Edmundsbury Borough Council. It should be noted that none of the following Panels/Groups' meetings are open to the public:

Joint Panels and Steering Group	District Council Members	Substitutes	Terms of Reference
Growth and Innovation Group	None defined	None defined	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

1.3.2 **Growth and Innovation Group**

On 9 January 2018, the Cabinet approved new proposed draft Terms of Reference for a new joint 'Growth and Innovation Group', which had evolved from the former West Suffolk Joint Growth Steering Group (WSJGSG). 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 West Suffolk 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 new adopted West Suffolk Strategic Framework 2018-2020 (Council: 20 December 2017) and the 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 is no 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 was the case with the former WSJGSG, the relatively new Growth and Innovation Group is not a decision making body. However, unlike the WSJGSG, meetings are not to 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 rules 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 later in 2018 regarding engaging Members with the detail of its development.
- 1.3.7 The Terms of Reference are shown in Appendix B attached. Membership is not listed as there is no defined membership and no regard to the political balance.
- 1.3.8 As the Group is in the early stages of its inception, it has not yet met in its present form. However, a first meeting, including an insightful visit to a self and custom build development in a neighbouring district, will be held in Summer 2018.
- 1.3.9 It is **RECOMMENDED** that the Growth and Innovation Group continues to operate in accordance with its current Terms of Reference as detailed in Appendix B to Report No: CAB/FH/18/032.
- 1.3.10 **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 as approved by both Forest Heath and St Edmundsbury Councils in September 2017.

- 1.3.11 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.
- 1.3.12 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 has evolved to enable it to consider a wider range of technical issues to ensure the appropriate governance is in place for the new Council.
- 1.3.13 To facilitate this, on 9 January 2018, the FGSG's Terms of Reference were amended and approved and these and its current membership, are shown in Appendix C attached. Now it has a much wider remit, the workload for this informal Group is expected to increase considerably during the single Council transition period. Whilst non-decision making, the Group has an important role in working through the technical requirements of creating the single council. Meetings have therefore been arranged to reflect this increase in workload accordingly.
- 1.3.14 Similarly with the Growth and Innovation Group, whilst meetings of this Group are not open to the public, issues under consideration will be published 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.
- 1.3.15 It is **RECOMMENDED** that **the Future Governance Steering Group continues to operate in accordance with its current Terms of Reference contained in Appendix C.**
- 1.3.16 **West Suffolk Joint Health and Safety Panel and West Suffolk Joint Staff Consultative Panel**
- 1.3.17 It is suggested that the West Suffolk Joint Health and Safety Panel and the 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.
- 1.3.18 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 e-mail, 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.

1.3.19 It is therefore suggested that this arrangement continues to operate for 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.

1.3.20 It is **RECOMMENDED** that:

(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.

(b) Periodical meetings of the Joint Panels continue to be scheduled as and when required, but with regard to the discussion outlined in Section 1.3.18.

1.4 **Joint Committees**

1.4.1 To comply with the Constitution, the Council's Joint Committees exercise executive functions on behalf of the Cabinet. Forest Heath District Council's membership of the Joint Committees indicated in Section 1.4.2 below is therefore required to comprise Cabinet Members:

Joint Committee	FHDC Full Members	FHDC Substitutes
Anglia Revenues and Benefits Partnership Joint Committee	1	2
Joint Executive (Cabinet) Committee	7	0

1.4.2 **Anglia Revenues and Benefits Partnership Joint Committee**

Following agreement in December 2015 by 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), the Anglia Revenues and Benefits Partnership Joint Committee now comprises one Member and two Substitutes appointed from each of the partner Councils represented, with the option for one of the Substitutes to attend and take part in debate (but not vote).

1.4.3 This has since had a positive impact on the functionality of the Joint Committee.

1.4.4 **Joint Executive (Cabinet) Committee**

At the Annual Meeting of Council on 9 May 2018, Council considered and approved a proposal to establish a Joint Executive Committee to comprise all current Members of Forest Heath District Council's (FHDC) and St Edmundsbury Borough Council (SEBC) Cabinets and will have executive decision making powers.

- 1.4.5 Report No: AGM/FH/18/002 explains that Members who have attended current FHDC/SEBC (Informal Joint) Cabinet meetings 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 had confirmed it was their intention to form a Joint Executive (Cabinet Committee) to make decisions that are currently made by their individual Cabinet meetings.
- 1.4.6 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.
- 1.4.7 Whilst it is within the gift of the Leaders to form such a joint committee, the necessary constitutional amendments require Council approval and these are contained in Appendix A to Report No: AGM/FH/18/002. 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.
- 1.4.8 Given this proposal, it is also considered sensible to re-assess the key decision making thresholds, which have not been revised from some significant time. As the two Cabinet meetings are coming together, Council considered a proposal to increase the threshold to £100,000 from the current £50,000 level as a way of not diluting the current key decision thresholds. Decisions below the £100,000 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.
- 1.4.9 As consideration of and the appointment to this Joint Executive (Cabinet) Committee has already been made by Annual Council on 9 May 2018, no decision is required by the Cabinet at this time. It should also be noted, that as this proposal will not be considered by the SEBC Council until 17 May 2018, it will not become effective until June 2018.
- 1.4.10 It is **RECOMMENDED** that:
- (a) The Portfolio Holder for Resources and Performance be re-appointed as the full Member and the Portfolio Holder for Operations and the Leader of the Council be re-appointed as the two substitute Members to the Anglia Revenues and Benefits Partnership Joint Committee for 2018/2019.**
 - (b) The proposal to establish and appoint to a Joint Executive (Cabinet) Committee for consideration by Council at its Annual Meeting on 9 May 2018, be noted.**
 - (c) Should any future changes to membership of the bodies listed in (a) and (b) above be required during 2018/2019, the Service Manager (Democratic Services) be requested to exercise their**

existing delegated authority to appoint on the nomination of the Leader of the Council.

1.5. **Other Informal Working Groups**

1.5.1 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 St Edmundsbury Borough 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.

1.5.2 In relation to the groups currently operating, the situation for 2018/2019 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 the 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.**

1.5.3 It is **RECOMMENDED** that:

- (a) **The Cabinet's existing informal Working Group be retained as indicated in Section 1.5.2.**
- (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 2018/2019.**

1.6 **Political Balance and Appointment of Membership**

1.6.1 The formula for the allocation of seats to the political groups of the Council was considered and approved at its Annual Meeting on 9 May 2018. Therefore the allocation of seats to the Local Plan Working Group has been calculated with regard to the political balance and that membership be re-appointed in accordance with Table 1 set out in Appendix A.

1.6.2 Although not required to have regard to the political balance, Table 1 contained in Appendices C to E to 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.

1.6.3 Any future changes to membership of the Working Group/Joint Committees/Joint Panels/Steering Group, are suggested to be made under existing delegation, as reflected in the following recommendation.

1.6.4 It is **RECOMMENDED** that:

(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 and the West Suffolk Joint Staff Consultative Panel, as set out in Table 1 of Appendices A, C, D and E respectively, be re-appointed for 2018/2019.

(b) Should any future changes to membership of the bodies listed in (a) above be required for the remainder of 2018/2019, the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to appoint on the nominations of Group Leaders.

(c) Such appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/FH/18/032.

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 District Council as 'Observers' to the following outside bodies:

- (a) Home of Horseracing Trust: Councillor Andy Drummond (*supported by Councillor Chris Barker*)
- (b) National Horseracing Museum: Councillor Andy Drummond (*supported by Councillor Chris Barker*)

1.7.3 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 Borough Council and Forest Heath District Council to attend.

- 1.7.4 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**.