

Shadow Council

Title of Report:	Council Arrangements for 1 April to 6 May 2019	
Report No:	COU/SA/19/009	
Report to and date:	Shadow Council	19 February 2019
Shadow Executive (Cabinet) Members:	James Waters Leader of the Shadow Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	John Griffiths Deputy Leader of the Shadow Council Tel: 07958 700434 Email: john.griffiths@stedsbc.gov.uk
Lead officer:	Leah Mickleborough Service Manager (Democratic Services) and Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	<p>On 1 April 2019, the new West Suffolk Council will come into being, with the new Constitution, as agreed by Council (subject to approval at this meeting), having effect.</p> <p>This paper proposes arrangements to ensure there is minimum disruption to the Council's decision making arrangements in the short period of time between the new Council coming into being, and the May elections.</p>	
Recommendations:	<p>It is <u>RECOMMENDED</u> that Shadow Council:</p> <p>(1) approves the allocation of seats to committees, as listed in Appendix 1 to Report No: COU/SA/19/009;</p> <p>(2) agrees that during the period 1 April to 6 May 2019, any references in the West Suffolk Council Constitution to the Chair of Overview and Scrutiny should be the "Chairs of the former Forest Heath and St Edmundsbury Overview and Scrutiny Committees";</p> <p style="text-align: right;"><i>Continued over....</i></p>	

	<p>(3) agrees that during the period 1 April to 6 May 2019, any references to the constitution of the Delegation Panel in the West Suffolk Council Constitution should be the "Chairs and Vice-Chairs of the former Forest Heath and St Edmundsbury Development Control Committees". One Member of each former Council must be present for the Delegation Panel to be quorate;</p> <p>(4) agrees that Councillor Margaret Marks and Councillor Brian Harvey should act as civic representatives of West Suffolk Council during the period 1 April to 22 May 2019; and</p> <p>(5) agrees the approach to representation on outside bodies, as set out in paragraphs 5.5 and 5.6 of Report No: COU/SA/19/009, during the period 1 April to 22 May 2019.</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>Consultation:</p>	<ul style="list-style-type: none"> • None
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • None proposed
<p>Implications:</p>	
<p>Are there any financial implications? <i>If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any staffing implications? <i>If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any ICT implications? <i>If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any legal and/or policy implications? <i>If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • This paper has been developed in line with relevant legislation, most notably the Local Government Act 1972 and the Local Government and Housing Act 1989
<p>Are there any equality implications? <i>If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •

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)
Failure to agree the proposals in this report could lead to potential confusion regarding committee appointments, and reputational damage to the Council as a result	Low	The proposals in the report ensure that there is clarity on appointments and roles during the period from 1 April until 6 May.	Low/Medium/ High*
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix 1 - Allocation of seats to Committees	

1. Appointments to Committees

- 1.1 The period 1 April to 6 May 2019 potentially creates a confusing time for Committee appointments. The new West Suffolk Council Constitution will come into effect, meaning that there will only be one Development Control Committee, one Overview and Scrutiny Committee and so on. All existing committee appointments effectively cease (albeit the roles of Chair, Deputy Chair, Leader, Deputy Leader and Executive posts continue).
- 1.2 We have planned on the basis that there will be limited demand for Committees during this period of time. We will be entering the pre-election period, where we should not undertake activities that are potentially controversial unless there is a need to do so, and have also brought forward the Development Control Committees from the first week of April to the last week of March 2019.
- 1.3 We have adopted the approach of ensuring that there are arrangements in place in case we need to hold a meeting, and recommend some specific appointments that are required in order to support decision making, in the simplest way possible to avoid any confusion during this time.
- 1.4 In that regard, at Appendix 1, there is a proposed list of appointments to Committees which has been subject to consultation with group leaders. This list is compiled based on those committees that should be, by law, politically balanced, and where possible, has also tried to balance these requirements whilst respecting previous places on committees held by members. The rules for calculating the appointments are established in the Committees and Political Group Regulations 1990 and as Monitoring Officer, I am satisfied that the proposals meet the terms of the Regulations as far as it is practicable to do so.
- 1.5 Should it be necessary to call a meeting of any of these Committees, then group leaders will be approached to nominate Members to sit on the relevant committee meeting.

2. Chair of Overview and Scrutiny Committee

- 2.1 The Constitution requires that that Chair of the Overview and Scrutiny Committee is consulted with regards to certain decisions that the Council may make; it is possible that such decisions arise during the period 1 April to 6 May 2019 and so we need to make arrangements for this period. These are executive decisions, and as the Cabinets already work together, both current Chairs of Overview and Scrutiny Committees are consulted on such decisions.
- 2.2 It is therefore proposed that during the period of 1 April to 6 May 2019, any references in the Constitution to the Chair of the Overview and Scrutiny Committee should refer to the "Chairs of the former Forest Heath and St Edmundsbury Overview and Scrutiny Committees" and any reference to an item that requires the consent of, or consultation with the Chair of the Overview and Scrutiny Committee should require consent of, or consultation with both Chairs.

- 2.4 There is no need to put in similar arrangements with respect the Performance and Audit Scrutiny Committee Chairs, as they are not subject to the same consultation requirements.

3. Delegation Panel

- 3.1 In a similar manner, the Delegation Panel is consulted on certain planning applications to determine whether they should be referred to Committee, or determined by officers. It is important arrangements are made for this panel to continue to meet during April 2019, to avoid applicants having to wait longer than necessary to understand how their application will be determined.
- 3.2 The Delegation Panel currently comprises the Chair, and Vice-Chair(s) of the Development Control Committee. It is suggested that during the period 1 April to 6 May 2019, the Delegation Panel should instead comprise the former Forest Heath and St Edmundsbury Chairs and Vice-Chairs of Development Control, and that at least one Member from each former Council must be present for the Panel to be quorate.

4. Civic Representation

- 4.1 The Shadow Council Constitution makes clear that the role of Chair of the Shadow Council is a non-ceremonial role. Although April is historically a quieter time in the civic calendar, it is important that the Council has a civic representative role during this time to support its communities.
- 4.2 With this in mind, it is proposed that Councillor Margaret Marks, and Councillor Brian Harvey, the current Mayor and Chairman of St Edmundsbury and Forest Heath respectively, are appointed as the Civic Representatives of West Suffolk, undertaking the community, civic role that the Chair would otherwise undertake. They will continue to be supported by the civic office during this time.
- 4.3 In law, unlike other posts, the role of Chair or Mayor of the Council concludes at the Council's Annual General Meeting (AGM), regardless of the outcome of the election. Whilst Councillor Stamp will remain as the Chair until that point, it is suggested that the Civic Representatives are therefore appointed to act in the role until the AGM.

5. Outside Body Representation

- 5.1 The Local Government (Boundary Changes) Regulations 2018 provide that any Councillors appointed to outside bodies by Forest Heath and St Edmundsbury will continue to represent West Suffolk after 1 April 2019. As usual, at its AGM on 22 May 2019, West Suffolk Council will then appoint new representatives to outside bodies.
- 5.2 We have been working with county-wide and local level outside organisations to request that existing representation levels will continue until 1 June 2019, meaning that all current Council representatives will continue to sit on those organisations until the AGM.

- 5.3 However, there are a small number of national level bodies where, as we will be one Council from 1 April 2019, we will need to change our representation on a temporary basis. We understand it is unlikely these organisations will meet in the period concern, but it is sensible to make arrangements in the event that they do.
- 5.4 Further, we also know of a small number of organisations where, because of changes they are making to their structure, may be seeking to modify how many Councillors they have on their organisations between now and the AGM. It is again sensible to make arrangements to address this.
- 5.5 As a result, the following is proposed:

Organisation	Representative
Local Government Association	The Leader of the Council or the Deputy Leader of the Council, to be agreed between them;
District Council's Network	The Leader of the Council or the Deputy Leader of the Council, to be agreed between them;
East of England Local Government Association	The Leader of the Council or the Deputy Leader of the Council, to be agreed between them;
Rural Services Network	Councillor Peter Stevens (Councillor Stevens sits on the Rural Services Network Executive)

- 5.6 For any other organisation that seeks to change its governance structure, then it is suggested that the Forest Heath and St Edmundsbury representatives agree between them to alternate representation at meetings, and the organisation is requested to allow the other representative to be "in attendance" at the meeting.