

COUNCIL

Thursday 24 May 2018

CREATION OF THE EAST SUFFOLK COUNCIL: NOMINATIONS TO THE SHADOW EXECUTIVE MADE BY SUFFOLK COASTAL DISTRICT COUNCIL (CL 11/18)

EXECUTIVE SUMMARY

1. In order to create the new Council for East Suffolk, the East Suffolk (Local Government Changes) Order 2018 has to be made by Parliament. To date, the Order has been approved in both the House of Commons and the House of Lords. It is anticipated that it will be signed, “made” and come into force in the third week of May.
2. The Order establishes a Shadow Authority which will remain in place until the new East Suffolk Council takes on full responsibility for local government matters on 1 April 2019. The Shadow Authority consists of all of the members of Suffolk Coastal District Council and all of the Members of Waveney District Council.
3. Article 8 of the Order requires the Shadow Authority to take certain steps at its first meeting, which is planned to take place on 30 May 2018. The Shadow Authority must, amongst other things, create a leader and cabinet executive within the meaning of Part 1A of the Local Government Act 2000 (arrangements with respect to local authority governance) (“the shadow executive”). The shadow executive is to consist of—
 - (a) the two persons who are for the time being the leaders of the District Councils;
 - (b) eight persons nominated by Suffolk Coastal District Council, each of whom is for the time being a member of that Council, and
 - (c) eight persons nominated by Waveney District Council, each of whom is for the time being a member of that Council.
4. At its first meeting, the shadow authority must elect the leader and deputy leader of the shadow executive from among the members of the shadow executive. The District Councils must co-operate on the establishment of the shadow executive. The purpose of this report is for the Council to agree the 8 Members to be nominated to the Shadow Executive by Suffolk Coastal District Council.

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| Is the report Open or Exempt? | Open |
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| Wards Affected: | All |
| Cabinet Member: | Councillor Ray Herring, Leader of the Council |
| Supporting Officer: | Hilary Slater Head of Legal and Democratic Services/Monitoring Officer 01394 444336 hilary.slater@eastssuffolk.gov.uk |

1 INTRODUCTION

- 1.1 The East Suffolk (Local Government Changes) Order 2018 (“the CO”) was approved by the House of Commons and the House of Lords on 9 May 2018. It is expected to be signed by the Secretary of State and “made” in the third week of May. It will come into force on the day after it has been made.
- 1.2 Under the CO, Suffolk Coastal District Council (SCDC), Waveney District Council (WDC) and their respective areas will cease to exist on 1 April 2019. Also, on that date, the East Suffolk Council (ESC) will be established as the district council for East Suffolk.
- 1.3 In preparation for the creation of the ESC, the CO establishes a Shadow Authority (SA) which will consist of 90 Councillors, being all of the Members of SCDC and all of the Members of WDC. They will remain in post until the fourth day after the elections to ESC, which will take place on 2 May 2019.
- 1.4 The CO further provides for the creation of a Shadow Executive (SE), and a Central Implementation Team (CIT) to support the SE. Under the terms of the CO, each Council has a duty to co-operate on the establishment of the SE.
- 1.5 The CO requires the SA to meet within 14 days of the CO coming into force, and it is planned to hold the first meeting of the SA on 30 May 2018. The first meeting of the SE must be held within 21 days of the CO coming into force, and this is likely to be held immediately after the first SA meeting, for convenience and efficiency.
- 1.6 In respect of the SE, Article 8 of the CO provides that at its first meeting, the SA must create a leader and cabinet executive (SE) within the meaning of Part 1A of the Local Government Act 2000. The SE is to consist of;-
- a) the two persons who are for the time being the leaders of the District Councils,
 - b) eight persons nominated by SCDC each of whom is for the time being a member of that Council,
 - c) eight persons nominated by WDC each of whom is for the time being a member of that Council.

- 1.7 In order to hold the first meeting of the SE, SCDC needs to formally make its nominations to the SA/SE. The purpose of this report, therefore, is for the Council to agree the 8 Members to be nominated to the SA/SE.

2 NOMINATIONS TO THE SHADOW EXECUTIVE

- 2.1 The work to create the ESC has evolved over a number of years, beginning with the sharing of a Chief Executive in 2008, and a shared Management Team since 2010. Full integration of each set of staff followed, resulting in significant savings and joint working. Members, too, have been working together with increasing frequency, with a number of simultaneous meetings of the Cabinets of both Councils taking place over the years since 2010, as well as joint meetings of other committees. On 30 April 2018, the first simultaneous meeting of both Councils was held.
- 2.2 The Councils have had a joint Business Plan since 2015, setting out a shared “Vision” and objectives for both Councils. As part of that plan, the Councils have also run the “One Council” project jointly, to lead to the establishment of the ESC. The project has been overseen by the Member Programme Board (MPB). The MPB consists of Members from both Councils, including both Leaders and Deputy Leaders. It is anticipated that the MPC will evolve into the CIT, which is required under the terms of the CO to have oversight for the creation of the ESC.
- 2.3 At its meeting on 16 April 2018, the MPB considered a report about the creation of the SA and the SE. It was agreed that alongside the current Leaders of each Council, the eight persons to be nominated by SCDC to the SE and the eight persons nominated by WDC would be the Cabinet Members of each Council. As the creation of the ESC has evolved over a number of years, leading to the union of both Councils, it is part of the natural progression that the SE should consist of the current Leaders and their existing Cabinets.
- 2.4 It will give continuity and provide a seamless oversight for the transition to the ESC. It ensures that the necessary knowledge and experience of the existing Cabinet Members is retained, and made available to the SE, so that it can “hit the ground running”, as it were. It reflects the creation of one staffing cohort, from two, and the creation of the MPB, from two sets of Members. Overall, the composition of the SE, drawn from both Cabinets, reflects the actual joint working that has taken place to date, and is part of that natural progression, leading to the creation of the ESC.
- 2.5 Subject to the CO being made and coming into force, as drafted, the Leader of SCDC and the Leader of WDC are Members of the SE by virtue of the terms of the CO. Both of the current Leaders endorse the proposal that the other eight nominees for each Council be their current Cabinet Members. It is anticipated that WDC will vote to nominate their existing Cabinet members at its Annual Meeting on 16 May 2018.

3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 3.1 The creation of a single council for East Suffolk has been envisioned in the Councils’ Joint Business Plan for East Suffolk. Considerable savings have been achieved through joint working to date, and more are envisaged with the creation of the ESC. This provides financial self-sufficiency and growth.

3.2 In order to achieve the creation of the ESC, nominations are required to be made by SCDC to the SE, for the establishment of the SE. Therefore, the making of nominations by this Council to the SE helps to achieve the creation of the ESC, and many of the aims of the East Suffolk Business Plan.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

4.1 The Council is required under the terms of Article 8 of the CO to make nominations of eight persons, each of whom are members of this Council, to the SA/SE.

5 OTHER KEY ISSUES

5.1 None.

6 CONSULTATION

6.1 None.

7 OTHER OPTIONS CONSIDERED

7.1 None. The Council needs to make eight nominations to the SE and the SE would not be able to function or meet without those nominations.

8 REASON FOR RECOMMENDATION

8.1 Under the terms of the CO, the SE must comprise of the Leaders of SCDC and WDC, together with eight persons nominated by SCDC, and eight persons nominated by WDC, each of whom are Members of SCDC, and WDC, respectively. The MPB agreed that the nominees would be the existing members of each of the Councils’ Cabinets. Full Council needs to formally agree the nominations, in order to allow the SA and the SE to meet and carry out their business, within 14/21 days of the CO coming into force.

RECOMMENDATION

1. It is hereby AGREED alongside the Leader of the Council, who has a seat on the Shadow Executive by virtue of Article 8 of the East Suffolk (Local Government) Changes Order 2018, the eight persons nominated by this Council to sit on the Shadow Executive with the Leader are the eight Members of the Cabinet.

| BACKGROUND PAPERS | | |
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| Date | Type | Available From |
| | None | |