

Meeting:	General scrutiny committee
Meeting date:	Monday 13 November 2017
Title of report:	Task and Finish Group Report: Devolution
Report by:	Director for economy, communities and corporate on behalf of Task and Finish Group

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To consider the findings of the scrutiny task and finish group: devolution and to recommend the report to the executive for consideration.

The then general overview and scrutiny committee (GOSC) commissioned this task and finish group in September 2016, in response to a request from the leader to inform cabinet on options/recommended actions open to the council in response to the national devolution deal agenda. The report provides a narrative on the relative merits of applying to become a full constituent member of West Midlands Combined Authority (WMCA). The report of the task and finish group, as attached at appendix 1, is submitted for consideration and approval by the committee.

Recommendation(s)

That:

- (a) the committee considers the report and recommendations of the task and finish group: devolution (at appendix 1 of this report) and determines whether to agree**

the findings for submission to the executive; and

- (b) subject to the review being approved, the Committee be advised of the executive's response.**

Alternative options

1. The committee can agree, not agree or can vary the recommendations. If the committee agree with the findings and recommendations from the review, the attached report will be submitted to the executive for consideration. It will be for the executive to decide whether some, all or none of the recommendations are approved.

Key considerations

2. At its meeting on 27 September 2016 the then general overview and scrutiny committee (GOSC) commissioned this task and finish group for the following purpose: to inform the cabinet on options/recommended actions open to the council in response to the national devolution deal agenda including the relative merits of applying to become a full constituent member of WMCA.
3. Between October 2016 and January 2017, the task and finish group interviewed a number of people to explore their experience of the WMCA and combined authorities in general and also interviewed the leader of one council from another region that had declined to join a combined authority.
4. The Task and Finish Group report was almost finalised when the general election was called. GOSC was decided to put the report on hold subject to clarification of government thinking after the election.
5. Since the election in June 2016 talks continued between the government and WMCA with a view to creating a further devolution package that will ensure WMCA have the powers they need to deliver growth, jobs and housing, for example. The draft West Midlands Combined Authority (WMCA) establishment order was approved in spring 2017 both by the House of Commons and House of Lords. The Parliamentary Order includes the list of constituent and non-constituent members. Herefordshire Council's application as non-constituent member was not considered in the Order, hence, Herefordshire Council sits in the WMCA Board as an observer.
6. It is now understood that the WMCA is not expected to submit a new establishment order (which would be required to admit Herefordshire Council and Marches Local Enterprise Partnership (LEP) as non constituent members) in the next four years. It is considered that there are recommendations in the Task and Finish Group's report that could be worth pursuing during this period and the report is accordingly brought forward for consideration.

Community impact

7. A principle of the council's code of corporate governance is to determine the interventions necessary to optimise the achievement of the intended outcomes. The council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these is an important strategic choice to make to ensure intended outcomes are achieved. The council needs robust decision-making mechanisms to ensure our outcomes can be achieved in a way that provides the best use

of resources while still enable efficient and effective operations, and the recommendations of scrutiny can contribute to the strength of decision-making..

Equality duty

8. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
9. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, due regard will need to be given to public sector equality duty.

Resource implications

10. On 28 July 2016 Cabinet approved an application by the council to become a non-constituent member of the West Midlands Combined Authority (WMCA) at an annual cost of £25k. The cost of full membership is £500k. The report recommends that the council maintains its application for non-constituent membership but does not seek full membership. If the executive wishes to change the current approach the financial implications would need to be assessed

Legal implications

11. If the committee agree with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, the legal implications of implementing any of the recommendations will need to be assessed.

Risk management

12. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, the risk management implications of implementing any of the recommendations will need to be assessed.

Consultees

13. The consultees are detailed at section 4 of the appended report

Appendices

- Appendix 1 Task and finish group report: devolution

Background papers

None identified.