

Meeting:	Cabinet
Meeting date:	Thursday 15 February 2018
Title of report:	Responding to the recommendations of the Task and Finish Group - Devolution
Report by:	Cabinet member corporate strategy and budget

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To consider the recommendations of the General Scrutiny Committee on engagement with the West Midlands Combined Authority (WMCA) and other partnership options to deliver growth and jobs in Herefordshire.

The then General Overview and Scrutiny Committee established a task and finish group on devolution to conduct a review on a) key issues relating to the government's devolution agenda, b) the pros and cons of engagement with WMCA, and c) other options on partnership working to deliver growth and jobs in Herefordshire. This would encompass Herefordshire Council's corporate plans, strategic economic strategy and economic master plan.

To ensure that the council is in the best possible position to continue to secure government funding to support the growth aspirations of the county whilst maintaining the flexibility needed to fully explore the implications of greater engagement in a combined authority engagement.

Cabinet is invited to approve the response to the committee's recommendations.

Recommendation(s)

That:

- (a) the proposed responses to the recommendations set out at appendix 2 are approved.**

Alternative options

1. There are no alternative options to responding; it is statutory requirement that the executive respond to recommendations of the scrutiny committee.
2. It is open to cabinet to agree alternative responses to the recommendations, but in doing so regard must be had to implications, including financial, legal of implementing any such alternative actions.

Key considerations

3. At its meeting on 27 September 2016, GOSC committee commissioned a Task and Finish Group to inform the executive and cabinet on the options/recommended actions open to the council in response to the national devolution agenda including the relative merits of applying to become a WMCA full constituent member.
4. Between October 2016 to 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.
5. The report and recommendations of the task and finish group were agreed by the general scrutiny committee at its meeting on 13 November 2017; the agreed report is attached at appendix 1, and the proposed responses are contained in appendix 2.

Community impact

6. In accordance with the adopted code of corporate governance Herefordshire Council recognises that it 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 is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.
7. If the recommendations are approved, continued engagement with the WMCA supports the council to achieve its corporate plan priority to support the growth of our economy by ensuring the council's interests are effectively represented in regional and national discussions affecting economic growth.

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. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes. Where a decision is likely to result in detrimental impact on any group with a protected characteristic it must be justified objectively. This means that attempts to mitigate the harm need to be explored. If the harm cannot be avoided, the decision maker must balance this detrimental impact against the strength of legitimate public need to pursue the service change.
10. If Cabinet agrees with the findings of the Task and Finish Group and the recommendations of the GOSC, due regard will be given to public sector equality duty.

Resource implications

11. On 28 July 2016 Cabinet approved an application by the council to become a WMCA non-constituent member at an annual cost of £25k. Herefordshire Council's application as non-constituent member is on hold pending WMCA application for a new establishment order which is not expected within the next four years. In the meantime the council remains a non-voting observer although WMCA have requested that to maintain even this status an annual fee of £25k is maintained.

Legal implications

12. There are no legal implications in the response to this task and finish work. The cabinet has already agreed as detailed above, to become a non-constituent member of WMCA

Risk management

13. There are no risk associated with this report.

Consultees

14. None.

Appendices

Appendix 1 - Task and Finish Group report.

Appendix 2 - Proposed responses to scrutiny recommendations

Background papers

None identified.