

Confirmed



Minutes of a Meeting of **Shadow Council** held in the **Champion Suite, High Lodge Leisure Limited, Haw Wood, Hinton, near Darsham** on **Monday 4 June 2018** at **7pm**

Members present:

P Ashdown, E Back, M Barnard, M Bee, S Bird, C Block, C Blundell, N Brooks, S Burroughes, P Byatt, M Cherry, Y Cherry, P Coleman, A Cooper, J Craig, P Dunnett, J Fisher, A Fryatt, S Gallant, T Gandy, S Geater, T Goldson, L Gooch, T Green, G Harding, S Harvey, T-J Haworth-Culf, R Herring, G Holdcroft, C Hudson, J Kelso, M Ladd, S Lawson, P Light, G Lynch, D McCallum, F Mortimer, T Mortimer, S Mower, P Mulcahy, J Murray, K Patience, M Pitchers, C Poulter, C Punt, D Ritchie, C Rivett, K Robinson, M Rudd, D Savage, A Smith, J Smith, L Smith, C Topping, N Webb, S Webb, R Whiting, N Yeo.

Officers present:

S Baker (Chief Executive), K Cook (Democratic Services and Cabinet Business Manager), P Gore (Head of Environmental Services and Port Health), P Harris (Communications Manager), A Jarvis (Strategic Director), H Javadi (Chief Finance Officer and S151 Officer) N Khan (Strategic Director), S Lewis (Business Solutions Manager), M Makin (Democratic Services Business Manager), H Slater (Head of Legal and Democratic Services and Monitoring Officer), N Wotton (Democratic Services Manager).

1. Election of Chairman

The Chief Executive opened the meeting and sought nominations for Chairman of the East Suffolk Council Shadow Authority.

Councillor Bee moved to nominate Councillor Burroughes for Chairman. He highlighted his long periods of service as a Member of both Suffolk Coastal District Council and Waveney District Council, along with his recent experience as the Chairman of Suffolk County Council. The nomination was seconded by Councillor Holdcroft.

Councillor Coleman nominated Councillor Blundell for Chairman. He outlined Councillor Blundell's recent experience as the Chairman of Suffolk Coastal District Council and that when undertaking this role, he had co-chaired the simultaneous meetings of Suffolk Coastal District Council and Waveney District Council on 30 April 2018. The nomination was seconded by Councillor Green, who spoke at length about Councillor Blundell's experience of holding office.

As there were two nominations for Chairman, it was suggested by Councillor Hudson that a secret ballot be held. The Chief Executive advised Council that as it had not yet adopted procedure rules or a code of conduct, it would be prudent for a vote to be taken on whether to hold a secret ballot for the election of the Chairman. He asked Councillor Hudson if he was so proposing and he confirmed that he was. The proposal was seconded by Councillor Savage.

On being put to the vote, the Motion for holding a secret ballot was **LOST**.

The Chief Executive then moved to a vote for Chairman by show of hands and it was, by a majority

RESOLVED:

That Councillor Stephen Burroughes be elected as Chairman of the Shadow Council for the 2018/19 Municipal Year.

The incoming Chairman thanked Members for electing him to serve as the first Chairman of the East Suffolk Council Shadow Authority. He expressed his commiserations to Councillor Blundell, acknowledging the good work he had done as the Chairman of Suffolk Coastal District Council.

2. Election of Vice Chairman

The Chairman sought nominations for the position of Vice Chairman of the Shadow Council.

On the proposition of Councillor Herring, seconded by Councillor Rudd, it was

RESOLVED:

That Councillor Tony Goldson be elected as Vice Chairman of the Shadow Council for the 2018/19 Municipal Year.

Councillor Goldson thanked Council for electing him as the Vice Chairman.

3. Apologies for Absence

Apologies for absence were received from Councillors M Amoss, S Ardley, J Bidwell, S Bloomfield, M Bond, A Cackett, G Catchpole, R Catchpole, J Ceresa, L Coulam, M Deacon, G Elliott, J Ford, K Grant, A Green, J Groom, C Hedgley, M Jones, R Kerry, M Newton, L Nicholls, B Provan, T Reynolds, K Springall and S Woods.

4. Declarations of Interest

The Chairman invited Mrs Slater, Head of Legal and Democratic Services and the Monitoring Officer, to advise the Council on declarations of interest to the Shadow Authority. Mrs Slater explained to Members that they were members of the Shadow Authority by virtue of being elected members of their constituent authorities, for which they had all completed register of interest forms. Members were advised that it was not intended to ask them to complete further register of interest forms, as their interests for the Shadow Authority should be the same as their Suffolk Coastal District Council or Waveney District Council registers, and the Shadow Authority would not be appointing to outside bodies, for example. Mrs Slater advised the Council that they only needed to declare anything from their Suffolk Coastal or Waveney registers that they felt related to business being considered at these meetings.

The Chairman then invited Members to declare any interests. No declarations were made.

5. **Announcements**

The Chairman advised the Council that he had no formal announcements to make.

The Chairman took the opportunity to acknowledge the recent passing of Councillor Sue Allen, saying that she would have played a large role in the Shadow Authority and the creation of the East Suffolk Council. The Chairman noted that Councillor Allen was greatly missed and dedicated the meeting to her memory.

6. **Creation of a Shadow Authority for East Suffolk**

The Council received report **REP1 (SH)** by Councillors Bee and Herring.

The Chairman invited Mrs Slater, Head of Legal & Democratic Services and the Monitoring Officer, to introduce the report.

Mrs Slater outlined to the Council that the report set out the actions required to be undertaken by the Shadow Authority, in accordance with The East Suffolk (Local Government Changes) Order 2018 (the Changes Order), which was made on Thursday 24 May 2018 and came into force on Friday 25 May 2018. The Changes Order had been circulated to Members as Appendix A of the report.

Mrs Slater advised that the Changes Order was prescriptive in what the Shadow Authority must do to oversee the implementation of the East Suffolk Council. It was a local authority in its own right, but was only able to act in accordance with the powers given to it by the Changes Order, which were detailed in the report.

The Shadow Authority had been required to hold its first Council meeting within fourteen days of the Changes Order coming into force, and to take certain steps as set out in Part 3 of the Changes Order. Mrs Slater referred the Council to the report, which set out what it needed to adopt at the meeting. Mrs Slater said that it would be appropriate for the Leaders of both Suffolk Coastal District Council and Waveney District Council to comment on the report, before moving to questions.

The Chairman invited Councillor Herring, Leader of Suffolk Coastal District Council, to comment on the report.

Councillor Herring was of the view that there were very few surprises in the report. He reminded Members that the steps outlined in the report had been discussed at the simultaneous meetings of both councils and had been considered by the Member Working Groups that had been established in working towards a new council. He concurred with Mrs Slater's view that the requirements set out in the report were prescriptive, based on the requirements of the Changes Order. He acknowledged that the Government had allowed some flexibility in how the steps were undertaken. He added that the creation of a new council in this way had not been undertaken before, so the process was setting a precedent in that regard.

Councillor Herring said it was important to consider the progress that had been made by the two councils working together over the last decade, adding that other local authorities across the

country had looked to East Suffolk as a positive example. He gave an example of the two local authorities in West Suffolk adopting a similar approach to creating a new council.

The importance of the work of the late Councillor Colin Law, former Leader of Waveney District Council, in building the positive working relationship between the councils, was stated by Councillor Herring. He also acknowledged the work of Councillor Bee, Leader of Waveney District Council, in beginning the process of working together and his recent work to complete the task in hand.

It was noted that the councils had not been forced into any merger or creation of a new council, but had undertaken the process voluntarily and within their own resources. Councillor Herring encouraged Members to look back on their achievements in creating the new council with pride, describing it as a unique experience.

Councillor Herring thanked Mrs Slater for introducing the report and also commended officers for their work towards a single council over the previous decade, and particularly in recent times. He expressed his confidence that the high level of commitment from officers, in achieving the best possible start for the East Suffolk Council, would continue, in addition to them carrying out their substantive duties for both councils until April 2019.

The Shadow Authority would be putting in place Executive arrangements for the new Council, together with a Code of Conduct and a Members' Allowance Scheme, the latter being developed following a 'light touch' review of the existing schemes, prior to a more comprehensive review, once the new council had been running for a number of months.

The importance of the Shadow Authority ensuring that everything was in place for the East Suffolk Council to deliver for its residents and businesses was stressed by Councillor Herring. He said it was key that items such as the 2019-20 budget, the Constitution and the Council Procedure Rules were correct and that these tasks would be considered at future meetings of the Shadow Authority, over the coming months.

The Chairman invited Councillor Bee to comment on the report.

Councillor Bee described the shadow period as being the next stage of creating the East Suffolk Council. He said there should be pride in the two authorities becoming one and that the meeting was an historic occasion. The new council would create the largest district council in the country.

He described the partnership between Suffolk Coastal and Waveney as being natural, and paid tribute to his predecessor, the late Councillor Colin Law, for his part in bringing it about. Councillor Bee also thanked the Chairman for his comments regarding Councillor Allen.

The election of a Chairman and Vice Chairman of the Shadow Authority was described as a big first step. Councillor Bee said that the Shadow Authority now had to agree and implement a Constitution, Procedure Rules and a Code of Conduct, as outlined in the report.

Although the pragmatic approach used by the councils in working together had worked well in the past, Councillor Bee advised the Council that executive arrangements for the new Council had to be put into place, ready for April 2019, in line with the requirements of the Changes Order.

Councillor Bee explained that an element of pragmatism remained; he noted that the Chairman came from one authority and the Vice Chairman from another and explained that the intention for this was that the roles be rotated on a quarterly basis. He added that this would be reflected by an opposite rotation system for the Leader and Deputy Leader, to show that the creation of the East Suffolk Council was an equal partnership between the two sovereign councils.

Councillor Bee referred to the recommendations within the report, noting one change to the second recommendation regarding nominees to the Shadow Executive. He said that Members would be aware of Councillor Ardley's present situation; it was Councillor Bee's intention that Councillor Ardley's position on the Waveney District Council's Executive would remain vacant until the investigations being undertaken at that moment had been concluded. Therefore, only seven Members of Waveney District Council would be nominated to the Shadow Executive at that time.

The Chairman thanked both Leaders for their comments, and said that they had set out the important points that demonstrated the direction which process was taking. The Chairman invited questions on the report.

Several Members sought clarification on the warding arrangements for the new council, noting that the arrangements contained within the Changes Order were different to those that had been approved at the simultaneous meetings of Suffolk Coastal District Council and Waveney District Council on 30 April 2018.

It was explained by Councillor Bee, Councillor Herring, the Chief Executive, and Mr Khan, Strategic Director, that it had been a requirement of the Ministry of Housing, Communities and Local Government (MHCLG) that warding arrangements were to be contained in the Changes Order. The warding arrangements contained in the Changes Order had been based on the County Council electoral divisions and were intended to serve as a "fall back" position in the event of the Local Government Boundary Commission for England (LGBCE) not being able to complete their formal electoral review in time for the elections on 2 May 2019. The LGBCE were not, by law, able to be formally engaged in the boundary review process until the Changes Order creating East Suffolk Council was legally in force, which was the reason why the "fall back" position was to use wards based on the County Council divisions in the Changes Order.

The use of the County Council divisions as the basis of the wards, in the Changes Order, would be overridden by the warding arrangements which would emerge from the formal LGBCE electoral review process, which was due to commence on 3 July 2018. Suffolk Coastal District Council and Waveney District Council had submitted warding proposals to the LGBCE to consider, as part of that formal process. These had been approved at the simultaneous meetings of Suffolk Coastal District Council and Waveney District Council on 30 April 2018.

Reassurance was provided that the warding arrangements contained within the Changes Order were not intended as the final arrangements for the East Suffolk Council and both the Leaders and the officers were confident of a positive outcome from the LGBCE's forthcoming review.

Councillor Hudson asked Councillors Bee and Herring about the intention to rotate the positions of Leader, Deputy Leader, Chairman and Vice Chairman. He enquired if it was a requirement to

do so or if the arrangement could be rejected by the Council, as some Members saw it as unsafe and unwieldy.

In reply, Councillor Herring considered the rotation arrangements to be good practice. He noted that similar arrangements had been used in joint meetings of the cabinets and that the Member Working Groups had co-chairmen from each council. He was of the view that rotating the roles between the two councils was a further example of working on an equal basis, with no one council having an advantage or a disadvantage. He stated that it was intended that when the Leader was a Member of Waveney District Council, the Chairman would be a Member of Suffolk Coastal District Council and vice versa. The arrangement would also be applicable to the Deputy Leader and Vice Chairman positions.

Councillor Byatt queried if the membership of the Shadow Executive would also rotate. He considered that opposition Members were not recognised in the Shadow Authority for their hard work in bringing about the creation of the new council and noted that there was no guarantee of who would be in control of the new council following the elections in May 2019.

Councillor Bee outlined the statutory requirements of the Changes Order to create a Shadow Executive from the Executives of Suffolk Coastal District Council and Waveney District Council. He said that all Members of the Shadow Authority, regardless of their group, had a responsibility to challenge decisions made by the Shadow Authority that will affect the new council, as necessary. He added that the Order also set out a requirement for a scrutiny function, which would be created from a pool of Members of Suffolk Coastal District Council's Scrutiny Committee and Waveney District Council's Overview and Scrutiny Committee.

Councillor Gandy referred to Councillor Bee's comments on a scrutiny function and referred to paragraph 10.3 of the report, which stated that the Chairmen of the two committees would nominate Members to the scrutiny committee. Councillor Gandy noted that due to the differing political balance between the two councils, there were fewer opposition Members on the Suffolk Coastal Scrutiny Committee. Councillor Gandy asked if the Shadow Authority's scrutiny committee would be representative and was assured by Councillor Bee that it would be.

There being no further questions, the Chairman invited Councillors Bee and Herring to propose the recommendations contained within the report.

Councillor Herring asked Council to endorse the recommendations contained within pages 11 and 12 of the report and reiterated the amendment earlier detailed by Councillor Bee, in respect of leaving one of the Waveney District Council nominations to the Shadow Executive vacant, at this point in time.

The recommendations were seconded by Councillor Bee, who reserved his right to speak later in the debate.

The Chairman invited Council to debate the proposal.

There being no requests to speak, the Chairman invited Councillor Bee to exercise his right to speak.

Councillor Bee began by giving his sincere thanks to the commitment of officers, past and present, in reaching the point that had been arrived at. This was affirmed by Council through applause. Councillor Bee also thanked Members for their work in the various Member Working Groups, describing the process as an exercise in 'building from the bottom up'.

Councillor Herring endorsed Councillor Bee's words and noted the constructive and positive approach that had been undertaken. He said he was looking forward to establishing the East Suffolk Council in good stead, so that it could deliver for its residents and businesses.

There being no further matters raised for debate, the Chairman moved to the recommendation which was proposed, seconded and unanimously

RESOLVED:

1. That the Leader and cabinet executive within the meaning of Part1A of the Local Government Act 2000, in accordance with article 8(1) of the Changes Order be adopted.
2. That it be noted that the Shadow Executive will consist of the Leader of Suffolk Coastal District Council, Cllr Ray Herring, and the Leader of Waveney District Council, Cllr Mark Bee, together with eight persons nominated by Suffolk Coastal District Council who are the Cabinet Members for the time being of that Council, together with seven persons nominated by Waveney District Council, who are the Cabinet Members for the time being of that Council (noting the vacancy on that Cabinet) and who, at the date that the Changes Order came into force, are:

Suffolk Coastal DC nominees

Councillor Geoff Holdcroft
Councillor Tony Fryatt
Councillor Steve Gallant
Councillor TJ Haworth-Culf
Councillor Richard Kerry
Councillor Carol Poulter
Councillor Andy Smith
Councillor Stuart Lawson

Waveney DC nominees

Councillor Graham Catchpole
Councillor Michael Ladd
Councillor Bruce Provan
Councillor Chris Punt
Councillor David Ritchie
Councillor Craig Rivett
Councillor Mary Rudd
Vacancy

3. That a Leader of the Shadow Executive from amongst the Members of the Shadow Executive, in accordance with article 8(3) of the Changes Order, be elected by the Shadow Authority.
4. That a Deputy Leader of the Shadow Executive from amongst the Members of the Shadow Executive, in accordance with Article 8(3) of the Changes Order, be elected by the Shadow Authority.
5. That the following Officers be designated as Interim Statutory Officers for the Shadow Period, in accordance with Article 9(1) of the Changes Order:

Interim Head of Paid Service – Stephen Baker

Interim Monitoring Officer – Hilary Slater
Interim Chief Finance Officer – Homira Javadi

6. That the Interim Statutory Officers be appointed to become the East Suffolk Council Head of Paid Service, the East Suffolk Council Monitoring Officer and the East Suffolk Council Chief Finance Officer on 1 April 2019 and after, in accordance with Article 9(2) of the Changes Order.
7. That both the Shadow Council Procedure Rules and Suffolk Code of Conduct, as set out in Appendix B and Appendix C respectively, be adopted.
8. That future meetings of the Shadow Authority be held at 6.30pm at High Lodge, Darsham or at such other time or place as the Interim Head of Paid Service shall agree with the Chairman of the Shadow Authority and that the Interim Head of the Paid Service be given delegated authority, acting in consultation with the Chairman of the Shadow Authority, to agree and publicise a calendar of meetings for the Shadow Authority.
9. That the Implementation Plan attached as Appendix D to report REP1 (SH) be approved and that the functions conferred on it by Article 11 of the Changes Order to keep the Implementation Plan under review and make any changes to it, as necessary, be delegated to the Shadow Executive.
10. That a Shadow Scrutiny Committee be appointed, which shall be politically balanced, and shall consist of fourteen (14) Members of the Shadow Authority, seven (7) of whom shall be drawn from the membership of Suffolk Coastal District Council's Scrutiny Committee, nominated by the Chairman of Suffolk Coastal's Scrutiny Committee, and seven of whom shall be drawn from the membership of Waveney District Council's Overview and Scrutiny Committee, nominated by the Chairman of Waveney District Council's Overview and Scrutiny Committee, and that terms of reference and Scrutiny Procedure Rules for it be considered at the next meeting of the Member Programme Board, and Shadow Authority, for adoption by the Shadow Authority.
11. That the same arrangements, as those used currently by Suffolk Coastal District Council and Waveney District Council for dealing with complaints that Members of the Shadow Authority, whilst acting in that capacity, may have breached the Suffolk Code of Conduct, be adopted.
12. That Dr Andrew Peck and Mr Michael Urey be appointed as the Shadow Authority's Independent Persons for the purposes of the Localism Act 2011.
13. That in the event that there are complaints that a Member of the Shadow Authority, whilst acting in that capacity, may have breached the Suffolk Code of Conduct, and those complaints are referred for investigation, a hearings panel be appointed at that time by the Shadow Authority to consider any findings of breach of the Suffolk Code which may arise, the hearings panel to be politically balanced and to consist of three (3) Members of Suffolk Coastal District Council nominated

by the Leader of Suffolk Coastal District Council and three (3) Members of Waveney District Council nominated by the Leader of Waveney District Council.

7. Election of the Leader of East Suffolk Shadow Authority

The Chairman called for nominations for the position of Leader of East Suffolk Shadow Authority.

On the proposition of Councillor Herring, seconded by Councillor Rudd it was

RESOLVED:

That Councillor Mark Bee be elected as the Leader of the East Suffolk Shadow Authority.

When proposing Councillor Bee, Councillor Herring said that he had worked with him for a number of years and had no qualms in proposing him as the first Leader of the Shadow Authority. He reflected that Councillor Bee, as Leader of Waveney District Council in 2006, had begun the process of the two councils working together when he had suggested that they share a Chief Executive.

Councillor Rudd, when seconding the nomination, endorsed Councillor Herring's comments.

Councillor Bee thanked Councillor Herring and Councillor Rudd for their kind words. He acknowledged that when the partnership between the two councils began, Waveney District Council had been going through a difficult period. He said that the results of working together were a real indication that both councils were stronger together and that both had learnt much from each other.

He continued to say that he felt that the officer structure shared between the councils was at its strongest since the partnership began. He promised to do his best in the role and acknowledged that he intended to rotate the role, as discussed, handing over to a successor at the next meeting of the Shadow Authority.

8. Election of the Deputy Leader of East Suffolk Shadow Authority

The Chairman called for nominations for the position of Deputy Leader of East Suffolk Shadow Authority.

On the proposition of Councillor Bee, seconded by Councillor Holdcroft it was

RESOLVED:

That Councillor Ray Herring be elected as the Deputy Leader of the East Suffolk Shadow Authority.

When proposing Councillor Herring, the Leader of the Shadow Authority acknowledged his long working relationship with Councillor Herring and described him as an 'anchor' in Suffolk Coastal and in local government. He described Suffolk Coastal as having gone from strength to strength during Councillor Herring's leadership of the District Council and highlighted his work within the

Local Government Association. He described Councillor Herring as being a great advocate of the partnership between the two councils.

Councillor Holdcroft, when seconding the nomination, said that he had known Councillor Herring since his own election to Suffolk Coastal District Council ten years ago and had always been impressed with his vision for a new council. He noted that Councillor Herring had steered Suffolk Coastal District Council through a 'maelstrom' of challenging financial times, during which the Council had been able to keep its budgets balanced and make considerable savings.

Councillor Herring thanked Councillor Bee and Councillor Holdcroft for their kind words. He said he was pleased to see the positive outcome of the plans for a new council starting to take shape.

The Chairman concluded by describing the journey towards the creation of the East Suffolk Council as being an evolutionary one for both councils. He reminded Members that the first meeting of the Shadow Executive would take place following this meeting, commencing in ten minutes time.

The Meeting concluded at 8.21pm.