

REPORT TO EXECUTIVE

Date of Meeting: 28 November 2023

REPORT TO COUNCIL

Date of Meeting: 12 December 2023

Report of: Chief Executive

Title: Proposed withdrawal and dissolution of the Heart of the South West Joint Committee

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report follows a steer from the Leaders / senior members of several Constituent Authorities for proposals to be brought forward to all Constituent Authorities to consider their withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee (the Joint Committee).

1.2 The proposals in this report specifically relate to the Joint Committee's governance arrangements only and do not cover the HotSW Local Enterprise Partnership or the associated HotSW Joint Scrutiny Committee.

1.3 The review of the role and functions of the Joint Committee has taken account of the legal framework within which the Joint Committee operates.

2. Recommendations:

2.1 That Executive recommends and Council approves the service of a notice of withdrawal on the constituent authorities and the Heart of the South West Joint Committee effective from 31 December 2023.

3. Reasons for the recommendation:

3.1 Changes in Government policy over the last five years, the development of the Devon, Plymouth and Torbay devolution deal and forthcoming integration of the HotSW LEP into local authorities mean that the purpose of the HotSW Joint Committee has largely been superseded and other existing partnership arrangements between the Constituent Authorities can deliver their aims. The HotSW Joint Committee is therefore considered to be superfluous and not adding value to the Constituent Authorities.

4. What are the resource implications including non financial resources

4.1 The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or

delivery of its work programme. Joint Committee members' costs and expenses are funded and administered by each respective Constituent Authority.

4.2 The Administering Authority (Somerset Council) holds the balance of contributions from the Constituent Authorities. The current unallocated balance is £ 43,009. If the Joint Committee is dissolved, then any outstanding balance would be returned proportionally to each of the Constituent Authorities on the same percentage basis that they made contributions.

5. Section 151 Officer comments:

5.1 There are no significant financial implications for Council to consider.

6. What are the legal aspects?

6.1 The HotSW Joint Committee is established under Sections 101 to 103 of the Local Government Act 1972. In particular, section 102 of the Act allows for the discharge of a local authority's functions through a joint committee. This report seeks authority to dissolve the arrangements.

7. Monitoring Officer's comments:

The recommendations in this report raise no issues for the Monitoring Officer.

8. Report details:

8.1 In 2015 the HotSW partnership (17 local authorities, two National Parks, the LEP and three clinical commissioning groups) submitted a devolution "statement of intent" to Government and began negotiations about a devolution deal. However, following the EU referendum in 2016, devolution was no longer a government policy priority and the HotSW partnership developed a Productivity Strategy. In March 2018 the partnership formalised the arrangements to establish the HotSW Joint Committee. Following the establishment of Somerset Council, the HotSW Joint Committee Constituent Authorities are now:

- Dartmoor National Park Authority;
- Devon County Council;
- East Devon District Council;
- Exeter City Council;
- Exmoor National Park Authority;
- Mid Devon District Council;
- North Devon Council;
- Plymouth City Council;
- Somerset Council;
- South Hams District Council;
- Torbay Council;
- Teignbridge District Council;
- Torrington District Council;
- West Devon Borough Council

The Heart of the SW LEP and the NHS are co-opted members of the HotSW Joint Committee.

8.2 The Joint Committee was seen a partnership vehicle to provide a single forum for local authority engagement with the Heart of the South West Local Enterprise Partnership and Government.

The specific objectives of the HotSW Joint Committee in its Terms of Reference are to:

- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- (b) Increase our understanding of the economy and what needs to be done to make it stronger;
- (c) Improve the efficiency and productivity of the public sector;
- (d) Identify and remove barriers to progress and maximise the opportunities / benefits available to the area from current and future government policy.

8.3 Since its inception, the Joint Committee's work has worked on issues covering the HotSW area as a whole such as: Local Industrial Strategy, Coastal Productivity Plan, Housing Task Force and regional imbalances.

8.4 The Joint Committee currently has a meeting cycle of two formal meetings a year and it is directly supported by Somerset Council.

The case for change

8.5 Changes in Government policy over the last five years, the development of the Devon, Plymouth and Torbay devolution deal and forthcoming integration of the HotSW LEP into local authorities mean that the purpose of the Joint Committee has largely been superseded and other partnership arrangements between the Constituent Authorities can deliver their aims with reduced duplication.

8.6 In relation to withdrawal from/dissolution of the Joint Committee, the inter-authority agreement states that:

- A Constituent Authority wishing to withdraw from the Joint Committee shall give a minimum of 6 months' notice in writing to the other Constituent Authority via the Administering Authority. The Constituent Authorities shall co-operate with any such request.
- If two or more Constituent Authorities give notice of withdrawal from membership of the Joint Committee in the same Financial Year, the Joint Committee shall consider and make recommendations to the remaining Constituent Authorities as to the future operation of the Joint Committee and, if appropriate, recommend any necessary amendments required to the Joint Committee's functions and operating arrangements.
- Where a majority of the Constituent Authorities at any time agree (via formal resolutions) that the Joint Committee should be dissolved or terminated on a specified date then the Joint Committee shall cease to exist from that date.

8.7 In December 2022, the scheduled meeting of the Joint Committee was adjourned as it was not quorate due to low attendance by Constituent Authorities. On 27 October 2023,

the scheduled meeting of the Joint Committee was also not quorate and able to proceed due to only four of the fourteen Constituent Authorities attending the meeting.

It is likely that proposals will be brought forward during November and December 2023 by a majority of the Constituent Authorities for their councils to agree to serve notice and recommend the dissolution of the Joint Committee on 31 December 2023.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The council's corporate plan 2022-26 is the council's overarching strategy, setting out the council's vision and ambitions for Exeter and the outcomes it wants to achieve for both the city and the council. This recommendation does not impact the Corporate Plan.

10. What risks are there and how can they be reduced?

10.1 The key risk is continuing with the Joint Committee and duplicating the work of existing partnership arrangements without adding any value. The recommendations in this report mitigate that risk.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 No specific equalities implications have been identified in relation to the proposed recommendations.

12. Carbon Footprint (Environmental) Implications:

12.1 No specific implications have been identified in relation to the proposed recommendations.

13. Are there any other options?

13.1 The alternative option is that the Council does not agree to serve notice and continues to be a member of the Joint Committee. However, if the majority of Constituent

Authorities serve notice then the Joint Committee will be automatically dissolved. As stated previously it is considered that the Joint Committee is superfluous and adds duplication to existing arrangements.

Chief Executive, Bindu Arjoon

Author: Jo Yelland, Director

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- Heart of the South West Joint Committee – establishment report to all Constituent Authorities in November and December 2017;
- Heart of the South West Joint Committee Governance Arrangements – 27 September 2019 and Budget Update report in October 2020; and
- Heart of the South West Constitution and Inter-Authority Agreement

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275