

Agenda item:

Title of meeting: Full Council

Date of meeting: 11th October 2016

Subject: Solent Combined Authority Governance Review and Scheme

Report From: Chief Executive

Report by: Paddy May, Corporate Strategy Manager

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

1.1. The purpose of this report is to allow all members of the Council the opportunity to discuss a report that is due to be considered at Cabinet on 12th October 2016 so that Cabinet can hear the views of the individual Portsmouth City Council councillors and reflect on these when it makes its decision on whether to publish a scheme for the establishment of a Combined Authority.

1.2. It is important to note that under the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 No 2853 as amended – “the Functions Regulations”) the decisions relating to the creation of a Combined Authority are Executive decisions, that is, decisions for the Leader and her Cabinet.

2. Recommendations

2.1 Council is recommended to note the report (attached as Appendix A) that is due to be discussed at Cabinet on 12th October 2016.

3. Background

3.1 Cabinet received a report on 8th July 2016 that gave the background to the negotiation of a draft deal for the Solent area and the actions that had been undertaken to that point. At this meeting the Leader gave a commitment that the Council would have a chance to discuss the whole devolution agenda in the autumn. Cabinet delegated authority to the Leader and Chief Executive to take forward the necessary actions to arrange for the consultation on the draft review and scheme.

3.2 A meeting of the Leader and Chief Executive on 21st July 2016 noted the conclusions of the draft Governance Review that the setting up of a Solent Combined Authority would be likely to improve the exercise of relevant statutory functions and also approved a draft Scheme which described how a Combined Authority would work, with both documents to be subject to a thorough consultation process. This was designed to enable a decision to be taken on the outcome of the review - that is, whether the Cabinet is satisfied that the establishment of a combined authority would be likely to improve the exercise of the powers and functions described in the review. Where it is, a decision is also invited from Cabinet on the publication and submission of a finalised scheme, containing the proposals contained in the review and draft scheme (as amended following the consultation process). Similar decisions are being made at Isle of Wight Cabinet and Southampton City Council Cabinet.

4. Equality impact assessment (EIA)

4.1. There is no equality impact assessment required for the Full Council discussion on the Cabinet report.

5. City Solicitor comments

5.1. Under the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 No 2853 as amended – “the Functions Regulations”) the decisions relating to the creation of a Combined Authority are Executive decisions. It is important that Council recognises that it cannot instruct Cabinet to take a certain decision: this would be an unlawful decision, and would act as an improper fetter on the discretion of Cabinet, which it would be constrained to ignore.

6. Director of Finance and Information Services comments

6.1. There are no financial implications for the Council discussion on the Cabinet report.

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Signed by: David Williams, Chief Executive

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed