



TO: **ALL MEMBERS OF THE COUNCIL**  
**(Copy to recipients of Council Papers)**

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15 May 2015

Dear Councillor

**ST EDMUNDSBURY ANNUAL COUNCIL - TUESDAY 19 MAY 2015**

I am now able to enclose, for consideration at next Tuesday's meeting of Annual Council the following reports that were unavailable when the agenda was printed.

- | <b>Agenda No</b> | <b>Item</b>   |
|------------------|---|
| 5.               | <b><u>Election of Deputy Mayor and Consort (Pages 1 - 2)</u></b><br><br>The principal nomination for the election of Deputy Mayor for 2015/2016, together with the proposer and seconder of the motion. |
| 9.               | <b><u>Review of Political Balance and Appointment to Politically Balanced Bodies (Pages 3 - 28)</u></b><br><br>Report <b>COU/SE/15/017</b>  |
| 11.              | <b><u>Representation on Outside Bodies (Pages 29 - 42)</u></b><br><br>Report <b>COU/SE/15/018</b>   |
| 12.              | <b><u>Temporary Appointment to Vacancies on Parish Councils (Pages 43 - 48)</u></b><br><br>Report <b>COU/SE/15/019</b>  |

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Yours sincerely

Claire Skoyles  
SEBC Cabinet Officer/Committee Administrator  
Legal and Democratic Services

**ADDENDUM TO ANNUAL COUNCIL SUMMONS AND AGENDA:  
19 MAY 2015  
ELECTION OF DEPUTY MAYOR AND CONSORT**

Further to the publication of the agenda for the Annual Meeting of Council on 19 May 2015, the principal nomination for the election of Deputy Mayor for 2015/2016, together with the proposer and seconder of the motion is detailed below:

**5. ELECTION OF DEPUTY MAYOR AND CONSORT**

Having announced this item as the next business, the Mayor will call for nominations.

**Councillor Mrs D Hind will move,**

“That Councillor Julia Wakelam be and is hereby elected Deputy Mayor for the ensuing year.”

**Councillor Mrs A Rushen will second.**

Upon the nomination being proposed and seconded, the Mayor will then ask for any other nominations.

The Mayor will then put the motion to the vote and, on its being carried by a show of hands, the musicians from King Edward VI School will play whilst the Mayor's Officer and the Mayor robe the new Deputy Mayor and, with the assistance of the Mayor's Officer, invest the new Deputy Mayor with the Chain of Office. **Simultaneously**, the new Deputy Consort, will be invested with the Badge of Office.

**All Members of the Council will then sit.**

The new Deputy Mayor will then sign the Declaration of Acceptance of Office and pass it to the Service Manager (Legal) for her signature.

**The new Deputy Mayor will then formally acknowledge his/her election.**

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# Council



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Review of Political Balance and Appointment to Politically Balanced Bodies</b>	
<b>Report No:</b>	<b>COU/SE/15/017</b> [to be completed by Democratic Services]	
<b>Report to and date:</b>	<b>Annual Council</b>	19 May 2015
<b>Portfolio holder:</b>	Leader of the Council  <i>(Appointment of the Leader of the Council to be confirmed at Annual Council on 19 May 2015)</i>	
<b>Lead officer:</b>	Joy Bowes Service Manager (Legal) <b>Tel:</b> 01284 757141 <b>Email:</b> joy.bowes@westsuffolk.gov.uk	
<b>Purpose of report:</b>	The Council is required by the Constitution at each Annual Meeting to decide:  (1) which committees to establish for the municipal year; (2) the size and agree terms of reference for those committees; and (3) the allocation of seats and substitutes to political groups in accordance with the political balance rules.	
<b>Recommendations:</b>	<b>It is <u>RECOMMENDED</u> that:</b>  (1) <b>the Committees, Joint Committees and Working Party listed in Sections 1.2.1 to 1.2.3 of Report No: COU/SE/15/017 continue to operate for 2015/2016 in accordance with their existing number of seats and terms of reference, as contained in Appendix 2;</b>  (2) <b>the formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced, as set out in paragraph 1.1.1 of</b>	

	<p><b>Report No: COU/SE/15/017, be approved;</b></p> <p><b>(3) the allocation of seats on the Committees which are required by law to be politically balanced, as indicated in Appendix 1 to Report No: COU/SE/15/017, be approved;</b></p> <p><b>(4) the allocation of seats on the West Suffolk Joint Standards Committee, as indicated in Section 1.2.2 of Report No: COU/SE/15/017, be approved. This Committee is not required to be politically balanced;</b></p> <p><b>(5) the allocation of seats on the Democratic Renewal Working Party, as indicated in Section 1.2.3 of Report No: COU/SE/15/017, be approved, whilst maintaining the political balance requirement;</b></p> <p><b>(6) the Service Manager (Legal) be given delegated authority to appoint Members and substitute Members to those bodies set out in recommendations (3), (4) and (5) above on the basis of nominations from the relevant Group Leaders.</b></p>
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><b>Consultation:</b></p>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<p><b>Alternative option(s):</b></p>	<ul style="list-style-type: none"> <li>• None, as the matters under consideration are required by the Constitution.</li> </ul>
<p><b>Implications:</b></p>	
<p><i>Are there any <b>financial</b> implications?</i> <i>If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• The review has been undertaken within existing resources. Any changes required as a result of the review will also be borne from existing budgets.</li> </ul>
<p><i>Are there any <b>staffing</b> implications?</i> <i>If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• As above.</li> </ul>
<p><i>Are there any <b>ICT</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>•</li> </ul>

<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>The Local Government and Housing Act 1989 states that the authority has a duty to review the representation of different political groups at, or as soon as practicable, after the annual meeting.</li> </ul>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li></li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Opportunities for joint working are missed	Medium	Consider the creation of joint committees/panels wherever possible.	Low
Duplication of effort between member bodies	Medium	Carry out an annual review of committees, working parties, etc to ensure that they are all still relevant and adding value and do not cross over with the activities or other bodies e.g. scrutiny committees or task and finish groups	Low
The number of meetings and reviews cannot be accommodated with available member and officer time and resources	High	Carry out an annual review to disband any groups no longer required, and to optimise frequency of meetings. Keep under constant review.	Medium
<b>Wards affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		None	
<b>Documents attached:</b>		<b>Appendix 1:</b> Committees required to be politically balanced and place entitlement <b>Appendix 2:</b> Committee, Joint Committee and Working Party Terms of Reference	

## 1. Key issues and reasons for recommendation(s)

### 1.1 Political Composition

1.1.1 The political composition of the Council is as indicated in the following table:

<b>GROUP</b>	<b>No of members</b>	<b>%</b>
<b>Conservative</b>	36	80.00%
<b>United Kingdom Independence Party</b>	4	8.89%
<b>Charter (DN, RC, DH, JW)</b>	4	8.89%
<b>Independent (PH) Non-Group</b>	1	2.22%
<b>TOTAL</b>	<b>45</b>	<b>100.00%</b>

1.1.2 The Council will need to formally approve the formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced.

1.1.3 The obligation to ensure that there is proportionality in the political composition of the Council's committees extends only to proportionate representation of members of political groups, and does not require non-grouped members to be proportionally represented. Seats therefore need to be allocated only to groups.

1.1.4 In carrying out any review the Council is obliged to adopt the following principles and to give effect to them 'so far as is reasonably practicable':

- (a) that not all seats on the Council are allocated to the same political group;
- (b) that the majority of the seats on the Council are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of the Council which are allocated to each political group, have the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority, and;
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the Council which are allocated to each group have the same proportion to the number of all the seats on that Council as is borne by the number of members of that group to the membership of the Council.



## 1.2 **Entitlement to Places**

1.2.1 The table at Appendix 1 and summarised below, shows those Committees that are required to be politically balanced and provides the exact entitlement to places of each group.

- (a) Development Control (16 seats);
- (b) Licensing and Regulatory (13 seats);
- (c) Overview and Scrutiny (16 seats);
- (d) Performance and Audit Scrutiny (10 seats);
- (e) Joint Officer Appointments (3 seats);
- (f) Joint Officer Appeals (3 seats);
- (g) Mayoral Advisory (7 seats); and
- (h) Treasury Management (3 seats).

1.2.2 West Suffolk Joint Standards Committee (3 seats) – Council approved on 26 February 2013 that arrangements for appointments to the West Suffolk Joint Standards Committee be made without compliance with the political balance requirements in Sections 15 and 16 of the Local Government and Housing Act 1989. The allocation of seats is to be one Conservative Group, one UK Independence Party Group and one Charter Group.

1.2.3 Democratic Renewal Working Party - The Democratic Renewal Working Party is not required to be politically balanced, but the allocation of seats is, by custom and practice, undertaken on this basis. The table below gives the exact entitlement to places and the allocated places.

<b>Committee</b>	<b>Democratic Renewal WP</b>	
<b>No of seats</b>	<b>7</b>	
<b>GROUP</b>	<b>Entitled Places (exact)</b>	<b>Allocated Places</b>
<b>Conservative</b>	5.6	5
<b>United Kingdom Independence Party</b>	0.62	1
<b>Charter (DN, RC, DH, JW)</b>	0.62	1
<b>Independent (PH) Non-Group</b>	0.16	0
<b>TOTAL</b>	<b>7</b>	<b>7</b>

1.2.4 Non-grouped members - Although non-grouped members are not required to be proportionally represented, where a group is entitled to less than 0.5 of a place, group leaders may wish to consider whether to give a seat to a non-group member.

1.2.5 The Council is asked to consider whether it wishes to continue operating the above Committees, Joint Committee and Working Party for 2015/2016 in

accordance with their existing number of seats and terms of reference, as contained in Appendix 2 attached.

- 1.2.6 Council is then asked to allocate seats and substitutes to political groups in accordance with the political balance rules and appoint membership to those Committees and Working Party via delegated authority.

		Conservative Group			UK Independence Party Group			Charter Group (DN, DH, RC, JW)			Independent (PH)			TOTAL
Members		36			4			1			1			45
Expressed as %		80.00%			8.89%			8.89%			2.22%			100%
Committee	No of seats	Entitled places (exact)	Entitled places (rounded)	Allocated places	Entitled places (exact)	Entitled places (rounded)	Allocated places	Entitled places (exact)	Entitled places (rounded)	Allocated places	Entitled places (exact)	Entitled places (rounded)	Allocated places	
Development Control	16	12.8	13	13	1.42	1	2	1.42	1	1	0.36	0	0	16
Licensing & Regulatory	13	10.4	10	11	1.16	1	1	1.16	1	1	0.29	0	0	13
Overview & Scrutiny	16	12.8	13	13	1.42	1	1	1.42	1	1	0.36	0	1	16
Performance & Audit Scrutiny	10	8	8	8	0.89	1	1	0.89	1	1	0.22	0	0	10
Joint Officer Appointments	3	2.4	2	3	0.27	0	0	0.27	0	0	0.07	0	0	3
Joint Officer Appeals	3	2.4	2	2	0.27	0	1	0.27	0	0	0.07	0	0	3
Mayoral Advisory	7	5.6	6	5	0.62	1	1	0.62	1	1	0.16	0	0	7
Treasury Management	3	2.4	2	2	0.27	0	0	0.27	0	1	0.07	0	0	3
<b>TOTAL</b>	<b>71.0</b>	<b>56.8</b>	<b>56.0</b>	<b>57.0</b>	<b>6.3</b>	<b>5.0</b>	<b>7.0</b>	<b>6.3</b>	<b>5.0</b>	<b>6.0</b>	<b>1.58</b>	<b>0.0</b>	<b>1.0</b>	<b>71.0</b>

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**TERMS OF REFERENCE FOR COMMITTEES, JOINT COMMITTEES AND  
DEMOCRATIC RENEWAL WORKING PARTY**

**Development Control Committee**

1. Membership and Meeting Arrangements

The Committee will comprise up to 17 Members of the Authority. It will be appointed annually by the full Council and will be politically balanced.

The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.

The Committee will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.

2. Functions/Remit

The Committee is authorised to undertake (or sub-delegate) all of the Council's regulatory functions relating to town and country planning, development control and the protection of hedgerows and trees, as specified in Parts A and I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).

The Committee is also authorised to exercise the Council's Local Choice Functions in relation to the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (as specified in the [Table in Section 1 of Part 3 of the Constitution](#)).

In summary, the area of responsibility of this Committee includes all matters relating to the administration of Town and Country Planning legislation, Listed Building and Conservation Area legislation, Hazardous Substances legislation and the Building Acts and associated Regulations within the purview of the Authority as it relates to the following functions:-

- (1) The Committee determines all planning or similar applications which are:
  - (a) judged by the Head of Planning and Growth (after consultation with the Chairman and/or the Vice-Chairman/men of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination, and;
  - (b) applications proposing major development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) and which the recommendation of the Head of Planning and Growth would conflict with or would not substantially satisfy the written representation of the Parish/Town Council or where a Member for the ward in which the

application site is located, or who is a Member of the Council's Development Control Committee, has requested (in writing) consideration by Committee, and;

- (c) applications proposing other than major development (as defined above) referred by the Head of Planning following consultation with the Delegation Panel.
- (2) A Delegation Panel Scheme (known as "the Panel") has been set up to deal with applications for Planning Permissions, Listed Building Consents, Conservation Area Consent and Prior Notifications. This will apply in cases including applications from householders, advertised matters, applications for change of use, applications for minor residential development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995), applications for a variation of conditions, applications relating to hazardous substances and prior notifications in relation to agricultural, forestry and telecommunications development.

In cases referred to above where decisions will only be taken following consultation with the Panel which will comprise the Chairman and/or Vice Chairman/men of Development Control Committee and any local Ward Member(s) who has/have expressed any interest in writing.

The Delegation Panel scheme will operate as follows:

- (a) Meeting of the Panel will normally take place monthly.
- (b) A list of applications to be considered at the Panel will be circulated to all Members, and a written briefing report on each case prepared and circulated to the Chairman and Vice Chairman of Development Control Committee and any local Member(s) who has/have expressed any interest in writing, at least 4 clear working days in advance of the Panel meeting, with provision for emergency items at the discretion of the Chairman or Vice Chairman and Ward Member(s) or adjacent Ward Member with the approval of the Ward Member(s).
- (c) The local Member(s) may attend the Panel or submit representations in writing in order to make sure the Panel is clearly aware of their views and reasoning.
- (d) The Council's case officer(s) will present individual applications for discussion and decision, including all representations received and photographs of the site.
- (e) The formal decision will be made by the Head of Planning & Regulatory Services in consultation with the Chairman and/or Vice Chairmen and any interested local Ward Member. In the absence of a consensus between the Members the application will be reported to the Development Control Committee.

- (f) The relevant Parish/Town Council will be informed of the decision verbally by the Council's case officer within 2 working days of the Panel meeting and will be sent written reasons within 10 working days of the Panel meeting with copies to the Chairman, Vice Chairman of Development Control Committee and local Member(s).
- (3) The Committee is responsible for matters relating to:
  - (a) Development Control functions and enforcement including (but without limitation):
    - (i) The preservation of buildings and trees;
    - (ii) Controlling uses of land and buildings, including relocation of non-conforming uses, the making of discontinuance, revocation and modification orders and the making of agreements regulating the development and/or use of land or premises;
    - (iii) Determination of planning applications and commenting upon development proposals by Suffolk County Council and other public bodies;
    - (iv) Determination of planning applications made by or on behalf of the Council, whether submitted by or on behalf of the Council itself or jointly with another person;
    - (v) Determination of applications relating to signs and advertisements;
    - (vi) Enforcement by means of issue of enforcement notices, breach of condition notices, stop notices and any other lawful instrument and subsequent prosecution or legal proceedings.
  - (b) Building Control functions and enforcement, including but without limitation:
    - (i) approval of buildings and works under Building Regulations for the time being in force;
    - (ii) enforcement action including criminal, injunctive or other legal proceedings;
  - (c) To fix fees and charges for all services administered by the Committee.

### 3. Delegation of Functions

The majority of the Committee's functions will be determined by officers, as set out in [section 4 of Part 3 of the Constitution](#). These delegations are subject to:-

- (a) any such determination being consistent with Development Plans and adopted Borough and County Planning Policies;

- (b) statutory and customary consultations being carried out; and
- (c) the Safeguards and Consultative Procedures.

Those matters which will normally fall to be determined by the Committee are as defined in the Committee's Safeguards and Consultative Procedures set out above.



## **Licensing and Regulatory Committee**

### 1. Membership and Meeting Arrangements

The Committee will comprise up to 13 Members of the Authority. It will be appointed annually by the full Council and may be politically balanced.

The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.

The Committee and its sub-committee(s) will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.

### 2. Functions/Remit

The area of responsibility of this Committee includes all matters of a regulatory nature (other than those covered by the Development Control Committee), or which are required by statute to be licensed, and the hearing of certain appeals. The Committee will only hear those appeals which the Authority is required to determine; it will not take the place of any other appeals process or complaints procedure, nor will it provide a general appeal mechanism for any decision of the Authority.

Accordingly, the Committee is authorised to undertake (or sub-delegate) all of the Council's regulatory functions relating to licensing and registration, health and safety at work (for non-Council staff), public rights of way and take-away food shops, as specified in Parts B, C and I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).

The Committee is also authorised to exercise the Council's Local Choice Functions (as specified in the [Table in Section 1 of Part 3 of the Constitution](#)) in relation to:-

- (1) the determination of an appeal against any decision made by or on behalf of the Authority (other than those relating to employees of the Authority), including appeals relating to Discretionary Housing Payments;
- (2) any function relating to contaminated land;
- (3) the discharge of any function relating to the control of pollution or the management of air quality;
- (4) the service of an abatement notice in respect of a statutory nuisance;
- (5) the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area;
- (6) the inspection of the Authority's area to detect any statutory nuisance;

- (7) the investigation of any complaint as to the existence of a statutory nuisance;
- (8) the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976; and
- (9) the making of agreements for the execution of highways works.

### 3. Delegation of Functions

The majority of the Committee's functions will be determined by officers, as set out in [section 4 of Part 3 of the Constitution](#).

In normal circumstances, matters will only be brought before the Committee where there is a difficulty or an appeal against an officer's decision.

Applications made in respect of the Licensing Act 2003 will be brought before the Committee or sub-committees in accordance with any regulations published under the Act, the guidance issued under s.182 of the Act and summarised in Table B1 below.

Applications made in respect of the Gambling Act 2005 will be brought before the Committee or Sub Committee in accordance with the Scheme of Delegation adopted and summarised in Table B2 below.

**TABLE: B1**

**Licensing Act 2003: Delegation of Functions**

The Licensing Authority has adopted the following level of delegation of functions in accordance with the general guidance issued by the Government.

<b>Matter to be dealt with</b>	<b>Licensing and Regulatory Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a Suffolk Constabulary objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application for provisional statement	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary designated premises supervisor	If a Suffolk Constabulary objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Suffolk Constabulary objection	All other cases
Applications for Interim Authorities	If a Suffolk Constabulary objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a Suffolk Constabulary representation to a temporary event notice	All cases	
Determination of application for minor variation		All cases
Determination of application for licence, or variation of licence, in respect of community premises: supervision of alcohol sales	If a Suffolk Constabulary objection is made and not withdrawn	All other cases
Determination of relevance of representation		All cases
Exercise of Responsible Authority Functions of applications and notices submitted to the licensing authority under the Licensing Act 2003 (as amended by the Police and Social Responsibility Act 2011) in accordance with the regulations.		All cases

**TABLE: B2****Gambling Act 2005: Delegation of Functions**

<b>GAMBLING ACT 2005</b>			
<b>Summary of permitted licensing authority delegations</b>			
<b>(x indicates the lowest level to which decisions can be delegated)</b>			
<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Final approval of three year Statement of Licensing Principles	x		
Policy not to permit casinos	x		
Fee Setting (when appropriate)			x
Application for premises licences		Where representations have been received and not withdrawn made	Where no representations have been received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn made	Where no representations have been received/representations have been withdrawn
Application for transfer of a licence		Where representations have been received and not withdrawn made	Where no representations have been received/representations have been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn made	Where no representations have been received/representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

## **Overview and Scrutiny Committee**

### 1. Membership and Meeting Arrangements

The Council will appoint an Overview and Scrutiny Committee of up to 16 Members, or as many as Council determines from time to time, and will be politically balanced. All Councillors, except Members of the Cabinet and full Members of the Performance and Audit Scrutiny Committee, may be Members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he or she has been directly involved.

The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees. Panels and working groups of the Committee may appoint non-voting co-optees to assist with specific reviews.

The Committee shall have meetings programmed approximately every 6 weeks (i.e. normally, there will be up to 8 ordinary meetings of the Overview and Scrutiny Committee in each year).

### 2. Functions/Remit

The terms of reference of the Overview and Scrutiny Committee are:-

- (a) the performance of all overview and scrutiny functions on behalf of the Council (explained in Article 7 of this Constitution) and as set out in section 9F of the Local Government Act 2000;
- (b) to receive the draft West Suffolk Annual Report from the Leaders or representative(s) of Cabinet either prior to the commencement of each financial year or at its first meeting after each Annual Council Meeting. Should major developments such as a change of Leader occur following the Annual Meeting in May resulting in a change to the Cabinet's priorities, a revised report may be re-submitted at the Committee's first meeting in the civic year;
- (c) to approve a rolling overview and scrutiny work programme, including the programme of any panels or groups it appoints, so as to ensure that the Committee's and panels' or groups' time is effectively and efficiently utilised;
- (d) to put in place a system to ensure that referrals from Overview and Scrutiny to the Cabinet, either by way of report or for reconsideration, are managed efficiently;
- (e) in the event of the volume of reports to the Cabinet creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made;

- (f) to act as the crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly
  - (i) to scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself; and
  - (ii) to make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions;
- (g) to consider local crime and disorder matters in accordance with the Councillor Call for Action Protocol;
- (h) to work collaboratively, as may be appropriate, with the scrutiny function of other local authorities to fulfil the crime and disorder scrutiny function;
- (i) to advise on the development of new policy in accordance with its agreed work programme;
- (j) to advise, where appropriate, on corporate projects and strategies;
- (k) to appoint informal member panels and 'task and finish' groups to assist the work of the Committee; and
- (l) to review annually the work and Constitution of such Panels and Working Parties.

As a general principle for its work programme, wherever the subject matter is common and relevant to both Forest Heath and St Edmundsbury, the Committee will make invitations to and consider invitations from the other authority's Overview and Scrutiny Committee to carry out joint scrutiny reviews for West Suffolk.

## **Performance and Audit Scrutiny Committee**

### 1. Membership and Meeting Arrangements

The Council will appoint a Performance and Audit Scrutiny Committee of up to ten Members, which will be politically balanced. All Councillors, except Members of the Cabinet and full Members of the Overview and Scrutiny Committee may be Members of the Performance and Audit Scrutiny Committee.

The Performance and Audit Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

There will be up to six ordinary meetings of the Committee each year, comprising four quarterly meetings based around a programme of performance management and risk and budget monitoring, and, as required, a meeting to approve the annual accounts, and a further meeting to scrutinise proposals for cost reductions and growth in the forward budget.

### 2. Functions/Remit

The terms of reference of the Performance and Audit Scrutiny Committee are:

- (i) to monitor and scrutinise the performance of the Council's services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports and monitoring of action plans;
- (ii) to consider means of improving and promoting the performance management and audit functions of the Council;
- (iii) within its terms of reference as detailed in 1.3 (i) above, and as an integral part of its role as the Council's Audit Committee, to have reference to any or all of the following areas:

#### **(a) Integration of the Audit role**

To ensure that the principles of effective audit are integrated into the work of the Performance and Audit Scrutiny Committee and the Council generally.

#### **(b) Risk Management**

To provide assurance of the effectiveness of the corporate risk assessment process and monitor the effective development and operation of risk management policies in the Council, specifically including monitoring of the Risk Management Strategy and the Corporate Risk Register.

#### **(c) Internal Audit and Governance**

To provide an effective mechanism to monitor the control environment within the authority, ensuring the highest standards of probity and public accountability by:-

- (1) reviewing and approving of the Annual Audit Plan;
- (2) challenging and follow-up of internal audit recommendations; (3) reviewing internal audit performance;
- (4) reviewing of Code of Corporate Governance and Statement of Internal Control; and
- (5) reviewing the anti-fraud and corruption controls and arrangements.

**(d) Financial Statements and Annual Accounts**

To provide scrutiny of the authority's financial performance by scrutinising the:-

- (1) Budget Monitoring Reports;
- (2) Capital Programme Audited Accounts; and
- (3) any proposals for cost reductions or growth in the forward budget.

**(e) External Audit**

To maintain and develop a trusting and professional relationship with the Council's external auditors and ensure any issues arising from inspection are dealt with.

- (1) Annual audit and Inspection Plan and any resulting reports;
- (2) Annual Audit Letter; and
- (3) Statement of Auditing Standard (SAS) 610 Communications.

**(f) Procurement**

Formal reporting of procurement issues;

- (iv) to receive an annual work programme based around a quarterly performance management and risk and budget monitoring cycle; and
- (v) to approve the Annual Statement of Accounts each year in good time to meet the statutory deadline for adoption.

It is not within the terms of reference of this Committee to carry out reviews, or to set up panels, although the Committee may from time to time carry out initial investigation into or scoping of an issue, which may lead to recommendations for further work by the appropriate scrutiny committee or Cabinet.



## **Joint Officer Appointments Committee**

### 1. Membership and Meeting Arrangements

This is a joint Committee between Forest Heath District Council and St Edmundsbury Borough Council.

Membership of the Joint Committee will comprise six Members, three from each authority. In addition, each authority will be able to appoint one substitute Member.

The Committee will be appointed annually by the full Council and will be politically balanced.

Any Member of the Council may serve on the Committee provided that they are not also a Member of the Joint Officer Appeals Committee.

The Committee must also contain at least one Member of the Cabinet.

The Committee will appoint its own Chairman and Vice Chairman.

The Committee will meet on an ad hoc basis as required.

### 2. Functions/Remit

To deal with the appointment, discipline and termination of employment of Joint Directors of Forest Heath District Council and St Edmundsbury Borough Council.

## **Joint Officer Appeals Committee**

### 1. Membership and Meeting Arrangements

This is a joint Committee between Forest Heath District Council and St Edmundsbury Borough Council. Membership of the joint Committee will comprise six Members, three from each authority. In addition, each authority will be able to appoint one substitute Member.

The Committee will be appointed annually by the full Council and will be politically balanced.

Any Member of the Council may serve on the Committee provided that they are not also a Member of the Joint Officer Appointments Committee.

The Committee will appoint its own Chairman and Vice Chairman.

The Committee will meet on an ad hoc basis as required.

### 2. Functions/Remit

To consider appeals against dismissal and grievances by Chief Officers of Forest Heath District Council and St Edmundsbury Borough Council.

## **Mayoral Advisory Committee**

### 1. Membership and Meeting Arrangements

Seven Members of the Authority appointed annually by the Proper Officer in accordance with the nominations of Group Leaders. The composition of the Committee shall reflect the political group representation on the Council, the Mayor to be consulted as necessary.

Any Member of the Authority may serve on the Committee.

The Committee will be appointed and meet as required prior to the Annual meeting of the Council.

### 2. Functions/Remit

To make a nomination direct to the Council regarding the selection of the Mayor of the Borough.

## **Treasury Management Sub-Committee**

### 1. Membership and Meeting Arrangements

- (a) The Treasury Management Sub-Committee will comprise three Members and one substitute Member of the Performance and Audit Scrutiny Committee and is politically balanced;
- (b) there will be one non-voting invitee, which will normally be the Portfolio Holder with responsibility for finance;
- (c) the Sub-Committee will be appointed annually by the Performance and Audit Scrutiny Committee (or full Council), and will appoint its own Chairman;
- (d) the Sub-Committee will meet at least three times each year, although meetings may be cancelled due to lack of business. Special meetings of the Sub-Committee may also be called as necessary; and
- (e) in order to help streamline the comprehensive treasury management reporting requirements of the CIPFA Code, where possible meetings will be held to coincide with existing reporting requirements.

### 2. Functions/Remit

The Treasury Management Sub-Committee will undertake the enhanced monitoring and scrutiny requirements of the revised Chartered Institute of Public Finance and Accountancy and will be responsible to the Committee for:-

- (1) the Council's responses to changes in statutory and regulatory requirements and guidance;
- (2) the annual Treasury Management and Investment Strategy;
- (3) on-going revisions to treasury management strategies and policies;
- (4) the mid year treasury management review;
- (5) reports on treasury management performance; and
- (6) the annual report on treasury management performance, including the effects of the decisions taken and the transactions executed in the past year, and on the circumstances of any non-compliance with the Council's treasury management policy statements.

## **West Suffolk Joint Standards Committee**

### 1. Membership and Meeting Arrangements

This is a Joint Committee between Forest Heath District Council and St Edmundsbury Borough Council. Membership of the Joint Committee will comprise six Members, three appointed by each authority.

To ensure a wide representation across the authorities, political balance rules do not apply to this Committee.

### 2. Functions/Remit

The Joint Standards Committee will have the following roles and functions in respect of both Forest Heath District Council and St Edmundsbury Borough Council:-

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- (b) assisting Councillors and co-opted Members to observe the Members' Code of Conduct.
- (c) advising the Council on the adoption and revision of the Members' Code of Conduct.
- (d) monitoring the operation of the Members' Code of Conduct.
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct.
- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in Section 34 of the Localism Act 2011.
- (g) considering a report from the Monitoring Officer in respect of an allegation of a breach of the Members' Code of Conduct.
- (h) dealing with a report from the Monitoring Officer in respect of an allegation of a breach of the Members' Code of Conduct of a Town or Parish Council within the District of Forest Heath and the Borough of St Edmundsbury.

The West Suffolk Joint Standards Committee will not cover the conduct of Officers, for which separate provisions apply.

## **Democratic Renewal Working Party**

### 1. Membership and Meeting Arrangements

The composition of the Working Party shall reflect the political group representation on the Council.

Any Member of the Authority may serve on the Working Party.

The Working Party will be appointed and meet as and when required.

### 2. Functions/Remit

The terms of reference of the Democratic Renewal Working Party are to:

- (a) recommend changes to the Council's decision making structure and procedures at Council meetings;
- (b) recommend amendments to the Council's Constitution;
- (c) advise on electoral matters;
- (d) review appointment procedures to outside bodies; and
- (e) further local democracy and citizenship, including guidance for officers on arrangements for Local Democracy Week.

# Council



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Review of Representation on Outside Bodies</b>	
<b>Report No:</b>	<b>COU/SE/15/018</b>	
<b>Report to and date:</b>	<b>Annual Council</b>	19 May 2015
<b>Portfolio holder:</b>	Leader of the Council <i>(Appointment of the Leader of the Council to be confirmed at Annual Council on 19 May 2015)</i>	
<b>Lead officer:</b>	Joy Bowes Service Manager (Legal) <b>Tel:</b> 01284 757141 <b>Email:</b> <a href="mailto:joy.bowes@westsuffolk.gov.uk">joy.bowes@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	One of the functions exercised by the Council is to appoint representatives on outside bodies. Following each Borough Council Election, the Council undertakes a full review to decide whether to continue to appoint representatives on outside bodies and, if so, to appoint the representative(s).	
<b>Recommendation:</b>	<p><b>It is <u>RECOMMENDED</u> that:</b></p> <ol style="list-style-type: none"> <li><b>(1) Where the Council may send observers to meetings of outside bodies these will be appointed by the Cabinet.</b></li> <li><b>(2) If deemed appropriate, the Council to explore the passing of nominations to other organisations.</b></li> <li><b>(3) Where the Council may make a nomination, but the nominee is not automatically appointed by the organisation, the nomination be made by the Cabinet.</b></li> <li><b>(4) The Service Manager (Legal) be given delegated authority to appoint the Borough Council's representatives on outside bodies not covered by (1), (2) and (3) above, in accordance with nominations put forward by the relevant Group Leaders or (if</b></li> </ol>	

	<p><b>applicable) the nominating body or individual listed (as detailed in Appendix A to Report No: COU/SE/15/018).</b></p> <p><b>(5) In relation to the appointments to the Gershon Parkington Memorial Trust (as detailed in Appendix B):-</b></p> <p><b>(a) To determine whether to appoint any Borough Councillors to the four vacant trustee positions, through whatever process is agreed for appointing to other outside bodies under this report.</b></p> <p><b>(b) To authorise a Director, in consultation with the Portfolio Holder responsible for the heritage collection, to appoint to any remaining vacancies, before the next meeting of the Trust takes place.</b></p>		
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>		
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>		
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>• As set out in paragraph 1.3 below.</li> </ul>		
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Opportunities for the Council to be represented on outside bodies are missed	Medium	To consider the appointment of representatives to outside bodies	Low
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b>		None	



**Documents attached:**

**Appendix A** – St Edmundsbury  
Borough Council Representation on  
Outside Bodies 2014/2015  
**Appendix B** – Gershom Parkington  
Memorial Trust

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## **1. Key issues and reasons for recommendation(s)**

### **1.1 Background**

- 1.1.1 One of the functions exercised by the Council is to appoint representatives on outside bodies.
- 1.1.2 Following each Borough Council Election, the Council undertakes a full review to decide whether to continue with representation on an outside body and, if so, appoint the representative(s).
- 1.1.3 Attached as Appendix A, to this report, is the list of outside bodies for the last civic year, 2014/2015. This list provides the name of the organisations and the number of representatives in that year.

### **1.2 Considerations**

- 1.2.1 The attached list of representation on outside bodies includes an Officer recommendation as to whether the Council should continue with its representation or not. In some cases this is not discretionary since the organisation has changed its governance arrangements.
- 1.2.2 The Council is required to consider the list in order to determine whether it wishes to continue or not with representation. In particular, attention is drawn to the following:-
  - (a) Where the Borough Council may send observers, it is recommended that Cabinet and not Council makes these appointments, if considered necessary, as the appointee is not formally representing the Council. This does not mean that the observer must be a member of the Cabinet.
  - (b) It is suggested that, where deemed to be appropriate, the Borough Council explores the possibility of 'passing' the nomination to other organisations (ie Town/Parish Councils).
  - (c) Where the Borough Council has the right to nominate a representative, but the nominee will not be automatically appointed by the outside body, then the nomination will also be made by the Cabinet.

### **1.3 Options**

- 1.3.1 The Council is required to determine, to approve or reject the principles outlined in 1.2.2 above.
- 1.3.2 For the remaining appointments, the Council has two alternatives in conducting the review of the representation on outside bodies:-
  - (a) That the Service Manager (Legal) be given delegated authority to appoint the Borough Council's representatives on outside bodies, in accordance with nominations put forward by the relevant Group Leaders or (if applicable) the nominating body or individual listed in Appendix A; or
  - (b) The Council considers each appointment in detail at its next ordinary

meeting of the Council, scheduled for 7 July 2015.

- 1.3.3 The first alternative has been used successfully in previous years and has the advantage that nominations can be received 'piecemeal'. The second alternative will require all nominations to be received more than a week before the Council meeting on 7 July 2015.
- 1.3.4 Further information about these outside bodies will also be made available to assist in the making of these appointments.

## **2. Additional Information**

### **2.1 Gershom Parkington Memorial Trust**

- 2.1.1 The Charity was set up in the 1980s to manage a donation of money linked to the clock collection and is separate to the main Gershom Parkington bequest. The Council (which manages the Charity) has received a request, supported by one of the trustees, for use of the funds to support a specific horology project and the Council now needs to reconvene the Charity to determine this. Further information is set out within Appendix B to this report.
- 2.1.2 Therefore, in relation to the appointments to this Charity, it is being recommended:-
  - (1) To determine whether to appoint any Borough Councillors to the four vacant trustee positions, through whatever process is agreed for appointing to other outside bodies under this report.
  - (2) To authorise a Director, in consultation with the Portfolio Holder responsible for the heritage collection, to appoint to any remaining vacancies before the next meeting of the Trust takes place.

**St Edmundsbury Borough Council Representation on Outside Bodies 2014/2015**

(Note: This list covers constituted organisations and charities. Council representation on project groups or boards, formed of various organisations, would be determined by Cabinet or in accordance with the Memoranda of Understanding for those projects)

<b>NAME OF ORGANISATION</b>	<b>PRESENT REPRESENTATIVE(S)</b>	<b>SUPPORT OFFICER(S)</b>	<b>CONTINUE YES/NO</b>
<b>Abbeycroft Leisure Trust Board (merged with Anglia Community Leisure Trust from 1 April 2015)</b>	Following the merger of ACL and Abbeycroft Leisure Trusts in April 2015, the Council no longer has appointment rights to the merged Board. Councillors can apply to serve as board members in a personal capacity.	Alex Wilson	<b>NO</b>
<b>Association for Suffolk Museums Management Committee</b>	One Member	Mark Walsh Damien Parker	<b>YES</b>
<b>'OurBuryStEdmunds' (Bid 4 Bury) Board Directors</b>	One Member and One Officer	Steven Wood Andrea Mayley	<b>YES</b>
<b>Brecks Partnership – Core Management Group</b>	Disbanded and replaced by 'Breaking New Ground' HLF Management Committee (see below)	Mark Walsh Damien Parker	<b>NO</b>
<b>'Breaking New Ground' – HLF Management Committee (replaces the Brecks Partnership – Core Management Group – see above)</b>	One Member	Mark Walsh Damien Parker	<b>YES</b>
<b>Bury St. Edmunds and District Volunteer Centre – Management Committee</b>	One Member	Davina Howes Lucy Carter	<b>YES</b>

NAME OF ORGANISATION	PRESENT REPRESENTATIVE(S)	SUPPORT OFFICER(S)	CONTINUE YES/NO
<b>Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Joint Advisory Committee</b>	Two Members	Mark Walsh Damien Parker	<b>YES</b>
<b>District Councils' Network</b>	One Member	Ian Gallin Liz Barnard	<b>YES</b>
<b>East of England Local Government Association (EELGA)</b>	One Member	Ian Gallin Liz Barnard	<b>YES</b>
<b>George Savage Trust</b>	One Member (currently Mrs Wayman) <i>(Will also need to confirm whether Mrs Wayman wishes to continue to serve on the Trust)</i>  (For information: The George Savage Trust was set up in 1939 following a bequest made by Mr George Savage. It has responsibility for the care and maintenance of the five cottages on Cavendish Green known as Hyde Park Corner. The Council has not been represented by a serving Borough Councillor in recent times)	Alex Wilson	<b>YES</b>
<b>Gershom Parkington Memorial Trust</b>	Six Trustees (Four vacancies)  Charity to be reconvened to determine the use of the funds to support a specific horology project. Additional information on these vacant Trustee positions are set out in Appendix B	Alex Wilson	<b>YES</b>

<b>NAME OF ORGANISATION</b>	<b>PRESENT REPRESENTATIVE(S)</b>	<b>SUPPORT OFFICER(S)</b>	<b>CONTINUE YES/NO</b>
<b>Greater Cambridge/Greater Peterborough Local Enterprise Partnership</b>	One Member	Ian Gallin	<b>YES</b>
<b>Guildhall Feoffment Trust</b>	Three Members	Simon Phelan	<b>YES</b>
<b>Havebury Housing Partnership Management Board</b>	From September 2014, the Council no longer appoints board members. Councillors can serve in an individual capacity	Alex Wilson Simon Phelan	<b>NO</b>
<b>Havebury Housing Partnership: Exercise of Borough Council's Voting Rights</b>	From September 2014, the Council no longer has voting rights	Alex Wilson Simon Phelan	<b>NO</b>
<b>King Edward VI Grammar School Bury St. Edmunds Foundation</b>	Three Members	Karen Points	<b>YES</b>
<b>Local Government Association (General Assembly)</b>	One Member	Ian Gallin	<b>YES</b>
<b>Local Government Association Rural Commission</b>	Disbanded	Steven Wood Andrea Mayley	<b>NO</b>
<b>Magna Carta Trust</b>	Two trustees  Former Mayor, Mrs Margaret Charlesworth, has served as one of the trustees for many years to provide continuity.  The serving Mayor is the other trustee in an	Alex Wilson	<b>YES</b>

NAME OF ORGANISATION	PRESENT REPRESENTATIVE(S)	SUPPORT OFFICER(S)	CONTINUE YES/NO
	<p>ex-officio capacity, but there has been discussion in recent times about amending the Charity's rules to allow member councils more flexibility and continuity in all of their appointments. Anticipating such a change, Stefan Oliver (then a serving Borough Councillor and also a former Mayor) was appointed in 2013 by full Council to act as the second trustee. However, the change did not occur, and it was agreed instead that Mr Oliver would attend as an observer instead, in place of the Mayor, until the 2015 elections.</p> <p>It is suggested that one trustee is appointed (or re-appointed) for 2015-2019 and, if desired, also an observer to substitute for the Mayor if needed.</p>		
<b>New Anglia Local Enterprise Partnership</b>	One Member	Ian Gallin	<b>YES</b>
<b>Our Greenest County Board (Suffolk County Council)</b>	One Member	Steven Wood Peter Gudde	<b>YES</b>
<b>ONE Haverhill Board</b>	Two Members	Ian Gallin Steven Wood Andrea Mayley	<b>YES</b>
<b>Rural Services Network (SPARSE)</b>	One Member	Davina Howes Liz Barnard	<b>YES</b>
<b>Smith's Row Art Gallery Trust</b>	One Member	Mark Walsh Damien Parker	<b>YES</b>

<b>NAME OF ORGANISATION</b>	<b>PRESENT REPRESENTATIVE(S)</b>	<b>SUPPORT OFFICER(S)</b>	<b>CONTINUE YES/NO</b>
<b>Southgate Community Partnership</b>	Ward Member for Southgate to be a trustee of the Partnership	Davina Howes Lucy Carter	<b>YES</b>
<b>St Edmund and Waveney YMCA (Services) Limited</b>	Representation no longer required as disbanded and merged with YMCA Suffolk	Simon Phelan	<b>NO</b>
<b>St John's Centre Trustees, Bury St Edmunds</b>	One Member	Mark Walsh Damien Parker	<b>YES</b>
<b>Stiff's Almshouses Charity Trustees, Rougham</b>	One Member (currently Mrs Anne Bell) <i>Mrs Bell has indicated her wish to continue in this role. This has also been supported by the Deputy Leader of the Council.</i>	Simon Phelan	<b>YES</b>
<b>Suffolk County Council - Health and Wellbeing Board</b>	One Member and one substitute (representation alternated each year with Forest Heath District Council)	Davina Howes Lucy Carter	<b>YES</b>
<b>Suffolk County Council - Suffolk Flood Risk Scrutiny Sub-Committee</b>	One Member and one Substitute	Mark Walsh Magnus Magnusson	<b>YES</b>
<b>Suffolk County Council - Health Scrutiny Committee</b>	One Member  Nominations are made by the Borough Council's Overview and Scrutiny Committee, for confirmation by Council	Davina Howes Christine Brain	<b>YES</b>
<b>Suffolk Joint Emergency Planning Panel</b>	One Member and one Substitute	Alan Points	<b>YES</b>



<b>NAME OF ORGANISATION</b>	<b>PRESENT REPRESENTATIVE(S)</b>	<b>SUPPORT OFFICER(S)</b>	<b>CONTINUE YES/NO</b>
<b>Suffolk Police and Crime Panel</b>	One Member and one Substitute	Davina Howes Lucy Carter	<b>YES</b>
<b>Suffolk Rail Policy Group</b>	One Member	Steven Wood Andrea Mayley	<b>YES</b>
<b>Suffolk Sport</b>	One Member	Mark Walsh Damien Parker	<b>YES</b>
<b>Suffolk Waste Partnership</b>	One Member	Mark Walsh Mark Christie	<b>YES</b>
<b>Suffolk West Citizens Advice Bureau (Bury St Edmunds)</b>	One Observer	Alex Wilson	<b>YES</b>
<b>Theatre Royal Board of Management</b>	One Observer	Liz Watts Mark Walsh Damien Parker	<b>YES</b>
<b>West Stow Anglo Saxon Village Trust</b>	Five Members	Mark Walsh Damien Parker Lance Alexander	<b>YES</b>
<b>Western Suffolk Community Safety Partnership</b>	One Member	Davina Howes Lucy Carter	<b>YES</b>
<b>West Suffolk Network (Senior Representatives Group)</b>	One Member and One Officer	Davina Howes Lucy Carter Liz Barnard	<b>YES</b>

**GERSHOM PARKINGTON MEMORIAL TRUST**

The Charity was set up in the 1980s to manage a donation of money linked to the clock collection, and is not to be confused with the main Gershom Parkington bequest itself (administered solely by the Council). The Gershom Parkington Memorial Trust has funds of £11,504.22. The Council (which manages the Charity) has received a request, supported by one of the trustees, for use of the funds to support a specific horology project and needs to reconvene the Charity to determine this.

The object of the Charity is to “advance the education of the public in understanding the development and history of horology and to encourage a practical interest in scientific matters particularly amongst students and school children”. Its powers are (in summary):

- to support the clock collection i.e. to raise funds, acquire and donate new clocks, repair existing clocks and provide equipment needed in connection with the collection.
- organise exhibitions, lectures and displays
- print materials related to the Collection.

As it is ancillary to the original Gershom Parkington bequest, which has its own funds to draw upon, the Charity has been inactive for many years. Excluding ex-officio appointments, there are now only two appointed trustees. The Trust can have up to 10 members as follows:

- Six appointed by St Edmundsbury Borough Council (not required to be councillors)
- One appointed by Suffolk County Council
- One appointed by the British Horological Institute
- One appointed by the Antiquarian Horological Society
- One ex-officio, being the “assistant curator for the time being responsible” for the clock collection itself.

The quorum of the Trust is three. With the ex-officio trustee and the Borough Council’s two remaining appointees (Mr Simon Pott and Honorary Freeman Sheila Wormleighton), a quorum could already be provided. However, to comply with the spirit of the Trust document, if the Council intends to ‘reactivate’ the Trust after a long period of it being inactive, then it needs to notify the other bodies of their vacancies so they can decide whether or not to re-appoint before it first meets again (which has been done). The Borough Council would also be wise to consider increasing its own membership as part of this annual review of representatives on outside bodies.

In terms of the Borough Council’s own representation, there is no fixed term of office, so it is not suggested that the two existing appointments are replaced unless they wish to stand down. Furthermore there is no need to appoint to all four vacancies, initially at least. However, the intention of the Charity was for the Borough Council to appoint a majority of the membership, so appointing at least three other trustees at this time would meet this objective.

The Borough Council might also want to make greater use of ex-officio appointments to ‘future-proof’ its membership e.g.:

- the member of the Council’s Cabinet responsible for the St Edmundsbury Heritage Collection

- the Mayor, Deputy Mayor or a Chairman of a specified committee or working party
- the service manager of the Council responsible for managing its heritage service.

There is also no requirement for all of the four vacancies to be councillors so it might be possible also to appoint from the membership of, say, the Friends of Moyse's Hall (where the clock collection is displayed) or from another heritage or civic group. If this approach is desired by Council it is suggested that the power to appoint to any vacancies during 2015 be delegated to a Director in consultation with the relevant Portfolio Holder, since the aim is to convene a meeting in June or July 2015.

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# Council



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Temporary Appointment to Vacancies on Parish Councils</b>	
<b>Report No:</b>	<b>COU/SE/15/019</b> [to be completed by Democratic Services]	
<b>Report to and date:</b>	<b>Annual Council</b>	19 May 2015
<b>Portfolio holder:</b>	To be confirmed following appointment of Cabinet Members.	
<b>Lead officer:</b>	Joy Bowes Service Manager (Legal) <b>Tel:</b> 01284 757141 <b>Email:</b> joy.bowes@westsuffolk.gov.uk	
<b>Purpose of report:</b>	The report proposes that appropriate Borough councillors be appointed temporarily to fill vacancies on Flempton cum Hengrave Parish Council which is inquorate owing to insufficient nominations being received for the recent election.	
<b>Recommendation:</b>	<p>It is <b>RECOMMENDED</b> that:</p> <p>(1) <b>Council appoint those persons named in Appendix 1 to Report No: COU/SE/15/019 to Flempton cum Hengrave Parish Council temporarily until the holding of an election; and</b></p> <p>(2) <b>an Order to that effect be made in accordance with s91 Local Government Act 1972.</b></p>	
<b>Key Decision:</b>  (Check the appropriate box and delete all those that <b>do not</b> apply.)	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	

<p><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>			
<b>Consultation:</b>		<ul style="list-style-type: none"> <li>A current Member and Clerk to Flempton cum Hengrave Parish Council, and Ward Member</li> </ul>	
<b>Alternative option(s):</b>		<ul style="list-style-type: none"> <li>None</li> </ul>	
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		<ul style="list-style-type: none"> <li></li> </ul>	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		<ul style="list-style-type: none"> <li></li> </ul>	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		<ul style="list-style-type: none"> <li></li> </ul>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		<ul style="list-style-type: none"> <li>There is a legal procedure to be followed, as explained in the report.</li> </ul>	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		<ul style="list-style-type: none"> <li></li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
The Parish Council cannot take any decisions or transact business as it is inquorate	Medium	SEBC uses its power under s91 to appoint temporarily to the Parish Council	Medium
<b>Ward(s) affected:</b>		Risby Ward	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		None	
<b>Documents attached:</b>		<b>Appendix 1</b> – list of persons to be appointed.	

## **1. Key issues and reasons for recommendations**

- 1.1 At the recent election, not enough nominations were received for Flempton cum Hengrave Parish Council for it to be quorate. In order to be quorate it requires three Members but currently has only two. The full complement of Members is eight.
- 1.2 In this situation it is a legal requirement under s39(1) Representation of the People Act 1983 for the Returning Officer to call another election. The necessary steps are being taken for an election to be called within the statutory time limit of thirty-five days.
- 1.3 However, as the Parish Council is inquorate it cannot legally transact any business until at least one more Member is elected. Section 91 empowers the Borough Council to appoint persons to the Parish Council to fill all or any of the vacancies in these circumstances. The appointment has to be made by means of an Order and copies sent to the Secretary of State. The names of those to be appointed have been supplied by one of the current Members in consultation with the Clerk, as shown in Appendix 1. They all live in Flempton or Hengrave and three are former parish councillors.

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## **APPENDIX 1**

The following names and addresses are those to be appointed to Flempton cum Hengrave Parish Council have been supplied by one of the current Members in consultation with the Clerk:

1. Janet Davis  
Pigeon Cottage, 8 Bury Road, Hengrave IP28 6LS.  
Ex-councillor
2. Philip Randall  
Pigeon Cottage, 8 Bury Road, Hengrave IP28 6LS.  
Ex-councillor
3. Iris Evans  
Grafton Vale, The Green, Flempton IP28 6EL.  
Ex-councillor
4. Pamela Newborough  
Holly House, The Green, Flempton IP28 6EL.  
New parish councillor

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