

Extraordinary Council



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda
Date:	Tuesday 17 October 2017
Time:	7.00 pm
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU
Membership:	All Councillors You are hereby summoned to attend a meeting of the Council to transact the business on the agenda set out below.  Ian Gallin Chief Executive 9 October 2017
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum	Fifteen Members
Committee administrator:	Claire Skoyles Democratic Services Officer Tel: 01284 757176 Email: claire.skoyles@westsuffolk.gov.uk

Public Information



St Edmundsbury
BOROUGH COUNCIL

Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU	Tel: 01284 757176 Email: democratic.services@westsuffolk.gov.uk Web: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting:	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website.	
Attendance at meetings:	The Borough Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
Public questions:	<p>Members of the public may ask questions of Members of the Cabinet or any Committee Chairman. As this is an extraordinary meeting of Council, 30 minutes will be set aside for persons in the public gallery who live or work in the Borough to ask questions, <u>but these must be limited to the business to be transacted at this meeting.</u></p> <p>A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757176 or in person by telling the committee administrator present at the meeting.</p> <p>Written questions, detailing the full question to be asked, may be submitted by members of the public to the Service Manager (Democratic Services) no later than 10.00 am on the previous working day to the extraordinary meeting of the Council. Email: democratic.services@westsuffolk.gov.uk Phone: 01284 757162</p>	
Disabled access:	<p>West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons.</p> <p>Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.</p>	
Induction loop:	An Induction loop is available for meetings held in the Conference Chamber.	
Recording of meetings:	<p>The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).</p> <p>Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.</p>	

Agenda

Procedural Matters

Page No

1. Apologies for Absence

To receive announcements (if any) from the officer advising the Mayor (including apologies for absence)

2. Declarations of Interests

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

Part 1 - Public

3. Public Participation

(Council Procedure Rules Section 6) Members of the public who live or work in the Borough are invited to put one question of not more than five minutes duration and **the question must be limited to the business to be transacted at this meeting.**

A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start.*

(Note: The maximum time to be set aside for this item is 30 minutes, but if all questions are dealt with sooner, or if there are no questions, the Council will proceed to the next business.

*Each person may ask **one** question only. A total of **five minutes** will be allowed for the question to be put and answered. One further question will be allowed arising directly from the reply, **provided that the original time limit of five minutes is not exceeded.***

***Written questions** may be submitted by members of the public to the Service Manager (Democratic Services) **no later than 10.00 am on Monday 16 October 2017.** The written notification should **detail the full question** to be asked at the meeting of the Council.)**

**For further information, see Public Information Sheet attached to this agenda.*

4. Referrals Report of Recommendations from Cabinet

1 - 4

Report No: **COU/SE/17/015**

(A) Referrals from Cabinet: 27 June 2017

1. West Suffolk Joint Pay Policy Statement 2017/2018
Portfolio Holder: Cllr Ian Houlder

(B) Referrals from Cabinet: 19 September 2017

1. Annual Treasury Management Report 2016/2017 and Investment Activity: 1 April to 30 June 2017
Portfolio Holder: Cllr Ian Houlder

With the exception of Agenda Item 10 below, referrals from Cabinet, as recommended at its meeting on 17 October 2017, will be presented to the next ordinary meeting of Council on 19 December 2017.

- 5. Single Council: Consequential and Transition Matters** **5 - 30**
Report No: **COU/SE/17/016**
- 6. Constitutional and Administrative Matters** **31 - 34**
Report No: **COU/SE/17/017**
- 7. Review of Political Balance and Appointment to Politically Balanced Bodies**
Report No: **COU/SE/17/018 TO FOLLOW**
- 8. Annual Scrutiny Report 2016/2017** **35 - 52**
Paragraph 7.5.1 of Article 7 of the Council's Constitution requires that *'The Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate'*.
Report No: **COU/SE/17/019**
- 9. Exclusion of Press and Public**
To consider whether the press and public should be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 – Exempt

10. Exempt Appendix: Referrals Report of Recommendations from Cabinet: Investing in our Commercial Asset Portfolio (para 3)

Exempt Appendix 1 to Report No: **COU/SE/17/015**
TO FOLLOW

(This referral has been compiled before the meeting of Cabinet on 17 October 2017 and is based on the recommendations contained within the exempt report listed below. Any amendments made by Cabinet to the recommendations within this report will be notified during the Council meeting).

1. Investing in our Commercial Asset Portfolio

(C) Referral from Cabinet: 17 October 2017

1. Investing in our Commercial Asset Portfolio
Portfolio Holders: Cllr Alaric Pugh and Peter Stevens

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Extraordinary Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Referral of Recommendations from Cabinet	
Report No:	COU/SE/17/015	
Report to and date:	Extraordinary Council	17 October 2017
Documents attached:	Exempt Appendix 1: Referral of Recommendations from Cabinet: Investing in our Commercial Asset Portfolio	

(A) Referral from Cabinet: 27 June 2017

1. West Suffolk Joint Pay Policy Statement: 2017/2018

Portfolio Holder: Cllr Ian Houlder

Report No:
[CAB/SE/17/038](#)
[Appendix 1](#)

RECOMMENDED:

That the West Suffolk Joint Pay Policy Statement 2017/2018, as contained in Appendix 1 to Report No: CAB/SE/17/038, be approved.

- 1.1 Section 38/11 of the Localism Act 2011 requires local authorities to produce a Pay Policy Statement annually. A joint Pay Policy Statement for 2017/2018, attached as Appendix 1 to Report CAB/SE/17/038, has been produced for St Edmundsbury Borough and Forest Heath District Councils, which reflects the shared workforce, and the single Pay and Reward Strategy now in place for the two West Suffolk councils. The Statement also incorporates the outcomes of the 2013 collective agreement which established a modern reward framework for the integrated workforce.

(B) Referral from Cabinet: 19 September 2017

1. Annual Treasury Management Report: 2016/2017

Portfolio Holder: Cllr Ian Houlder

Report No:
[CAB/SE/17/043](#)

**Treasury Management
Sub-Committee Report
No:** [TMS/SE/17/003](#)
[Appendix 1](#)

RECOMMENDED:

That the Annual Treasury Management Report for 2016-2017, attached as Appendix 1 to Report No: TMS/SE/17/003, be approved.

- 1.1 The Council's Annual Treasury Management Report for 2016-2017 was attached at Appendix 1 to Report No: TMS/SE/17/003. The report included tables which summarised the interest earned during 2016-2017 on the various treasury investments held by the Council; investment activity during the year and the investments held as at 31 March 2017.
- 1.2 The budgeted income from investments in 2016-2017 was £277,484 (average rate of return of 0.90%). Interest actually earned during the year totalled £417,358 (average rate of return of 0.763%); an over achievement of interest of £139,876, but an under achievement of 0.137% on average rate of return. This was primarily due to higher cash balances being held during the year than originally budgeted for.
- 1.3 On 4 August 2016, the Bank of England reduced its base rate to 0.25%, where it remained for the rest of 2016/2017 and the bank's Funding for Lending Scheme also remained open during the year. Consequently, interest rates offered by institutions remained low which resulted in a lower average rate of return being achieved by the Council during 2016/2017 than originally predicted.
- 1.4 The Council, in February 2005, agreed to establish the Interest Equalisation Earmarked Reserve to help smooth out these fluctuations in returns. The balance in this reserve, as at 31 March 2017, was £359,630.

(C) Referral from Cabinet: 17 October 2017

(The referral overleaf has been compiled before the meeting of Cabinet on 17 October 2017 and is based on the recommendations contained within the exempt report listed below. Any amendments made by Cabinet to the recommendations within these reports will be notified during the Council meeting).

1. Exempt: Investing in our Commercial Asset Portfolio

Portfolio Holders: *Cllrs Alaric Pugh and
Peter Stevens*

**Report No:
Exempt
CAB/SE/17/056**

This referral will be considered in private session under Agenda Item 10.

(Other referrals from Cabinet, as recommended at its meeting on 17 October 2017, will be presented to the next ordinary meeting of Council on 19 December 2017.)

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Extraordinary Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Single Council: Consequential and Transition Matters	
Report No:	COU/SE/17/016	
Report to and dates:	St Edmundsbury Extraordinary Council	17 October 2017
	Forest Heath Extraordinary Council	18 October 2017
Portfolio holder:	John Griffiths Leader of the Council Tel: 07958 700434 Email: john.griffiths@stedsbc.gov.uk	
Lead officer:	Leah Mickleborough Service Manager (Democratic Services) and Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	Following the decision made by St Edmundsbury and Forest Heath councils in September 2017 to submit a business case to the Secretary of State to become a single council for West Suffolk, it is now necessary to consider a number of technical matters that will be required to be included in any subsequent Order to become a single council.	

<p>Recommendations:</p>	<p>It is <u>RECOMMENDED</u> that:</p> <p>(1) should the Secretary of State be minded to create a single council for West Suffolk, the following matters should be recommended for inclusion within the Order to create the new Council on 1 April 2019:</p> <p>(1.1) Forest Heath District and St Edmundsbury Borough Councils should transition via the means of a Shadow Authority, which will comprise all 72 councillors from both councils;</p> <p>(1.2) the Shadow Authority should be required to form an implementation executive, to include both the leaders and at least three further councillors from each of Forest Heath and St Edmundsbury councils;</p> <p>(1.3) the name of the new Council should be West Suffolk District Council until such time as the Council, or Shadow Council, may resolve otherwise;</p> <p>(1.4) the Shadow Authority should have equivalent powers granted to authorities by virtue of s.245(4) to apply for Borough Status;</p> <p>(1.5) the proposed Council Size for West Suffolk District Council of 64 members, and the route for determining the final Council Size case, as set out in paragraphs 7.4 and 7.5 of Report No: COU/SE/17/016, should be endorsed;</p> <p>(2) St Edmundsbury Borough Council recognises that both itself, and Forest Heath District Council, will have a duty to co-operate with the Shadow Authority; and</p> <p>(3) it be noted that, during the Secretary of State’s consultation, the Leader of the Council will respond to confirm the Council’s firm commitment to supporting the creation of a new single council for West Suffolk.</p>
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not 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>

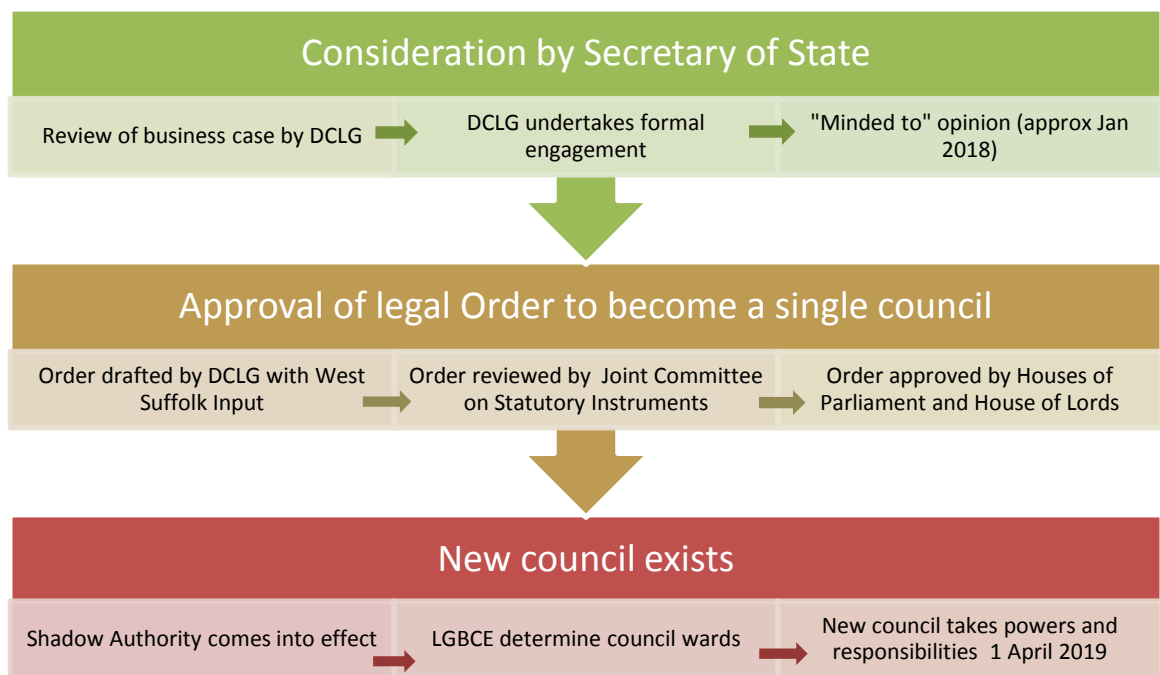
Consultation:	The recommendations within this report have arisen as a result of work undertaken by the Future Governance Steering Group, and between July and September 2017.		
Alternative option(s):	The alternative options are set out within this report.		
Implications:			
Are there any financial implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any staffing implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any ICT implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any legal and/or policy implications? <i>If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> The recommendations contained within this report will be included within a draft Order to create a new Council, should the Secretary of State be minded to do so. 		
Are there any equality implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Should the Council fail to articulate its wishes, the Secretary of State may be required to make determinations which are not in line with Councillor views	Low	The recommendations within this report, which arise from work undertaken by Future Governance Steering Group, address this risk	Low
Ward(s) affected:			
All wards			
Background papers: <i>(all background papers are to be published on the website and a link included)</i>			
Report No: COU/SE/17/013 A single Council for West Suffolk: Business Case – considered by Council on 26 September 2017 (See website for Appendices)			
Documents attached:			
Appendix 1: Council Size Argument			

1. Current Position

- 1.1 In September 2017, both Forest Heath District Council and St Edmundsbury Borough Council voted to submit a business case to become a single Council to the Secretary of State.
- 1.2 In due course, the Secretary of State will issue a decision on whether or not he is minded to agree the business case. If he is minded to do so, work will immediately commence on a draft Order to be laid before Parliament to create a new council for West Suffolk.
- 1.3 As was highlighted in the previous report to Council, one of the most significant risks to the business case is the concern that there is insufficient parliamentary time in order to agree the draft Order, and for the Local Government Boundary Commission for England (LGBCE) to undertake the necessary work to determine the new Council's warding pattern.
- 1.4 At present, it is clear that all sides are committed to ensuring this risk does not materialise. However, it is important that no further delays in the process should occur and, as such, it is important that the Council now considers those matters necessary for inclusion within the draft Order.

2. Process to become a new council

- 2.1 The business case considered in September provided headline information on the process to become a single council.
- 2.2 The legislative framework under which the governance arrangements of the two councils are being reviewed is s.15 of the Cities and Local Government Devolution Act 2016. This allows, at the request of the authorities, the Secretary of State to review requests to modify governance arrangements.
- 2.3 If he is minded to support the proposals, the Secretary of State will request the creation of an Order that will dissolve the current councils and create a new council, transferring the powers, functions and responsibilities of Forest Heath and St Edmundsbury to the new Council on 1 April 2019. The Order must receive the approval of both Houses of Parliament, and be accompanied by a report setting out why the Secretary of State believes it appropriate to create the new Council, and any consultation he has taken into account.
- 2.4 The chart below more specifically outlines the process that will be followed over the forthcoming months:



2.5 As is highlighted above, the Department for Communities and Local Government (DCLG) will undertake a period of engagement with key parties to obtain their own validation as to the support for the proposals, although clearly any engagement we have undertaken will be reviewed, considered and taken into account. DCLG have made clear the councils will be a consultee during this time, and given Council's support to the business case, the Leader of the Council will respond identifying this support continues.

3. Future Governance Steering Group

3.1 Over the summer 2017, the Future Governance Steering Group (FGSG) has been meeting to consider those technical aspects associated with becoming a single council, as well as inputting to the business case. The work of the FGSG will now turn to overseeing the implementation planning, until the Order is created and this becomes the responsibility of the Shadow Authority (see below).

3.2 The recommendations outlined in the rest of this report are the conclusions of the work of the FGSG.

4. Transition Arrangements

4.1 In practice, the new Authority cannot simply come into effect on 1 April 2019. It will be necessary to make appropriate transition arrangements to ensure that required policies and procedures are in place to enable council services to continue to operate effectively. For example, the new Council will need to have adopted local plan policies, licensing policies and have delegated decision making responsibilities to council officers.

4.2 There are two methods through which the councils can transition. The first method, which the FGSG has discounted, would involve one of the authorities becoming a "continuing authority" and the powers, functions and responsibilities of the other council transferring to it on 1 April 2019. In

theory, this method is simpler but was strongly discounted on the grounds that it gives the wrongful impression that one authority is taking over the other, and also misses the opportunity to truly assess governance arrangements for the new Council.

- 4.3 The second method is through operating a "shadow authority". This body would be created by the Order, and effectively operate as a temporary council. All 72 current councillors would serve on the Shadow Authority until the elections in May 2019, when the new electoral arrangements would come into effect.
- 4.4 The Shadow Authority would have the power to adopt the necessary processes and procedures – such as appointing the statutory officers and adopting a constitution - to come into effect on 1 April 2019. It would also set the first precept for the new Council, and adopt sub-structures – for example, appointing committees to agree relevant policies. It would also be responsible for appointing an Implementation Executive, which would take ownership of the oversight of ensuring a smooth transition at the transfer date.
- 4.5 Whilst the Shadow Authority is in operation, both Councils would continue to meet and make decisions in the normal way. For example, Forest Heath and St Edmundsbury Councils may agree a policy that starts from February 2019, but the Shadow Authority would have to adopt it to operate from April 2019.
- 4.6 The FGSG have recommended that the shadow authority route would be a fairer representation and act as a more effective route to create the new Council and as such this is recommended to Council. Whilst not considered by the FGSG, it is also suggested that the Order should include provision that the Leaders and at least three councillors from each council should be appointed to the Implementation Executive to ensure fair representation.
- 4.7 The existing authorities would have a duty to co-operate with the Shadow Authority to help ensure a smooth transition; Council is being asked to formally recognise and endorse this duty.

5. Council Name

- 5.1 The FGSG considered that the name of West Suffolk plays a prominent role in our current branding, and had significant historic precedence, and thus should be the recommended choice for the new Council.
- 5.2 Historically, the areas of what is now Forest Heath and St Edmundsbury Councils fell within the area known since Domesday as the "Liberty of St Edmund". The Liberty was administered by the Abbey of St Edmund, until the reformation, when it became subject to quarterly magistrate sessions until 1888. At that stage, the Local Government Act created three higher tier Councils for Suffolk, which included West Suffolk Council, which covered the whole of the area within the Liberty.
- 5.3 West Suffolk Council served the area until 1974, when the current governance structure within Suffolk came into effect.

5.4 More recently, the branding of the shared arrangements between Forest Heath and St Edmundsbury has been focused on the West Suffolk connection, and as such it is felt this represents both a historic, and a natural name, for the new Council.

6. Council Status

6.1 The FGSG have had significant debate regarding the status of the new Council – whether it should be a district or borough. Only a borough council can have a mayor.

6.2 Present legislation allows that any district council can apply to become a borough council. Councils are required to convene a special meeting, and at least two-thirds of members present must vote in favour. Once it has been agreed, the proposal is then submitted to the Privy Council for consideration who, if supportive will recommend the matter to Her Majesty for consideration and ultimately, approval.

6.3 The matter as to how St Edmundsbury / Forest Heath may apply to become a borough has been raised with the Privy Council, who have indicated that, due to the lack of a district level restructure precedent, the matter is best raised with DCLG. DCLG have confirmed due to the complexity of becoming a borough, and its separate approval process, it would be their strong preference to address this matter separately to creating the new Council.

6.4 Ahead of the reorganisation of local government in 1974 (which created Forest Heath and St Edmundsbury Councils) the Local Government Act 1972 included specific provision (s.245(4)) which allowed for shadow councils to resolve to become boroughs, and apply for borough status, which they could then use as soon as they took on their powers and responsibilities on 1 April 1974. In the case of St Edmundsbury, the St Edmundsbury District Council applied for borough status in December 1973 and were informed within four months their application had been successful.

6.5 Having considered the matter in some depth, the FGSG has recommended that the councils should request DCLG to award similar powers to the Shadow Authority as were given to shadow councils pre-1974 i.e. the Shadow Authority could apply for borough status if it wished to do so. In the meantime, the new Council would continue to have the legal status “West Suffolk District Council” (although it would be acceptable, from DCLG’s perspective, to use the term West Suffolk Council for branding purposes).

6.6 This would give the opportunity for the Shadow Authority to fully consider the matter and make its own, collective vote on whether to obtain borough status in due course.

7. Council Size

7.1 The number of councillors a future council should have (council size) has been one of the most complex aspects of the work of the FGSG. To support their work, members of the FGSG received a presentation from the LGBCE to explain the considerations they make in reviewing a council size proposal.

- 7.2 Our present understanding is that the Order to create a new council is likely to include a council size figure. This will then be subject to ratification by the LGBCE, who will then undertake a warding review to determine the exact ward boundaries and names. As there has not been a previous amalgamation of two district level councils using the Cities and Local Government Devolution Act 2016, there is no precedent in terms of the exact process that will be followed, and as such, all parties are negotiating at present to understand how this might be most effectively undertaken.
- 7.3 However, the principles at paragraphs 1.3 and 1.4 apply; a decision is required at this stage to ensure that the figure can be considered for inclusion within the draft Order.
- 7.4 The proposed council size is 64; the full case is included within Appendix 1. Shortly before production of this Council paper, informal views were received from the LGBCE on the Council's full case. This identified that whilst the case was generally good, further work is required to demonstrate how the new Council will be different, and work differently, to the two present Councils, for our case to be fully justified.
- 7.5 In that regard, officers propose further work is undertaken to strengthen the size paper, in consultation with the Chairman and Vice-Chairman of the Future Governance Steering Group. This will then be re-submitted to LGBCE for consideration. If their initial view is the case is robust, it will be submitted to the Secretary of State for consideration. If the case is not robust, this may require further consideration of the proposed figure and case; this will be reviewed in consultation with the Future Governance Steering Group and may necessitate further debate at Council before a final case is submitted to the Secretary of State.
- 7.6 Our current argument for the council size is particularly responsive to feedback received during the public engagement period regarding the concern of loss of local members and identities. In the past, when councils have combined, there has usually been a significant reduction in overall numbers due to the perception there is a decreased workload through time-savings in the democratic processes – for example, only one Cabinet rather than two. In our case, we recognise the potential for such savings, but also realise councillor numbers need to be maintained to support local councillors having the capacity for a strong, local presence.
- 7.7 The case includes a number of proposals around the future governance and decision making structures for the new Council. These are proposals for the council size case, as it will ultimately be for the new Council to agree its own structures – the new Council is not bound by the proposals in this argument. However, the case puts forwards a number of principles on which the council size case is based, which form a helpful basis on which members can work towards developing a decision making framework for the new Council.
- 7.8 As outlined above, the process for warding – which takes account the number of electors within the future Council – will follow on from the setting of the council size. The LGBCE have strongly emphasised that the council size case cannot be based on, or take account of, current warding patterns, future warding patterns or the number of electors. However, it is recognised – from

discussions with members of FGSG - that this is still a key consideration for members and engagement will take place during the warding review to ensure members' views can be taken into account, alongside wider public and stakeholder consultation.

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Council Size Proposal for a Future Council for West Suffolk

Submitted on behalf of

Forest Heath District Council and St Edmundsbury Borough Council

In September 2017, Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) agreed a business case that supports the formation of a single district-tier Council for West Suffolk. This business case has now been submitted to the Secretary of State, who, under s.15 of the Cities and Local Government Devolution Act 2016, has the power to issue an Order to create the new Council. The business case and associated appendices is available at <http://svr-mgov-01:9070/ieListDocuments.aspx?CIId=172&MIId=3649&Ver=4>

That Order will include those ancillary matters necessary to bring the new Council into being. One of the most important aspects is the number of Councillors necessary to operate the new council. Whilst this decision will be made by the Secretary of State, we consider it important that we submit our views, as the current District and Borough Councillors for West Suffolk, on the number of Councillors we believe the future Council should have.

This paper covers:

- Background to West Suffolk as a place
- Background to West Suffolk councils
- Forming our argument for council size, including:
 - o The governance arrangements of the council
 - o Regulatory decision making
 - o Scrutiny and oversight arrangements
 - o Responsibility to outside bodies
 - o The representational role of councillors
 - o Views of the residents of West Suffolk
 - o How our argument creates a council size
- Conclusion

About West Suffolk

West Suffolk is a growing area. By 2023, our population will amount to nearly 190,000 people¹ and as a single Council, we would currently be in the top 10 second-tier District Councils in population terms² and the top 10% by geographic area³.

As Councils, we have experienced steady growth. Our area sits on national and international trade routes as well as being part of the Cambridge sub-region, a vital engine of the UK economy. It is home to international brands and

companies as well as the being the world centre for horseracing. Therefore, it is an already attractive place to live and build businesses. Inevitably, parts of our area will experience more significant growth than others; for example, work is underway for the delivery of significant developments in both Bury St Edmunds and Haverhill, and whilst growth will be incremental on both sites, experience suggests that local Councillors will be required to support those communities in different ways, ensuring that they can be integrated into the local area and are supported by appropriate facilities.

Our area is predominantly rural. Using DEFRA definitions, only 25% of our residents live in an "urban" area – Bury St Edmunds. 35% of the population live in rural hub towns, while 40% of residents live in genuinely rural areas – parishes, villages and hamlets. It is critical that as a Council, we work to address the needs of all those within our area, striking the balance between the competing demands of a rural and urban society. In our area, there are 85 Parish Councils, and a further 5 Town Councils. The area is proud of its historic significance; Bury St Edmunds, the spiritual home of the former patron Saint of England, St Edmund, and Newmarket, the Home of Horseracing.

West Suffolk is relatively affluent. While there is deprivation to tackle, no wards in either current Councils are in the 10% most deprived in England, and employment levels are higher than the national average. The areas still have challenges, though. Our population is growing older faster than the national average, so that by 2039, 1 in 3 people will be aged over 65, representing a 63% increase in those in this age group compared to the present. The problem is particularly marked in the current St Edmundsbury area; there are 4 wards in St Edmundsbury where more than 1/3 of the population live in households where all the residents are over 65, and moreover, all but 5 of the current St Edmundsbury wards already rank higher than the national average in terms of residents in households of all over 65s. Social Mobility is lower than average; of 326 local authorities, St Edmundsbury is ranked 176th and Forest Heath 285th in terms of social mobility.

We also have an unusual position in terms of the number of armed service personnel serving, and living, within West Suffolk. Two US airbases are located at Mildenhall and Lakenheath, and a further RAF base at Honington. It is anticipated that there are over 11,000 serving personnel and dependents within the current Forest Heath boundaries, and in some particular current villages, we believe that up to 50% of the population can be American - meaning a significant distortion between electorate and population (this is notoriously difficult to project accurately, and we are reliant on USAF communications).

This large military population makes demographic analysis for West Suffolk challenging. The military population largely consists of young people, many of whom are starting families, and as such birth and age statistics are often skewed. However this population tends to be fairly static in its make up, and

demonstrates the impact that the ageing population may have on the rest of the District and our communities – an even more markedly disproportionate increase than outlined above. Our Council, and its Councillors, need to be well placed to support our communities, families and residents in managing this and the other challenges they face. While the personnel do not have a right to vote they are part of the local community and still use our council services and call upon councillors for help or support.

West Suffolk is an attractive visitor location. In 2016, Newmarket Racecourse attracted some 367,000 visitors. Popular attractions include St Edmundsbury Cathedral and Abbey Gardens, in Bury St Edmunds, and Center Parcs, at Elveden. We are well connected, with strong transport links through the A14, flowing to Ipswich and Felixtowe, and the A11, which connects to Cambridge and on to London.

Economic growth is critically important to West Suffolk. We already benefit from a number of substantial businesses such as the Newmarket horseracing industry; a British Sugar plant; Greene King brewery; Claas agricultural manufacturers; Omar Homes – the Country's biggest manufacturer of mobile homes, and leading research businesses such as Sanofi (Haverhill) have recently invested over £100m into the area. Two new Enterprise Zones, for Haverhill and Bury St Edmunds, have been agreed and are being actively supported by the Councils to encourage new business location. The area borders the newly devolved Combined Authority of Cambridgeshire and Peterborough, and we expect, given our strong connections to the Cambridge growth area, that the benefits of growth that Cambridgeshire will experience will flow into our local economy.

The Cambridgeshire growth phenomenon is well documented and understood. West Suffolk is an important part of this, forming part of the Cambridgeshire housing sub-region, and an important part of the housing and economic supply chains for Cambridgeshire. Places such as Haverhill and Red Lodge, communities in their own right, also serve as important commuter routes for the growing Cambridge economy. Within West Suffolk, we campaign to support the important infrastructure developments required to support growth in our own borders, and the surrounding geography. We are ambitious for our own area, to be strong in its own right and not to just be part of the Cambridge growth. Our business case to become a single council emphasises how a new Council will have the opportunity to increase its voice on a bigger scale.

This ambition is reflected in our sense of place. We have committed to ambitious masterplans for Haverhill and Bury St Edmunds; have a pivotal role in developing a prospectus for Newmarket, and internally are actively leading work to progress proposals for a new Public Service hub in Mildenhall, and development of a new Waste Operational Hub in Bury St Edmunds.

Our Council Size argument will set out how collectively, our Councillors are a critical part of our ambition to deliver on a greater scale and to address the challenges we face. To do so, Councillors need to have the capacity to deliver, and be able to provide a wide diversity of opinions, skills and experience.

About West Suffolk Councils

Since 1974, Suffolk has operated as a two-tier structure, split between the County Council and 7 Districts. In recent years, there has been a will amongst both St Edmundsbury and Forest Heath members to explore the potential for further close working between the authorities at district level.

Following exploratory work, in 2011, the two Councils entered formal arrangements to deliver all services together. This has resulted in a single officer structure, which has delivered savings to both authorities of some £4m per year, and a comprehensively integrated service structure. Although there is a very small number of differences, residents in either part of the area can expect a similar experience from the Council.

It is over 15 years since either Council experienced a ward boundary review. As a result, we recognise that some of our boundaries are out of kilter with our current communities. Over the past 2 years, we have undertaken community governance reviews of our Town and Parish boundaries, reviewing these to adjust for forecast growth, and creating a new Parish Council for West Row village.

In May 2017, the Cabinets jointly requested officers to scope options to review the future of local Government within West Suffolk. This led to a draft business case which identified the preferred option would be to seek a single district-tier Council for West Suffolk. The draft business case was agreed by Councils, to be subject to public engagement.

The public engagement demonstrated public support to the proposals, and as such a final business case was agreed by Councils in September and submitted to DCLG.

Forming our argument for Council Size

The opportunity to become a single Council has enabled us to undertake a fundamental assessment of the principles as to how our Councillors should work in future, and how we can most effectively discharge our decision making functions over a wider area.

Throughout, we have given due consideration to the Local Government Boundary Commission for England's guidance, and in particular, the three key factors to consider when determining Council Size:

- The governance arrangements of the Council, and how it will make its decisions across its broad range of responsibilities;

- The Council's scrutiny arrangements for its own functions, and its responsibilities to outside bodies;
- The representational role of Councillors in the local community, how they will engage with people, conduct casework and represent the Council

The Governance arrangements of the Council

We recognise that it will be for the new Council to determine its own governance arrangements, and consideration of Council size should not be used to force or dictate what the new Council believes will be the most effective arrangements to discharge its functions. Indeed, our aim is to provide any new Council with enough flexibility in its initial and future arrangements.

However, to support our case, we have agreed a set of guiding principles to help establish the basis on which we expect the Council's decision making to operate.

- **Local Leadership and Accountability** – We expect that local members should act as true leaders in their communities. Future governance systems can facilitate this through evaluating decision making processes on local issues, which could result in increased schemes of delegation to members, ensuring they have a strong voice in regulatory decisions or, for example, groups of members and local stakeholders coalescing in forums to develop proposals. This builds on the locality working we have been developing through our joint Families and Communities Strategy for West Suffolk since 2014.
- **Contributing to strategic priorities** – There is a keenness to ensure there is a system that enables members to engage with, and contribute to the delivery of strategic goals; where it is appropriate to do so, members should take the initiative to resolve issues and have a firm grasp on the organisational priorities and how they are being delivered. Demonstrating this in practice, our Joint Growth Working Group is a standing body that empowers members to have wide-reaching debates on important strategic growth issues, seeking to influence decision making of partners and drive development within West Suffolk. This builds on our existing shared service journey, and the development of shared priorities in 2013.
- **Flexibility and Capacity** – We recognise that the system of governance we develop will change, as we develop working models, respond to changing agendas at a local and national level, and adapt to the environment our stakeholders and communities face. We need to ensure that members have the capacity to work in different ways, to adapt and to develop, and there needs to be sufficient capacity within our Council Size to allow us to work in flexible and adaptable ways.
- **Manageable workloads** – We want to ensure that Councillors from all walks of life and a range of different experiences feel confident to come forward, and are not deterred by the heavy workload that may be placed upon them from being a District Councillor. We accept that inevitably, some Councillors will have a greater burden of responsibility and time

commitments than others, but there needs to be scope for Councillors who work, who have caring responsibilities, or possibly have other challenges to be able to participate in the Council.

- **Delegated Decision Making** – We recognise that a single council would have greater scale, and therefore schemes of delegation will need to be reviewed to ensure that whilst Councillors actively contribute to significant decisions, lower level decisions can be made by officers quickly, to make things happen, potentially in conjunction with relevant members – whether portfolio holders or local members.

We expect that our future Council will operate an executive / leader model of governance. Both Councils currently place high expectations on Portfolios to truly take responsibility for the functions within their areas, remaining knowledgeable, driving a programme of work, and working alongside officers to develop programmes and proposals. We believe that operating on a larger scale will present new challenges to portfolio holders, who will need to have sufficient capacity to learn about their role on a bigger scale than before. We need to ensure portfolio holders have the capacity to build relationships with stakeholders within the different geographies and sectors they represent, and to do so, need to be sufficiently supported within their role as well as having a portfolio that is manageable.

To deliver this, particularly during the short term transition period from two organisations to one Council, we foresee that the new Council may expect to operate with a full range of 10 cabinet members (including the Leader), some of whom may be supported by assistant / support members to help drive forward particular projects, substitute at representative groups or help champion particular aspects of the portfolio's work. This would enable members to have the capacity to develop their knowledge and be leaders of the services they are responsible for leading.

This is particularly important given some of the key aims within our Business Case to become a single Council, most notably the ability to influence on a greater scale. That may well require some members with strategic responsibilities to seek to influence delivery on a wider scale; become involved in new fields and integrate as effectively as possible with other public sector providers.

Further, we also believe that Councillors should have the scope to be able to engage with the Council's executive functions where it is useful or appropriate to do so; whether it be working alongside the portfolio holders to address problems prevalent within their local area, or to engage in working groups to develop policies that may apply to the whole area.

This is a flexible approach to governance; while respecting the authority of the leader and their cabinet to make decisions, all members may have the

opportunity to help shape policy, support decision making, raise and champion issues and resolve local challenges. While we set out below how this might appear in a practical structural arrangement, what is most important is that our Council Size should enable us to operate in a flexible way and not leave members feeling constrained by having to take on too much.

Regulatory Decision Making

Working across a wider geography presents challenges in ensuring that there is a fair balance between ensuring local voices are heard as an important part in the regulatory environment, and ensuring decisions are made in a lawful, balanced and fair way on the material factors relevant to the case.

At present, both of our authorities operate a development control committee that meets on a monthly basis. We recognise that the demands of a larger, single Council will require us to review the way we operate in practice. At Forest Heath, each of the 14 local wards are allocated a seat on the committee, with members allocated to the seats on a politically balanced basis. At St Edmundsbury, the Committee of 16 members are allocated on a standard politically balanced basis.

For both Councils, when an application is first received, the local member, Parish Council and other statutory consultees / local residents are consulted on the application. Where there is an application that would usually be dealt with by officers using their delegated powers, but the local members or Parish Council(s) have a view that is contrary to the officers, then a delegation panel will consider the application and determine whether the decision should be made by officers, or should be referred to the Development Control committee. Local members may attend the delegation panel, making representations as they wish.

This enables a strong balance to be formed between officers and democratically elected representatives, and members have expressed a strong desire for such a process to continue to operate under a new Council.

However, we also must recognise that with the wider geography, the number of applications a single committee may consider could increase; the need for site visits is likely to increase, and the scheme of delegation may likely require review as to the number of applications delegated to officers and the level of locality input. We also need to ensure that any committee meetings and decision making processes are fair and accessible to applicants, and remain democratically accountable to the public.

In this regard, we have recognised that future design principles for our planning committee, and similarly for our licensing committees, should be based on the following principles:

- **The local voice is critical** – ensuring local members have a strong voice and are able to represent their public effectively

- **A Reasonable burden of work** – regulatory committees should not create an unreasonable burden of work on those Councillors who are involved, whether it be through their local ward representational role or through serving on the committee.
- **Councillors should be knowledgeable** – members should be well trained and informed about regulatory matters so that they can most effectively support their residents. We would expect some aspects of member training would be mandatory, given the need to ensure appropriate local member representations are put forward.
- **Committee meetings should be manageable** – The Committee size itself should be reasonable to conduct meetings effectively, whilst still representing a fair size in relation to the Council as a whole. Further, meetings need to be managed to ensure they are fair to applicants and objectors.

We have not formally determined how we should structure our development control committee meetings, or when and where committees should take place; that will be for the new Council to determine. However, as with our executive arrangements, the Council Size needs to have sufficient flexibility to allow us to implement a scheme that most effectively works for our Council and its residents, rather than acting as a constraint. Also, we recognise that an enhanced ward member role in the process will have a time requirement irrespective of whether is delivered through formal committee structures or delegation panels.

Scrutiny and Oversight arrangements

At present, the scrutiny arrangements for both current Councils are aligned but not integrated; each Council has an Overview and Scrutiny Committee, which performs the traditional scrutiny functions, and each Council has a Performance and Audit Scrutiny Committee, which oversees the financial and non-financial performance of the Council and performs the traditional role of the Audit Committee.

We recognise that under a single Council, there will be scope to review these arrangements. For example, at present, both Performance and Audit Scrutiny Committees meet to consider matters jointly, then immediately afterwards, meet to consider items related to their specific Councils separately.

While there may be scope to review such arrangements, it will again be for the new Council to make a determination. For current purposes, we have adopted the approach that as a minimum, there will be requirement to build in the following functions:

- **Scrutiny** – we expect that our new Council will operate a Leader / Executive model, and as such will absolutely require a scrutiny function. Our business case seeks to demonstrate how creating a single Council

can enable our influence to increase, and to operate on a bigger scale than present, and Scrutiny can be an important part of this; in particular, helping the Council to identify how it can work more effectively with other partner bodies. A scrutiny arrangement needs to be of sufficient size to challenge the Executive, to undertake a demanding programme of work, and to enable working on a detailed scale, for example through task and finish groups

- **Audit** – Whilst this is not a statutory requirement, it is expected that a form of Audit function will be required to demonstrate openness and accountability in our assessment of the Council's financial and internal control matters. In practice this might involve receiving reports from the Council's Internal and External Auditors, to authorising the Statement of Accounts and the Annual Governance Committee, and potentially overseeing other Corporate Governance matters.

Inevitably, we also expect arrangements will need to be developed to consider the following matters:

- **Standards** – The Council has a duty to uphold high standards of governance. The Standards Committee, which is a joint committee across both Councils, currently supports the work of the Monitoring Officer in discharging this responsibility. Whilst we recognise that this work could be done through other means (e.g. in combination with the Audit Committee) it would increase the potential responsibility and workload if combined with another body
- **Officer Disciplinary and Appeals** – The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 required local authorities to put in place an Independent Panel to oversee potential disciplinary proceedings against Statutory Officers, and similarly Councils would also be required to have arrangements to consider appeals against decisions of the Council arising from disciplinary proceedings
- **Officer Terms and Conditions ,Statutory Appointments and Health and Safety matters** – in common with many Councils, we operate a joint staff consultative panel between union representatives and Councillors to review and assess changes to employment policies and practices. We also operate a Health and Safety Panel. Whilst, again, there are opportunities to review the way these bodies operate, they both form a strong element of ensuring that our corporate responsibilities to our staff and the public are discharged effectively.

In practice, we already operate such committees on a joint basis across the two Councils, and therefore we anticipate there will be minimum changes on the demands of Councillors arising from a single Council approach.

Responsibility to Outside Bodies

Between the two Councils, at present, 84 appointments (plus substitutes) are made to outside bodies.

We recognise that this number may see some reduction in the future as a result of the single Council - where both Councils appoint a member to a particular organisation and in future, just one would be expected. However, caution should be used as it may be the case that both the new Council, and the third party organisation, may seek to maintain a strong presence from the Council on the organisation's board (e.g. with two representatives in future) and as such, the size of the reduction is expected to be small.

There also needs to be consideration given to the distribution of outside bodies. In practice, many of the bodies on whom Council representatives sit relate to urban areas. At present, St Edmundsbury Borough Council makes over 20 appointments to bodies that are specifically related to Bury St Edmunds; significant reduction in numbers of Councillors could mean those Councillors who represent Bury St Edmunds are expected to pick up a disproportionate burden of work in order to service these organisations.

A further factor to consider is the quasi-outside body position. As with many other Councils, we have been seeking to act in commercial ways, investing in alternative business models and ventures. This has resulted in new representations on joint committees and shareholder groups, helping to shape the direction of bodies in which the Council has a significant stake, and ensuring that the Directors and officers of such companies are held to account in spending public funds. Our appointments include Anglia Revenues Partnership (a joint committee of 7 Councils to operate a revenues and benefits service); and the Shareholder Advisory Group for Barley Homes, our external housing development company. These types of role are expected to grow as the Council's commercial operations continue to develop. This creates additional expectations on Councillors, who are then expected become knowledgeable in these subjects, and in the running of companies or other types of organisation (if they are not from a commercial background). Whilst we cannot absolutely determine whether or not the single Council will continue to seek new venture opportunities, it is unlikely this role will decrease.

The representational role of Councillors

Our business case to become a single Council recognises that: "Critical to the success of a single council would be the leadership role of ward members, who would be at the frontline of our engagement with communities and integral to our ways of working, championing their localities, and providing local leadership, including liaising with town or parish councils."

West Suffolk has been at the forefront in promoting the positive role that District Councils can have in developing community resilience to reduce demand on public sector services, and the important role that Councillors can play within

this. Our joint Families and Communities Strategy, first adopted in February 2014, seeks to foster resilience in local communities, addressing the dependence culture so the council is not the first port of call. It is a preventative approach to our community working, building on the strengths of communities rather than simply highlighting problems.

Our approach to community working was endorsed and reflected within the University of Birmingham Public Services Academy publication, 21st Century Councillor. This research identified how Councillor roles are changing to the context in which Councils are now finding themselves, and developed 7 “roles” for Councillors:

- Being a steward of place, working across their localities in partnership with others;
- Advocate – acting to represent the interests of all citizens;
- Buffer – mitigating the impact of austerity on citizens;
- Sensemaker – translating a shift in the role of public services and the relationship between citizens and institutions
- Catalyst – enabling citizens to do things for themselves;
- Entrepreneur – working with citizens and partners to encourage local vitality and develop new solutions
- Orchestrator – helping broker relationships, develop new connections

As the 21st Century Councillor report recognises, this is a change; a shift in the relationship between local Councillors and their communities, and between the Councillor and the Council. Investing in our Councillors, as our community representatives, reflects an investment in the people of our area.

Working in this way has set the expectation within our communities for strong, representative ward Councillors, knowledgeable about, and committed to their communities on a 1:1 basis. Each of our Councillors are currently provided with £2,500 locality funding within their ward, and has an allocated Families and Communities Officer for their area. Councillors work closely with officers and their communities to identify community needs and resolve challenges; the basis for the funding sets a clear expectation for Councillors to have strong links to their communities to identify needs – not simply relying on voluntary groups or officers to come forward with solutions.

Becoming a single Council gives us a unique opportunity to assess the Councillor and community relationship. We want to show how strong, empowered Councillors are a critical part of their community, not just decision makers in a room. We want to build upon the successes we have had in promoting Councillors as facilitators and enablers in their communities, and contributing to genuine change in the relationship between our communities and their council.

We appreciate there are authorities who have remodelled their ways of working to effectively “manage” the relationship between Councillors and their

communities; for example, parish clustering so that Councillors actively meet with groups of Parishes rather than having to attend all Parish Council meetings. Whilst we appreciate this can be a powerful way of drawing communities together, and we may wish to explore greater area partnership working as part of a new Council, it can also have the effect of divorcing the Councillor from their community and as such, the expectation will remain on our Councillors to be attending meetings and be an active part of their community, unless those communities themselves want to work differently with their councillors.

This can only happen if we have Councillors with the capability to deliver, but most importantly, the capacity to do so. We already know the hard work and commitment our Councillors invest in leading their areas, and we want this to continue; a significant reduction in our local representational role will prevent this from happening.

Views of the residents of West Suffolk

During the summer of 2017, we undertook a period of public engagement to understand the level of resident and stakeholder support for our proposals to become a single Council. This engagement included the commissioning of a phone poll of residents from ComRes, an independent polling company, which primarily focused on local residents' favourability or otherwise to the formation of a new council, but also included questions related to the concerns of residents on the proposals, and their perception of Councillor numbers in future.

The survey identified that one of the most significant concerns associated with becoming a single Council was the potential loss of local Councillors, and in particular the concern that a reduction in the number of Councillors would result in the loss of a local voice and a perceived loss of political accountability. Quotes from local residents include "fewer Councillors in a bigger area of governance will mean it's less personal and there are fewer people for local issues. They might be less able to maintain a connection with the localities" and "it will take away the localness of the councils and their local knowledge of the area"

When asked what they felt the impact would be if the number of Councillors was reduced, those who were opposed to the creation of a single Council were particularly concerned that there would be a negative impact through a reduction in the number of Councillors. This may lead to the inference that reduced Councillor numbers was a key concern in the minds of those opposed to a single Council.

Whilst, overall, a reduction in the number of Councillors was perceived in fairly neutral terms (34% felt there would be a positive impact; 34% felt there would be no difference, 26% were opposed), we believe this outcome demonstrates that whilst there may be some support towards a reduction in the number of Councillors, there may be public concern if Councillor numbers were reduced to a significant degree.

At the same time as the ComRes phone poll residents were asked to make comments and concerns online. The feedback from this showed that people were worried there would be a reduction of local representation in a new single council, with too few local councillors being able to champion their area or issues.

How our argument creates a Council Size

The narrative above sets out our rationale for having Councillors that have sufficient capacity to discharge an effective local ward representative role, and ensuring there is sufficient flexibility within our Councillor numbers to manage our committees and workload.

To draw this argument into an overall Council number, we have reflected on a potential committee structure that may operate for a new Council. This should be seen entirely as a possible structure; for example, in terms of development control, a proposed structure with one Development Control Committee could comprise of 15 Councillors, but a structure with two Committees could involve 24-26 Councillors. As such, a figure of 20 has been proposed to strike a proportionate balance between the two positions.

First, we recognise the importance of ensuring that our Committee structure is understandable, and ensures transparent and open decision making by ensuring independence between decision makers and those who hold decision makers to account. For this reason, we have identified a set of core committees on which we would expect no overlap between Committee members:

Cabinet	10	As set out above, we want to ensure our executive has sufficient capacity to deliver. We believe a structure of 10 Cabinet members with up to a further 5 support roles provides sufficient scope for a future Council executive.
Cabinet Support Roles	5	
Figurehead roles	2	The Chairman / Vice-Chairman of the Council (or Mayor / Deputy Mayor if a Borough Council) – we recognise that this role would be significant for the individual, who may have limited capacity to take other committee appointments.
Overview & Scrutiny	15	We believe this would be sufficient representation to discharge the roles set out above, ensuring a strong balance between executive decision makers and scrutiny bodies. This would also give sufficient scope for scrutiny committees to be able to consider task and finish groups, or to undertake detailed reviews.
Audit Committee	10	
Total	42	

In addition, we believe the further Committee roles would also be required:

Development Control	20	As set out above, earmarking committees of this size would give sufficient flexibility in terms of the arrangements we choose to employ
Licensing	20	
Standards	8	
Statutory Appointments / Dismissal	6	
Working parties/committees	45	<p>We would expect further places on working parties, groups and panels to be appointed depending on the nature of work. Earmarking this figure would again give us sufficient flexibility to constitute a range of working groups to effectively engage members on matters – for example:</p> <ul style="list-style-type: none"> • Working groups related to developing local planning policies • Working groups to oversee major change projects • Working groups to consider local issues or Council issues in depth <p>At present, there are 45 places allocated on joint working groups across both Councils.</p>
Total	99	

As such, overall, there is a total of 141 places we would expect to be filled on Committees in this model.

If the 42 members on non-overlapping committees also took a place each on one of the regulatory or working party committees (so 84 places in total), there would still be a further 57 committee places that would require member allocation. On the basis that backbench members would have capacity to take a further 2-3 committee places each on average, between a further 19 and 29 Councillors would be required to discharge the Council’s work effectively.

We recognise that workloads will vary, and as such, believe that it would be feasible to discharge the Council’s functions with 64 Councillors.

Conclusion

A figure of 64 represents an 11% reduction compared to the current total of Councillors across both Councils.

Our case has recognised there may be some savings in the workload of Councillors as a result of the coming together of Committees; however, many of our working parties are already collaborating across both parties and as such savings will not be significant in this area. Further, the expectations of a new

Council – gaining influence on a wider basis – places new demands on Councillors, both in leading such a body and holding it to account.

A Council Size of this number enables us to maintain our strong and powerful local ward member role; to maintain our strong links with our local communities; to balance the growing expectation on Councillors under a single Council; to enable transparency and independence in decision making; and to recognise some saving in capacity. We recognise this reduction is not as significant as some Councils may put forward, however we believe it is appropriate for West Suffolk and reflects closely what the public have recently told us in our consultation for the new Council.

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Extraordinary Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Constitutional and Administrative Matters	
Report No:	COU/SE/17/017	
Report to and date:	Extraordinary Council	17 October 2017
Portfolio holder:	Ian Houlder Portfolio Holder for Resources and Performance Tel: 01284 810074 Email: ian.houlder@stedsbc.gov.uk	
Lead officer:	Leah Mickleborough Service Manager (Democratic Services) / Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	This report seeks the agreement of Council to a small number of minor Constitution amendments and other administrative matters	
Recommendation:	<p>It is <u>RECOMMENDED</u> that, Council:</p> <p>(1) Agrees to add those matters addressed within paragraph 1.3 of Report No: COU/SE/17/017, to the Scheme of Delegation for the Assistant Director (Planning and Regulatory) and the Service Manager (Housing Standards) ;</p> <p>(2) Agrees to increase the delegated limit for the Service Manager (Shared Legal) to negotiate and settle miscellaneous disputes to £50,000; and</p> <p>(3) Agrees to nominate a Councillor to sit on the Shareholder Advisory Group for Verse Facilities Management Ltd.</p>	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>	
Consultation:	The matters within this report have been subject to consultation with the Joint Constitution Working Group
Alternative option(s):	None
Implications:	
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any legal and/or policy implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any equality implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
Risk/opportunity assessment:	No risks identified
Ward(s) affected:	None
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	None
Documents attached:	None

1. Landlord Redress Scheme Powers

- 1.1 In 2014, the Government made it a legal requirement for all letting agencies and property managers to join a redress scheme. This allows residents the safety of knowing that should their landlord fail to act appropriately, they will be allowed to complaint to an independent body.
- 1.2 In making these powers, the Government identified that the vast majority of letting agencies and property managers acted very well, but a safety net was required where things went wrong. The Government gave local authorities the power to take action where landlords failed to join a redress scheme, and fine landlords up to £5,000 for failing to do so.
- 1.3 The present constitution has not provided officers the delegation to take action against those "rogue" landlords that have deliberately failed to avoid joining such a scheme, and as such it is now being requested that the Assistant Director (Planning and Regulatory) and Service Manager, Housing Standards, are delegated to take enforcement action under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014

2. Minor Disputes

- 2.1 The Service Manager, Legal has delegated authority "To negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £500 after consultation with the Chief Finance Officer and the relevant Assistant Director."

In practice, this limit is very small and gives very little scope to resolve minor matters of dispute which may be time-bound to avoid the matter escalating. Such matters may have to be dealt with under the Chief Executive's Urgency Powers, in lieu of any other powers delegated to officers.

It is therefore suggested to increase this limit to £50,000 which accords with the key decision threshold – any matters above this threshold would have to be dealt with by Cabinet (or via the urgency powers). Given this increase in threshold, it is suggested that the power should only be used after consultation with the relevant portfolio holder and it is emphasised that such matters are fairly unusual, and the Council takes all necessary steps to minimise any settlements made.

Verse Facilities Management Ltd

In 2015, Officers were delegated the authority to establish the Verse Facilities Management Ltd, a joint venture, to deliver facility management services to Forest Heath and St Edmundsbury Council sites. Further delegations were provided to officers to resolve the legal and governance matters associated with forming this company.

The Verse arrangements are now operating, and as a final part of the governance structure, and as presented in [Appendix A](#) of Report No: AGM/SE/17/002 to Annual Council on 18 May 2017, it is now required to

appoint representatives to the Shareholder Advisory Group, who will act on behalf of the Councils in their oversight of the company. One member is being sought from each of Forest Heath and St Edmundsbury Councils, whilst two members will also be sought from Suffolk County Council.

COU/SE/17/019



St Edmundsbury
BOROUGH COUNCIL

Forest Heath & St Edmundsbury councils

West Suffolk
working together

ANNUAL SCRUTINY REPORT



2016-2017

St Edmundsbury Borough Council Annual Scrutiny Report 2016-2017

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Introduction



Councillor Diane Hind

**Chairman of the
Overview and Scrutiny Committee
2016-2017**



Councillor Sarah Broughton

**Chairman of the Performance and
Audit Scrutiny Committee
2016-2017**

Welcome to the Annual Report of the overview and scrutiny function at St Edmundsbury Borough Council.

Scrutiny is central to the decision-making process of the Council, and this Annual Report sets out the work of the two scrutiny committees during 2016-2017. The report is not intended to cover all the work of the committees in great detail, but to present some examples of where and how scrutiny has contributed to change, challenge and service improvements, and to give you a flavour of the work undertaken.

2016-2017 was another busy year for the committee, with the Overview and Scrutiny Committee carrying out several policy and scrutiny reviews. We also held informal joint scrutiny meetings with members of Forest Heath District Council's Overview and Scrutiny Committee to discuss key issues for West Suffolk.

The Performance and Audit Scrutiny Committee continued to increase the scope of its internal and external audit monitoring role.

2016-2017 was also another strong year for external involvement in our scrutiny reviews, with representatives from partner organisations attending meetings or taking part in consultations to help the committees with their investigations.

We hope you find this Annual Report both informative and interesting, and that you will continue to follow the progress of the scrutiny function at St Edmundsbury Borough Council.

May 2017

What does Scrutiny do?

The scrutiny function of this and other councils was introduced under the Local Government Act 2000, which required councils to set up new structures to replace the previous committee system. The aim of the Government's programme for modernising local government was for local people to know more about how their local council works and get more involved. As part of this, councils were required to establish at least one "overview and scrutiny committee" to monitor decisions made and, where appropriate, to advise the Council on matters of policy or service delivery.

St Edmundsbury has two such committees. The Overview and Scrutiny Committee looks back at how and why decisions were made, how services are functioning and where improvements can be made, but in its role as community leader also looks at wider issues. It also examines new and evolving policies.

The Performance and Audit Scrutiny Committee has particular responsibility for monitoring the performance of services, as well as internal audit, risk management and procurement, and has responsibility for scrutinising the Council's budget, including any proposals for cost reductions and approving the Council's Annual Statement of Accounts.

Overview and Scrutiny Committee

Responsibilities:

- Community leadership
- Reviews
- Pre-decision scrutiny
- Post implementation review
- Policy development and review
- External and joint scrutiny
- Call-ins and Councillor Calls for Action
- Holding the Cabinet to account
- Holding Portfolio Members to account
- Scrutiny improvement

As the Council's critical friend, the Overview and Scrutiny Committee holds the Cabinet to account for its actions by monitoring the decision making process and testing existing practices to check they are working properly. It can also call in Cabinet decisions to scrutinise them before they are put into practice. The Overview and Scrutiny Committee is able to stand back from the decision making process, look at the outcomes for the people of St Edmundsbury and West Suffolk and contribute to ensuring improved performance.

The Committee also looks at the impact on the community of key plans and strategies within the Council's policy framework, investigating why things are as they are, researching options, challenging assumptions and suggesting improvements. When looking at a new policy, the Committee ensures it would contribute to the Council's priorities as set out in the West Suffolk Strategic Plan 2014-2016, and that any links to other Council policies demonstrate continuity. When reviewing existing policies, the Committee investigates how successful it has been, whether it achieved its objectives within budget and to timescale, and what needs to change. In all its policy development, the Committee aims to enhance services and make life better for people living and working in St Edmundsbury, as well as those visiting us.

The Committee has up to eight scheduled meetings per year.

Performance and Audit Scrutiny Committee

- Performance management
- Internal and external audit responsibilities
- Strategic risk management
- Revenue and Capital Budget monitoring and budget development
- Scrutiny of annual accounts
- Procurement

Scrutiny also has an important role to play in monitoring the performance of services. The Performance and Audit Scrutiny Committee looks at how well the Council's services are performing by considering a range of information such as performance indicators and reports from external inspectors, and by monitoring action plans. It does not carry out reviews, but may recommend that a review is carried out by the Overview and Scrutiny Committee or another appropriate committee or working group where a need has been identified.

This Committee also leads on improvement planning and risk management, as well as monitoring the Council's budget, and approving the Council's Annual Statement of Accounts in accordance with the powers delegated to it under the Council's Constitution. It also leads on the development of a sustainable forward budget. In 2016-2017 it held five informal joint monitoring meetings with Forest Heath's Performance and Audit Scrutiny Committee, plus a special individual meeting in September to consider the annual accounts.

How does Scrutiny work?

The Overview and Scrutiny Committee has a rolling work programme which prioritises the investigations it will carry out over the coming months. The Performance and Audit Scrutiny Committee sets its work around the quarterly budget and corporate planning cycle. The committee gathers evidence from a variety of sources including the Council's own information, other local authorities, partner organisations, service users, expert witnesses or research carried out by the committees themselves.

Once they have their evidence the committees make their reports, complete with recommendations, usually to the Cabinet. The committees' work programmes include time to check progress on the actions that have been taken following acceptance of scrutiny reports.

Call-in

Any decision by the Cabinet, or a key decision taken by an officer with delegated authority from the Cabinet, may be "called in" by at least five members of the Council, or the Leader of any political group on the Council which has five or more members (with the support of a further three members of that group).

Call-in is used where Councillors have evidence which suggests that a decision was not taken in accordance with the principles of good decision making set out in the Constitution, or in the context of the Council's policy or budget framework, and is only used in exceptional circumstances.

The Council sees an average of one call-in per year. However, none were considered during 2016-2017.

Councillor Call for Action

Councillor Call for Action (CCfA) came into force on 1 April 2009, which enables any Member of the Council to refer to the Overview and Scrutiny Committee any local government matter or any crime and disorder matter which affects their ward/division, within certain limitations. These limitations are set out in the Councillor Call for Action Protocol, which is available as part of the Council's Constitution, on our website.

Training and Development

We recognise the importance of training and development for both Councillors and officers who support the scrutiny role at St Edmundsbury. Regular targeted training, both internally and externally, has facilitated the development of a successful scrutiny function

Meetings

Meetings of both scrutiny committees are held in public (except when exempt or confidential material is being discussed), and in order to prevent whole meetings being taken up by a single topic, "Task and Finish" groups are often set up to carry out major reviews and report back to the main committee with their recommendations.

Engaging the Public and Stakeholders

The scrutiny committees work hard to develop and improve the scrutiny process at St Edmundsbury, and continually aim to increase the involvement of stakeholders and public engagement. To this end committees often gather evidence with the involvement of external witnesses, and over the past year, in addition to targeted consultations carried out as part of reviews, the committees have formally invited several people to attend meetings and assist in investigations, including:

- Members from Forest Heath District Council
- Representatives from Ernst and Young (External Audit)

Organisations and individuals contacted as part of a review included:

- Members of the public
- Forest Heath District Council
- Barley Homes Group Ltd (Directors)
- Abbeycroft Leisure Chief Executive and Trustees

For further information or answers to any queries relating to the Council's scrutiny functions or activities, please contact Christine Brain, Democratic Services Officer (Scrutiny) on (01638) 719729 or email christine.brain@westsuffolk.gov.uk

Review of Past Year Overview and Scrutiny Committee



Councillor Diane Hind
Committee Chairman

Committee Members

Cllr Simon Brown
Cllr Tony Brown
Cllr John Burns
Cllr Patrick Chung
Cllr Paula Fox
Cllr Susan Glossop
Cllr Paul Hopfensperger
Cllr Richard Rout
Cllr Angela Rushen
Cllr Andrew Speed
Cllr Clive Springett
Cllr Sarah Stamp
Cllr Jim Thorndyke
Cllr Frank Warby

Substitute Members

Cllr Wayne Hailstone
Cllr Margaret Marks
Cllr Jane Midwood
Cllr David Roach
Cllr Peter Thompson
Cllr Julia Wakelam
Cllr Patsy Warby
Cllr Anthony Williams



Councillor Jeremy Farthing
Committee Vice Chairman

Scrutiny Reviews completed during 2016-2017

This section describes some of the key scrutiny topics covered during the year (June 2016 to April 2017), and their associated outcomes.

Informal Joint Overview and Scrutiny Meetings

The Committee held one Informal Joint Overview and Scrutiny Committee meeting during the year with Members of Forest Heath's Overview and Scrutiny Committee to enable informal joint discussions to take place between the two authorities.

Following the informal joint discussions, the two Overview and Scrutiny Committee's then met separately and voted on the recommendations for consideration for each council's respective Cabinet.

Reviews carried out in Informal Joint Committee

Devolution

On 8 September 2016, the Overview and Scrutiny Committee's held a workshop on "What will devolution mean to West Suffolk?" and was open to all members of both councils to attend.

The aim of the workshop was to inform and drive the agenda for the Joint Overview and Scrutiny taking place on 4 October 2016. The key issues identified during the workshop were:

- Running costs of the Combined Authority;
- Statutory bodies and their duties/powers in relation to the role of the Combined Authority and the arrangements proposed for voting;
- The Combined Authority Board and Co-opted persons;
- Governance and exist arrangements; and
- Double devolution and subsidiarity.

On 4 October 2016, the Committee received a report which provided members with additional information on the five key areas identified following the workshop held on 8 September 2016. In response to a number of questions raised, the following responses were provided:

- 1) be provided for the next 30 years to support economic growth; development of local infrastructures and jobs.
- 2) The Government had proposed gateway reviews to be carried out every five years between the Combined Authority and the Government in relation to the £25 million funding per year.
- 3) All Constituent Councils within a Combined Authority would be equal partners and would have one vote, except where the members had a statutory role.
- 4) A Shadow Combined Authority would be created and would be made up of existing staff to carry out the roles of the three statutory posts. Once the Elected Mayor was in place, they would then decide on staffing.

Combined Authority Board and Co-opted persons

Members expressed concerns regarding the Mayor and their ability to vote against a majority decision or proposal by right of veto.

Double devolution and subsidiarity

Double devolution and subsidiarity was not about structural change, but wanting to see more engagement and delivery locally; making accountability more local and the need to deliver what was contained with the devolution deal.

The Committee recommended to Cabinet that it wished to express its concerns regarding the veto vote of the Mayor.

Reviews carried out Annually

Car Parking

On 9 November 2016, the Committee received an update on the implementation of the Car Parking Review. The report included information on usage; issue of fines; upgrade of ticket machines; electric charging points; new information boards; new directional signs in Haverhill; Park Mark; planning for future car parking provision; Civic Parking Enforcement; financial and future work streams.

The Committee asked a number of questions to which comprehensive responses were provided. In particular discussions were held on the development of parking provision at Moreton Hall; the park and ride for Christmas Fayre parking in Bury St Edmunds; cars parking on the cycle route along Beetons Way, Bury St Edmunds; progress towards potential Civil Parking Enforcement in Suffolk: the Bury/Haverhill Master Plans and identifying more parking capacity and pay on exit.

The Committee recommended that the Head of Operations, under his delegated authority, and in consultation with the Portfolio Holder for Operations, vary the Traffic Road Orders as needed to implement the priority work streams.

Follow-up reviews

Dog fouling in West Suffolk

The Committee received on 20 July 2016 an overview of actions and investigations undertaken to combat dog fouling, including an update on progress with the trial at the London Borough of Barking and Dagenham to investigate the use of DNA registration to tackle dog fouling. The report included a summary on a trial with Wickhambrook Parish Council on the effective reduction of dog fouling; Public Space Protection Orders; Fix Penalty Notice Reward Scheme; DNA registration; and guidance for staff.

Discussions took place on the affects of Toxocara Canis; Public Space Protection Orders and what would be included; the potential for rolling out the Wickhambrook scheme in Haverhill; and how enforcement would be exercised.

Members endorsed the reward scheme, and suggested that the scheme be widened out even further to include people littering, especially along the A14, and recommended that the Head of Operations progress the trialling of a reward scheme as a means to encourage information to be reported about dog fouling incidents; and proposed conditions for a potential public space protection order in St Edmundsbury.

Large Project Reviews

Housing Development Company - Barley Homes (Group) Ltd - Initial Five Year Business Plan

On 9 November 2016, the Committee received a report which asked Members to scrutinise the content of the Barley Homes initial five year Business Plan, prior to being considered by Cabinet and Full Council in December 2016 to approve the funding mechanism required to deliver the plan. Attached as Exempt Appendix A, was the Barley Homes Group Business Plan.

The Committee was reminded of the primary function of Barley Homes, which was to generate profits through the development of new housing for sale and rent, on land owned by one of the councils initially in west Suffolk. The establishment of the housing company was one of the many ways that the council was looking to become self-sufficient through new income generation activities, as central government grants were reduced and eventually removed.

The Report set out key issues, which included initial sites; investment opportunity and financial returns; monitoring of progress and future development decisions; delivery of the business plan; legal implications and the next steps.

The Committee considered in detail the Exempt Appendix A, and asked questions to which comprehensive responses were provided, and made a number of recommendations to Cabinet.

Single-meeting reviews

Designated Public Place Orders in Bury St Edmunds and Haverhill and Change to Public Space Protection Orders

On 11 January 2017, the Committee was updated on legislation relating to Public Space Protection Orders (PSPOs) and proposed changes prior to public consultation. The report set out the transition arrangements from Designated Public Place Orders (DPPOs) to PSPOs; existing DPPO for Haverhill which had been in place since 2008; existing DPPO for Bury St Edmunds which had been in place since 2006; transition from Dogs Fouling of Land Act 1996 to PSPO Dog Control Orders; consultation requirements; publication of signage; enforcement; and reviews of PSPOs.

Discussions were held on street begging and distinguishing between “passive” and “aggressive” begging; and the proposed Orders relating to dogs. Members were in support of the dog order, but felt that there needed to be more emphasis on enforcement; dog wardens; the provision of dog bags at strategic locations; and whether anyone had been prosecuted.

Members were informed that the Council had dog bags which could be extended across other areas; five fixed penalty notices had been issued in St Edmundsbury over the last year, which had all resulted from information being reported by the public; signage would be increased as it was a requirement of the new PSPO; and the Council was committed to carrying out pilots with parish councils in order to reduce dog incidences of inconsiderate dog owners who don't pick up after their dog(s). However, the Council and the community needed to work together in partnership to reduce the emotive subject of dog fouling.

The Committee noted that the Haverhill alcohol-related PSPO remained in place, with no changes to the conditions or the area covered, and made recommendations to Cabinet subject to public consultation.

Review of Abbeycroft Leisure Limited Performance 2005-2016

On 11 January 2017, the Committee received a requesting member's review the performance of Abbeycroft Leisure in Forest Heath, which would then inform the development of a new Partnership Agreement.

The report included information on the establishment of Abbeycroft Leisure; trustees and governance; core business for West Suffolk; attendance levels; continuous improvement and quality management; initiatives and projects; business development and diversification; financial performance; strategic leisure support and advice; approaches and cost of other local authorities; challenges and the future. The Chief Operating Officer for Abbeycroft Leisure gave a short PowerPoint Presentation which showcased the activities of Abbeycroft Leisure over the last 10 years.

Discussions were held on the investment fund created in December 2016; health programmes for the elderly; working with partners in rural areas; new funding opportunities for sports in rural areas; reducing the management fee; Abbeycroft Leisure broadening its remit in all areas of sport, including mainstream sports; and outcomes from the Stand Tall project.

In particular Members discussed:

- The optimum length in developing a partnership agreement, and sought clarification as why this was not a tender process.
- The size and adequacy of the Bury St Edmunds swimming pool; opportunities to open the pool area to the outside; and the opportunity for spectator seating at the athletics track.

Joint Task and Finish Group

On 19 April 2017, the Committee received a request from officers to establish a Joint Task and Finish Group with Forest Heath District Council to help shape the West Suffolk Information Strategy. The purpose of the Information Strategy will be to seek to recognise the strategic value of information to the Council and will promote and facilitate good information management practice, based on:

- a set of underlying data sharing principles;
- seeking to define how we use information currently;
- how we should be using information in the future;
- how this can deliver key outcomes to both our staff, our operations and our customers/consumers; and
- describing where technology can help facilitate this.

The Joint Task and Finish Group would consist of two members from each authority with the Service Manager (ICT) providing technical support.

It was envisaged that a final draft of the Strategy would be considered by the Overview and Scrutiny Committee and Cabinet in November 2017.

External Joint Scrutiny

In June 2016, a Councillor Paul Hopfensperger was appointed as the representative and Councillor Margaret Marks, Substitute to the **Suffolk Health Overview and Scrutiny Committee**, which is responsible for the scrutiny of health provision across the County. Nominations to other joint county scrutiny committees are made by Annual Council alongside other outside bodies.

Cabinet Liaison

On 8 June 2016, the Committee discussed the **West Suffolk Annual Report (2015-2016)** with the Leader of the Council. The report highlighted the key activities and developments which had been achieved over the financial year 2015-2016, with regard to the priorities set out in the West Suffolk Strategic Plan 2014-2016. The draft report contained a number of case studies and examples from West Suffolk to illustrate the achievements described.

The Leader highlighted relevant issues for the attention of the Committee, in particular the start of the Eastern Relief Road build; working with ONE Haverhill to develop a masterplan for Haverhill town centre; the purchase of Abbots House, Bury St Edmunds and the continued success of the locality budget scheme.

The Committee also discussed the **Cabinet's Decisions Plan** at each meeting, and requested further information or involvement as necessary.

Cabinet Members who attended Overview and Scrutiny in 2016-2017

Cabinet Member for Housing

On 20 July 2016, the Cabinet Member for Housing was invited to the meeting to give an account of her portfolio responsibilities and to answer questions from the Committee. The presentation set out the broad areas of responsibility including structure; recent performance; key challenges and priorities for the year. The presentation also included the three service areas which covered development and partnerships; housing options and housing standards.

Members discussed the presentation in detail. In particular discussions were held on the Barley Homes Group Limited and the number of sites they were proposing to develop in Bury; anticipated income from Barley Homes Group Limited; homelessness applications; Home-link's new software operating system; affordable housing figures and starter homes; devolution and how that would help to deliver housing; houses in multiple occupation and the frequency of inspection intervals; what plans the council had for providing more rented properties or building council houses; and how to bring empty properties back into use.

Cabinet Member for Planning and Growth

On 14 September 2016, the Cabinet Member for Planning and Growth was invited to the meeting to give an account of his portfolio responsibilities and to answer questions from the Committee. The main focus of the presentation covered what planning and growth did; current success and initiatives; current challenges and how they were overcome and vision for the future to 2019.

The presentation also included information on the areas covered under the portfolio; being Development Management; Planning Policy; Economic Development and Growth; Environmental Health; technical support and local land charges.

Members discussed the presentation in detail. In particular discussions were held and responses provided on the Vision 2031 document and whether housing figures would need to be amended; whether there were plans in place to provide affordable homes for lower paid workers; the shortage of commercial land; taxi licensing and how they system worked; Houses in Multiple Occupation and enforcement; conservation and the deterioration of listed buildings across the Borough, for example the Corn Exchange building in Haverhill; the new pre-application advise service; growth in rural areas with regards to identifying where industrial sites could be located across the Borough; IT issues with the Planning Portal and devolution.

Cabinet Members Progress Presentations

Following on from the first round of presentations from Cabinet Members during 2015-2016, Cabinet Members for Operations; Leisure and Culture; Resources and Performance and Families and Communities were invited back during 2016-2017 to update the Committee on progress by:

- Outlining the main challenges faced during the first year within their portfolio;
- Outlining some key successes and any failures during the first year, and any lessons learnt; and
- Setting out the vision for their portfolio through to 2019 and whether on target to meet that vision.

Call-ins and Councillor Calls for Action

This year no Councillor Call for Actions (CCfAs) were submitted, and there were also no call-ins.

Other

From June 2010, the Committee was given responsibility for scrutinising the Authority's use of its **surveillance powers** under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, and received quarterly reports on the use of these powers. During 2015-2016, no such surveillance had been authorised.

From April 2016, the Committee was given responsibility for receiving quarterly reports on changes made to the Constitution by the Monitoring Officer under his delegated authority. The Monitoring Officer, in consultation with the Head of Paid Service and relevant Portfolio Holder, has delegated authority to make minor amendments to the constitution arising from changes to legislation; changes to staffing structures or job descriptions or changes in terminology.

Review of Past Year Performance and Audit Scrutiny Committee

 <p>Councillor Sarah Broughton Committee Chairman</p>	<p>Committee Members Cllr Beccy Hopfensperger Cllr Betty McLatchy Cllr Jane Midwood Cllr David Nettleton Cllr Karen Richardson Cllr David Roach Cllr Barry Robbins Cllr Peter Thompson</p> <p>Substitute Members Cllr John Burns Cllr Jeremy Farthing Cllr Susan Glossop Cllr Diane Hind Cllr Ivor McLatchy</p>	 <p>Councillor Patricia Warby Committee Vice-Chairman</p>
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This section describes some of the key scrutiny topics covered during the year (25 May 2016 to 25 May 2017) by the Performance and Audit Scrutiny Committee, and their associated outcomes.

Joint working with Forest Heath District Council's Performance and Audit Scrutiny Committee

During 2016-2017 the Committee held five informal joint meetings, at alternate venues with Forest Heath District Council's Performance and Audit Scrutiny Committee. In September, the Committee meet separately to scrutinise and approve the Council's 2015-2016 Annual Statement of Accounts.

Scrutiny of Budget Savings

The Performance and Audit Scrutiny Committee plays an integral role in delivering a sustainable budget for the Council. There were again significant levels of savings to be achieved, and the Committee scrutinised all proposals for growth and savings in the 2017-2018 budget before making recommendations to Cabinet.

This work commenced on 24 November 2016, with a report setting out progress made towards delivering a balanced budget for 2017-2018 and a sustainable budget in the medium term. The report included proposed budget saving for 2017 to 2020.

The key strategy to deliver savings over the coming years is to expand the work on shared services with Forest Heath District Council to streamline supplies, services and income, together with a range of other local savings initiatives.

Over several meetings, the Committee scrutinised a number of proposals for savings both through shared services and local savings, all of which were incorporated into the Budget and Council Tax Setting report considered by Cabinet on 7 February 2017.

Performance Management

The Committee received on a quarterly basis the **West Suffolk Balanced Scorecards** being used to measure the Council's performance for the six Head of Service areas for 2016-2017 and an overview of performance against those indicators as well as the **West Suffolk Strategic Risk Register**.

Additionally, at its 27 July 2016 meeting, the Committee received the **Annual Performance Report for The Apex**.

Audit Responsibilities

The Committee scrutinised the work of the **Internal Audit Team** towards achieving the 2016-2017 audit plan, with updates during the year at which the results of completed audits were discussed. At its 25 May 2016 meeting, the Committee approved an **Outline Internal Audit Plan for 2016-2017**.

The Accounts and Audit (England) Regulations 2011 require a **review of the effectiveness of internal audit** once a year. The review forms part of the review of the overall system of internal control required for the **Annual Governance Statement**. The Committee noted the report's conclusion, that internal audit was operating effectively and could be relied upon as a key source of evidence in the Annual Governance Statement.

The Council is required to produce and publish an **Annual Governance Statement (AGS)**, which covers six core governance principles, and is approved by the Committee, and signed by the Leader of the Council and the Chief Executive Officer. The Annual Governance Statement had been prepared by the Officer Governance Group as a joint statement for St Edmundsbury Borough Council and Forest Heath District Council to reflect both councils working together and sharing services across West Suffolk. The Committee approved the AGS for signing by the Chief Executive and the Leader of the Council.

Various reports from **Ernst and Young (EY)** were considered over the year. In May 2016 the **External Audit Plan and Fees 2015-2016 and 2016-2017 Indicative Fees** was received from EY which covered the work they planned to perform in order to provide the Council with an audit opinion on the Council's financial statements, and a statutory conclusion on its arrangements to secure economy, efficiency and effectiveness. The report summarised EY's proposed audit approach and scope for the 2015-2016 audit along with the planned fees to complete the work for 2015-2016, and also included indicative fees for 2016-2017. At the same meeting the **Certification of Claims and Returns Annual Report 2014-2015** was considered, which summarised the results of the certification work which had been undertaken as part of the annual audit of grant claims to government departments.

In September 2016 EY presented the **2015-2016 ISA 260 Annual Governance Report** to the Committee, which set out the key messages arising from the audit of the Council's financial statements, and included an assessment of the Council's arrangements for securing value for money in its use of resources.

At the meeting held on 24 November 2016, EY presented the **2015-2016 Annual Audit Letter**, which confirmed the completion of the audit of the 2015-2016 financial statements.

Budget Monitoring

Budget Monitoring reports were brought to the Committee quarterly, in order for it to flag up any areas of concern to the Cabinet. The Committee received the **Financial Outturn Report (Revenue and Capital) 2015-2016** at its meeting on 25 May 2016, following the 30 June deadline for production of the draft accounts for audit. The report included a financial commentary on the year, details of revenue and expenditure including budgeted and actual expenditure and an explanation of the main variances, and details of how services were paid for. Capital income and expenditure was also discussed, as well as reserves and treasury management.

On 25 May 2017, the Committee received the **Financial Outturn Report (Revenue and Capital) 2016-2017**, which included a financial commentary for the year.

The Committee scrutinised and approved the Council's **2015-2016 Annual Statement of Accounts** at its meeting on 21 September 2016. At the same meeting it scrutinised the External Auditors **Draft 2015-2016 ISA 260 Annual Governance Report** to those charged with governance and resolved the sign-off of this report, including the approval of the letter of representation on behalf of the Council.

Treasury Management

The **Treasury Management Sub-Committee** of three Members, who fulfil the enhanced monitoring and scrutiny requirements of treasury management, held three meetings during the financial year (July, November 2016 and January 2017), at which scrutiny of the **Investment Activity and Performance and Monitoring Reports (2016/2017)** the **Annual Treasury Management and Investment Strategy Statements 2017-2018** and **Treasury Management Code of Practice** took place.

Officers continue to find this specialised scrutiny of the Council's treasury management activity extremely useful, and value being able to obtain Members' views on this important area of work.

Work Programmes for 2017-2018

The Overview and Scrutiny Committee carries out some of its work in "Task and Finish" groups, which undertake investigations and reviews and report back to the main Committee. This enables a greater number of Councillors to engage in scrutiny, as well as ensuring a Councillor lead on issues from the beginning of their review. The Performance and Audit Scrutiny Committee works differently in that the bulk of its work is set around its quarterly budget and performance monitoring responsibilities.

The Committee has access to resources, to assist it in carrying out its work programme, which can be used, for example, in engaging specialist assistance, obtaining evidence, carrying out site visits, and paying for meeting accommodation, training and development.

Overview and Scrutiny Committee

The Overview and Scrutiny Committee has a rolling work programme, set a few meetings ahead, to enable it to be more reactive to changing priorities. In addition to any call-ins or Councillor Calls for Action which may arise, and additions to the rolling work programme through submitted work programme suggestions, the Overview and Scrutiny Committee will consider the following issues during the year:

- Cabinet Decisions Plan
- Barley Homes (Group) Limited
- Monitoring the Western Suffolk Community Safety Partnership
- West Suffolk Annual Report
- West Suffolk Housing Strategy

In addition to the above items, Extraordinary Informal Joint Scrutiny Sessions will be called, as necessary, with members of Forest Heath District Council's Overview and Scrutiny Committee to enable common issues to be scrutinised jointly.

Performance and Audit Scrutiny Committee

The Performance and Audit Scrutiny Committee will have the following responsibilities and will consider quarterly monitoring reports along these lines, jointly with Forest Heath District Council's Performance and Audit Scrutiny Committee, as well as scrutinising the Council's annual accounts, and making recommendations on delivering a sustainable budget for 2018-2019.

- Performance Management
(including West Suffolk Strategic Risk Management/Corporate Compliments and Complaints)
- Budget Monitoring and Budget Development
- Internal and external audit
- Financial Performance (Revenue and Capital) monitoring and review
- 2016-2017 Statement of Accounts
- Procurement
- Treasury Management

For more information about how scrutiny works at St Edmundsbury Borough Council, please contact the Democratic Services Officer (Scrutiny) on (01638) 719729.



St Edmundsbury
BOROUGH COUNCIL

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Forest Heath & St Edmundsbury councils

West Suffolk
working together

Approved by Council: XX July 2017

**For more information please contact the Democratic Services Officer
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