


# Council



<b>Title</b>	<b>Agenda</b>
<b>Date</b>	<b>Tuesday 21 March 2023</b>
<b>Time</b>	<b>7.00 pm</b>
<b>Venue</b>	<b>Conference Chamber West Suffolk House</b> Western Way Bury St Edmunds
<b>Membership</b>	<b>All Councillors</b>  You are hereby summoned to attend a meeting of the Council to transact the business on the agenda set out below.   <b>Ian Gallin</b> <b>Chief Executive</b> <b>13 March 2023</b>
<b>Interests – declaration and restriction on participation</b>	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.
<b>Quorum</b>	One third of the Council (22 members)
<b>Committee administrator</b>	<b>Claire Skoyles</b> Democratic Services Officer <b>Telephone</b> 01284 757176 <b>Email</b> <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a>

<b>Venue</b>	Conference Chamber, West Suffolk House, Bury St Edmunds
<b>Contact information</b>	Telephone: 01284 757176 Email: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> Website: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a>
<b>Access to agenda and reports before the meeting</b>	The agenda and reports will be available to view at least five clear days before the meeting on our website.
<b>Attendance at meetings</b>	<p>This meeting is being held in person in order to comply with the Local Government Act 1972. We may be required to restrict the number of members of the public able to attend in accordance with the room capacity. If you consider it is necessary for you to attend, please inform Democratic Services in advance of the meeting.</p> <p>As a local authority, we have a corporate and social responsibility for the safety of our staff, our councillors and visiting members of the public. We therefore request that you exercise personal responsibility and do not attend the meeting if you feel at all unwell.</p> <p>West Suffolk Council continues to promote good hygiene practices with hand sanitiser and wipes being available in the meeting room. Attendees are also able to wear face coverings, should they wish to.</p>
<b>Public participation</b>	<p>Members of the public who live or work in the district may put questions about the work of the Council or make statements on items on the agenda to members of the Cabinet or any committee. A total of 30 minutes will be set aside for this with each person limited to asking one question or making one statement within a maximum time allocation of five minutes. 30 minutes will also be set aside for questions at extraordinary meetings of the Council, but must be limited to the business to be transacted at that meeting.</p> <p>The Constitution allows that a person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. <b>We urge anyone who wishes to register to speak to notify Democratic Services by 9am on the day of the meeting so that advice can be given on the arrangements in place.</b></p>
<b>Accessibility</b>	If you have any difficulties in accessing the meeting, the agenda and accompanying reports, including for reasons of a disability or a protected characteristic, please contact Democratic Services at the earliest opportunity using the

	contact details provided above in order that we may assist you.
<b>Recording of meetings</b>	<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>
<b>Personal information</b>	<p>Any personal information processed by West Suffolk Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: <a href="https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm">https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm</a> or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.</p>

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# Agenda

## Procedural matters

- |  | <b>Pages</b>   |
|--|----------------|
| <b>1. Minutes</b>  | <b>1 - 16</b>  |
| To confirm the minutes of the meeting held on 21 February 2023 (copy attached).  |                |
| <b>2. Chair's announcements</b>  | <b>17 - 22</b> |
| To receive announcements from the Chair.   |                |
| As this is the last meeting of Council before the district council elections in May 2023, announcements will include placing recognition on record to members that have served under the current administration, as shown in the attached paper: <b>COU/WS/23/005</b> .                            |                |
| In addition, a list of civic events/engagements attended by the Chair and Vice-Chair since the last ordinary meeting of Council held on 21 February 2023 are <b>attached</b> .   |                |
| <b>3. Apologies for absence</b>  |                |
| To receive announcements (if any) from the officer advising the Chair (including apologies for absence).   |                |
| <b>4. Declarations of interests</b>  |                |
| 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 <b>no later than when that item is reached</b> and, when appropriate, to leave the meeting prior to discussion and voting on the item. |                |

## Part 1 – public

- |  |                |
|--|----------------|
| <b>5. Leader's statement</b>   | <b>23 - 28</b> |
| Paper number: <b>COU/WS/23/006</b>   |                |
| <b>Council Procedure Rules 8.1 to 8.3.</b> The Leader will submit a report (the Leader's Statement) summarising important developments and activities since the preceding meeting of the council.    |                |
| Members may ask the Leader questions on the content of both his introductory remarks and the written statement itself.   |                |
| A total of 30 minutes will be allowed for questions and responses. There will be a limit of five minutes for each question to be asked and answered. A supplementary question arising from the reply |                |

may be asked so long as the five minute limit is not exceeded.

## **6. Public participation**

**Council Procedure Rules Section 6.** Members of the public who live or work in the district may put questions about the work of the council or make statements on items on the agenda to members of the Cabinet or any committee.

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

Each person may ask **one** question or make **one** statement only. A total of **five minutes will be allowed for the question to be put and answered or the statement made.** If a question is raised, one supplementary question will be allowed provided that it **arises directly from the reply and the overall time limit of five minutes is not exceeded.**

If a statement is made, then the Chair may allow the Leader of the Council, or other member to whom they refer the matter, a right of reply.

The Constitution allows that a person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. **We urge anyone who wishes to register to speak to notify Democratic Services by 9am on the day of the meeting so that advice can be given on the arrangements in place.**

As an alternative to addressing the meeting in person, **written questions** may be submitted by members of the public to the Monitoring Officer **no later than 10am on Monday 20 March 2023.** The written notification should **detail the full question** to be asked at the meeting of the Council.

## **7. Referrals report of recommendations from Cabinet**

There were no referrals emanating from the Cabinet meeting held on 14 March 2023.

## **8. Pay Policy Statement 2023 to 2024**

**29 - 42**

Report number: **COU/WS/23/007**

## **9. West Suffolk Council Constitution - proposed amendments**

**43 - 84**

Report number: **COU/WS/23/008**

**10. Any other urgent business**

To consider any business, which by reason of special circumstances, should in the opinion of the Chair be considered at the meeting as a matter of urgency.

**Part 2 – exempt**

None

# Council



**Minutes** of a meeting of the **Council** held on **Tuesday 21 February 2023** at **7.00 pm** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present

**Councillors**

**Chair** Mike Chester

**Vice Chair** John Augustine

Richard Alecock	Pat Hanlon	Joanna Rayner
Sarah Broughton	Brian Harvey	Karen Richardson
Simon Brown	Diane Hind	David Roach
Tony Brown	Ian Houlder	Richard Rout
Carol Bull	Paul Hopfensperger	Marion Rushbrook
John Burns	Beccy Hopfensperger	Ian Shipp
Patrick Chung	James Lay	Andrew Smith
Nick Clarke	Aaron Luccarini	David Smith
Simon Cole	Victor Lukaniuk	Karen Soons
Jason Crooks	Birgitte Mager	Clive Springett
Dawn Dicker	Margaret Marks	Sarah Stamp
Roger Dicker	Joe Mason	Lance Stanbury
Andy Drummond	Sara Mildmay-White	Peter Stevens
Robert Everitt	Andy Neal	Peter Thompson
Stephen Frost	Robert Nobbs	Jim Thorndyke
Susan Glossop	Colin Noble	Julia Wakelam
John Griffiths	David Palmer	Don Waldron
	Sarah Pugh	Phil Wittam

264. **Minutes**

The minutes of the meeting held on 13 December 2022 were confirmed as a correct record and signed by the Chair.

265. **Chair's announcements**

The Chair reported on the civic engagements and charity activities which he and the Vice-Chair had attended since the last ordinary meeting of Council on 13 December 2022.

Attention was drawn to a number of events, as outlined in the paper attached to the agenda.

266. **Apologies for absence**

Apologies for absence were received from Councillors Michael Anderson, Trevor Beckwith, Mick Bradshaw, Max Clarke, Rachel Hood, David Nettleton and Cliff Waterman.

267. **Declarations of interests**

Members' declarations of interest are recorded under the item to which the declaration relates.

268. **Leader's statement (Paper number: COU/WS/23/001)**

Councillor John Griffiths, Leader of the Council, presented his Leader's Statement as outlined in paper number: COU/WS/23/001. On this occasion, an additional document 'West Suffolk – The story so far' was circulated to members separately by email and published alongside the Leader's Statement prior to the meeting.

In his introductory remarks, Councillor Griffiths:

- a. **Tributes:** acknowledged the tragedies caused to the people of Turkey and Syria following the impact of the devastating earthquakes in these countries. Recognition was also given to the fact that on 24 February 2023, this would mark the first anniversary of the Russian Invasion of Ukraine. West Suffolk would continue to play its part in helping people that were fleeing from this war torn country.
- b. **West Suffolk – 'The story so far':** made reference to the additional document that accompanied the written Leader's Statement and outlined a number of the achievements made over the last four years since West Suffolk Council came into existence.
- c. **Suffolk Public Sector Leaders:** reported that a £1.5 million Supported Food Network initiative had been agreed to support people across the county with the cost-of-living challenges. Working with new and existing food outlets, including food banks, more stock would be provided to ensure a range of enhanced support was available to meet local needs. In addition, £175,000 funding had been agreed to support vital initiatives to tackle and prevent rough sleeping across Suffolk.
- d. **Improving housing and supply:** reported on two new initiatives to improve private housing conditions as well as increasing the number of affordable homes across Suffolk. Suffolk's district and borough councils had secured £2.2 million of Government Private Rented Sector Pathfinder Programme funding over two years, which would be used to improve the standard of private rented homes in the county. To complement this work, the Suffolk Housing Board had been awarded £20,000 from the Local Government Association Housing Advisor Programme.
- e. **Screen Suffolk:** reported that all local councils had signed a new five year contract with Screen Suffolk. It was estimated that the positive



economic impact for Suffolk was £14.5 million since the company began its service in the county in 2016.

- f. **Market Thoroughfare:** was pleased to announce that the vastly improved, Market Thoroughfare in Bury St Edmunds was due to open on 22 February 2023. This scheme was part of the town centre masterplan to deliver a wider pedestrian link while keeping the frontage of The Old Post Office.

The Leader responded to a range of questions relating to:

- a. **Emergency planning:** that he was not aware of apparent proposals by the US Government to return NATO nuclear weapons to RAF Lakenheath, and as such he had not received any recent guidance from Government ministers or the Ministry of Defence as to the actions this Council should take in the event of incidences involving NATO weapons. The US Government was not obliged to consult with the Council regarding its potential plans; however, should any information relating to this matter be forthcoming, it would be analysed and shared on a cross-party basis, as appropriate.
- b. **North West Haverhill Relief Road:** the Council shared Councillor Joe Mason's and other Haverhill ward members concerns and frustrations regarding the lack of progress made so far in the delivery of this road to the previously agreed timescale. Councillor Griffiths deferred the matter to Councillor Roach, Portfolio Holder for Planning, for a more detailed response. The planning condition required for the relief road was to be delivered by the end of March 2023 at the latest. Due to the complexities regarding the position of gas and water mains, the developer, Persimmon explained that there would be a significant delay to the delivery of the road and a revised completion date of April 2024 had been given. Discussions were being held with Persimmon and Suffolk County Council (SCC) as to whether the road could be completed before this suggested revised timeframe. The Council would continue to monitor whether enforcement action should be taken. SCC had stated that in principle, this could be considered; however, it was unlikely that this would lead to the road being completed any sooner. Councillor John Burns raised a similar question, having first highlighted the bond with SCC regarding the delivery of the road, and some of the impacts being experienced in the town without the relief road being in place. Councillor Griffiths acknowledged the bond with SCC and again, shared the frustrations of the road not being delivered in accordance with Persimmon's planning consent. Recognition was given to the ongoing discussions being held to pursue this matter and holding the developer to account.
- c. **Outline planning application for 1,300 on Land to the west of Mildenhall:** Should permission be granted for this application and recognising the implications for Mildenhall town centre should the necessary road infrastructure not be delivered within the required timescale, lessons would be learned from the issues currently being

experienced in Haverhill, as referred to in b. above. The necessary safeguards would be put in place, as appropriate.

- d. **Empty homes:** Councillor Brian Harvey firstly applauded the Families and Communities team for their work with those in need in the rural communities, to which Councillor Griffiths highlighted the additional funding from the Suffolk Public Sector Leaders group which would help provide additional support (see c. above). Councillor Brian Harvey then made reference to the penultimate paragraph on page 15 of the attachment to the Leader's Statement, 'West Suffolk – the story so far'. This referred to 370 empty homes being brought back into use since 2019 with 181 of those being achieved last year. Councillor Harvey asked the Leader whether there was an ongoing programme in place for addressing this issue and how many empty homes were expected to be brought back into use within the coming months/years. A written response would be provided following the meeting by Councillor Griffiths and the relevant portfolio holder. In accordance with the Constitution, this response would be circulated to all members and published on the Council's website.

## 269. **Public participation**

The following members of the public spoke under this agenda item:

1. **Richard O'Driscoll**, a resident of the district, asked a question in connection with the £300,000 one-off allocation to Abbeycroft Leisure (subject to approval of the budget for 2023/2024) to assist them through their current financial pressures; however, he felt that this would still result in job losses and rising prices. He stated that it could cost £27 for a family of four to swim and asked whether it was now time for the Council to restore a regular annual grant to provide long term security and to 'make sport for all' a reality by bringing the cost of leisure down.

In response, Councillor Joanna Rayner, Portfolio Holder for Leisure, Culture and Community Hubs, stated that the 'regular grant' or management fee the Council had paid to Abbeycroft had reduced to zero from next year. This was as a result of the multi-million pound investment the Council had put into its leisure estate over the last six years. Councillor Rayner provided details of the benefits achieved across the district as a result of the investment.

As a valuable partner, Councillor Rayner reiterated the support the Council had provided to Abbeycroft during the pandemic and the current challenges it now faced; however, it also expected them to be an efficient well run business (as they are) so the Council could be confident that tax payers money was put to good use. As a social enterprise, any profit made must support their community objectives.

Before concluding her reply by explaining other beneficial services provided by Abbeycroft to support those on low incomes; the impact of the significant increase in costs to run leisure centres with swimming pools; and the health and well-being benefits that leisure facilities provided, Councillor Rayner informed Mr O'Driscoll and those present that:

- a. The Council's intervention had averted job losses. If the Council had not stepped in with financial support significant job losses would have potentially been a possibility as pools would have had to close (albeit temporarily).
- b. A family swim at Bury St Edmunds costed £18.50, not £27 and for those residents who had a loyalty card (that costed £4 for a year) that cost reduced to £17.50. Councillor Rayner reiterated that there were not many activities you could do as a family for less than £20.

2. **Nigel Wolstenholme**, Chairman of the Bury St Edmunds branch of the Royal British Legion (RBL) highlighted an event on 5 May 2023 that the RBL was hosting to commemorate King Charles III Coronation. He was pleased to report that support had been offered by Councillor Robert Everitt's locality budget; however, he specifically asked how, generally, was the Council able to support community groups looking to organise events to celebrate the Coronation in May.

In response, Councillor Robert Everitt, Portfolio Holder for Families and Communities stated that many community groups would be looking to organise events themselves to celebrate the Coronation. The Council would encourage this, and communications support could be provided, where appropriate, to encourage attendance at such events. Should any members wish to provide support from their locality budgets, applications would need to be submitted before 22 March 2023.

The Chair concluded this item and invited Mr O'Driscoll and Mr Wolstenholme to remain in the meeting for the following agenda items should they wish to do so.

270. **Referrals report of recommendations from Cabinet (Report number: COU/WS/23/002)**

Council considered the referrals report of recommendations from Cabinet, as contained within report number: COU/WS/23/002.

**A. Referrals from Cabinet: 7 February 2023**

**1. Treasury management report (December 2022)**

Approval was sought for the Treasury Management Report for the third quarter of the 2022 to 2023 financial year.

Councillor Sarah Broughton, Portfolio Holder for Resources and Property, drew relevant issues to the attention of Council.

In response to a question, Councillor Broughton stated that whilst she understood Councillor Julia Wakelam's concerns regarding a request that there be no potential investments in industries that were contributing to the climate emergency, the details provided in this report referred to investments placed with banks and building societies in the main.

On the motion of Councillor Broughton, seconded by Councillor Ian Houlder, it was put to the vote and with the vote being 50 for the motion, none against and three abstentions, it was

**Resolved:**

That the Treasury management report (December 2022), as contained in Report number: FRS/WS/23/001, be approved.

(Councillors Dawn Dicker and Roger Dicker left the meeting during the consideration of this item and did not return. They did not vote on this item.)

**2. Treasury Management Strategy 2023 to 2024 and Code of Practice**

Approval was sought for the Treasury Management Strategy 2023 to 2024 and Code of Practice.

Councillor Sarah Broughton, Portfolio Holder for Resources and Property, drew relevant issues to the attention of Council, including that the Chartered Institute of Public Finance and Accountancy's (CIPFA) Treasury Management Code of Practice required that, prior to the start of the financial year, the Council should formally approve a Treasury Management Policy Statement and Investment Strategy, setting out the Council's treasury management policy and strategy for the forthcoming year.

The Treasury Management Strategy Statement 2023 to 2024 was attached as Appendix 1 to Report number FRS/WS/23/002 and the Treasury Management Code of Practice attached as Appendix 2. The report also included additional supporting information on treasury advisors; borrowing strategy; investment strategy counterparty ratings and interest rate projections.

On the motion of Councillor Broughton, seconded by Councillor Ian Houlder, it was put to the vote and with the vote being 50 for the motion, none against and three abstentions, it was

**Resolved:**

That:

1. The Treasury Management Strategy Statement 2023 to 2024, as set out in Appendix 1 to Report number FRS/WS/23/002, be approved.
2. The Treasury Management Code of Practice, as set out in Appendix 2 to Report number FRS/WS/23/002, be approved.

**3. Budget and Council Tax setting 2023 to 2024 and Medium Term Financial Strategy 2023 to 2027**

The recommendations emanating from the Cabinet's consideration of this report, together with its approval of the Performance and Audit Scrutiny Committee's recommendation contained in Report number: CAB/WS/23/005

'Delivering a sustainable medium-term budget' were incorporated within the main budget setting report, which was considered next on this agenda.

No decision was therefore required at this stage.

271. **Budget and Council Tax setting 2023 to 2024 and Medium Term Financial Strategy 2023 to 2027 (Report number: COU/WS/23/003)**

Council considered this report, which presented the proposals for budget and council tax setting in 2023 to 2024 and the Medium Term Financial Strategy (MTFS) 2023 to 2027.

West Suffolk Council had an exemplary track record in robust financial management which had meant it continued to deliver high quality services as well as meeting the strategic vision of the authority.

This was despite a series of challenges. For example, the COVID-19 pandemic which had not only reduced income (Government policy had been that councils create income to supplement reduction in national funding) but also costs to the Council in playing its role to support communities and businesses. All UK authorities were now facing tough financial challenges caused by issues such as soaring inflation, cost of living and energy prices, the war in Ukraine and changes to the way communities spend which reduced income. National finances had been reduced significantly over the last decade for local councils and added burdens had been placed on authorities too during this time.

The 2023 to 2024 budget had been created not only to be balanced and sustainable but as an investment in the priorities of the district's residents and businesses. It was designed to make the communities of West Suffolk greener, healthier and more prosperous.

Members considered the report in detail, which included the following issues for securing a balanced budget for 2023 to 2024 and plans for the medium term from 2023 to 2027, together with corresponding detailed appendices:

Section 1: Summary: which included reference to continuing investments in a range of initiatives to meet priorities; continuing to concentrate on the Council's health and wellbeing agenda; the inclusion of an additional £240,000 investment per annum in the waste and grounds maintenance team, together with a £1.3 million (2023 to 2027) for capital investment in parks, open spaces, heritage and other attractions.

Section 2: Context: which included reference to the Council's robust financial planning and management enabling the Council to deliver both services and the strategic aims of West Suffolk despite the pressures on local government finances; the impact of the COVID-19 pandemic on the Council's finances, including the role of the Council in supporting residents and businesses throughout the pandemic; the medium term budget plans (beyond April 2024) being prepared in the context of significant uncertainties around the current economic climate and Government policy; 'Investing in our Growth Agenda'; the

- Council's transformation programme; and further detail on the Council's plans to achieve net zero carbon emissions by 2030.
- Section 3: Local government finance settlement: which included reference to the Revenue Support Grant; Rural Services Delivery Grant; Services Grant; the future of New Homes Bonus; the new Funding Guarantee Grant; business rates and business rates reliefs; Retail, Hospitality and Leisure Relief and Supporting Small Business Relief; Local Authority Housing Fund; Collection Fund deficits and council tax referendum limits.
- Section 4: Council tax for 2023 to 2024: which included reference to changes to the Long Term Empty Property Premium and Second Homes arrangements
- Section 5: Setting the budget – 2023 to 2024 and across the medium term to 2026 to 2027: which included reference to inflation assumptions assumed in the MTFS; fees and charges (as approved by Cabinet on 7 February 2023); and delivering a sustainable future beyond 2023 to 2024.
- Section 6: Capital programme 2023 to 2027: which included reference to the planned capital expenditure over four years to 2026/2027; and disposal of surplus assets.
- Section 7: Minimum revenue provision (MRP)
- Section 8: General fund balance
- Section 9: Earmarked reserves
- Section 10: Strategic priorities and MTFS reserve
- Section 11: Adequacy of reserves
- Section 12: Calculation of the council tax

Having acknowledged the issues highlighted above, Council noted that currently, council tax made up approximately one fifth of the authority's budget (exclusive of housing benefit) and therefore only contributed to a fifth of service delivery. West Suffolk Council charged around eleven percent of a local council tax payer's bill with the rest comprising precepts from the County Council, Police and Crime Commissioner as well as the relevant Parish or Town Council. It was recognised that any increase provided an extra burden on taxpayers but did mean the protection of vital services which would otherwise possibly have to be considered for reductions. Councillors were asked and expected by Government to look at local taxation levels to meet the authority's financial needs to support its communities and help future proof from financial uncertainty.

To help secure a balanced budget for 2023 to 2024, on 7 February 2023, the Cabinet recommended to Council that the level of Band D council tax for 2023 to 2024 be set at £192.06, which represented a Band D weekly increase of just under 10 pence. Noting that just over 70 percent of West Suffolk residents were in bands A to C, these would actually see a lower increase. This increase was still below the expectation from Government for a greater rise in council tax up to three percent for district councils.

Councillor Broughton drew relevant issues to the attention of Council, including commending the finance team and the Performance and Audit Scrutiny Committee, together with staff and other members across the authority for their work in securing a balanced budget for 2023 to 2024 and for developing plans in the medium term. Councillor Broughton duly

summarised the extensive work that had been undertaken to reach this point and the key proposals that contributed to securing a balanced budget for 2023 to 2024 and their significance in planning for the medium term.

A detailed debate ensued which included a number of comments, observations and questions, including:

- a. **Achievement of a two year balanced budget:** by remaining with West Suffolk's council tax plans debated last year, this had avoided the need to propose a higher rise in council tax as suggested by Government.
- b. **Support for communities and businesses:** Comments highlighted included the previously agreed £500,000 investment by the Council and partners to help reduce council tax by 100 percent for a year for eligible persons; support for keeping swimming pools open where many across the country were closing; and other investments in health and wellbeing.
- c. **Western Way project:** Specific reference was given to Attachment A, 'Revenue budget summary' which presently, years three and four indicated significant budget deficits. Whilst the initial aspirations for the Western Way development had been scaled down to a project largely centred on the replacement of the leisure centre, the Labour Group remained concerned that the Council should not be spending large sums on this project in the present economic climate and national financial uncertainties. A refurbishment of the existing leisure centre remained the preferred option for the Labour Group and with a planning application submitted for a David Lloyd leisure facility at nearby Marham Park, it was anticipated that whilst such a facility, if approved, might be unaffordable for some, this may impact on the services offered by Abbeycroft Leisure. It was considered that the Western Way project remained a huge investment for one area of Bury St Edmunds and the Council should be looking to invest in health and wellbeing that covered a wider area of the district.

It was commented separately whether the proposed swimming pool for the new leisure centre was of sufficient size to support national competitions and the wider economic benefits that the holding of competitions would potentially bring to the town. It was commented that this matter might continue to be challenged as the project progressed.

During her right of reply, Councillor Broughton stated that the Western Way project review had been considered by Council on 13 December 2022 and subject to gateway reviews, safeguards and financial tests, Council had approved a number of recommendations to enable the project to proceed in accordance with the updated business case, which set out the financial case for a new build over the refurbishment option of the existing site. It was therefore felt not appropriate to reopen the debate on this matter at this time.

- d. **Protecting the vulnerable:** it was commented that this budget was of sound financial base to enable the Council to help those in need with particular reference given to the provision of additional temporary accommodation and more affordable homes in the district.
- e. **Supporting economic growth and prosperity:** it was commented that this budget demonstrated that West Suffolk remained attractive for businesses to invest, which included a pioneering, innovative vertical farm project in Newmarket which had received financial support from private investors and a loan from the New Anglia Local Enterprise Partnership. Other examples included the Council's support to providing the incubation units on Suffolk Business Park, Bury St Edmunds; the ongoing progress of the Council's housing company, Barley Homes; support towards raising skills and opportunities; the Council-owned solar farm and the successful 'solar for business scheme'.
- f. **West Suffolk Council:** reference was given to the positive achievements since the creation of West Suffolk Council as a result of prudent financial budgeting and planning. Examples included successful investments made; support for the vulnerable and those in need; commercial efficiencies made; as well as continuing to deliver vital services.
- g. **Parks, leisure and energy saving solutions:** Support was given to the proposed £1.3 million (2023 to 2027) for the capital investment in open spaces, parks, museums and other leisure attractions, and the continuation of the £9 million investment in measures to support the Council in reaching carbon net zero by 2030. However, disappointment was expressed that no investment had been made specifically to better insulate homes or, noting that a commuted sum was anticipated to emanate from the Tayfen Road development in due course, to upgrade the play area provision in the Abbey Gardens, Bury St Edmunds.

During her right of reply, Councillor Broughton stated that eligible residents could apply for separate Government funding to better insulate their homes; and refurbishment of the play area in Abbey Gardens would be forthcoming soon.

It was separately commented that this budget continued to enable free leisure facilities to be provided in local wards such as Moreton Hall. The provision of the recent splash play park in this ward was mentioned. In addition, it was separately commented that provision of leisure facilities, whether free or not, should be promoted and encouraged in local areas if they were to help improve the health and wellbeing of the community.

- h. **Brandon and specifically, street lighting:** Members sympathised with the frustrations regarding the environmental challenges that had historically restricted housing development in the locality and extensive work was being undertaken to try and overcome these obstacles. Further concerns were expressed regarding the provision of £40 million to replace Bury St Edmunds Leisure Centre when it was felt it could be



refurbished. It was felt by some members that the proposed budget did not make provision to address a perceived disparity between funding of street lighting by town, parish, district and county councils in the areas of the former Forest Heath District and St Edmundsbury Borough Councils was reiterated.

During her right of reply, Councillor Broughton stated that it would cost approximately £25 million to refurbish the leisure centre and this would only extend its life by about 20 years at which point the costs to rebuild would have escalated considerably. The existing pool would also need to be closed for up to two years whilst work took place. On street lights, as previously explained, West Suffolk Council was working with Suffolk County Council, as the authority with the responsibility for the majority of street lighting provision, and town and parish councils, to examine this complex historic issue in more detail, in accordance with the recent decision of Cabinet.

- i. **Families and Communities:** This area remained a strategic priority of the Council and recognition was given to the work undertaken with partners, town and parish councils, and other key stakeholders to help improve the lives of residents in the community. Examples were provided, including that it was being proposed that the 2023 to 2024 budget should continue to include significant allocations for the provision of Community Chest and councillor locality budget funding for granting to organisations and groups striving to make a difference in their communities.
- j. **Working with partners:** it was commented that this budget would enable the Council to continue to work with partners such as Suffolk County Council and Suffolk Public Sector Leaders to achieve ambitious projects, make sound investments and support the vulnerable and those in need.
- k. **Operations service:** Recognition was given to the waste and street scene service, the Civil Parking Enforcement team and how this budget would enable £440,000 to be allocated towards making improvements to car parks located in Bury St Edmunds, Newmarket and new provision in Clare.
- l. **Performance and Audit Scrutiny Committee (PASC):** Recognition was given to the significant work of PASC in considering and scrutinising numerous documents before making its recommendations to Cabinet as part of the budget setting process.
- m. **Leisure Asset Management Breakdown:** Councillor Burns referred to page 99 of the agenda report pack, which was Attachment D Appendix 2b, '2023 to 2024 Capital Programme – Leisure Asset Management Plan Breakdown'. He firstly asked whether reference to Motts Field, Haverhill Multi Use Games Area (MUGA) should be removed and the play area refurbished as it was presently stated the other way round. He then requested whether an indication could be given on the document regarding what leisure/sport/play area improvements had been funded by Section 106 contributions.

A written response would be provided following the meeting by Councillor Broughton and Councillor Joanna Rayner, Portfolio Holder for Leisure, Culture and Community Hubs. In accordance with the Constitution, this response would be circulated to all members and published on the Council's website.

In summary, the majority of members acknowledged that despite the significant financial challenges being faced, the Council had made, and were continuing to make, successful investments in services; growth; greener; and health and well-being projects; together with creating efficiencies, resilience and ensuring the effective management of resources, all of which and more would enable West Suffolk Council to secure a balanced budget for 2023 to 2024.

The motion was then put to the statutorily required recorded vote. With 53 members present, the votes recorded were 45 votes for the motion, 8 against, and no abstentions; the names of those members voting for and against, being recorded as follows:

**For the motion:**

Councillors Alecock, Augustine, Broughton, Simon Brown, Tony Brown, Bull, Burns, Chester, Chung, Nick Clarke, Cole, Drummond, Everitt, Frost, Glossop, Griffiths, Harvey, Beccy Hopfensperger, Paul Hopfensperger, Houlder, Lay, Luccarini, Mager, Marks, Mason, Mildmay-White, Nobbs, Noble, Palmer, Pugh, Rayner, Richardson, Roach, Rout, Rushbrook, Shipp, Andrew Smith, Soons, Springett, Stamp, Stanbury, Stevens, Thompson, Thorndyke and Wakelam.

**Against the motion:**

Councillors Crooks, Hanlon, Hind, Lukaniuk, Neal, David Smith, Waldron and Wittam.

**Abstentions:**

None

It was therefore

**Resolved:**

1. Having taken into account the information received by Cabinet on 7 February 2023 (Report number: CAB/WS/23/008) including the report by the Director (Resources and Property) (Section 151 Officer) set out in Attachment C, together with the up to date information and advice contained in Report number: COU/WS/23/003, the level of West Suffolk Council's band D council tax for 2023 to 2024 be set at £192.06 (the level of council tax beyond 2023 to 2024 will be set in accordance with the annual budget process for the relevant financial year).
2. Subject to recommendation 1. above, the following formal council tax resolutions be adopted:

- a. the revenue and capital budget for 2023 to 2027, attached at Attachment A to Report number: COU/WS/23/003, and as detailed in Attachment D (Appendices 1 to 6), Attachment E and Attachment F be approved.
  - b. A general fund balance of £5 million be agreed to be maintained, as detailed in paragraph 8.2.
  - c. The statutory calculations under Section 30 to 36 of the Local Government Finance Act 1992, attached at Attachment I, be noted.
  - d. The Suffolk County Council and Office of the Police and Crime Commissioner for Suffolk precepts issued to West Suffolk Council, in accordance with Section 40 of the Local Government Finance Act 1992 and outlined at paragraphs 12.6 and 12.7 below, be noted.
  - e. In accordance with Section 30(2) of the Local Government Finance Act 1992, the amounts shown in Schedule D of Attachment H be agreed as the amount of Council Tax for the year 2023 to 2024 for each of the categories of dwellings shown.
3. The Director (Resources and Property), in consultation with the Portfolio Holder for Resources and Property, be authorised to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the medium term financial planning period.
  4. Approval be given to delegate authority to the Director (Resources and Property) in consultation with the Portfolio Holder for Resources and Property to formulate and implement in full, Government grant, discount or relief schemes (examples include but not limited to those set out in paragraphs 3.13 to 3.19 and 4.7 to 4.9), so long as they are as a minimum, revenue cost neutral to the Council.
  5. Approval be given to the change to the Long Term Empty Property Premium set out in paragraphs 4.10 to 4.13, and to the further class of property not attracting the premium set out in paragraph 4.12.
  6. Endorsement be given to Cabinet's approval of the fees and charges price increases (as set out in Attachment D appendix 6a).
  7. Approval be given to the Flexible Use of Capital Receipts Strategy (as set out in Attachment F).

272. **Calendar of meetings 2023 to 2024 (Report number: COU/WS/23/004)**

Council considered this report, which sought approval for the proposed calendar of meetings for West Suffolk Council in 2023 to 2024.

Councillor Carol Bull, Portfolio Holder for Governance, drew relevant issues to the attention of Council, including that in 2022/2023, the frequency of some meeting dates had been adjusted to help avoid cancellations that had been evident in the previous year. Some additional reserve dates for Council and Cabinet had been included in the calendar and these were used where required. This saw less meetings being cancelled where there were no items requiring a decision. This same approach was adopted for the 2023/2024 calendar.

Under current legislation, where some meetings were able to be operated entirely virtually (for example, Staff Consultative Panel, Financial Resilience Sub-Committee) it was envisaged that this practice would continue and would be at the discretion of the Chair of the relevant body.

It was also important to note that a corporate hybrid meetings/audio visual equipment project was currently still ongoing and the outcome of this may influence future meeting operation. The venues for holding meetings would therefore be reviewed throughout the year.

In view of the district council elections being held on 4 May 2023 and the Annual Meeting of Council arranged for 23 May 2023, it was proposed that the first post-election Cabinet meeting should be held on 13 June 2023. Therefore, the Cabinet meeting which was scheduled on 30 May 2023 as part of the 2022/2023 calendar was to be removed and members were asked to note this change.

On the motion of Councillor Bull, seconded by Councillor John Burns, it was put to the vote and with the vote being unanimous, it was

**Resolved:**

That the Calendar of Meetings 2023 to 2024, as attached at Appendix A to Report number: COU/WS/23/004, be approved.

(Councillors Simon Cole and Don Waldron left the meeting during the consideration of this item and did not return. They did not vote on the item.)

273. **Any other urgent business**

There were no matters of urgent business considered on this occasion.

The meeting concluded at 8.55 pm

**Signed by:**

**Chair**

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## Recognition of Councillor service

This is the last Full Council meeting of West Suffolk Council ahead of the elections on 4 May 2023 and therefore the final opportunity to recognise current and former members of the Council and to acknowledge and thank them for their contribution to the work of the Council and their service to the community.

We also pay tribute to Councillor David Gathercole, Councillor Jim Meikle and Councillor John Smith who sadly passed away during this first administration of West Suffolk Council.

Following the election, the Chair will be inviting all non-returning members from the current administration to a reception service at West Suffolk House on 11 May 2023 at 6.30pm.

Thank you for your contribution during the 2019 – 2023 term.

<b>Name</b>	<b>Ward</b>
Councillor Richard Alecock	Mildenhall Great Heath
Councillor Michael Anderson	Newmarket North
Councillor John Augustine	Westgate
Councillor Trevor Beckwith	Moreton Hall
Councillor Mick Bradshaw	Iceni
Councillor Sarah Broughton	The Fornhams & Great Barton
Councillor Simon Brown	Pakenham & Troston
Councillor Tony Brown	Haverhill South
Councillor Carol Bull	Barningham
Councillor John Burns	Haverhill East
Councillor Mike Chester	Chedburgh & Chevington
Councillor Patrick Chung	Southgate
Councillor Max Clarke	St. Olaves
Councillor Nick Clarke (elected in 2021)	Clare, Hundon & Kedington
Councillor Terry Clements (2019 – 2021)	Horringer
Councillor Simon Cole	Exning
Councillor Jason Crooks	Haverhill South
Councillor Dawn Dicker	Iceni
Councillor Roger Dicker	Kentford & Moulton
Councillor Andy Drummond	Newmarket West
Councillor Mary Evans (2019 - 2021)	Whepstead & Wickhambrook
Councillor Robert Everitt	Minden

<b>Name</b>	<b>Ward</b>
Councillor Stephen Frost	Lakenheath
Councillor David Gathercole (2019 – 2020)	Lakenheath
Councillor Susan Glossop	Risby
Councillor John Griffiths MBE	Ixworth
Councillor Patrick Hanlon	Haverhill East
Councillor Brian Harvey	Manor
Councillor Diane Hind	Tollgate
Councillor Rachel Hood	Newmarket East
Councillor Beccy Hopfensperger	The Fornhams & Great Barton
Councillor Paul Hopfensperger	St. Olaves
Councillor Ian Houlder	Barrow
Councillor Lisa Ingwall-King (2019 – 2021)	Abbeygate
Councillor James Lay	Newmarket West
Councillor Aaron Luccarini	Haverhill Central
Councillor Victor Lukaniuk	Brandon Central
Councillor Birgitte Mager (elected in 2021)	Moreton Hall
Councillor Margaret Marks	Haverhill West
Councillor Joe Mason	Haverhill North
Councillor Elaine McManus (2019 – 2022)	Haverhill North
Councillor Sara Mildmay-White	Rougham
Councillor Jim Meikle (2019 – 2021)	Clare, Hundon & Kedington
Councillor Robin Millar (2019)	Newmarket North
Councillor Andy Neal	Mildenhall Queensway
Councillor David Nettleton	Tollgate
Councillor Robert Nobbs	Newmarket East
Councillor Colin Noble (elected in 2021)	Lakenheath
Councillor David Palmer	Brandon West
Councillor Sarah Pugh (elected in 2021)	Whepstead & Wickhambrook
Councillor Jo Rayner	Abbeygate
Councillor Karen Richardson	Clare, Hundon & Kedington
Councillor David Roach	Haverhill West
Councillor Richard Rout	Westgate
Councillor Marion Rushbrook	Clare, Hundon & Kedington
Councillor Ian Shipp	Mildenhall Kingsway & Market
Councillor Andrew Smith	Bardwell
Councillor David Smith	Haverhill South



<b>Name</b>	<b>Ward</b>
Councillor John Smith (2019 – 2021)	The Rows
Councillor Karen Soons	Newmarket North
Councillor Clive Springett	Minden
Councillor Sarah Stamp (elected in 2021)	Southgate
Councillor Lance Stanbury (elected in 2021)	The Rows
Councillor Peter Stevens	Withersfield
Councillor Peter Thompson	Moreton Hall
Councillor Jim Thorndyke	Stanton
Councillor Julia Wakelam (elected in 2021)	Abbeygate
Councillor Don Waldron	The Rows
Councillor Frank Warby (2019 – 2020)	Moreton Hall
Councillor Cliff Waterman	Eastgate
Councillor Ann Williamson (2019 – 2021)	Southgate
Councillor Nick Wiseman (2021 – 2023)	Horringer
Councillor Phil Wittam	Brandon East

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## Civic communication for council

**21 February 2023 to 21 March 2023**

Chair attended 14 engagements

Vice Chair attended 1 engagement

<b>Event</b>	<b>Venue</b>	<b>Date</b>	<b>Time</b>	<b>Attending</b>
West Suffolk Council meeting	West Suffolk House	Tuesday 21 February 2023	7pm	Chair and Vice Chair of Council
Photo in Market Thoroughfare to mark its formal re-opening	Market Thoroughfare, St Andrews St South, Bury St Edmunds	Wednesday 22 February 2023	10am	Chair of Council
Luke Southgate Memorial Service	St Olaves Precinct, Bury St Edmunds, IP32 6SP	Friday 24 February 2023	10.30am	Chair of Council
Candlelit vigil to mark the anniversary of the invasion of Ukraine	St Edmundsbury Cathedral	Friday 24 February 2023	5.30pm	Chair of Council
Memorial Service for Cllr Graham Newman	St. John's Church, Orwell Road, Felixstowe	Saturday 25 February 2023	11am	Chair of Council
Visit to My WiSH Charity	West Suffolk Hospital, Hardwick Lane, Bury St Edmunds	Monday 27 February 2023	10am	Chair of Council
Meeting with Gatehouse Charity	Gatehouse, Dettingen Way, Bury St Edmunds	Tuesday 28 February 2023	10am	Chair of Council
West Suffolk Civic Dinner	Edmunds Restaurant, West Suffolk College	Friday 3 March 2023	6.15pm	Chair of Council

Mid Suffolk DC Chairman's Dinner	Officers Mess, Wattisham Flying Station IP7 7RA	Saturday 4 March 2023	6.30pm	Chair of Council
Unveiling of a new painting at Palace House, Newmarket	Palace House Palace Street, Newmarket CB8 8EP	Thursday 9 March 2023	11am	Chair of Council
Suffolk County Council Chairman's Charity Concert - Young at Heart	St Edmundsbury Cathedral	Saturday 11 March 2023	7pm	Chair of Council
Suffolk Community Foundation Annual Review and High Sheriff Awards.	Trinity Park, Felixstowe Road, Ipswich IP3 8UH	Monday 13 March 2023	2pm	Chair of Council
East Suffolk Council Chairman's Reception	East Point Pavilion, Royal Plain, Lowestoft, NR33 0AP	Tuesday 14 March 2023	7pm	Chair of Council
Ipswich Mayor's Charity Ball	Town Hall and Corn Exchange, King Street, Ipswich IP1 1DH	Saturday 18 March 2023	7pm	Chair of Council
West Suffolk Council Meeting	West Suffolk House	Tuesday 21 March 2023	7pm	Chair and Vice Chair of Council



## Leader's statement

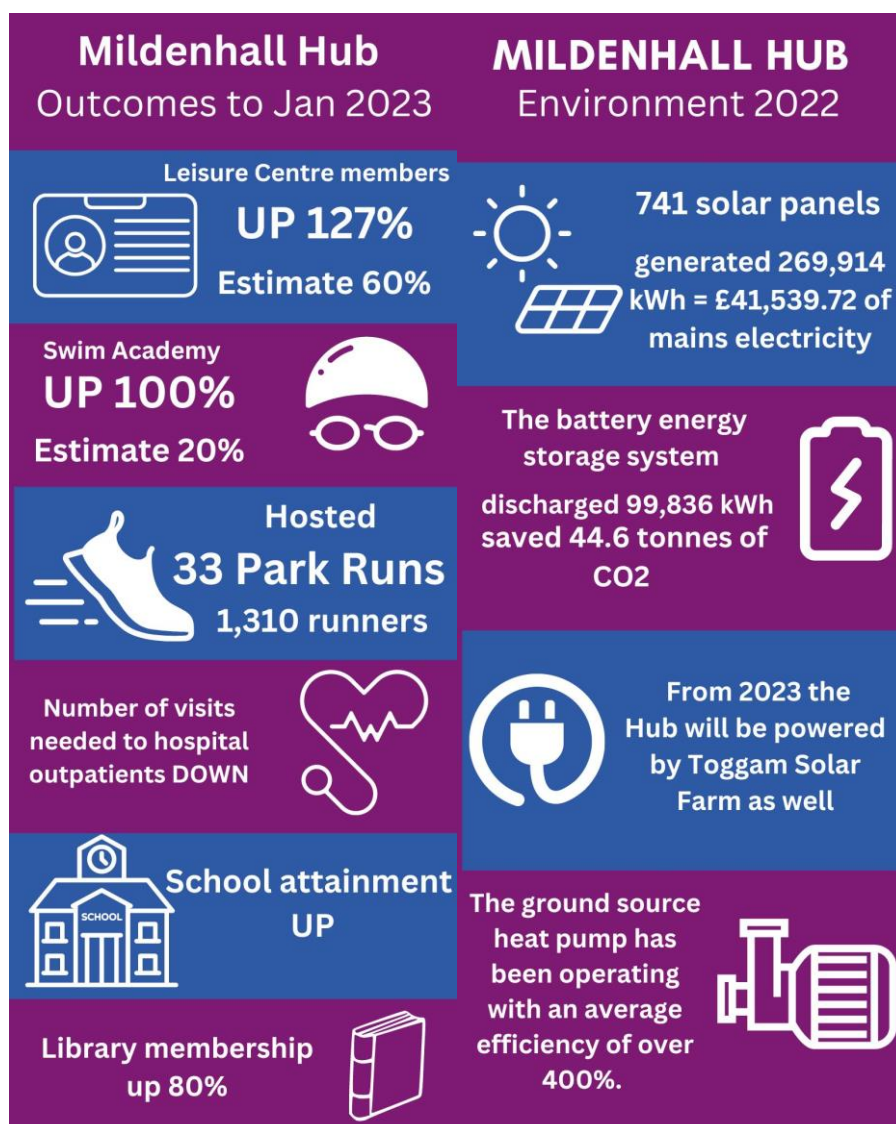
<b>Report number:</b>	<b>COU/WS/23/006</b>	
<b>Report to and date:</b>	<b>Council</b>	21 March 2023
<b>Documents attached:</b>	<b>None</b>	

### Leader's statement

1. Over some 20 years, I have written countless Leader's Statements (and updates) - first for St Edmundsbury and then West Suffolk - but this is the last one I will write for the first full term of West Suffolk Council, which was created in 2019.
2. During that time no one could have foreseen many of the issues we would be facing – most recently, the pandemic and the war in Ukraine and their consequences for us all.
3. However, whatever the challenges we have not only met them head on but, I believe, surpassed expectations.
4. Thanks for this are due to you, our officers and staff (and your and their predecessors) and we should all be proud to be part of what is now one of if not the best councils in the country.
5. Our hallmark has been not only improving and delivering high quality services but working together - and with others - to focus on and to meet the needs and aspirations of our communities and businesses. We have been ambitious, forward thinking and innovative - and broken down barriers to deliver better health outcomes, economic success and the future prosperity of the people (of all ages) we serve, while protecting the most vulnerable. At the same time, we have recognised the challenges of climate change and taken positive and effective strides in tackling this threat to enhance our unique West Suffolk environment.
6. You are of course also unique in being our first West Suffolk Council councillors. You, together with all our staff, did not hesitate despite many complex challenges and have driven forward this new authority for the benefit of our residents. The results I think speak for themselves, many of which I recently summarised and shared with you in "West Suffolk Council – Our Story So Far".
7. I will not therefore repeat this "story so far" but rather offer a few updates;

## Mildenhall Hub

8. The results of our efforts, lateral thinking and our ability to be ahead of the game have perhaps been best demonstrated in a report that recently went to Overview and Scrutiny Committee on the Mildenhall Hub.
9. This looked at the award-winning scheme to review whether it has achieved the strategic goals that we set for it as a council.
10. I am pleased to say the report shows that not only has it met these but, in many cases, far exceeded them; and that we are also well on our way to meet the five years break-even financial test we set.
11. Without detailing the results here, or the ten objectives now more than fully met, of the report (which I recommend to those of you who have not yet seen it) the graphic below perhaps describes what some of these look like in practice.



12. The main aim for the hub was not just to bring better facilities for Mildenhall but to improve access to services. The report proves the benefits of our working together with many partners and that we are already making a very positive difference to our residents' lives, with better outcomes in education, health and wellbeing as well as leisure participation inter alia.
13. Two integrated leisure and health pathways with NHS are in place which target frailty and pulmonary rehabilitation (which includes Long Covid). The Hub has hosted the Sporting Memories initiative for older people, the Catch 22 Suffolk Positive Futures initiative to reduce anti-social behaviour and a place-based physical activity pilot with the NHS. There is a cardiac rehabilitation programme in place using the leisure facilities while children attending the speech and language sessions also benefit by being able to go straight to the library to choose some books. The Hub is now also the fastest growing and one of Suffolk's top-ten busiest libraries.
14. I am also pleased to see school attainment is up and SEND students are able to use the conference room for exams amongst other benefits.
15. I should mention that this ground-breaking initiative certainly did not happen overnight and praise must go to those at Forest Heath who kicked off this vision over ten years ago, in 2012. That said, and alongside other hubs, this scheme was fully backed, developed and delivered firstly by the joint Forest Heath/St Edmundsbury administration and then West Suffolk Council.

### **Economic growth**

16. West Suffolk businesses are now being asked to take part in a new initiative to shape the future for the skills agenda.
17. The Norfolk and the Suffolk Chambers of Commerce are working with the Department for Education (DfE) to put employers at the heart of the skills agenda with the launch of the Norfolk and Suffolk Local Skills Improvement Plan (LSIP).
18. They want businesses to have a bigger say in what is needed in the workplace for today, tomorrow and the future.
19. The initiative will concentrate on a couple of key areas to run cross-cutting themes of Workforce Digital Skills and Soft Skills. They will focus on some key sectors where significant impacts can be made quickly, and are looking at agri-tech, food processing sector and climate adaptation, net zero. The Chambers have selected these key areas mainly due to the amount of work that has already taken place across Norfolk and Suffolk but also as they tie in with work underway at many of our education providers.
20. As these Council papers are being published, a workshop is being held in Bury St Edmunds on 15 March (at the Guildhall between 5.30pm and 7.30pm).

### **Warm Homes initiative**

21. Commendable efforts are being made across Suffolk to ensure the retrofit of energy inefficient homes.

22. While the Warm Homes Suffolk initiative and recent additional Suffolk Public Sector Leaders funding is ensuring that the most vulnerable households receive support while tackling environmental challenges, the New Anglia Local Enterprise Partnership is helping to address the shortage of trained installers in the county.
23. Almost 50 people have now been trained in retrofitting through Skills Bootcamps, providing a much-needed boost to the workforce needed for the delivery of warmer homes.
24. A Fuel Poverty Retrofit Team will also work with residents living in energy inefficient properties to address funding issues and ensure a consistent supply of installers.
25. This extension of the Warm Homes Suffolk Scheme is expected to lead to around £50 million worth of work and deliver almost £4.8 million in combined potential savings for households through insulation, air source heat pumps and the replacement of single glazing.

### **Makers Markets**

26. The popular monthly Makers Markets are returning to Bury St Edmunds, Haverhill, and Newmarket.
27. This was a new and now popular initiative brought in by West Suffolk Council to further encourage more people into our towns and to our markets as well as supporting local and growing businesses.
28. Throughout the year, shoppers are treated to a variety of stalls selling homemade products such as ceramics, sweet treats, hot food, woodcraft, original artwork, homeware, needlecraft, candles, and soap.
29. The first Makers Market of 2023 was held in Bury St Edmunds on Sunday, 5 March from 10am to 3pm with over 70 independent businesses and stalls for shoppers to explore.
30. Haverhill's Makers Market will start on Saturday 1 April from 9.30am to 3pm. Shoppers can also visit the regular Haverhill street market, with stalls offering everything from fresh produce to children's toys.
31. Newmarket's first Makers Market of 2023 will be held on Saturday 8 April from 9.30am to 3pm. The regular Saturday market will also be running, where many stallholders have been trading for over 40 years.

### **Energy Bills Support Scheme Alternative Funding**

32. Hundreds of West Suffolk residents who have previously not benefitted from the £400 of Government support towards their energy bills, can now claim money.
33. I would like to mention in passing that West Suffolk Council was one of four councils nationally who piloted the new scheme for just over three weeks



ahead of it being launched nationally on 27 February. We are also the first council in the UK to go live and put through applications for payment.

34. The Government now recognises that residents who don't directly pay their energy supplier have not been able to get the same support as others because they:
- pay for energy through a landlord, housing manager or site owner
  - live in a park home, houseboat or off the electricity grid. launched the Energy and that is why it launched the Energy Bills Support Scheme Alternative Funding (EBSS Alternative Funding).
35. Those identified by the Government as likely to be eligible for EBSS Alternative Funding include residents living in:
- Temporary or supported accommodation
  - Residential park homes
  - Care homes
  - Caravans or mobile homes
  - In a home that has a heat network communal or district heating
  - On a boat
  - Some tenants of private and social rented homes
  - Homes on a private electricity supply
  - Farmers living in domestic farmhouses
  - Other off-grid households.
36. While we are doing what we can to identify and write to people to encourage them to apply, residents shouldn't wait. If they think they are eligible, or know someone else in West Suffolk who may be, they can visit the Government webpage at [www.gov.uk/ebss-alt-funding](http://www.gov.uk/ebss-alt-funding) which has more information including how to apply.

### **International Women's Day**

37. As I write this, I want to reflect it was International Women's Day on Wednesday, 8 March. This also perhaps serves to remind us there is still more to be done in terms of equality which is, of course, something West Suffolk Council is very conscious of, and you will see in our papers that we have a report on the gender pay gap.
38. Nationally, in 2019, the average pay for full time female employees was 8.9 percent lower than for full time male employees. So, it is good to be able to report that for the period April 2021 to March 2022, our figures here at West Suffolk Council show that, while the numbers are close, on average female employees are actually likely to earn slightly more. This is a good position to be in, but we are not complacent and will continue to be consistent in ensuring that all aspects of people management and access to development opportunities and promotion are fair and transparent.

### **Additional stops at Kennett station**

39. I am delighted to say that Greater Anglia has agreed that from May there will be an additional stop at Kennett station in the morning and afternoon. This will greatly help youngsters travelling to school and people going to work and is something that has been lobbied for by us and others over many years. I want

to thank all those involved, not just in our council, but partners and local councillors too that have lobbied and worked with Greater Anglia to achieve this. Thanks also goes to Greater Anglia for listening to the arguments and changing their timetable etc.

### **Coronation**

40. I know many of you, like me, have been working with local communities and awarding locality funding to help celebrate the coronation of His Majesty King Charles III. We have information on our website that we will keep things updated to help individuals, local groups and organisations mark the occasion [His Majesty King Charles III's Coronation \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk) and are directly working with other partners to help our communities celebrate.

### **And finally...**

41. I want to say a heartfelt thank you to you and our staff for the tremendous support, professionalism and dedication you have given and shown for our communities and businesses in West Suffolk over the last four years. We have delivered ground-breaking initiatives as well as our high quality services across the board in very challenging times which make a real difference every day to our residents. I believe we have also laid strong foundations to build an even better and more prosperous future for our lovely towns, villages and rural areas in West Suffolk..... thank you again all and I look forward to seeing you at our meeting.

With best wishes,

**Councillor John Griffiths**  
**Leader of West Suffolk Council**

# Pay Policy Statement 2023 to 2024

<b>Report number:</b>	<b>COU/WS/23/007</b>	
<b>Report to and date:</b>	<b>Council</b>	21 March 2023
<b>Cabinet member:</b>	Councillor Carol Bull Portfolio Holder for Governance Tel: 01953 681513 Email: <a href="mailto:carol.bull@westsuffolk.gov.uk">carol.bull@westsuffolk.gov.uk</a>	
<b>Lead officers:</b>	<p>Jen Eves Director (HR, Governance &amp; Regulatory Services) Tel: 01284 757015 Email: <a href="mailto:jennifer.eves@westsuffolk.gov.uk">jennifer.eves@westsuffolk.gov.uk</a></p> <p>Wendy Canham Service Manager (Human Resources and Organisational Development) Tel: 01284 757006 Email: <a href="mailto:wendy.canham@westsuffolk.gov.uk">wendy.canham@westsuffolk.gov.uk</a></p>	

**Decisions Plan:** **Not applicable as this is not an executive matter**

**Wards impacted:** **All wards**

**Recommendation:** **It is recommended that the Pay Policy Statement for 2023 to 2024, as contained in Appendix A to Report number COU/WS/23/007, be approved.**

## **1. Context to this report and proposals**

- 1.1 The Act and supporting guidance provides details of matters that must be included in this statutory pay policy, but, also, emphasises that each local authority has the autonomy to take its own decisions on pay and pay policies. The Pay Policy Statement must be approved formally by Full Council each year. The statement can be amended in year, must be published on the Council’s website and must be complied with when setting the terms and conditions of Chief Officers.
- 1.2 This Pay Policy Statement includes:-
- a. the level and elements of remuneration for Chief Officers (senior staff)
  - b. the remuneration of the lowest paid employees
  - c. the relationship between the remuneration of the highest and lowest paid employees
  - d. other specific aspects of Chief Officer remuneration, fees and charges and other discretionary payments
  - e. the gender pay position
- 1.3 The Code of Practice for Local Authorities on Data Transparency provides guidance on good practice in this area. The Council’s approach to data transparency is to establish the Council as an open and transparent Council that, in time, not only embraces the principles of the Code, but publishes all information that is likely to be of benefit to the communities and economy of our area.
- 1.4 Data can already be accessed through the “open data” link on our website. The Pay Policy Statement is published in that section annually.

## **2. Alternative options that have been considered**

- 2.1 There are no alternative options as under Section 38/11 of the Localism Act 2011, local authorities must produce and publish a Pay Policy Statement annually.

## **3. Consultation and engagement undertaken**

- 3.1 Whilst there is no requirement to consult on this statement, it has been shared with Unison.

## **4. Risks associated with the proposals**

- 4.1 There are no decisions to be made. Failure to comply with the legislation would be a breach of the Act.

**5. Appendices referenced in this report**

5.1 Appendix A - Pay Policy Statement 2023 to 2024.

**6. Background documents associated with this report**

6.1 None

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# West Suffolk Council

## Pay Policy Statement 2023/2024

### 1. Introduction

- 1.1 West Suffolk's ambition is to contribute to building a more prosperous local community by modelling good employment practice, including ensuring fairness in the way that it pays and rewards its existing and future employees. The Council wishes to be an attractive source of potential employment to job seekers across its community and is committed to using its resources to create meaningful and fairly remunerated employment opportunities for local people.
- 1.2 We recognise that, in the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure and retain high quality employees dedicated to the service of the public, but at the same time needs to avoid being unnecessarily generous or otherwise excessive. Our approach to pay and remuneration therefore is based on ensuring that the overall remuneration aligns with:-
- The responsibilities and accountabilities of particular posts
  - Market norms for the local government and public sectors
  - Pay levels in the local area, including neighbouring public sector employers.
- 1.3 It is important that local authorities are able to determine their own pay policies and structures in order to address local priorities and to compete in the local labour market. In particular, it is recognised that senior management roles in local government are complex and diverse functions in a highly politicised environment where often national and local pressures conflict. Our ability to continue to attract and retain high calibre leaders, capable of delivering this complex agenda, particularly during times of financial challenge, remains crucial if we are able to retain their current high performance levels and ensure that West Suffolk services are protected during this continuing period of economic uncertainty.
- 1.4 The last full pay review for all staff was implemented in 2019, which sought to address equality risks due to wide pay bands; recruitment and retention issues and realign grades to take into account the national living wage.

### 2. Legislation

- 2.1 Section 38/1 of the Localism Act 2011 requires local authorities to produce a Pay Policy Statement annually. This pay statement must

be prepared and approved by full Council for the end of the 31 March immediately preceding the financial year to which it relates. The data in this report, therefore, represents the period 1 April 2022 to 31 March 2023.

- 2.2 The Act, and supporting statutory guidance, provides details of matters that must be included in this statutory pay policy, but, also, emphasises that each local authority has the autonomy to take its own decisions on pay and pay policies. The Pay Policy Statement is approved formally by full Council annually. It must be published on the Council's website and be complied with when setting the terms and conditions of Chief Officer employees.
- 2.3 In October 2014 the Department for Communities and Local Government (DCLG), issued a Transparency Code for all public sector bodies. This code required us to publish specific data on our website from February 2015. We have published data on how we organise our structures, our senior salaries for those whose remuneration is at least £50,000; the pay multiple and any trade union facility time given. The code was issued to as part of a drive to increase local accountability, giving local people the opportunity to contribute to the local decision-making process and help shape their public services.
- 2.4 The National Minimum Wage applies for those aged 21 to 22 at £9.18 with effect from 1 April 2022; 18-20 at £6.83; under 18 and apprentice rate £4.81.
- 2.5 The National Living Wage, previously applied to those over 25, now applies for those aged 23 and over at £9.50, with effect from 1 April 2022.

### **3. Scope**

- 3.1 This Pay Policy Statement includes:
  - (a) the level and elements of pay for each Chief Officer;
  - (b) the pay of the lowest paid employees;
  - (c) the relationship between the pay of Chief Officers and other officers; and
  - (d) other specific aspects of Chief Officer remuneration, fees and charges and other discretionary payments.
- 3.2 Remuneration in this context is defined widely to include not just pay, but also charges, fees, allowances, benefits in kind, increases in enhancements of pension entitlements and termination payments.

### **4. Principles**

- 4.1 The following principles were agreed with Unison to guide the development of the single pay and reward policy:



- Single terms and conditions across both workforces
- Affordable: within the Mid Term Financial Strategy (MTFS)
- Attractive: to recruit and retain
- Responsible: maintains reputation
- Legal: satisfies equality requirement
- Fair: minimises risk of challenge
- Drives: new organisational values
- Rewards excellent performance
- Manages unacceptable performance; and
- Capable of achieving collective agreement

4.2 The remuneration of Chief Officers has been agreed outside of the collective agreement process and in regard to pay, based on Leadership Team pay correlating to the CE pay; these local arrangements are as agreed by the Councils in 2012.

### **5. Senior Pay**

5.1 In this policy the senior pay group covers posts in the top three tiers of the organisation. These include the Chief Executive, Strategic Directors and Directors.

5.2 The Council currently has the following number of posts at this level, 1 x Chief Executive, 2 x Strategic Directors, 5 x Directors.

5.3 The management structure of the Council can be found on the Council website and on the intranet.

### **5.4 Chief Executive**

(a) The salary for this post, a local grade, was originally established when the Joint Chief Executive was appointed in April 2012 and reviewed in 2018, following an analysis of the degree of responsibility in the role, the downward movement in market rates, benchmarking with other comparators and the ability to recruit and retain an exceptional candidate. The current range is £137,838 to £150,905.

(b) The salary of the Chief Executive with effect from 1 April 2022 was £150,905. There have been no additional bonuses, honoraria, or ex-gratia payments made.

(c) Other Conditions of Service are as prescribed by the Joint National Council (JNC) for Local Authority Chief Executives National Conditions, apart from those determined locally, as detailed in this policy.

### **5.5 Directors and Assistant Directors**

(a) The salary for these posts has been established as a local grade following an analysis of the degree of responsibility in correlation to

the CEO, using the LGA national recommended job evaluation scheme for senior posts and reviewed as part of the senior pay review in 2018.

The posts fall within the following ranges and incremental points:

Chief Officer Role	£	£	£
Strategic Director	103,859	109,739	113,661
Director	85,511	90,333	93,548

An additional payment of £5,000 per year is payable to an officer undertaking the statutory Section 151 role, and £5,000 is paid between officers undertaking the statutory Monitoring Officer and Deputy Monitoring role.

- (b) There are no other additional elements of remuneration in respect of overtime, flexi-time, bank holiday working, stand-by payments, emergency call rota, etc, paid to these senior staff, as they are expected to undertake duties outside their contractual hours and working patterns without additional payment.
- (c) Other terms and conditions are as prescribed by the NJC for Local Authority Services apart from those terms agreed locally, as detailed in this policy.
- (d) It is important to ensure that our Leadership Team salaries remain competitive and are set at a level that will continue to attract highly effective and experienced applicants for these roles in the challenging local government labour market. Marketing testing and data analysis on labour market rates for salaries will continue to be independently obtained from the LGA as required in order to ensure salaries are competitive and that we recruitment and retain the right calibre of officers.

**5.6 Additional Fees**

- (a) The fees payable to the Returning Officer are set by statute for national elections and are paid by central government. Fees are, also, payable to the Council’s Returning Officer for local elections. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role. The Returning Officer is an officer of the Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the Council, the role of the Returning Officer is one which involves, and incurs, personal responsibility and accountability and is statutorily separate from his/her duties as an employee of the Council. As Returning Officer, he/she is paid a separate allowance for each election for which he/she is responsible.

**6. Pay Structure**

- 6.1 The pay structure for all contractual employees, as agreed in 2022, except those staff in the senior posts detailed above, is established using NJC for Local Authorities Services National Pay Spine from spinal column point 1 (£20258 per annum) to spinal column point 54 (£64619 per annum). The lowest paid contractual employee will be paid at spinal point 3 (£10.79 per hour), at a full time equivalent basic pay rate of £20812 per annum.
- 6.2 Our pay bands range from Band 1 to Band 8 and to Service Manager. All posts, other than the senior posts, are evaluated using the NJC Job Evaluation Scheme, which is recognised by employers and trades unions nationally. This Scheme allows for robust measurement against set criteria resulting in fair and objective evaluations and satisfies equal pay requirements.
- 6.3 All employees receive the national NJC cost of living award. The value of the scale points in these pay grades are up lifted by the pay awards notified from time to time by the National Joint Council for Local Government Services.
- 6.4 Progression within the grade for all staff is subject to performance, which is assessed annually, in accordance with the performance review scheme, and progression payments are effective from 1 October each year.
- 6.5 There is no 'time served' progression.

**7. Gender Pay Gap**

- 7.1 As of 1 April 2018 public, private and voluntary sector organisations with 250 or more employees were required to report on their gender pay gaps. In 2016 the national gender pay gap for full time employees was 9.4%, meaning that average pay for full time female employees was 9.4% lower than for full time male employees. In 2018 the national gender pay gap fell to 8.6% but has since risen in 2019 to 8.9%.
- 7.2 For the period April 2021 - March 2022 our mean gender pay gap was -2.56% (compared with -3.28% for the period April 2020 - March 2021) showing that the average hourly rate of females was 2.56% more than the average hourly rate of males. The median gender pay gap is -4.72% (compared with -2.01% for the period April 2020- March 2021).

**8. Pay Protection**

- 8.1 Pay protection is applied to employees who are placed in a grade, through restructuring or a re-evaluation of a post, where the maximum salary of that grade is lower than their current earnings, in accordance with the Organisational Change and Redundancy

Policies current at the time. Pay is protected for one year. Employees' pay is frozen at this rate, (with no cost of living or incremental increase) for up to one year, or until the maximum of the new grade has caught up or overtaken the current earnings due to annual pay increases.

Note: Pay protection excludes market supplement pay, essential user travel allowance, overtime allowances: it applies to basic pay only. These items are not protected.

### **9. Allowances and Benefits in Kind**

9.1 Allowances and benefits typically follow nationally agreed rates. However, there are a number of locally agreed allowances, which are payable following the collective agreement. Some are subject to eligibility criteria, as follows:

- Essential car user allowance at nationally prescribed lump sum and HMRC mileage rates, and
- Access to a lease car or a lease car scheme, both under strict eligibility criteria and where favourable to the Council.
- Casual user mileage allowance at HMRC rates.
- First Aid (an allowance paid to staff to act as First Aiders in the workplace).
- Reimbursement of one professional subscription fee if beneficial to the performance of the role.

### **10. Payments/Charges and Contributions**

10.1 The new Local Government Pension Scheme (LGPS) was implemented with effect from 1 April 2014.

10.2 The new LGPS is a 'CARE' (career average revalued earnings) scheme rather than a Final Salary Pension Scheme.

### **11. Multipliers**

11.1 The idea of publishing the ratio of the pay of an organisation's top earner to that of its median earner was recommended in order to support the principles of Fair Pay (The Hutton Review of Fair Pay in the Public Sector 2011), and transparency.

11.2 The Council's ratio in respect of the pay of the median earner compared to the pay of the highest earner as of 1 April 2022 is 5.3:1 ie the Chief Executive (top earner) earns 5.3 times as much as the Council's median earner (£28371 per annum), compared to April 2021 which was 5.6:1.

11.3 The Council's ratio of the highest paid employee (April 2022) to the lowest paid (£20812 per annum) contractual employee is 7.2:1, compared with 7.9:1 in April 2021.

The Hutton Review recommended that the average pay ratio between the chief executive of most public sector organisations and the lowest paid member of staff is below 12:1.

By comparison, the average estimated top-to-bottom pay ratio in FTSE 100 companies (which disclosed data) was 262:1 in 2018 (CIPD Research Report 2019 – most recent data available).

We, therefore, compare very favourably to these statistics, although Hutton warned against the difficulty of making direct comparisons between authorities.

11.4 The table below summarises the pay multiples;

Highest Pay	£150905
Median Pay	£28371
Lowest Pay	£20812
Highest to median ratio	5.3:1
Highest to lowest ratio	7.2:1

## **12. Discretionary Payments**

The policy for the award of any discretionary payments is the same for all staff, regardless of their pay level, up to a maximum of 104 weeks the following arrangements apply.

12.1 'Redundancy payments under regulation 5 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006.'

As of 1 April 2015, this provides an overall lump sum of 1.5 times the statutory redundancy payment multiplier based on actual weeks pay. This is payable to employees made redundant with two or more years local government service regardless of their age.

### **12.2 Severance payments under regulation 6.**

Severance payments with a value above £100,000 will be approved by Full Council, in accordance with guidance from the Secretary of State under Section 40 of the Localism Act 2011. Contractual and pension entitlements are not included in this figure as part of a severance payment requiring such approval.

No severance payments are routinely made, but employees aged 55 and over, who are retiring early in the interests of efficiency, receive immediate payment of their pension benefits, with no additional years' service or compensatory payments. This forms part of the rules of the LGPS and in accordance with the Pensions Discretions Policy. The capital cost of the early payment of pension benefits will be met by the Council, but all such early retirements

are subject to the costs being met by savings within a three-year period.

- 12.3 Additional membership for revision purposes under regulation 12 of the Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations 2007.

None awarded.

- 12.4 Additional pension under regulation 13 of same legislation.

None awarded.

**13. Decision Making**

- 13.1 Decisions on remuneration are made as follows:

- (a) Senior pay bands local level approved by Full Council;
- (b) Pay structure for all other posts approved by Full Council;
- (c) Performance progression, in accordance with the locally agreed scheme, and as approved by officers under existing delegated powers.

**14. Disclosure**

- 14.1 This Pay Policy Statement will be published on the Council's website. In addition, numbers and details of posts paid above £50,000 are disclosed on the council's website in the annual Statement of Accounts and as part of the requirements of the Transparency Code.

For further information please contact:

Wendy Canham, Service Manager HR & OD  
January 2023

**Comparison Data**

Most recent available information	Ratio to median	Ratio to Lowest paid employee
Ipswich	5.6:1	6.6:1**
West Suffolk	5.3:1	7.2:1
East Suffolk	5.5:1	8.1:1**
Suffolk County Council	6.8:1	10.2:1**
Breckland	7.65:1*	Within 10:1 actual figure not disclosed
East Cambs	Not disclosed	7.1:1 – 7.4:1**
Babergh/Mid Suffolk	5.5:1	8.1:1**

\*not disclosed, information derived from Statement of Accounts and Pay Policy Statement

\*\* previous years data, current data not released at present

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# West Suffolk Council Constitution: proposed amendments

<b>Report number:</b>	<b>COU/WS/23/008</b>	
<b>Report to and date:</b>	<b>Council</b>	21 March 2023
<b>Cabinet member:</b>	Councillor Carol Bull Portfolio Holder for Governance Tel: 01953 681513 Email: <a href="mailto:carol.bull@westsuffolk.gov.uk">carol.bull@westsuffolk.gov.uk</a>	
<b>Lead officer:</b>	Teresa Halliday Monitoring Officer Tel: 07572 144124 Email: <a href="mailto:teresa.halliday@westsuffolk.gov.uk">teresa.halliday@westsuffolk.gov.uk</a>	

**Decisions Plan:** **Not applicable as this is not an executive matter**

**Wards impacted:** **All wards**

**Recommendation:** **It is recommended that Council:**

- 1. Approves the revised wording for Part 4; Council Procedure Rules (as set out in paragraphs 1.1.4; 1.2 and 1.3 of Appendix 1 to Report number COU/WS/23/008).**
- 2. Approves the revised wording for Part 4; Scrutiny Committees Procedure Rules (as set out in Section A; Overview and Scrutiny Committee; paragraph 1.3 of Appendix 2 to Report number COU/WS/23/008).**

## 1. Context to this report

- 1.1 The Constitution Review Group periodically meets to review the effectiveness of the Constitution, identifying any areas that could be developed further to improve the way the Council makes decisions, ensuring that processes are efficient and transparent.

## 2. Proposals within this report

- 2.1 The Constitution Review Group met on 8 February 2023 to consider two areas recommended for amendment:

- Part 4; Council Procedure Rules
- Part 4; Scrutiny Committees Procedure Rules

### 2.2 Proposed amendment to Council Procedure Rules

Currently the Constitution provides:

#### **1. Annual meeting of the Council**

##### **1.1 Timing and business**

*The Annual Meeting of the Council will be held:-*

*1.1.1 In a year of ordinary elections of Councillors to the Council, on such day within the twenty-one days immediately following the day of retirement of Councillors as the Council may fix.*

*1.1.2 Unless, by virtue of any enactment, the Council is allowed to cancel, defer or delay the Annual Meeting, in any other year, on such day in the month of March, April or May as the Council may fix.*

*1.1.3 At such hour as the Council may fix.*

*1.1.4 At the Annual Meeting, the Council will:-*

- (a) Elect a Member to preside if the retiring Chair and Vice Chair are not present.*
- (b) Elect the Chair for the ensuing year.*
- (c) Receive any announcements from the Chair.*
- (d) Receive any announcements from the Officer advising the Chair including apologies for absence.*
- (e) Elect the Vice Chair.*
- (f) Elect the Leader at the post-election Annual Meeting.*
- (g) If practicable, be told by the Leader about the composition and constitution of the Cabinet for the coming year, and the names of Councillors chosen to be Members of the Cabinet.*
- (h) Determine the Council's Committee structure and arrangements for outside bodies in accordance with 1.2 below.*

- (i) *Appoint the Chair and Vice-Chair of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.*
- (j) *Update the Constitution if necessary in line with 1.2 below.*
- (l) *Consider any other business set out in the notice convening the meeting.*

## **1.2 Selection of councillors on committees and outside bodies**

*At the Annual Meeting, the Council will:-*

- (a) *Decide which Committees to establish for the municipal year.*
- (b) *Decide the size and agree terms of reference for those Committees.*
- (c) *Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.*
- (d) *Receive, or arrange the delegation of, nominations of Councillors to serve on each Committee for which a new appointment or re-appointment is required.*
- (e) *Appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.*

It is proposed that the appointment to outside bodies be determined once in each new Administration with minor amendments required throughout the Administration being made by the Leader of the Council and confirmed by the Monitoring Officer. The proposed amended wording to the Constitution is:

## **1. Annual meeting of the Council**

### **1.1 Timing and business**

*The Annual Meeting of the Council will be held:-*

*1.1.4 In a year of ordinary elections of Councillors to the Council, on such day within the twenty-one days immediately following the day of retirement of Councillors as the Council may fix.*

*1.1.5 Unless, by virtue of any enactment, the Council is allowed to cancel, defer or delay the Annual Meeting, in any other year, on such day in the month of March, April or May as the Council may fix.*

*1.1.6 At such hour as the Council may fix.*

*1.1.4 At the Annual Meeting, the Council will:-*

- (a) *Elect a Member to preside if the retiring Chair and Vice Chair are not present.*
- (b) *Elect the Chair for the ensuing year.*
- (c) *Receive any announcements from the Chair.*
- (d) *Receive any announcements from the Officer advising the Chair including apologies for absence.*
- (e) *Elect the Vice Chair.*
- (f) *Elect the Leader at the post-election Annual Meeting.*

- (g) *If practicable, be told by the Leader about the composition and constitution of the Cabinet for the coming year, and the names of Councillors chosen to be Members of the Cabinet.*
- (h) *Determine the Council's Committee structure in accordance with 1.2 below.*
- (i) *At the post-election Annual Meeting determine the arrangements for outside bodies in accordance with 1.2 below*
- (j) *Appoint the Chair and Vice-Chair of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.*
- (k) *Update the Constitution if necessary in line with 1.2 below.*
- (l) *Consider any other business set out in the notice convening the meeting.*

### **1.2 Selection of councillors on committees**

*At the Annual Meeting, the Council will:-*

- (a) *Decide which Committees to establish for the municipal year.*
- (b) *Decide the size and agree terms of reference for those Committees.*
- (c) *Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.*
- (d) *Receive, or arrange the delegation of, nominations of Councillors to serve on each Committee for which a new appointment or re-appointment is required.*
- (e) *Appoint to those Committees.*

### **1.3 Selection of councillors on outside bodies**

*At the post-election Annual Meeting, the Council will:-*

- (a) *Receive, or arrange the delegation of, nominations of Councillors to serve on any outside body for which a new appointment or re-appointment is required.*
- (b) *Appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.*
- (c) *Any changes required to the appointment of outside bodies after the post-election Annual Meeting will be made on request to the Monitoring Officer*

## **2.3 Proposed amendment to the Scrutiny Committees Procedure Rules**

There is currently no provision within the Scrutiny Committees' Procedure Rules to enable the Overview and Scrutiny Committee to receive reports from the Suffolk Police and Crime Panel or to appoint a representative and substitute to the Suffolk Health Scrutiny Committee. It is, therefore, proposed that the terms of reference of the Overview and Scrutiny Committee are amended as follows:

**Current:**

- (f) *To act as the Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly:*
  - (i) *To scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself; and*
  - (ii) *To make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions...*

**Proposed amendment:**

- (f) *To act as the Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly:*
  - (i) *To scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself;*
  - (ii) *To receive reports from the Suffolk Police and Crime Panel; and*
  - (iii) *To make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions...*
  
- (n) *To appoint one member of the Committee to act as the Council's representative on the Suffolk Health Scrutiny Committee and appoint one member of the Committee as a substitute member on the Suffolk Health Scrutiny Committee.*

- 2.4 The proposed amendments, as set out above, can also be seen laid out as tracked changes in Appendix 1 and 2 to this report.

### **3. Alternative options that have been considered**

- 3.1 No specific other options have been considered other than not to make the changes.

### **4. Consultation and engagement undertaken**

- 4.1 The recommendations have been developed by the Constitution Review Group.

### **5. Risks associated with the proposals**

- 5.1 There are no specific risks involved with making this decision.

## **6. Implications arising from the proposals**

6.1 None

## **7. Appendices referenced in this report**

7.1 Appendix 1 Part 4; Council Procedure Rules (with the proposed amendments highlighted as track changes)

7.2 Appendix 2 Part 4; Scrutiny Committees Procedure Rules (with the proposed amendments highlighted as track changes)

## **8. Background documents associated with this report**

8.1 None

# West Suffolk Council

## Council Procedure Rules

### Introduction

1. Ordinary meetings of the Council will usually take place five times a year on a Tuesday, commencing at 7.00 pm.
2. Meetings will usually take place at the Council's main Offices but may take place at other venues with the agreement of the Chair.
3. There are four types of Council Meetings:
  - The Annual meeting
  - Ordinary meetings
  - Extraordinary Meetings
  - Special meetings.

These are dealt with in more detail below.

4. Notice of all meetings of the Council will be given to the public by the Chief Executive in accordance with the Access to Information Rules, five clear working days before the date of the meeting, unless convened at shorter notice. Notice by summons will also be given by the Chief Executive to each Member of the Council in the manner prescribed in the Access to Information Procedure Rules. The summons shall contain the date, time and place of each meeting, specify the business to be transacted and be accompanied by such reports that may be available.
5. The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient. Before exercising this authority, the Chief Executive will consult with the Chair and the Leader of the Council. Any outstanding business will be held over to the next ordinary meeting or an extraordinary meeting on a date to be arranged.
6. The Council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

### **1. Annual meeting of the Council**

#### **1.1 Timing and business**

The Annual Meeting of the Council will be held:-

- 1.1.1 In a year of ordinary elections of Councillors to the Council, on such day within the twenty-one days immediately following the day of retirement of Councillors as the Council may fix.

1.1.2 Unless, by virtue of any enactment, the Council is allowed to cancel, defer or delay the Annual Meeting, in any other year, on such day in the month of March, April or May as the Council may fix.

1.1.3 At such hour as the Council may fix.

1.1.4 At the Annual Meeting, the Council will:-

- (a) Elect a Member to preside if the retiring Chair and Vice Chair are not present.
- (b) Elect the Chair for the ensuing year.
- (c) Receive any announcements from the Chair.
- (d) Receive any announcements from the Officer advising the Chair including apologies for absence.
- (e) Elect the Vice Chair.
- (f) Elect the Leader at the post-election Annual Meeting.
- (g) If practicable, be told by the Leader about the composition and constitution of the Cabinet for the coming year, and the names of Councillors chosen to be Members of the Cabinet.
- (h) Determine the Council's Committee structure ~~and arrangements for outside bodies~~ in accordance with 1.2 below.
- (i) At the post-election Annual Meeting determine the arrangements for outside bodies in accordance with 1.2 below
- (j) Appoint the Chair and Vice-Chair of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.
- (k) Update the Constitution if necessary in line with 1.2 below.
- (l) Consider any other business set out in the notice convening the meeting.

### 1.2 **Selection of councillors on committees ~~and outside bodies~~**

At the Annual Meeting, the Council will:-

- (a) Decide which Committees to establish for the municipal year.
- (b) Decide the size and agree terms of reference for those Committees.
- (c) Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.
- (d) Receive, or arrange the delegation of, nominations of Councillors to serve on each Committee ~~and on any outside body~~ for which a new appointment or re-appointment is required.
- (e) Appoint to those Committees ~~and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.~~



### 1.3 Selection of councillors on outside bodies

At the post-election Annual Meeting, the Council will:-

- (d) Receive, or arrange the delegation of, nominations of Councillors to serve on any outside body for which a new appointment or re-appointment is required.
- (e) Appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

## **2. Ordinary meetings of the Council**

- 2.1 Ordinary meetings of the Council will usually take place at 7.00pm but may take place at any other time in accordance with the programme previously approved by the Council. The starting time of an ordinary meeting may be changed before the publication of the agenda by agreement of the Leader and the Chair.
- 2.2 Unless changed in accordance with paragraph 2.3 below, the order of business at every ordinary meeting of the Council, will be:-
  - (a) To elect a person to preside if the Chair and Vice Chair are not present.
  - (b) To deal with any business required by law to be dealt with first.
  - (c) To confirm as a correct record and sign the minutes of the last meeting of the Council, except that minutes of a special meeting or an extraordinary meeting of the Council will be submitted for confirmation to the next ordinary meeting of the Council.
  - (d) The Chair's announcements.
  - (e) To receive any announcements from the Officer advising the Chair (including apologies for absence).
  - (f) Declarations of interests.
  - (g) The Leader's report and questions thereon in accordance with Rules 8.1 – 8.3 below.
  - (h) to receive statements and answer questions from members of the public in accordance with Rule 6 below.
  - (i) To receive, and when appropriate debate, any petitions in accordance with the Petition Scheme attached as Appendix A to these Rules.
  - (j) To deal with any business remaining from the last Council meeting in accordance with Rules 5.2 and 11.11(c) below.
  - (k) To deal with the referrals report of recommendations from Cabinet and Committees.
  - (l) To consider any other business specified in the summons to the meeting, including reports of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.
  - (m) To receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations.
  - (o) To consider any motions under Rule 9 below in the order in which they are received.
  - (p) To answer any questions received under the terms of Rules 8.4 – 8.8 below.

- (q) To consider any business, which by reason of special circumstances, should in the opinion of the Chair be considered at the meeting as a matter of urgency. The special circumstances concerned shall be specified in the minutes of that meeting.

2.3 The order of business (except for items (a), (b) and (c) of paragraph 2.2 above of these Rules) may be changed:-

- (a) Before or at a meeting, as the Chair sees fit; or
- (b) By a resolution of the meeting passed on a motion under Rule 9 or Rule 10.1(c) below.

### **3. Special and extraordinary meetings of the Council**

#### **Calling Special or Extraordinary Meetings**

3.1 An Extraordinary meeting is one that is additional to the scheduled ordinary meetings and is called to deal with matters that cannot conveniently be dealt with at one of those meetings. A Special meeting is one called for a specific and unusual purpose, for example to confer an honorary title.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:-

- (a) The Council by resolution.
- (b) The Chair.
- (c) The Monitoring Officer.
- (d) In accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), any five Members of the Council if they have signed a requisition presented to the Chair and who has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **Business**

3.2 Special or Extraordinary meetings will:-

- (a) Elect a person to preside if the Chair and Vice Chair are not present.
- (b) Receive any declarations of interest.
- (c) (At Extraordinary meetings only) receive statements and answer questions from members of the public in accordance with Rule 6 below and limited to the subject matter of the business to be transacted at the meeting; and
- (d) Deal with the business for which the Special or Extraordinary meeting was called. No other business will be dealt with.

#### **4. Appointment of substitute members of committees and sub-committees**

- 4.1 As well as allocating seats on Committees, the Council may allocate seats in the same manner for substitute Members. In the case of Sub-Committees, the appointing Committees will determine the number of substitutes and appoint them. Substitute Members must be from the same political group as the absent Member. If a substitute Member cannot be found from the list of prescribed substitutes, a temporary substitute may be appointed by the Monitoring Officer on receipt of the prescribed form authorised by the relevant Group Leader. In the case of the full Member not being in a group, the full Member seeking a substitute will authorise the form. Substitutes cannot be appointed for the Cabinet.
- 4.2 When the Council (or a Committee) wishes to appoint substitutes to a Committee (or Sub-Committee) it will adhere to the rules of political proportionality, subject to the total number of substitutes being no more than half of the total number of Members of the Committee (or Sub-Committee).
- 4.3 The powers and duties of substitutes are set out in the Committee Procedure Rules.
- 4.4 Any substitute, whether standing or temporary, must comply with any applicable training requirements for the committee prior to sitting on the Committee meeting.

#### **5. Quorum**

- 5.1 If at the start of a meeting or during a meeting of the Council there are not at least one third of the Council present, the Chair will adjourn the meeting.
- 5.2 Consideration of any business not dealt with, will be adjourned to a date and time fixed by the Chair or to the next ordinary meeting of the Council, if a meeting is not fixed to consider the adjourned business.

#### **6. Public question time**

##### **General**

- 6.1 At each ordinary meeting of the Council, members of the public who live or work in the District may put questions about the work of the Council or make statements on items on the agenda to members of the Cabinet or any Committee. 30 minutes will be set aside for this. 30 minutes will also be set aside for questions at Extraordinary meetings of the Council, but must be limited to the business to be transacted at that meeting.
- 6.2 Where a meeting takes place at the Council Offices, 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](mailto:democratic.services@westsuffolk.gov.uk) or telephoning 01284 757176/01638 719363 or in person by telling the Committee

Administrator present at the meeting. The Chair has discretion to allow members of the public to speak if they are not registered.

- 6.3 Written questions, detailing the full question to be asked, may be submitted by members of the public to the Monitoring Officer no later than 10.00 am on the previous working day to the meeting of the Council.

### **Order of questions**

- 6.4 Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.

### **Time limits**

- 6.5 Each person may ask one question or make one statement only. A total of five minutes will be allowed for the question to be put and answered, or the statement made. The Chair may use their discretion to extend or reduce the time allowed if they feel it appropriate.
- 6.6 If a question is raised, one supplementary question will be allowed provided that it arises directly from the reply and the overall time limit of five minutes is not exceeded. The Member to whom the question is directed may refer it to another Member or may choose to give a written response. A written response will be provided if the Member to whom the question was directed is not present at the meeting and is not answered by another Member.
- 6.7 If a statement is made, then the Chair may allow the Leader of the Council, or other Member to whom they refer the matter, a right of reply.
- 6.8 If no questions/statements are received or all the questions/statements are dealt with in less than 30 minutes, the Council will move immediately to the next business.

### **Scope of Questions**

- 6.9 The Monitoring Officer, in respect of any question/statement notified before the meeting, or the Chair, in respect of any question/statement notified at the meeting, may reject a question or stop a statement being made if it:-
- (a) Is not about a matter for which the Council has a responsibility or which affects the District.
  - (b) Is defamatory, frivolous or offensive.
  - (c) Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
  - (d) Requires the disclosure of confidential or exempt information.

## **Record of Questions and answers**

6.10 All questions/statements and answers under Public Question Time will be summarised in the minutes of the meeting. The summary for rejected questions and statements will include the reasons for rejection.

## **Written Answers**

6.11 As well as being sent to the person asking the question, written answers will be distributed to all Councillors and published on the Council's website.

## **7. Recording of Council meetings**

7.1 The Council usually makes its own recording of Council meetings. All recordings should be retained for six months after the day of the meeting.

7.2 Arrangements for the public to film/record and for the use of social media at meetings are set out in the Access to Information Rules.

## **8. Questions by Members**

### **On the Leader's Statement**

8.1 At each ordinary meeting of the Council the Leader of the Council will submit a report (the Leader's Statement) summarising important developments and activities since the preceding meeting of the Council.

8.2 The Leader will introduce the statement and Members may ask the Leader questions on the content of both their introductory remarks and the written statement itself. All questions will be answered immediately by the Leader or by the relevant Cabinet Member if the Leader refers any question to them, unless sufficient information to give an answer is not available. In these circumstances the Member asking the question will receive a response in writing as soon as feasible after the Council meeting at which the question was asked. The response will be distributed to all Members and published on the Council's website.

8.3 A total of 30 minutes will be allowed for questions and responses. There will be a limit of five minutes for each question to be asked and answered. The Member asking the original question may put a supplementary question arising from the reply so long as the five minute limit is not exceeded.

### **Questions on notice at Council**

8.4 Subject to paragraph 8.5 below, a Member may submit in writing to the Monitoring Officer a question on notice for:-

- (a) The Chair; or
- (b) The Leader or any Member of the Cabinet; or

(c) The Chair of any Committee or Sub-Committee.

on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council, or part of it, or the inhabitants of that area.

- 8.5 A Member may ask only one question on notice, under paragraph 8.4 above, at each Council meeting and:-
- (a) Must submit it in writing to the Monitoring Officer no later than 12 noon seven working days before the meeting, not counting the day of the meeting.
  - (b) If the question is urgent and the Member has the consent of the Member to whom the question is to be put, must submit it in writing to the Monitoring Officer by 11am on the day of the meeting.
- 8.6 Every question on notice will be answered without discussion. The Member who is asked the question on notice may ask another Member to answer. An answer may take the form of:-
- (a) A direct verbal answer summarised in the minutes.
  - (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
  - (c) Where the reply cannot conveniently be given verbally at the meeting, a written answer sent by the appropriate Officer and/or relevant Member to all Members within five working days of the Council meeting.
- 8.7 A Member asking a question on notice under paragraph 8.4 above may ask one supplementary question, without notice, of a Member to whom the first question was asked. The supplementary question must arise directly from the original question or the reply. The total time allowed for each question, including any supplementary question, to be put and answered will be ten minutes.
- 8.8 If the Member who gave notice of the question is not present at the meeting, any other Member may ask that question, but if that does not occur, the Chair shall proceed to the next item of business. The question shall be deemed to have been withdrawn and may not be asked unless notice is given again in accordance with paragraph 8.4 above.

### **9. Motions which need written notice**

- 9.1 A "motion on notice" is a request to Council for a decision to be made or action to be taken. It is a written document, that outlines the background to why the request is being made, what is being asked at Council and the potential implications for the Council of making that decision.
- 9.2 Motions must be about matters for which the Council has a responsibility, or which affects the administrative area of the council or part of it, or the inhabitants of that area. The Service Manager (Democratic Services)

shall, in consultation with the Chair, reject any motions that are deemed ultra vires, illegal, or improper by virtue of being defamatory or offensive.

- 9.3 Unless there are overriding exceptional circumstances, at least 21 days prior to the Council meeting, Members expecting to submit a motion must notify the Service Manager (Democratic Services) of their intention to do so. The Service Manager (Democratic Services) will then engage with other relevant Officers or Members as required by the nature of the motion. The Councillors and Officers may then seek to liaise with each other about the nature of the motion, including discussion with the proposer, on any relevant action the Council is already taking in respect of the issue and clarification on the wording of the motion.
- 9.4 Overriding exceptional circumstances would be those cases where the Councillor proposing the motion could not have reasonably foreseen the need to notify their intent to submit the motion at least 21 days prior to Council. They may only be included on the Council agenda with the written permission of the Chair.
- 9.5 The final version of the motion on notice must be delivered in writing or by electronic mail to the Service Manager (Democratic Services) no later than midday ten working days before the day of the meeting. These will be dated, and available for public inspection on request.
- 9.6 Each Member may put one motion on notice at each Council meeting. A maximum of three motions may be considered at each Council meeting unless the Chair agrees, by virtue of special urgency, that additional motions may be considered. Any motions that cannot be considered at the meeting will be deferred for consideration at a future meeting of Council.
- 9.7 The motion on notice can be moved and seconded at the meeting by any Member. If the motion on notice is not moved, it will be treated as withdrawn and may not be moved without another notice in accordance with these rules. A motion may be withdrawn at any time by the proposer of the motion.
- 9.8 Once the motion has been moved and seconded, the Chair will invite Members to debate the motion. Only five Members, in addition to the proposer and seconder, may speak to the motion. Each Member may speak only once, for a maximum of three minutes on the motion. The proposer has the right of reply at the conclusion of the debate for three minutes.
- 9.9 The Chair has the discretion to extend the time allowed and/or the number of speakers to discuss the motion, to allow for the proposer (with the agreement of the seconder) to amend the motion, or to allow for the proposer to respond to questions or points of clarification on the motion.
- 9.10 At the conclusion of the debate, the motion shall be put to a vote and determined by a simple majority of those present and voting.

9.11 Where an agreed motion on notice refers a matter to a Committee for consideration, then a report shall be presented in due course to the Council on how the motion on notice was considered by that Committee and any consequential outcomes as a result.

## **10. Motions and amendments which may be moved without notice**

10.1 The following motions and amendments may be moved without notice:-

- (a) To appoint a Chair of the meeting at which the motion is moved.
- (b) In relation to the accuracy of the minutes.
- (c) To change the order of business on the agenda.
- (d) To receive the reports or adopt the recommendations of the Cabinet or Committees, or reports and recommendations of Officers, and any consequent resolutions.
- (e) To refer something to an appropriate body or individual.
- (f) To appoint a Committee or Member arising from an item on the summons for the meeting.
- (g) To withdraw a motion.
- (h) To extend the time limit for speeches.
- (i) To amend a motion.
- (j) To proceed to the next business.
- (k) To vote on a motion.
- (l) To vote on an amendment.
- (m) To adjourn a debate.
- (n) To adjourn a meeting.
- (o) To suspend a particular Council Procedure Rule.
- (p) To exclude or re-admit the public and press in accordance with the Access to Information Rules.
- (q) To direct that a Member named under Rule 17.3 below be not further heard or to exclude them from the meeting under Rule 17.4 below.
- (r) To give the consent of the Council where its consent is required by this Constitution.

10.2 A motion by the Chair under paragraph 10.1(p) below of these Rules, to exclude the public for an item of business, will be dealt with before any other motion on that item and will be voted on without discussion.

## **11. Rules of debate**

### **11.1 No discussion until motion or amendment seconded**

A motion or amendment will not be discussed or recorded in the minutes unless it has been proposed and seconded.

### **11.2 Motion may need to be in writing**

If the Chair requires, the motion will be put in writing before it is further discussed.

### **11.3 Secunder's speech**

When seconding a motion or an amendment, a Member may reserve the right to speak at a later point in the debate.



**11.4 Content and length of speeches**

- 11.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- 11.4.2 No speech will be longer than five minutes, except as allowed by the Council following a motion moved and carried under Rule 10.1(h) below, and will be about the matter under discussion.
- 11.4.3 The five minutes time limit will not apply to a Member proposing a motion, or an amendment to a motion, who will be allowed to speak for no longer than ten minutes.

**11.5 When a member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:-

- (a) To speak once on an amendment moved by another Member.
- (b) To move an amendment.
- (c) To move a further amendment (if the motion has been amended since they last spoke).
- (d) If their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried).
- (e) In exercise of a right of reply in accordance with paragraph 11.9 below of these Rules.
- (f) On a point of order in accordance with paragraph 11.12 below.
- (g) By way of personal explanation in accordance with paragraph 11.13 below.

**11.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:-
  - (i) To refer the matter to an appropriate body, forum, or individual for consideration or reconsideration.
  - (ii) To leave out words.
  - (iii) To leave out words and insert or add others; or
  - (iv) To insert or add words.

as long as the effect of (ii) to (iv) is not to cancel the effect of the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under consideration has been dealt with.
- (c) If an amendment is lost, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion, as amended, will take the place of the original motion and will become the actual motion upon which any further amendment may be moved.

- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments. If there are no further amendments, the Chair will put the motion (as amended) to the vote.

**11.7 Alteration of motion**

A Member may, with the agreement of the Chair, and without discussion:-

- (a) Change a motion of which they have given notice under Rule 9 above; or
- (b) With the agreement of their seconder, change a motion which they have moved.
- (c) But only alterations which could be made as an amendment in accordance with paragraph 11.6(a) above of these Rules may be made.

**11.8 Withdrawal of motion**

- (a) A motion or an amendment may be withdrawn by the mover, but only with the consent of the seconder and the Chair, which will be given without discussion.
- (b) No Member may speak on the motion after the mover has asked for consent to withdraw it, unless consent is not given.

**11.9 Right to reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion also has the right of reply at the end of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- (e) After every reply to which this Rule refers, a vote will be taken without further discussion.

**11.10 Motions which may be moved during a debate**

11.10.1 When a motion is being discussed, no other motion may be moved except the following (non-closure) motions:-

- (a) To withdraw a motion.
- (b) To amend a motion.
- (c) That the subject of debate:-
  - (i) Be referred to the appropriate forum for consideration.
  - (ii) Be referred back to the appropriate forum for further consideration.
- (d) To exclude the public and press in accordance with the Access to Information Rules.
- (e) That a Member be not further heard in accordance with paragraph 17.3.1 below of these Rules; and
- (f) By the Chair, in accordance with paragraph 17.4.1 below of these Rules, that a named Member leave the meeting.

11.10.2 Any of the motions under paragraph 11.10.1 above of these Rules will not take away from the mover of the original motion the right to reply.

### 11.11 Closure motions which may be moved during a debate

- (a) A Member may move, without comment, any of the following closure motions at the end of a speech of another Member:-
- (i) To move to the next business.
  - (ii) That the question be put.
  - (iii) To adjourn the debate; or
  - (iv) To adjourn the meeting.
- (b) If a motion "*to move the next business*" or "*that the question be put*" is seconded and the Chair thinks the item has been sufficiently discussed, they will put the closure motion to the vote. If it is passed, the Chair will give the mover of the original motion a right of reply before putting that original motion to the vote.
- (c) If a motion "*to adjourn the debate*" or "*to adjourn the meeting*" is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the closure motion to the vote without giving the mover of the original motion the right of reply.

### 11.12 Point of order

- 11.12.1 A Member may ask to make a point of order at any time and will have the right to be heard at once, but will stay silent until asked by the Chair to speak.
- 11.12.2 A point of order will only be about a claimed breach of a provision of these Council Procedure Rules or of law and the Member will indicate the paragraph(s) or law and the way in which they consider it has been broken.
- 11.12.3 The ruling of the Chair on the matter will be final and will not be open to discussion.

### 11.13 Personal explanation

- 11.13.1 A Member may ask to give a personal explanation at any time and will have the right to be heard at once, but will stay silent until asked by the Chair to speak.
- 11.13.2 A personal explanation will be confined to some material part of an earlier speech by the Member which may appear to have been misunderstood in a later stage of the debate.
- 11.13.3 The ruling of the Chair on the admissibility of a personal explanation will be final.

## 12. Previous decisions and motions

### 12.1 Motion to rescind a previous decision

A motion to overturn a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is

signed by at least fifteen Members. Once the motion is dealt with, no Member can propose a similar motion for six months.

12.2 The restrictions contained in paragraph 12.1 above do not apply to:-

- (a) A recommendation contained in a referral from Cabinet or any Committee to the Council.
- (b) A recommendation contained in a report presented individually or collectively by Chief Officers.

12.3 **Motion similar to one previously rejected**

A motion or amendment which means the same or largely the same as one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least fifteen Members. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for six months.

## 13. Voting

13.1 **Simple majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present at the time the question was put.

13.2 **Chair's casting vote**

13.2.1 The Chair should exercise their casting vote with appropriate caution. A casting vote is only called upon when Members cannot reach a majority and due respect should be given to the lack of consensus. However, the Chair is ultimately entitled to exercise their vote as they consider appropriate.

13.2.2 In the case of the Chair refraining from exercising a second vote the motion or amendment being voted on will not be carried.

13.3 **Show of hands**

Unless a recorded vote is demanded under paragraph 13.4.1 below or required under paragraph 13.4.2 below of the Rules, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

13.4 **Recorded vote**

13.4.1 If, before a vote is taken, a Member asks that the voting be recorded and the request is supported by ten other Members (who will show their support by a show of hands):-

- (a) The Officer advising the Chair at the meeting will call the name of each Member present at the meeting.
- (b) The Member will say whether they are for or against the motion or are abstaining; and
- (c) Each Member's response will be recorded in the minutes.

13.4.2 There will also be a recorded vote when required by law. This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions

relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 19.1 below.

**13.5 Right to require individual vote to be recorded**

Where any Member so requires, immediately after a vote has been taken on any matter, the minutes must record whether that Member voted for or against or abstained.

**13.6 Voting on appointments**

13.6.1 If there are more than two people nominated for any position to be filled, a vote shall be taken. If there is not an overall majority of votes in favour of one person, then the name of the person (or persons) with the fewest votes will be taken off the list and a new vote taken. This shall be repeated until only one candidate remains with an overall majority.

13.6.2 If, in the scenario that there was a tie for the fewest number of votes, and removal of the candidates would mean only one candidate is left, then, the Chief Executive (or their representative) will draw lots between those with the fewest votes to determine which of the candidates with fewest votes will proceed to the next round;

13.6.3 Where more than one position is contested (for example, there are to be two Vice-Chairs of a Committee) each position will be voted on separately.

13.6.4 In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief Executive (or their representative) to decide which person is elected.

**14. Minutes**

**14.1 Approval and signing**

- (a) The Chair will sign the minutes of the proceedings, once they are confirmed as a correct record, at the next suitable meeting.
- (b) In this regard, the Chair will seek a mover and seconder for the motion "*that the minutes of the meeting of the Council held on ..... be confirmed and signed as a correct record*".
- (c) There will be no discussion on the minutes, except by way of a motion upon their accuracy.

**14.2 No requirement to sign minutes of previous meeting at extraordinary or special meeting**

The minutes of the preceding meeting of the Council will not be submitted to an Extraordinary or Special meeting of the Council for approval but will be submitted to the next ordinary meeting.

**15. Record of attendance**

- 15.1 The Democratic Services Officer present at the meeting shall record the names of those Members that are in attendance.

**16. Exclusion of public**

- 16.1 If a matter may fall within the list of exempt or confidential information set out in Section 100(A)(4) of the Local Government Act 1972, the matter will not be discussed until the Council has decided whether the public should be excluded from the meeting.
- 16.2 Members of the public may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or paragraph 18 below (Disturbance by Public) of these Rules.

**17. Members' conduct**

**17.1 One member to speak at a time**

- (a) When speaking, a Member will stand at their place and address the Chair. If two or more Members indicate to speak at the same time, the Chair will call on one to speak; and
- (b) While a Member is speaking, all other Members will remain silent and seated unless asking to make a point of order or of personal explanation.

**17.2 Respect for the chair**

Whenever the Chair rises during a debate the Member then standing and speaking will stop speaking and sit down and the Council will be silent.

**17.3 Member not to be heard further**

- 17.3.1 If, at a meeting, any Member, in the opinion of the Chair, repeatedly ignores the Chair's ruling or behaves irregularly, improperly or offensively, or wilfully obstructs the business of the Council, the Chair or any other member may move "*That the member named be not further heard*" and the motion, if seconded, will be voted on without discussion.

**17.4 Continuing misconduct of a named member**

- 17.4.1 If the Member named continues to behave improperly after a motion in accordance with paragraph 17.3 above is carried, the Chair will move a motion that either:-

- (a) The meeting be adjourned for however long the Chair states; or
- (b) The Member named leave the meeting.
- If seconded, the motion will be voted on without discussion.

- 17.4.2 If, after a motion under paragraph 17.4.1 above of these Rules has been carried, the Member named does not leave the meeting, the Chair may order the removal of the Member and may adjourn the meeting without debate or resolution to enable removal to take place.

**17.5 General disturbance**

In the event of general disturbance among the Members which, in the opinion of the Chair, makes it impossible to carry on the meeting, the Chair may stand and declare the meeting adjourned for however long as they state.

**17.6 Interpretation of rules - ruling of Chair not to be challenged**

The decision of the Chair about the meaning or use of any of these Rules, or about any proceedings of the Council, is final and may not be challenged.

**17.7 Interests of members in matters under discussion**

Members must observe the rules in the Members' Code of Conduct in Part 5 of this Constitution. Any Member declaring a disclosable pecuniary interest must leave the room where the meeting is being held for as long as the matter is being considered.

**18. Disturbance by public**

**18.1 Removal of member of the public**

If a member of the public interrupts the proceedings of any meeting, the Chair will warn the person concerned not to interrupt. If the interruption is repeated, the Chair will order the removal of that person from the meeting room. The Chair may without debate or resolution adjourn the meeting to allow removal to take place.

**18.2 Clearance of part of meeting room**

In the case of general disturbance in any part of the meeting room open to the public, the Chair will give a warning and if the disturbance continues will order that part to be cleared, but may identify persons who may remain. The Chair may without debate or resolution adjourn the meeting to allow clearance to take place.

**18.3 No re-admittance for those removed**

In the case of paragraphs 18.1 and 18.2 above, any member of the public removed from a meeting following a disturbance will not be re-admitted during the remainder of that meeting.

**19. Suspension and amendment of Council procedure rules**

**19.1 Suspension**

All of these Council Rules of Procedure except Rules 13.4.2 and 14.1 above may be suspended by motion on notice (in accordance with paragraph 9.1 above of these Rules) or without notice under if at least one half of the whole number of Members of the Council are present. Suspension can only be for the whole or part of the meeting at which they are suspended.

**19.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to

the next ordinary meeting of the Council with a report and recommendation from the appropriate forum/Officer.

**20. Custody of seal**

- 20.1 The Common Seal of the Council will be kept by the Director (HR, Governance and Regulatory).

**21. Arms of the Council – use or reproduction**

- 21.1 Any application to use or reproduce the Arms granted to the Council will be referred to the Director (HR, Governance and Regulatory) in consultation with the Chair, and that Officer will refuse or grant permission, or refer the application to the Council for a decision.



## West Suffolk Council

### Scrutiny Committees Procedure Rules

#### A. OVERVIEW AND SCRUTINY COMMITTEE

##### 1. What will be the number of and arrangements for Overview and Scrutiny Committees?

- 1.1 The Council will have one Overview and Scrutiny Committee as set out in Article 7 and will appoint to it annually, unless Council cancels, defers or delays the Annual Meeting, in which case, the Members and the Chair and the Vice-Chair, shall remain in post until a successor is appointed. The Committee may appoint panels or 'task and finish' groups for fixed periods to consider specific issues.
- 1.2 The Committee will consist of a maximum of 16 members of the Council. *The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Overview and Scrutiny Committee but it may resolve to vary this provision if no Member votes against it.*
- 1.3 The terms of reference of the Overview and Scrutiny Committee will be:-
  - (a) The performance of all overview and scrutiny functions on behalf of the Council (explained in Article 7 of this Constitution) and as set out in Section 9F of the Local Government Act 2000
  - (b) To receive the draft West Suffolk Annual Report from the Leaders or representative(s) of Cabinet.
  - (c) To approve a rolling overview and scrutiny work programme, including the programme of any Panels or Groups it appoints, so as to ensure that the Committee's and Panels' or Groups' time is effectively and efficiently utilised;
  - (d) To put in place a system to ensure that referrals from the Overview and Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, are managed efficiently.
  - (e) In the event of the volume of reports to the Cabinet creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made.

- (f) To act as the Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly:
  - ~~(i)~~ [\(i\)](#) To scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself;
  - ~~(i)(ii)~~ [\(ii\)](#) [To receive reports from the Suffolk Police and Crime Panel;](#) -and
  - (ii) To make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions.
- (g) To consider local crime and disorder matters in accordance with the Councillor Call for Action Protocol.
- (h) To work collaboratively, as may be appropriate, with the scrutiny function of other local authorities to fulfil the crime and disorder scrutiny function.
- (i) To advise on the development of new policy in accordance with its agreed work programme.
- (j) To advise, where appropriate, on corporate projects and strategies.
- (k) To appoint informal Member Panels and 'Task and Finish' Groups to assist the work of the Committee; and
- (l) To review annually the work and constitution of such Panels and Working Parties.
- (m) To agree the procedures for the ways in which matters can be referred to the Committee and how its own Task and Finish Groups should be formed and operated.
- ~~(n)~~ [\(n\)](#) [To appoint one member of the Committee to act as the Council's representative on the Suffolk Health Scrutiny Committee and appoint one member of the Committee as a substitute member on the Suffolk Health Scrutiny Committee.](#)

## 2. Who may sit on the Overview and Scrutiny Committee?

- 2.1 All Councillors, except members of the Cabinet and full Members of the Performance and Audit Scrutiny Committee, may be Members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which they have been directly involved in the development of, or making.

### **3. Co-optees**

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

### **4. Meetings of the Overview and Scrutiny Committee**

- 4.1 The Committee shall have meetings programmed approximately every six weeks (i.e. normally, there will be up to eight ordinary meetings of the Overview and Scrutiny Committee in each year).
- 4.2 Meetings will be conducted in accordance with the Committee Procedure Rules unless there are specific exceptions in these Overview and Scrutiny Procedure Rules.

### **5. Who chairs Overview and Scrutiny Committee meetings?**

- 5.1 Following discussions between Group Leaders, the Chair and Vice-Chair of the Overview and Scrutiny Committee will be appointed by the Council. In the event that there is a majority group within the Council, it will be desirable for:-
- (a) The Overview and Scrutiny Committee to be chaired by a Member who is not a member of the majority group; and
  - (b) The Vice-Chair of the Overview and Scrutiny Committee to be a member of the majority group.
- 5.2 The Chair and Vice-Chair will hold office until:-
- (a) They resign from the office of Chair or Vice-Chair; or
  - (b) They are no longer a Councillor; or
  - (c) The next Annual Meeting of the Council save that the Council may remove the Chair or Vice-Chair at an earlier date but only in the event of a change in the political control of the Council.
- 5.3 Upon the occurrence of a vacancy in the office of Chair or Vice-Chair, the Council shall fill the vacancy at the next ordinary meeting of the Council or, if the vacancy occurs as a result of the removal of the Chair and/or Vice-Chair in the event of a change in the political control of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in paragraph 5.2 above.

### **6. Work programme**

- 6.1 The Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of Members of the Committee.

### **7. Agenda items**

- 7.1 Any Member of the Council shall be entitled to give notice to the Scrutiny Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Scrutiny Officer will ensure that it is included on the next available agenda. The request must be by way of any procedures agreed by the Overview and Scrutiny Committee, in order to ensure the Committee has all the information it needs to decide whether to take the issue forward.
- 7.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, the Cabinet, and the Performance and Audit Scrutiny Committee to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee at its next meeting.

### **8. Policy review, service development and performance management**

- 8.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 8.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.
- 8.3 To fulfil its role, the Overview and Scrutiny Committee may hold enquiries and investigate the available options and may appoint advisers and assessors to assist it in this process. The Committee and any Panel it appoints may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to form its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### **9. Reports from Overview and Scrutiny Committee**

- 9.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Scrutiny Officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate

(e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

- 9.2 The Chair, or in their absence, the Vice-Chair of the Overview and Scrutiny Committee will normally be responsible for presenting the report to the Cabinet or the Council as appropriate. However, in the case of the report of a panel or working group, the report to the Cabinet and/or Council can also be made by the Chair or Vice-Chair of the Panel/Working Group.
- 9.3 If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 9.4 The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

### **10. Making sure that overview and scrutiny reports are considered by the cabinet**

- 10.1 Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Scrutiny Officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Scrutiny Officer refers the matter to Council, they will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet must be given the opportunity to respond to the Overview and Scrutiny report before the Council meets to consider it. When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Overview and Scrutiny Committee proposals.
- 10.2 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. Any reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).
- 10.3 The Overview and Scrutiny Committee will, in any event, have access to the Cabinet's Decision Plan and timetable for decisions. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

**11. Rights of Overview and Scrutiny Committee members to documents**

- 11.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 11.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

**12. Members and officers giving account**

- 12.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any Chief Officer to attend before it to explain in relation to matters within its remit:-

- (a) Any particular decision or series of decisions;
- (b) The extent to which the actions taken implement Council policy; and/or
- (c) Their performance.

and it is the duty of those persons to attend, or send an appropriate substitute, if so required.

- 12.2 Where any Member or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chair of the Committee will inform the Scrutiny Officer. The Scrutiny Officer shall inform the Member or Officer in writing, giving at least five working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 13.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place within a maximum of 10 working days from the date of the original request.

### 13. Attendance by others

13.1 The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 12.1 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

### 14. Call-in

14.1 A key element of the scrutiny role of the Committee concerns the arrangements for the "call-in" of a decision taken by or on behalf of the Cabinet. A decision by the Cabinet, or a Key Decision made by an Officer or Portfolio Holder with delegated authority, may be "called-in" by Members of the Council submitting a request in writing on the Call-in Request Form to the Director (HR, Governance and Regulatory) within five working days of the publication of that decision. No action can be taken on an item called in for scrutiny.

14.2 Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that the decision was not taken in accordance with the principles set out in Article 11 (Decision Making). In order to ensure that call-in is not abused; nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-

- (a) A decision must be called-in by at least five Members of the Council; and
- (b) A decision on the same item may only be "called-in" for scrutiny by the Committee on one occasion within a six month period. The six month period is to commence from the date the "call-in" request is received by the Director (HR, Governance and Regulatory).
- (c) Members who have called-in a decision may withdraw their call-in at any time prior to the meeting taking place to hear the call-in, by giving notice in writing to the Scrutiny Officer.
- (d) A decision should not be called-in where it was considered by the Overview and Scrutiny Committee prior to the decision being made, unless it can be reasonably demonstrated that the Cabinet decision was flawed.

14.3 The following arrangements for the call-in of decisions made by the Cabinet will apply:-

- (a) When a decision is made by the Cabinet (or by any Members of the Cabinet with a delegated authority contained in Part 3 of this Constitution) or a Key Decision is made by an Officer

or Portfolio Holder with delegated authority, the decision shall be published electronically. Normally, such publication will be on the Thursday of the week in which the decision was taken. Notification of all such decisions will also be issued to all Members within the same timescale by the person responsible for publishing the decision.

- (b) The relevant notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in.
- (c) During that period, the Scrutiny Officer shall call-in a decision for scrutiny by the Committee if so requested by Members (in accordance with paragraph 14.1 above) and shall notify the decision-taker of the call-in. An item called in for scrutiny will normally be considered by the Overview and Scrutiny Committee at its next scheduled meeting. However, in consultation with the Chair of the Committee, they may call an extraordinary meeting of the Committee on such date as they may determine (in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution).
- (d) Any Member considering calling in a Cabinet decision, or a Key Decision taken by an Officer or Portfolio Holder under delegated authority, first be required to make every effort to discuss the issue with the relevant Portfolio Holder or Leader of the Council.
- (e) Members using the call-in arrangements have the right to address the Committee when it deals with the issue.
- (f) Normally, the Committee will complete its scrutiny of the issue at that meeting and report the outcome to the next meeting of the Cabinet. However, the Committee may consider that further time is required to consider the issue and would, therefore, need to recommend to the Cabinet that further work be carried out and that the Overview and Scrutiny Committee makes recommendations at a later date. In these circumstances, the Cabinet will decide whether or not the decision should be implemented, having regard to the urgency, if any, of the matter and the provisions of the Budget and Policy Framework Rules (see (i) below);
- (g) If the Overview and Scrutiny Committee agrees with a called-in decision, the decision may be implemented immediately following the Overview and Scrutiny Committee meeting.
- (h) If the Committee makes an alternative recommendation, this will be considered by the Cabinet at its next meeting and no action should be taken until a final decision has been made by the Cabinet (or the Council – see (i) below); and



- (i) As set out in the Budget and Policy Framework Procedure Rules, called-in decisions which are deemed to be contrary to the policy framework, or contrary to or not wholly consistent with the budget, may have to be referred to the Council for a final decision.

### 14.4 Call-in and urgency

- 14.4 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would ***seriously prejudice the Council's or the public's interest***. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice Chair of the Overview and Scrutiny Committee's consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

### 15. Councillor call for action

- 15.1 Any Councillor may request that the Committee consider the inclusion of a Councillor Call for Action (CCfA) on its work programme, under the terms of a CCfA Protocol to be agreed by the Overview and Scrutiny Committee. This should only be in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Councillor, and yet a problem still exists.

### 16. The party whip

- 16.1 For the purpose of this section, reference to "the party whip" shall mean:-

*"Any instruction given by or on behalf of a political Group to any Councillor who is a Member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should they speak or vote in any particular manner."*

- 16.2 The imposition of the party whip is regarded by the Council as incompatible with Overview and Scrutiny. The party whip should not therefore be imposed on any member of the Overview and Scrutiny Committee while engaged in the work of Overview and Scrutiny.

**17. Business at Overview and Scrutiny Committee meetings**

17.1 The Overview and Scrutiny Committee shall consider the following business:-

- (a) Minutes of the last meeting.
- (b) Declarations of Interest.
- (c) Public speaking in accordance with the Committee Procedure Rules.
- (d) Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision.
- (e) Responses of the Cabinet to reports of the Overview and Scrutiny Committee.
- (f) Any recommendations or reports from the Committee's Panels or Task and Finish Groups.
- (g) Consideration of the Decisions Plan; and
- (h) The business otherwise set out on the agenda for the meeting.

17.2 Where the Overview and Scrutiny Committee conducts investigations, the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

- (a) That the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak.
- (b) That those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

17.3 Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

**B. PERFORMANCE AND AUDIT SCRUTINY COMMITTEE**

**1. What will be the arrangements for the Performance and Audit Scrutiny Committee?**

- 1.1 The Council will have a Performance and Audit Scrutiny Committee as set out in Article 7 and will appoint to it annually, unless Council cancels, defers or delays the Annual Meeting, in which case, the Members and the Chair and the Vice-Chair, shall remain in post until a successor is appointed.
- 1.2 The Committee will consist of a maximum of 12 Members of the Council. The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Performance and Audit Scrutiny Committee but it may resolve to vary this provision if no Member votes against it.
- 1.3 The terms of reference of the Performance and Audit Scrutiny Committee will be:-
- (i) To monitor and scrutinise the performance of the Council's services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports and monitoring of action plans.
  - (ii) To suggest means of improving and promoting the performance management and audit functions of the Council.
  - (iii) The Committee will also assist the Council and the Cabinet in the development of the budget framework and act as the Council's Audit Committee and will have reference to any or all of the following areas:-
    - (a) Integration of the Audit role**  
To ensure that the principles of effective audit are integrated into the work of the Performance and Audit Scrutiny Committee and the Council generally.
    - (b) Risk Management**  
To provide assurance of the effectiveness of the corporate risk assessment process and monitor the effective development and operation of risk management policies in the Council, specifically including monitoring of the Risk Management Strategy and the Corporate Risk Register.
- To appoint a Health and Safety Sub-Committee to provide assurances on the effectiveness of Health and Safety Policy and monitor compliance with this.

**(c) Internal Audit and Governance**

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

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

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

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

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

**(e) Financial Resilience and Treasury Management**

A Financial Resilience Sub-Committee will undertake the enhanced monitoring and scrutiny requirements of the revised Chartered Institute of Public Finance and Accountancy and will be responsible to the Committee for:-

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

**(f) External Audit**

To maintain and develop a trusting and professional relationship with the Council's external auditors and

ensure any issues arising from inspection are dealt with:-

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

### **(g) Procurement**

Formal reporting of procurement issues.

- (iv) To receive an annual work programme based around a quarterly performance management and risk and budget monitoring cycle; and
  - (v) To approve the Annual Statement of Accounts and Annual Governance Statement each year in good time to meet the statutory deadline for adoption.
  - (vi) To receive reports from other external inspectors related to the financial and non-financial performance of the Council and ensure appropriate action is taken in response to recommendations. This shall include adverse findings of the Local Government Ombudsman which do not amount to a wider maladministration on the part of the Council.
- 1.4 It is not within the terms of reference of this Committee to carry out in-depth service reviews, although the Committee may from time-to-time carry out initial investigation into or scoping of an issue, which may lead to recommendations for further work by the Overview and Scrutiny Committee or Cabinet and may also serve to assist the Overview and Scrutiny Committee in its own detailed examinations or Task and Finish Group work.

## **2. Who may sit on the Performance and Audit Scrutiny Committee?**

- 2.1 All Councillors, except members of the Cabinet and full Members of the Overview and Scrutiny Committee, may be Members of the Performance and Audit Scrutiny Committee.

## **3. Co-optees**

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

## **4. Meetings of the Performance and Audit Scrutiny Committee**

- 4.1 There will be up to six ordinary meetings of the Committee each year, comprising four quarterly meetings based around a

programme of performance management and risk and budget monitoring, and, as required, a meeting to approve the annual accounts, and a further meeting to scrutinise proposals for cost reductions and growth in the forward budget.

- 4.2 Meetings shall be held in accordance with the Committee Procedure Rules as set out in Part 3 of this Constitution, except where these Scrutiny Committees Procedure Rules specify otherwise.

### **5. Who chairs Performance and Audit Scrutiny Committee meetings?**

- 5.1 Following discussions between Group Leaders, the Chair and Vice-Chair of the Performance and Audit Scrutiny Committee will be appointed by the Council.

- 5.2 The Chair and Vice-Chair will hold office until:-

- (a) They resign from the office of Chair or Vice-Chair; or
- (b) They are no longer a Councillor; or
- (c) The next Annual Meeting of the Council save that the Council may remove the Chair or Vice-Chair at an earlier date but only in the event of a change in the political control of the Council.

- 5.3 Upon the occurrence of a vacancy in the office of Chair or Vice-Chair, the Council shall fill the vacancy at the next ordinary meeting of the Council or, if the vacancy occurs as a result of the removal of the Chair and/or Vice-Chair in the event of a change in the political control of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in paragraph 5.2 above.

### **6. Work programme**

- 6.1 The Committee will receive a rolling work programme based around a quarterly performance management and risk and budget monitoring cycle.

### **7. Agenda items**

- 7.1 Any Member of the Performance and Audit Scrutiny Committee shall be entitled to give notice to the Scrutiny Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Scrutiny Officer will ensure that it is included on the next available agenda. If the item is accepted by the Committee, the extent to which such an item is investigated by the Committee shall be only to the level of initial scoping, in order to ascertain whether further investigation of an issue by the appropriate Scrutiny Committee should be recommended.

- 7.2 Any five members of the Council who are not members of the Performance and Audit Scrutiny Committee may also give written notice to the Scrutiny Officer that they wish an item to be included on the agenda of the Committee. If the Scrutiny Officer receives such a notification, then they will include the item on the first available agenda of the Committee for consideration by the Committee. If the item is accepted by the Committee, the extent to which such an item is investigated by the Committee shall be only to the level of initial scoping, in order to ascertain whether further investigation of an issue by the appropriate Scrutiny Committee should be recommended.
- 7.3 The Performance and Audit Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, the Cabinet and the Overview and Scrutiny Committee to carry out such initial scoping investigations. Where it does so, the Performance and Audit Scrutiny Committee shall report its findings and any recommendations back to the Overview and Scrutiny Committee, Cabinet and/or Council. The Overview and Scrutiny Committee, Council and/or the Cabinet shall consider the report of the Performance and Audit Scrutiny Committee at its next meeting.

### **8. Performance management and audit**

- 8.1 The role of the Performance and Audit Scrutiny Committee in relation to its performance management and audit responsibilities is as set out in paragraphs 1.3 to 1.4 above and Article 7 of this Constitution.

### **9. Reports from the Performance and Audit Scrutiny Committee**

- 9.1 Once it has formed any recommendations, the Performance and Audit Scrutiny Committee will submit them to the Scrutiny Officer for consideration by the Overview and Scrutiny Committee, Cabinet and/or Council as appropriate.
- 9.2 The Overview and Scrutiny Committee, Council or Cabinet shall consider the recommendations of the Performance and Audit Scrutiny Committee at the next available meeting.
- 9.3 The agenda for Cabinet meetings shall, when applicable, include an item entitled '*Issues arising from the Performance and Audit Scrutiny Committee*'. Any reports of the Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).
- 9.4 The Chair, or in their absence, the Vice-Chair of the Overview and Scrutiny Committee will normally be responsible for presenting the report to the Cabinet or the Council as appropriate. However, in the case of the report of a Panel or Working Group, the report to the

Cabinet and/or Council can also be made by the Chair or Vice-Chair of the Panel/Working Group.

### **10. Attendance by others**

- 10.1 Members of the Cabinet will be entitled to attend meetings of the Performance and Audit Scrutiny Committee and speak on any matter under consideration.
- 10.2 Subject to the provisions of paragraph 1.4 above, the Committee may also invite Members, Officers and any other person to address its meetings, discuss issues of local concern and/or answer questions as part of its initial scoping or investigation of a matter. Attendance is of course entirely optional.

### **11. The party whip**

- 11.1 For the purpose of this section, reference to "the party whip" shall mean:-

*"Any instruction given by or on behalf of a political Group to any Councillor who is a Member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should they speak or vote in any particular manner."*

- 11.2 The imposition of the party whip is regarded by the Council as incompatible with Performance and Audit Scrutiny. The party whip should not, therefore, be imposed on any Member of the Performance and Audit Scrutiny Committee while engaged in the Committee's work.

### **12. Procedure at Performance and Audit Scrutiny Committee meetings**

- 12.1 The Performance and Audit Scrutiny Committee shall consider the following business:
- (a) Minutes of the last meeting.
  - (b) Declarations of Interest.
  - (c) Public speaking in accordance with the Committee Procedure Rules.
  - (d) Any decisions or reports of the Cabinet regarding the Committee's work.
  - (e) Any previous recommendations or reports of the Committee referred back to the Committee by the Overview and Scrutiny Committee, Cabinet or Council; and
  - (f) The business otherwise set out on the agenda for the meeting.



- 12.2 The Committee may also ask people to attend its meetings, which are to be conducted in accordance with the following principles: -
- (a) That all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak.
  - (b) That those assisting the Committee by giving evidence or offering opinions be treated with respect and courtesy; and
  - (c) That the meeting be conducted so as to maximise the efficiency of the discussion, investigation or analysis.
- 12.3 Following scrutiny of any matter, the Committee shall prepare, if necessary, recommendations for submission to the Overview and Scrutiny Committee, Cabinet and/or Council as appropriate, and shall make its recommendations and any accompanying findings public.

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