

# Council



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Review of the Constitution: Recommendations from the Joint Constitution Review Group and the Mayoral Advisory Committee</b>	
<b>Report No:</b>	<b>COU/SE/16/013</b>	
<b>Report to and date:</b>	<b>Council</b>	28 June 2016
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<b>Purpose of report:</b>	1. To present to Members with revised wording in the St Edmundsbury Borough Council Constitution in relation to:  (a) <u>Part 3 – Functions and Responsibilities: Section 2 – Responsibility for Council Functions</u> (i) A – Development Control  (b) <u>Part 3 – Functions and Responsibilities: Section 4 - Scheme of Delegation to Officers</u> (i) Head of Human Resources, Legal and Democratic Services ( <i>which relate specifically to the delegations of the Service Manager (Legal and Democratic Services) and the Elections Manager</i> ) (ii) Head of Operations (iii) Head of Planning and Growth ( <i>which relate specifically to the Officer delegations within the Planning and Development Matters</i> )	

	<p>(c) <u>Part 4 – Rules of Procedure</u></p> <p>(i) Council Procedure Rules</p> <p>(ii) Committee Procedure Rules</p> <p>(d) <u>Part 5 – Codes and Protocols</u></p> <p>(h) Mayoralty Protocol</p> <p>2. To note the inclusion in the Forest Heath District Council Constitution of the Procedure Rules for the Joint Independent Remuneration Panel.</p>
<p><b>Recommendations:</b></p>	<p>It is <b><u>RECOMMENDED</u></b> that:</p> <p><b><u>Recommendations from the Joint Constitution Review Group: 6 June 2016</u></b></p> <p><b>1. The revised wording in the St Edmundsbury Borough Council Constitution, be approved in relation to:</b></p> <p>(a) <b><u>Part 3 – Functions and Responsibilities: Section 2 – Responsibility for Council Functions</u></b></p> <p>(i) <b>A – Development Control (as set out in Appendix A to Report No COU/SE/16/013</b></p> <p>(b) <b><u>Part 3 – Functions and Responsibilities: Section 4 - Scheme of Delegation to Officers</u></b></p> <p>(i) <b>Head of Human Resources, Legal and Democratic Services (<i>which relates specifically to the delegations of the Service Manager (Legal and Democratic Services) and the Elections Manager</i>) (as set out in Appendix B to Report No COU/SE/16/013).</b></p> <p>(ii) <b>Head of Operations (as set out in Appendix C to Report No COU/SE/16/013).</b></p> <p>(iii) <b>Head of Planning and Growth (<i>which relate specifically to the Officer delegations within the Planning and Development Matters</i>) (as set out in Appendix D to Report No COU/SE/16/013).</b></p> <p style="text-align: right;"><b>Continued....</b></p>

**(c) Part 4 – Rules of Procedure**

**(i) Council Procedure Rules (as set out in Appendix E to Report No COU/SE/16/013).**

**(ii) Committee Procedure Rules (as set out in Appendix F to Report No COU/SE/16/013).**

**2. To note the inclusion in the St Edmundsbury Borough Council Constitution of the Procedure Rules for the Joint Independent Remuneration Panel (as set out in Appendix G to Report No COU/SE/16/013).**

**Recommendations from the Mayoral Advisory Committee: 31 March 2016: Mayoralty Protocol – The Financing of Twinning Events**

**(1) The adoption of the practices outlined in (a) to (g) below, be approved; and**

**(2) the changes required to the Constitution, working practices and the Mayoralty Protocol as a consequence of the recommendations be made as detailed and tracked on the revised Mayoralty Protocol, attached as Appendix A to Report No: MAC/SE/16/003.**

**(a) That the Council continues to support the twinning relationships financially (from the appropriate budgets available to the Mayoralty) until 1 April 2018.**

**(b) To support the 50<sup>th</sup> Anniversary of the twinning with Compiègne in 2017 within current Mayoralty budget (civic functions) as well as accommodating 2016 delegates visiting Bury St Edmunds.**

**(c) To continue with current arrangements with Kevelaer until the end of 2017 within current Mayoralty budget.**

**(d) That from 1 April 2018, the Mayor does not automatically and annually accept and fund invitations to visit twin towns abroad nor hosts delegates from the civic budget.**

**Continued....**

	<p>(e) <b>That the Twinning Associations start to contribute to the twinning costs between 2016 -18.</b></p> <p>(f) <b>That the Head of HR, Legal and Democratic Services be given delegated authority to make the required changes to the Mayoralty Protocol, Sections 2.2 -2.7.</b></p> <p>(g) <b>That a letter be written to the Friends of Compiègne and the Kevelaer group explaining future arrangements and continuing commitment to supporting twin towns whilst reducing the annual expense to the Council.</b></p>		
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>		
<p><b>Consultation:</b></p>	<ul style="list-style-type: none"> <li>• Where applicable, the Mayoral Advisory Committee and the Joint Constitution Review Group has been consulted on the form of these proposed amendments</li> <li>• Also see Report No: MAC/SE/16/003</li> </ul>		
<p><b>Alternative option(s):</b></p>	<ul style="list-style-type: none"> <li>• See Report No: MAC/SE/16/003</li> </ul>		
<p><b>Implications:</b></p>			
<p>Are there any <b>financial</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> See Report No: MAC/SE/16/003</p>		
<p>Are there any <b>staffing</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> See Report No: MAC/SE/16/003</p>		
<p>Are there any <b>ICT</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> See Report No: MAC/SE/16/003</p>		
<p>Are there any <b>legal and/or policy</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> See Report No: MAC/SE/16/003</p>		
<p>Are there any <b>equality</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> See Report No: MAC/SE/16/003</p>		
<p><b>Risk/opportunity assessment:</b></p>		<p><i>(potential hazards or opportunities affecting corporate, service or project objectives)</i></p>	
<p><b>Risk area</b></p>	<p><b>Inherent level of risk</b> (before controls)</p>	<p><b>Controls</b></p>	<p><b>Residual risk</b> (after controls)</p>
<p>Confusion, mistakes and challenge if the Constitution does not reflect actual Council and Officer practice.</p>	<p>High</p>	<p>Ensuring that any anomalies are corrected and the adoption to revisions to correct those anomalies</p>	<p>Low</p>
<p>Also see Report No: MAC/SE/16/003</p>			
<p><b>Ward(s) affected:</b></p>		<p>Not applicable</p>	

<p><b>Background papers:</b>  <i>(all background papers are to be published on the website and a link included)</i></p>	<p>None</p>
<p><b>Documents attached:</b></p>	<p>Other than the final attachment, the following are shown with the proposed changes tracked:</p> <ul style="list-style-type: none"> <li>• <b>Appendix A</b> – Responsibility for Council Functions: A- Development Control</li> <li>• <b>Appendix B</b> – Scheme of Delegation to Officers – Head of Human Resources, Legal and Democratic Services</li> <li>• <b>Appendix C</b> – Scheme of Delegation to Officers – Head of Operations</li> <li>• <b>Appendix D</b> – Scheme of Delegation to Officers – Head of Planning and Growth</li> <li>• <b>Appendix E</b> – Council Procedure Rules: Paragraph 4 – Appointment of substitute members of committees and sub-committees</li> <li>• <b>Appendix F</b> – Committee Procedure Rules: Paragraph 9 - Substitutes</li> <li>• <b>Appendix G</b> – Joint Independent Remuneration Panel Procedure Rules</li> <li>• <b>Appendix H (Appendix A to Report No: MAC/SE/16/003):</b> Mayoralty Protocol</li> <li>• <b>Appendix I (Appendix B to Report No: MAC/SE/16/003):</b> Mayoralty Protocol (with proposed changes incorporated to assist the reading of the document)</li> </ul>

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

### 1.1 Recommendations from the Joint Constitution Review Group: 6 June 2016

1.1.1 At its meeting held on 6 June 2016, the Joint Constitution Review Group considered the following proposed amendments to both the St Edmundsbury Borough Council and Forest Heath District Council Constitutions:

(a) Part 3 – Functions and Responsibilities: Section 2 – Responsibility for Council Functions: (i) A – Development Control

These proposed amendments are considered necessary to assist with clarity in relation to the operation of the Delegation Panel and of the Development Control Committee. These proposed amendments are set out in Appendix A.

(b) Part 3 – Functions and Responsibilities: Section 4 - Scheme of Delegation to Officers

(i) Head of Human Resources, Legal and Democratic Services (*which relate specifically to the delegations of the Service Manager (Legal and Democratic Services) and the Elections Manager*)

These proposed amendments relate to the re-allocation of responsibilities between the Service Manager (Legal and Democratic Services) and the Elections Manager. These proposed amendments are set out in Appendix B.

(ii) Head of Operations

These proposed amendments relate mainly to changes in operational procedures, including a review of financial limits. These proposed amendments are set out in Appendix C.

(iii) Head of Planning and Growth (*which relate specifically to the Officer delegations within the Planning and Development Matters*)

These proposed amendments are considered necessary to assist with clarity in relation to the Officer delegations contained within 'Section (1): Planning and Development Matters'. These proposed amendments are set out in Appendix D.

(c) Part 4 – Rules of Procedure

(i) Council Procedure Rules: Paragraph 4 – Appointment of substitute members of committees and sub-committees

These proposed amendments are considered necessary to assist with the clarity with the appointment of substitute members, to ensure that they are from the same political group, where there is the requirement to maintain political balance. These proposed amendments are set out in Appendix E.

(ii) Committee Procedure Rules: Paragraph 9 – Substitutes

These proposed amendments are considered necessary to assist with the clarity of the appointment of substitute members, to ensure that they are from the same political group, where there is the requirement to maintain political balance.

It is also being proposed for an additional paragraph 9.10 to be included within the Committee Procedure Rules, to clarify the position with regards to substitutes when a Member ceases to be a Member of the Council (either by way of resignation, disqualification or death in service).

These proposed amendments are set out in Appendix F.

1.1.2 The Group also noted the inclusion in both the St Edmundsbury Borough Council and the Forest Heath District Council Constitutions of the Procedure Rules for the Joint Independent Remuneration Panel, as had been recommended by the Joint West Suffolk Independent Remuneration Panel (Selection Panel) at their meeting on 30 March 2016. The Procedure Rules are set out in Appendix G.

1.2 **Recommendations from the Mayoral Advisory Committee:  
31 March 2016 (Report No: MAC/SE/16/003)**

1.2.1 On 31 March 2016, the Mayoral Advisory Committee considered Report No: MAC/SE/16/003, which sought approval for a number of recommendations in connection with the future financing of twinning events and the associated changes to the Mayoralty Protocol.

1.2.2 The Mayoralty Review, undertaken by the Committee in 2013, had considered the events attended and supported by the Mayor. The primary purpose of the Mayoralty was agreed to be the promotion of community engagement, the economic vitality of the Borough and the democratic process. This should inform decisions about the acceptance of invitations to attend events and the choice of invitees to events hosted by the Mayor.

1.2.3 It had also been agreed that the diary of the Mayor had to reflect the resources available, and in practice events and invitations would be informally assessed with a view to determining which events aligned most closely with the strategic priorities of the Council. As a result of the review, the Mayoralty budget had reduced by £5,000 from 1 March 2015.

1.2.4 Bury St Edmunds is twinned with Compiègne in France and Kevelaer in Germany. The Borough also has a Charter of Friendship with Huy in Belgium and Ehringhausen in Germany.

1.2.5 Consideration was given by the Committee to the financial support currently provided to civic events connected with the twinning of the above towns and whether funding for such events should continue to be provided from the civic budget. Under the Mayoralty Protocol, the Mayor is authorised to attend civic events in 'twin' towns with the cost funded through the Mayor's Personal

Allowance; however due to insufficient funds being available from this allowance, the costs have been funded from the civic budget in recent years. When twinning events are hosted by the Mayor in Bury St Edmunds, these are also funded from the civic budget.

- 1.2.6 The Committee considered the history and background to the twin towns, as outlined in the report and felt that modern communication should be encouraged, such as using video messaging and social media, which will maintain links with the twin towns but at a significantly reduced cost. Invitations to visit, and the hosting of twin town events, should not automatically be accepted by the Mayor and be funded by the civic budget. Should the Mayor wish to support such events, these should be funded from the Mayor's Personal Allowance, as originally intended.
- 1.2.7 In order to provide sufficient time to enable the Twinning Associations/Friends to raise their own funds to pay for twinning events, as appropriate, whilst also maintaining a commitment to celebrating the 50th anniversary of twinning with Compiègne in 2017, it has been recommended by the Committee that from 1 April 2018, no funding will be provided from the Council's civic budget.
- 1.2.8 Encouragement was also shown by the Committee for partners to become more involved, such as through local schools and Bury St Edmunds Town Council, to assist the Twinning Associations/Friends with their future events and fundraising activities.
- 1.2.9 For ease of reference, attached as Appendix H to this report is a tracked changed version of the Mayoralty Protocol considered by the Committee (Appendix A to Report No: MAC/SE/16/003), which enables Members to easily view the amendments proposed. Appendix I attached shows the final version of the Protocol with the proposed changes incorporated, as accepted and recommended by the Committee (Appendix B to Report No: MAC/SE/16/003).