
Council



St Edmundsbury
BOROUGH COUNCIL

Title:	Use of Chief Executive Urgency Powers	
Paper No:	COU/SE/16/017	
Paper to and date:	Council	27 September 2016
Documents attached:	None	

Subject

Freedom of the Borough Protocol

Summary and Reasons for Recommendation:

1. In relation to the provision of using the Chief Executive's Urgency Powers Part C(a) of the Scheme of Delegation to Officers in Part 3, Functions and Responsibilities, of the Constitution, states that:
2. *'Where, in his/her opinion, by reason of limitation of time or urgency, a decision is required on any matter, after such consultation as he/she considers necessary (or as is required by the Council's Budget and Policy Framework Procedure Rules in Part 4 of this Constitution), he/she shall have power to make a decision provided that any such decision shall be reported to the next meeting of the Cabinet, appropriate Committee or Council....'*
3. Under Agenda Item 8 above, Council will be asked to consider a nomination for the conferment of the Honorary Freedom of the Borough. Under the adopted Freedom of the Borough protocol, as contained in the Constitution, the nomination is required to have been previously considered by the Group Leaders and the Mayor against the prescribed criteria, following which unanimous agreement is required for the nomination to be recommended to Council for the honour to be bestowed.
4. Since adoption of the protocol in February 2016, it is the case in the present nomination that the protocol is particularly restrictive in that unanimous agreement from **all** Group Leaders and the Mayor is required before a recommendation can be made to Council for the honour to be

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bestowed. Should sufficient support for the nomination have previously been demonstrated through the number of signatories sought for the nomination and the criteria adequately met, it is felt that the decision to recommend the nomination should not be prevented if *unanimous* agreement between the Group Leaders and the Mayor has not been obtained.

5. Due to limitations on time due to the timetabling of council meetings, and given the necessary arrangements for convening a special meeting of Council for the conferment of the Honorary Freedom of the Borough need sufficient notice to be put in place, the Chief Executive has exercised his urgency powers to amend the Freedom of the Borough Protocol in advance of this meeting, so that the protocol is amended to read:

*The Group Leaders and the Mayor will meet **(or discuss by email)** to consider the nomination against the criteria. ~~Following unanimous agreement~~ **Having reached a majority agreement**, they will make a recommendation to Council that the honour is bestowed. Alternatively ~~they may the majority may~~ decide that the nomination is not suitable as it does not meet the criteria.*

In the event that the Group Leaders and Mayor are evenly divided in opinion on the proposed nomination, the Leader of the Council shall have the deciding vote on whether to make a recommendation to Council (or not).

(Insertions/deletions in bold and/or strikethrough as appropriate)

6. Before the Chief Executive decided to exercise this power to make the amendment to the protocol, consultation on the amendment took place with the Chairmen of the Overview and Scrutiny Committee and the Democratic Renewal Working Party (DRWP). The DRWP is the non-decision making body of Council that considers and recommends changes regarding constitutional matters; however there was insufficient time to convene a formal meeting before the scheduled Council meeting hence consultation with the Chairmen only. For reasons of transparency, agreement was also sought to the revision with the Group Leaders and the Mayor, all of which agreed to the proposed amendment.
7. This amendment has therefore removed a potentially restrictive requirement of the Freedom of the Borough protocol, which has been amended to remove unnecessary restriction and ambiguity prior the meeting of Council, so that consideration of the nomination for the Honorary Freedom of the Borough may be held on Agenda Item 8 above.

Recommendation:

Council is requested to **NOTE** the use of the Chief Executive's Urgency Powers in accordance with the Council's Constitution, as detailed above.