

REPORT TO COUNCIL

REPORT OF: CHAIRMAN OF THE CONSTITUTION COMMITTEE – COUNCILLOR RAY WOOTTEN

REPORT NO: LDS117

DATE: 23rd January 2014

TITLE:	Recommendations from the Constitution Committee - 16th December 2014	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	n/a	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services (Monitoring Officer) E-mail: l.youles@southkesteven.gov Telephone: 01476 406105	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Council's Constitution http://www.southkesteven.gov.uk/index.aspx?articleid=1974 Reports to Constitution Committee – 16 th December 2013	

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 16th December 2013 as follows:

1.1 Authorisation of PCSO's to issue fixed penalty notices

That the Scheme of Delegation to officers at page 102 of the Constitution is amended to include the authorisation to delegate to Police Community Support Officers (PCSOs) to serve fixed penalty notices.

1.2 Members' Remuneration

That the Council approves the following recommendations subject to a suitable appeals process being put in place in respect of claims which are refused and the agreement of the Government and Audit Committee to the recommendations.

- 1) At page 293 paragraph 4 of the Constitution add the words – Co-habiting members shall only be entitled to make one claim per household for broadband allowance.**
- 2) At page 292 – Travel Expenses add the words – Members claiming mileage for motor vehicle use should provide a copy to the Council of the appropriate motor vehicle insurance specifying business use on appointment as a Councillor and thereafter at the time of renewal of that policy.**
- 3) At page 292 – add a new paragraph - In the event that any claim for expenses made in accordance with the Members' Allowance Scheme is refused, a Member may appeal that refusal by making a request in writing stating reasons for the appeal to the Strategic Director – Corporate Focus for the claim to be reconsidered. The decision of the Strategic Director-Corporate Focus shall be final.**

1.3 Public Speaking at Development Control Committee

At page 141 para 24.7 (1) of the Constitution the period of notice required to request the right to speak at Development Control Committee be amended from “24hours” to “3 working days”

2. PURPOSE OF THE REPORT

The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 16th December 2014 to Council for approval. The reports made to the Constitution Committee and minutes of the Constitution Committee meeting of the 16th December are attached to this report at the Appendix for information.

3. DETAILS OF REPORT

- 3.1** The details of the recommendations and the reasons for the recommendation are given in the minutes of the Constitution Committee meeting attached to this report and the reports made to that meeting.
- 3.2** The Scheme of Delegation to Officers currently authorises the Operations Director (formerly the Head of Environmental Services) and those officers authorised by him to issue fixed penalty notices in respect of offences relating to various specified offences. The Police have requested authority for PCSO's to issue such notices on behalf of the District Council. The proposed amendment to the Scheme of Delegation is required to authorise the Operations Director to authorise officers other than District Council officers to issue fixed penalty notices.

3.3 A recent internal audit of the Members’ Remuneration Scheme made several recommendations which required amendment to the Scheme as detailed in the Constitution. The amendments required by the audit relate to clarification of payment to co-habiting members for broadband allowance to ensure two payments are not made for one broadband connection. When using private motor vehicles for Council business it is a requirement for Members to insure that private vehicle for business use. The audit recommends that Members claiming travel allowance for private vehicle use should provide a copy of their motor vehicle insurance policy to the Council as proof of appropriate insurance cover. It is proposed that this proposal is introduced following appointment as a Councillor following the District Council elections in 2015.

3.4 When considering amendments to the Members Remuneration Scheme, Members of the Constitution Committee were concerned that the Scheme did not provide a formal process of appeal against a decision by officers to refuse a claim for broadband or travel expenses. Members confirmed they could agree the proposed amendments subject to an appropriate appeal process being introduced.

3.5 Members also considered a proposal for a new format for amalgamation of the Constitution Articles and the procedures relevant for all meetings. It is proposed that recommendations relating to this formatting will be considered by Council when the formatting for the whole Constitution has been completed. An example was given which related to Development Control Committee. A further amendment was proposed and accepted that the period of notice to be given by members of the public to speak at Development Control Committee be changed from 24 hours to 3 working days to take account of Bank Holidays.

4. OTHER OPTIONS CONSIDERED

No other options are proposed.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the recommendation.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
No high risks were identified	

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

No assessment is required in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications arise as a result of this report

10. COMMENTS OF FINANCE SECTION

There are no financial implications resulting from this report.

11. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES

The proposed amendments are required to ensure the Council is able to carry out its functions and the content of the Constitution is relevant and up to date.

12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

None relevant

13. APPENDIX

Minutes of Constitution Committee meeting –16th December 2013