

# MINUTES

CONSTITUTION COMMITTEE  
MONDAY, 16 DECEMBER 2013



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## COMMITTEE MEMBERS PRESENT

Councillor Vic Kerr  
Councillor Alan Parkin (Vice-Chairman)  
Councillor Rob Shorrocks  
Councillor Mrs Jean Taylor  
Councillor Raymond Wootten (Chairman)

## OFFICERS

Head of Legal and Democratic Services (Lucy Youles)  
Service Manager Environmental Health (David Price)  
Democratic Officer (Lucy Bonshor)

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### 35. MEMBERSHIP

The Committee was notified that Councillor Mrs Jean Taylor was substituting for Councillor Auger for this meeting only.

### 36. DISCLOSURE OF INTERESTS

None disclosed.

### 37. MINUTES OF THE MEETING HELD ON 23RD SEPTEMBER 2013

The recommendations made at the meeting on 23rd September were agreed as a correct record.

### 38. AMENDMENTS TO THE CONSTITUTION

#### Authorisation of PCSO's to issue fixed penalty notices

#### Recommendation

*That the Constitution Committee recommends to Council that the Scheme of Delegation to officers is amended to include the delegation to Police Community Support Officers (PCSOs) to serve fixed penalty notices.*

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Members had before them report ENV595 from the Service Manager Environmental Health which concerned a request on behalf of the Chief Constable asking if Police Community Support Officers (PCSOs) could be authorised by the Council to carry out various fixed penalty enforcement:

- Power to issue fixed penalty notices for littering
- Power to issue fixed penalty notices in respect of offences under dog control orders
- Power to issue fixed penalty notices for dog fouling and
- Power to issue fixed penalty notices for graffiti and fly-posting

The request would mean an amendment to the Scheme of Delegation to include PCSOs. The Service Manager then briefly gave some back ground information about officer training for both Environmental Health Officers and Housing Officers. The delegation to the PCSO's would supplement the delegations already in place and help act as a deterrent to littering and dog fouling. The delegation would help to mitigate any challenge that the Council may get to the issue of fix penalty notices by PCSO's.

One Member stated that a lot of dog fouling occurred after dark and it was confirmed that PCSO's were on duty until 10pm at night. A question was asked about the use of CCTV and the Head of Legal and Democratic Services replied that although CCTV could detect offences a name and address had to be identified.

Another Member then asked for clarity about the role of PCSO's with regard to fixed penalty notices to which the Head of Legal and Democratic Services confirmed that PCSO's would act as "agents" on behalf of the Council. It was, therefore, appropriate that, where the power existed for PCSO's to carry out a function, the authority to act on behalf of the Council was formally delegated. Further questions were asked about the dog warden and also the number of fixed penalty notices issued to which the Service Manager Environmental Health confirmed that the dog warden was contracted to deal with stray dogs and that 4 notices had been issued in respect of dog fouling in the past year.

It was then proposed, seconded and agreed that the addition of PCSO's to the Scheme of Delegation be recommended to Council.

### **Members' Remuneration**

#### **Recommendation;**

***That the Constitution Committee approves, in principle, the following recommendations subject to a suitable appeals process being put in place in respect of claims that have been 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.*

Members had before them report LDS114 which concerned recommendations to the Constitution in respect of Members' Allowance Scheme following an internal audit of Members' allowances and expenses.

The Head of Legal and Democratic Services said that due to the timescales of the meetings it had been brought to the Constitution Committee before Governance and Audit Committee in order that if they wished they could give an in principal decision subject to any decision made by the Governance and Audit Committee which would be forwarded to Council at its meeting on 23rd January 2014.

The recommendations had been made to mitigate risk and improve controls. Members should have appropriate vehicle insurance for business purposes and one of the recommendations was that the Constitution should include a requirement in the Members Allowance Scheme that a copy of that insurance should be provided to the Council each year.

The other recommendation related to broadband allowance for co-habiting Members, only one claim could be made per household. A discussion then followed about what was meant by co-habiting and whether or not there was any appeal process for either of the recommendations. The Head of Legal and Democratic Services confirmed that there was no formal appeals process for either of the recommendations and it was proposed that this be included within the recommendation. On being put to the vote it was proposed, seconded and agreed that the Constitution Committee agreed in principle with the recommendations subject to the inclusion of a suitable appeals process and the agreement of the Governance and Audit Committee.

## **39. CONSTITUTION REVIEW**

Members had been circulated with a draft of Article 4 which incorporated all elements concerning Council meetings. The Committee was asked if they were happy with the formatting and the proposals to continue in this format for the regulatory committees, all other Committees, Cabinet and the PDG's.

A comment was made about amendments to the clauses written and reference was made to the 24 hours required for Public Speaking at Development Control Committees, it was suggested that this should be amended to three working

days to take account of bank holidays.

Further comments were then made about other clauses (specifically viii currently on page 120 of the Constitution and the inclusion of questions to Members of the Cabinet/Leader at Ordinary Council meetings) the Member proposed that clause viii be reviewed however it did not receive a seconder. The Member asked how clauses within the constitution could be reviewed and discussed by the Committee. The Head of Legal and Democratic Services advised the Committee that the second issue that he had raised was currently being looked at by a Working Group of the Engagement PDG. A short discussion followed and it was suggested that the Member forward to the Head of Legal and Democratic Services those clauses that he felt required review and these would be considered for discussion by the Committee at their next meeting.

The Chairman then asked the Committee if they were happy with the formatting that had been done to date in order that it could be progressed to which the Committee agreed.

#### **40. CLOSE OF MEETING**

The meeting closed at 11.08am.