

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 13 JUNE 2011



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Reginald Howard
Councillor Alan Parkin

Councillor Adam Stokes (Vice-Chairman)
Councillor Raymond Wootten (Chairman)

OFFICERS

Head of Finance (Richard Wyles)
Head of Legal & Democratic Services
(Lucy Youles)
Democratic Officer (Lucy Bonshor)

OTHER MEMBERS

Councillor Helen Powell

1. MEMBERSHIP

Councillor Howard was substituting for Councillor Susan Sandall for this meeting only.

2. DECLARATIONS OF INTEREST

The Chairman referred to the item relating to members' allowances on the agenda and asked if all Members needed to declare an interest. The Head of Legal and Democratic Services replied that the issue came under exceptions to declaring a prejudicial interest (payment, allowances) under the Members Code of Conduct. She confirmed no declaration of a prejudicial interest was required so far as it related to members' membership of the Council.

3. MINUTES OF THE MEETING HELD ON 11TH APRIL 2011

The minutes of the meeting were agreed as a correct record of the decisions taken.

4. AMENDMENTS TO THE CONSTITUTION Minor Amendments to the Constitution

Recommendation

The Constitution Committee recommends the following changes to the Constitution:

- 1) *At page 129 – part 4 – rule 13, section 16 (xvi) is amended to refer*

to rules 21.4 and 21.5 instead of rules 21.3 and 21.4.

- 2) At page 140 - Rule 24.5 (i), (ii), (iii) and (iv) is amended to refer to paragraph (i) and (ii)**
- 3) At page 178 – clause 7 is amended to refer to Council Procedure Rule 1.1(viii) and Council Procedure Rule 1.1(xiii) is re-numbered (xi)**

It was further agreed that in future minor anomalies/in accuracies such as those listed above found within the Constitution can be amended by officers and a report listing the amendments be submitted by the Head of Legal & Democratic Services to future meetings of the Constitution Committee.

Members had been circulated with report LDS024 which highlighted minor amendments required to the Constitution to correct in accuracies and typographical errors. The amendments were at pages 129,140 and 178 of the Constitution and the Head of Legal and Democratic Services went through each amendment. It was suggested that in future minor in accuracies and anomalies of this nature could be amended by Officers and a report submitted to the Constitution Committee by the Head of Legal & Democratic Services detailing the amendments. Members agreed with the suggestion and this together with the amendments outlined by the Head of Legal & Democratic Services were moved, seconded and agreed.

Member Allowances

Recommendation

The Constitution Committee recommends to Council that the Members Allowance Scheme within the Constitution be updated to reflect the change in the mileage rate allowance for 2011/12 to 45p per business mile in line with Her Majesty's Revenue and Customs (HMRC) tax threshold rate from 9th May 2011 being the start of the current term of office.

The Head of Finance present his report HOF162 which followed the changes made at HMRC which made in necessary to incorporate the increase in business mileage payment into the members allowance scheme.

The Head of Finance briefly outlined the history to the current allowance scheme, the current scheme being originally introduced in 2006 and The Independent Remuneration Panel (IRP). At the September meeting of the Council it was agreed that the IRP would carry out a full review of the current scheme including special responsibilities and an assessment of member time allocation. The mileage allowance payments had remained unchanged since 2002/03 and were the same as that applied to staff. The HMRC has increased the rate from 40p to 45p per mile for the first 10,000 business miles in any tax

year. (Mileage allowance payments are payments that are made to officers and members in relation to their use of their own vehicle for business travel). This is the first increase to the level since 2002/03 when at that time a litre of un-leaded petrol cost 69.9p compared with an average price of 135.9p per litre today.

Members were asked to agree to amend the Members Allowance scheme to incorporate the change.

A Member asked a question about the existing reimbursement process to which the Head of Finance replied it would remain the same.

The Head of Legal & Democratic Services reminded members that they were not approving the increase in cost but a constitutional change which was why it had been brought before the Committee. Members agreed with the proposed change and it was moved, seconded and agreed.

5. WORK PLAN

The Head of Legal & Democratic Services then referred to the work plan for the committee. She referred to the Members allowance scheme that had been discussed earlier and suggested that perhaps this was something that the Committee would like to look at, was it in the correct place; would it be better accessed on the website? She then referred to Article 4 at page 40. The details contained within this section must detail full council and some of the items currently listed had been changed or were no longer fit for purpose.

It was AGREED that a paper on Article 4 be submitted to the next meeting of the Committee.

Further issues such as the responsibility for local choice functions at page 87 of the Constitution needed to be kept up to date and required amendments from time to time. Members:

AGREED that a paper on the Responsibility for Local Choice Functions be submitted to the Committee

Article 18 of the Constitution was another area which needed to be reviewed. This dealt with amendments to the Constitution and due to re numbered pages and sections was not fit for purpose.

It was AGREED that a review of Article 18 be added to the work programme.

The Chairman asked Members if they had any suggestions of areas of the Constitution for the Committee to look at. One Member asked if the issues already put forward were urgent enough to hold an extra meeting. The Head of

Legal & Democratic Services replied that a review was required to ensure they were fit for purpose, an extra meeting however, was not required.

6. FUTURE MEETINGS

The following issue was dealt with as a matter of urgency due to the need to inform Members of the Committee when future meetings would be held.

The Chairman informed the Committee that he would continue to hold future meetings of the Committee in the morning commencing at 10.30am. One Member indicated that he would prefer an afternoon meeting, however, the majority of those present preferred a morning meeting.

It was AGREED future meetings of the Constitution Committee would be held in the morning with the meetings starting at 10.30am.

The Chairman referred to references of “he” or “his” within the Constitution; surely this should refer to both genders. The Head of Legal & Democratic Services replied that as changes were made to the Constitution the “he” “his” was replaced by “he/she” or “his/her”. It was suggested that perhaps member should replace he/she, his/her. However, Members of the Committee felt that it should be he/she or his/her.

The Chairman of the Development Control Committee who was also a member of the Constitution Committee referred to the notification period for speaking at a Development Control Committee. In the Constitution it specified notification had to be 24hours before the meeting which caused problems when a bank holiday preceded the committee, he asked if this could be changed to working day rather than 24 hours. A paper would be put together for the Committee to consider.

Another Member raised the issue of substitutions and why they were not allowed on the Licensing Committee. The Head of Legal & Democratic Services replied that specific training had to undertaken by Members before they could attend the Licensing Committee but she did not have the legislation to hand about substitutions.

It was AGREED that the Committee be supplied with the relevant legislation confirming that substitutions are not allowed on the Licensing Committee.

7. CLOSE OF MEETING

The meeting closed at 11.25am.