

Minutes of the meeting of the **GOVERNANCE** Committee held at the Council Offices, Whitfield on Tuesday 4 April 2011 at 6.00 pm.

Present:

Chairman: Councillor M D Conolly

Councillors: M R Eddy
C E Kirby
J C Record

Officers: Director of Governance
Senior Democratic Services Officer

Apologies for absence were received from Councillors B W Bano and D A Mayes.

531 MINUTES

The Minutes of the meeting of the Committee held on 16 March 2011 were approved as a correct record and signed by the Chairman.

532 CHANGES TO THE CONSTITUTION 2011

The Committee considered the detailed report of the Director of Governance on the changes to the Council's Constitution which had been identified by a recent review undertaken by officers. The three Inquiry Reports, together with their respective appended documents, set out changes which had already been approved by Cabinet and/or Council decisions, legislation changes or to regularise existing practices; Constitutional changes to the Members' Allowances Scheme 2011/12; and amendments which reflected the New Executive Arrangements.

The Inquiry Reports would also be considered by Council at its meeting to be held on 6 April 2011 and a few minor amendments were suggested together with correction of typographical errors in the text.

Inquiry report 2 on Constitutional amendments to the Members' Allowances Scheme recommended that the Special Responsibility Allowances for the Chairman and Vice-Chairman of several Committees and Fora be removed. Concern was expressed that the General Purposes Committee exercised the power and functions of the Council, within the Budget and Policy framework, and it had further been recommended that it should take on the functions of the Appeals Committee. Although the General Purposes Committee met on an ad hoc basis the responsibility placed on the Chairman and Vice-Chairman of that Committee should be recognised by a Special Responsibility Allowance. Therefore the recommendation to Council in Inquiry Report 2 should be amended to remove reference to the General Purposes Committee.

Committee asked that consideration be given to the effects of the present budget cuts on the Council's functions and a Risk Management report be brought to a future meeting.

RESOLVED: (a) To recommend to Council:

- (1) That the following changes set out in Inquiry Report 1 be made to the Constitution as a

consequence of Cabinet and/or Council decisions, changes to legislation or to regularise existing practices:

- (i) the amendments set out in paragraphs 4.2 to 4.7, 4.9, 4.10, 4.12 and 4.13 of this report which had previously been decided by Council, be noted;
- (ii) the amendment to Part 2, Articles of the Constitution, Article 12 – Officers, set out in paragraph 4.1 of this report, be approved;
- (iii) the amendment to Part 4, Rules of Procedure, Access to Information Procedure, as set out in paragraph 4.8 of this report, be approved;
- (iv) the amendment to Part 4, Rules of Procedure, Officer Employment Procedure Rules, as set out in paragraph 4.11 of this report, be approved;
- (v) the amendment to Part 2, Articles of the Constitution, Article 15 – Review and Revision of the Constitution, as set out in paragraph 5.1 of this report be approved;
- (vi) the Appeals Committee be abolished and its powers transferred to the General Purposes Committee as set out in paragraph 5.2 of this report;
- (vii) the Licensing Policy Advisory Committee be abolished as set out in paragraph 5.3 of this report;
- (viii) *subject to the words "Services of Officers" being altered to "services of officers"*, the amendment to the Scheme of Officer Delegations for Executive functions set out in paragraph 5.4(a) of the report be approved;
- (ix) the amendment to the Scheme of Officer Delegations for Executive functions set out in paragraph 5.4(a) of this report which are subject to approval by the Leader of the Council be noted;
- (x) the changes to Part 3 of the Constitution Responsibility for Functions, as set out in Annex 6 to this report, be approved;

- (xi) the amendment to Part 4, Rules of Procedure, Council Procedure Rules (1)(1.1)(xiv) – State of the District, as set out in paragraph 5.5 of this report, be approved;
 - (xii) the amendment to Appendix 1 of the Constitution, Proper Officer Appointments for Specified Statutory Purposes, as set out in paragraph 5.6 of this report be approved.
- (2) That the following changes set out in Inquiry Report 2 be made to the Constitution, Members' Allowance Scheme 2011/12:
- (i) the amendments made by the Director of Finance to Part 6, Members' Allowance Scheme as set out below be noted:
 - (A) the Basic Allowance be reduced by 10% from £4,223.00 per annum to £3,800 per annum;
 - (B) all Special Responsibility Allowances be reduced by 10% as shown in annexe 1 to this report, with exception of those listed at C below;
 - (C) the Special Responsibility Allowance for the Chairman and Vice-Chairman of the Appeals Committee, Joint Staff Consultative Forum, Joint Health, Safety and Welfare Consultative Forum, and the Licensing Policy Advisory Group be removed;
 - (D) *the Special Responsibility Allowance for the Chairman and Vice-Chairman of the General Purposes Committee be retained and the Democratic Services Manager in consultation with the Leader of the Council be requested to identify means of funding the adjusted savings.*
 - (ii) the views of the East Kent Joint Independent Remuneration Panel be noted;
 - (iii) the £15.00 per month broadband payment (£180 per annum) be consolidated into the Members' Basic Allowance with effect with effect from the start of the municipal year

2011/12 in order to reduce administrative costs and provide increased transparency;

- (iv) the Members' Allowance Scheme for 2011/12, as set out in annexe 2 of this report, be approved and adopted.
- (3) That the changes set out in Appendix 1 to Inquiry Report 3, New Executive Arrangements, be approved with effect from 8 May 2011.
- (b) That a report on a revised Risk Management Strategy in respect of the effects of the present budget cuts on the Council's functions be brought to the September meeting of the Committee.

The meeting ended at 7.05 pm.