

GENERAL PURPOSES COMMITTEE

TUESDAY, 18TH MAY, 2010

PRESENT: Councillor A Carter in the Chair

Councillors S Bentley, A Blackburn,
J Blake, R Brett, P Gruen, E Nash,
J Procter and K Wakefield

Apologies Councillor N Taggart

45 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents.

46 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

47 Late items

In accordance with his powers under Section 100 B (4) (b) of the Local Government Act 1972, the Chair admitted to the agenda three late reports which were as follows;

- (1) Responding to recommendations of the Independent Remuneration Panel;
- (2) Changes to Licensing Arrangements; and
- (3) Overview and Scrutiny - Proposed Changes to Overview and Scrutiny.

The late items were admitted because the Labour Group wanted to put forward a number of proposals regarding amendments to the Constitution which required consideration in advance of the Annual Council Meeting.

48 Declaration of Interests

No declarations of interest were made either under this item or at any stage during the meeting.

49 Apologies for absence

Apologies were received from Councillor N Taggart.

50 Minutes of the Previous Meeting - 8th February 2010

RESOLVED - That the minutes of the General Purposes Committee meeting held on 8th February 2010 be approved as a correct record.

51 Employment Committee Terms of Reference

The Principal Legal Officer (Corporate Governance) presented a report of the Assistant Chief Executive (Corporate Governance). The report asked the Committee to make recommendations to full Council about amendments to the Employment Committee's terms of reference to provide additional functions:

- to consider grievances against the Chief Executive and related appeals;
- to take disciplinary action short of dismissal against the Chief Executive; and
- to give the Committee the power to suspend the Chief Executive, Monitoring Officer and Director of Resources.

This would ensure that the Council has clear processes and procedures for regulating the conduct of all its officers, and for dealing with any grievances they may have.

Members discussed the report, specifically who would be able to take disciplinary action and what the role of the Employment Committee would be.

RESOLVED - The General Purposes Committee resolved to recommend to full Council that the Employment Committee's terms of reference should be amended as set out in Appendix B of the report.

52 Licensing Arrangements

The Section Head Regulatory and Enforcement (Corporate Governance) presented a report of the Assistant Chief Executive (Corporate Governance). The report informed Members of proposed amendments to the constitution relating to the Council's licensing arrangements and asked the Committee to consider and recommend the proposed amendments to full Council.

RESOLVED – Members of the General Purposes Committee resolved to recommend to full Council that:

- (a) the function of making an Alcohol Disorder Zone is a function which relates to the licensing functions of the Licensing Committee and should be delegated by full Council to the Licensing Committee;
- (b) the Licensing Committee's terms of reference be amended as set out in Appendix 1 of the report;
- (c) the Licensing and Regulatory Panel's terms of reference amended as set out in Appendix 2 of the report;
- (d) Article 8A be amended to clarify that the Licensing Committee can carry out functions that are not licensing functions but which are referred to it by virtue of the powers in Section 7 of the Licensing Act 2003 and also to require members to undergo compulsory training as requested by Member Management Committee as set out in Appendix 3 of the report; and

- (e) amendments be made to the Assistant Chief Executive (Corporate Governance) (Council (non – executive) functions) to delegate the power to licence sexual entertainment venues.

53 Overview and Scrutiny - Proposed Changes and Amendments to the Constitution

The Head of Scrutiny and Member Development presented a report of the Chief Democratic Services Officer. The report asked the Committee to make recommendations to full Council in respect of the Overview and Scrutiny function following the officer annual review of the Constitution.

Members discussed the report, particularly the number of Scrutiny Boards which should be retained. The focus of the discussion was the financial implications of reducing the number of Boards, and the implications arising in relation to the work-load of the Scrutiny Board (City and Regional Partnerships), being shared amongst the other Scrutiny Boards.

An amendment to the item was proposed in relation to substitute arrangements. Members considered whether substitutes should be permitted during scrutiny meetings and the conflicting needs to secure continuity of membership, and sufficient attendance at meetings.

RESOLVED - The General Purposes Committee resolved to recommend to full Council to;

- (a) to amend Article 6 as set out in Appendix 1 to the report;
- (b) to amend the Scrutiny Boards Terms of Reference as set out in Appendix 2 to the report;
- (c) to amend the Scrutiny Board Procedure Rules as set out in Appendix 3 to the report, with an additional amendment to Rule 4, to widen substitute arrangements at Scrutiny Boards so that substitutes can attend Scrutiny Board meetings;
- (d) designate the post of Head of Scrutiny and Member Development, as its Scrutiny Officer in accordance with Section 21ZA of the Local Government Act 2000; and
- (e) retain the seven Scrutiny Boards

54 Review of Call in Procedure Rules

The Head of Scrutiny and Member Development presented a report of the Chief Democratic Services Officer. The report reviewed the requirement to have original signatures on Call-in request forms in the light of 12 months operational experience and the comments of Members identified. The report also provided an analysis of Members involved in Call-in.

Members discussed the merits of having original signatures on Call-in request forms and that original signatures should continue to be requested.

RESOLVED – The General Purpose Committee resolved to recommend to full Council to retain the current requirement in the Scrutiny Board Procedure Rules for an original signature to requests for Call-in, subject to a further review of the requirement in a year’s time.

55 Annual Review of the Constitution

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) asking the Committee to recommend to full Council, amendments to the Constitution, following the annual review of the Constitution.

Members particularly discussed:

- amendments proposed to Article 16 which related to the distribution of hard copies of the constitution. Members felt that the constitution should still be circulated in hard copy to ensure as many people as possible could have access to it and agreed that this amendment should not be made;
- the Officer Delegation Scheme – Council (non executive functions) footnotes which refer to the further delegation of functions by the Directors and Chief Officers to whom they are delegated being amended to read “may arrange for such delegation to be exercised by an officer of suitable experience or seniority” rather than “experience and seniority”. Members considered when appointments are made to officers with delegated authorities they should be competent to exercise the functions of the post. Members further indicated that Directors and Chief Officers could ask full Council to extend their power to sub-delegate on a case-by-case basis and therefore agreed that this amendment should not be made; and
- amending Article 13 to amend the Guidance notes on Delegated Decision Making to exclude from the definition of a Key Decision, decisions made in relation to making, payment or borrowing of loans under treasury management or to the purchasing of energy under existing energy contracts. Members discussed how accountability could be retained for such decisions. The Assistant Chief Executive (Corporate Governance) clarified that the power to purchase energy contracts could be subject to consultation with the appropriate Executive Member.

RESOLVED - General Purposes Committee resolved to recommend to full Council amendments to the Constitution to:

- (a) the summary and explanation, as set out in Appendix 1 to the report;
- (b) Article 1, as set out in Appendix 2 to the report;
- (c) Article 3, as set out in Appendix 3 to the report;
- (d) Article 4, as set out in Appendix 4 to the report ;
- (e) Article 9, as set out in Appendix 5 to the report;

- (f) Article 12, as set out in Appendix 6 to the report;
- (g) Article 13, as set out in Appendix 7 to the report;
- (h) the Standards Committee's terms of reference, as set out in paragraph 3.14 of the report;
- (i) the Corporate Governance and Audit Committee's terms of reference set out in Appendix 9 to the report;
- (j) the Member Management Committee terms of reference, as set out in Appendix 10 to the report;
- (k) the delegation of the Assistant Chief Executive (Corporate Governance), as set out in Appendix 11 to the report;
- (l) the delegation to the Director of City Development, as set out in paragraph 3.23 of the report;
- (m) the delegation of the Chief Planning Officer, as set out in Appendix 12 to the report;
- (n) the delegation of the Chief Recreation Officer, as set out in Appendix 13 to the report;
- (o) the delegation of the Director of Environment and Neighbourhoods, as set out in paragraph 3.26 of the report, and to the post-titles of Chief Officers within that directorate, set out in paragraph 3.27 of the report;
- (p) the Council Procedure Rules as set out in Appendix 14 to the report;
- (q) the Outside Bodies Procedure Rules, as set out in Appendix 15 to the report; and
- (r) note the consequential amendments which the Assistant Chief Executive (Corporate Governance) proposes to make under her delegated authority to the Guidance Notes on Delegated Decision Making, should full Council approve the amendments to the Officer Delegation Scheme and to Article 13.

56 Work programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2010/11.

RESOLVED - Members resolved to agree that the draft work programme for the 2010/11 year be noted.

57 LATE ITEM - Responding to recommendations of the Independent Remuneration Panel

The Assistant Chief Executive (Corporate Governance) presented a report of the Chief Democratic Services Officer which asked the General Purposes Committee to consider recommending to Council that the Constitution be amended with respect to how recommendations of the Council's Independent Remuneration Panel are taken into account when varying the Members' Allowances Scheme.

Members discussed the current financial climate, the recent national expenses scandal and the subsequent need to ensure that Members lead by example in terms of ensuring allowances are reasonable, fair and not increased if Officers pay remains frozen.

RESOLVED - The General Purposes Committee resolved to recommend to full Council to amend the Members Allowances Scheme, so that no annual updating should take place for two years.

58 LATE ITEM - Changes to Licensing Arrangements

The Committee discussed the proposals in the report and requested further information from officers on changes to licensing arrangements.

RESOLVED - The General Purposes Committee resolved to;

- (a) defer consideration of this matter; and
- (b) request a further report considering the merger of the Licensing Committee and the Licensing and Regulatory Panel which should be added to the work programme and considered at the earliest opportunity in the new municipal year.

59 LATE ITEM - Overview and Scrutiny - Proposed Changes to Overview and Scrutiny

RESOLVED - The Committee resolved to withdraw the item.