

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Monks Walk, Shefford on Thursday, 17 July 2014

PRESENT

Cllr P Hollick (Chairman)

Cllrs A L Dodwell
D Jones
M R Jones
D J Lawrence
Mrs J G Lawrence

Cllrs K C Matthews
J Murray
R B Pepworth
M A G Versallion

Apologies for Absence: Cllrs J G Jamieson
R C Stay

Substitutes: Cllrs A Shadbolt (In place of J G Jamieson)

Members in Attendance: Cllrs P N Aldis
R D Berry

Officers in Attendance: Mrs K Aspinall – Consultation Manager
Mrs M Clay – Chief Legal and Democratic Services Officer
Mrs M Damigos – Corporate Lawyer
Mr R Gould – Head of Financial Control
Mr L Manning – Committee Services Officer
Ms M Peaston – Committee Services Manager
Mrs G Stanton – Chief Communications Officer

GPC/14/15. **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 29 May 2014 be confirmed and signed by the Chairman as a correct record.

GPC/14/16. **Members' Interests**

None.

GPC/14/17. **Chairman's Announcements and Communications**

None.

GPC/14/18. **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/14/19. **Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

GPC/14/20. **Webcasting**

Members considered a report of the Executive Member of Corporate Resources which set out a proposed approach for the introduction of webcasting to provide simultaneous broadcasting and recording of certain meetings in the Council Chamber at Priory House. If implemented the webcasting would enable the public to regularly view meetings of full Council, Executive and Development Management Committee off site. In addition, the report included a draft protocol for webcasting, recording and the use of social media in the Council's meetings.

The Chief Communications Officer introduced the report, referring to the increasing demand for government openness at both national and local level. She stated that webcasting already took place at a variety of local authorities, had done so for a number of years and was no longer regarded as being unusual. The Chief Communications Officer next referred to the changing nature of mass communication and to 'Open and Accountable Local Government', the draft guide for the press and public on attending and reporting local government meetings recently issued by the Department for Communities and Local Government. A copy of the draft guide was attached at Appendix A to the report. She drew Members' attention to the new rights for the public set out within the draft guide which required councils to allow any member of the public to photograph, film and audio-record meetings without permission. The Chief Communications Officer stressed that, as a result, it was important that the Council retained its own, complete record of events and webcasting could provide the means of doing so.

The Chief Communications Officer continued her introduction to the Executive Member's report, outlining the proposed approach for introducing webcasting, the preparation and review arrangements, the review mechanisms and a proposed timetable which would see the implementation of the system by December 2014.

Full discussion then took place with Members considering the issues both for and against the adoption of webcasting and the timeframes enabling review before the rolling out of webcasting for additional committees.

Various concerns were raised in relation to absence of any protection for Members in the form of the equivalent of 'Parliamentary Privilege' when speaking in meetings and the possible manipulation of recordings made by some members of the public. With regard to the latter it was felt that a full recording of all meetings was valuable no matter where the meeting was held. It was noted that with the availability of webcasting, it might become unnecessary to hold certain meetings close to the affected communities as those interested in the issue could watch a webcast. However, it was also suggested that webcasting could lead to the encouragement of inappropriate behaviour by some Members in the form of 'grandstanding' and the number of webcasted meetings could be restricted or the introduction of webcasting delayed until after the elections in May 2015. A query was raised regarding the financial implications of webcasting and the possible augmentation of the existing public address system in the Council Chamber was suggested as a way of reducing costs. With regard to the possibility that other meetings held in the Council Chamber, such as those of the overview and scrutiny committees, be webcast if there was sufficient public interest the meeting was reminded that some meetings involved lay Members and concern was expressed that webcasting could dissuade them from participating.

In response to concerns regarding the financial implications of webcasting the meeting was advised that full research had been undertaken with other local authorities on this matter to establish the likely costs involved. With regard to lay Member participation the officers advised that full training would be offered to non-councillors as well as to Members. Members concurred that the proposed protocol for webcasting, recording and the use of social media at the Council's meetings, as set out at Appendix B to the report, should be amended to include reference to lay member(s) of a committee where appropriate.

With regard to grandstanding, it was acknowledged that the proposed timing of the introduction of webcasting was unfortunate but it was also stated that this activity already took place.

Other Members viewed the adoption of webcasting as both inevitable and beneficial. The recording of meetings in some way by the public already took place and the Secretary of State for Communities and Local Government had made clear his determination to allow the public to undertake photography, filming and audio-recording at local authority meetings without the need for a council's permission. It was acknowledged that whilst the minutes of a meeting would remain the formal legal record the absence of a full, official recording of proceedings in the form of a webcast would leave the Council without a defence against the manipulation or editing of private recordings by individuals or organisations. To this end it was felt that the options for providing webcasting from other meeting rooms and venues besides the Council Chamber should be investigated.

It was noted that the current system within the Council Chamber was unable, in its current state, to provide a webcasting service and its upgrading would be expensive.

Last, whilst it was not possible to prevent members of the public from editing their own recordings it was to the Council's benefit to ensure that an official recording was made and publically available. It could also encourage public engagement. Further, if images were manipulated by an individual or organisation in a way which defamed a Member or officer then legal action could be taken.

RECOMMENDED TO COUNCIL

- 1 that the implementation of webcasting for meetings of the full Council, Executive and Development Management Committee, when held in the Council Chamber at Priory House, be approved and the following timetable adopted:**
 - a Initiation of procurement of a webcasting system in October 2014;**
 - b Preparation phase for Members and officers through briefing sessions and notes in November 2014;**
 - c Implementation of a system by December 2014**
- 2 that options for the provision of a mobile webcasting solution to enable webcasting from other meeting rooms and venues be explored.**

RESOLVED

- 1 that, subject to the adoption of the recommendations above, the provisions suggested in the report of the Executive Member for Corporate Services to prepare Members and officers for the implementation of webcasting be approved;**
- 2 that the proposed approach to reviewing the new system, to assess the extent to which the equipment, procedures and officer support are meeting operational requirements, be approved;**
- 3 that the new draft protocol for webcasting, recording and using social media in the Council's meetings, attached at Appendix A to these minutes, be approved subject to the inclusion of a reference to lay (or co-opted) Members where appropriate.**

GPC/14/21. Standards Complaints - Annual Report

The Committee considered the annual report on ethical standards complaints and related issues for 2013/14 by the Chief Legal and Democratic Services Officer/Monitoring Officer. The Chief Legal and Democratic Services Officer/Monitoring Officer first apologised for the late circulation of her report which was due to capacity issues. She then introduced the report which set out information on the following matters:

- The Code of Conduct
- The Register of Interests

- Independent Persons
- Complaints
- Training
- Conclusion and Next Steps

The meeting was aware that the report included an exempt Appendix D which set out a summary of Councillor Code of Conduct Complaints as at July 2014 and that exempt Appendix E, which was due to be tabled, set out complaints received in connection with one specific local authority during the 2013/14 municipal year.

Members were of the opinion that, given the relevance of the exempt reports to their discussions, further consideration of this item could only proceed following exclusion of the press and public.

RESOLVED

that further consideration of this item be deferred pending the exclusion of the press and public from the meeting.

GPC/14/22. Exclusion of Press and Public

RESOLVED

that in accordance with Section 100A of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following item of business on the grounds that consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

GPC/14/23. Standards Complaints - Annual Report (Conclusion)

Further to minute GPC/14/21 above, exempt Appendix E to the report of the Chief Legal and Democratic Services Officer/Monitoring Officer was circulated.

Discussion first took place on exempt Appendix D with particular reference to the following issues:

- the role of town and parish clerks and their training and development
- the resource implications which had arisen within the Legal Team as a result of the need to process the high number of standards complaints received in connection with town and parish councils
- the nature of the complaints received.

Members next focused on the problems experienced within the local council described in exempt Appendix E.

Possible remedial measures for the challenges being experienced within some town and parish councils were considered. In addition, the sanctions that could be imposed by Central Bedfordshire Council were noted.

RESOLVED

- 1 that authority be delegated to the Monitoring officer, in consultation with the Chairman of the General Purposes Committee, to amend the arrangements for dealing with standards allegations made under the Localism Act 2011;**
- 2 that both the Member's right and complainant's right to reject the Monitoring Officer's suggestion of a local resolution be no longer permitted and paragraph 9 of Part F2 of the Constitution be amended accordingly;**
- 3 that the Monitoring Officer submit an annual report to the General Purposes Committee setting out the resource implications of dealing with the standards complaints which had been received.**

(Note: at the conclusion of the above item all copies of exempt Appendix E were collected. The Committee then moved back into public session to consider its remaining business).

GPC/14/24. Constitution Update - Maintaining the Constitution

The Committee considered a report of the Executive Member for Corporate Resources which set out a proposed amendment to the Constitution to enable it to be maintained as an up to date document in a more efficient manner.

Members were aware that the Constitution provided for the Monitoring Officer to make urgent amendments to that document to give effect to any decision of the Council, or changes in the law, or minor amendments such as correcting errors, or to ensure that the Constitution was up to date, but only following consultation with the General Purposes Committee (paragraph 2.3 of Part A5 of the Constitution refers). The report suggested that the requirement for the Monitoring Officer to first consult the Committee before making the amendments of a type which did not require Members' discernment or evaluation, for example, spelling or typographical errors, resulted in unnecessary delay. In contrast, authorising the Monitoring Officer to make such amendments without needing to undertake consultation with the Committee would enable corrective action to be taken more quickly.

Members noted that it was suggested that the changes would be brought together and made on a monthly basis to enable the updating process to be managed in a timely way. It was also noted that an audit trail would be maintained through the Monitoring Officer's personal sign-off of the amendments and the retention of the document on file. In addition, it was proposed that a schedule of the changes would be prepared and submitted to the Committee on a six monthly basis so that Members were able to maintain an overview of the Constitution as it evolved.

The Committee indicated its full support for the proposed amendment to the Constitution and related action regarding the submission of update reports.

RECOMMENDED TO COUNCIL

that the Monitoring Officer be authorised to make urgent amendments to the Constitution to give effect to any decision of the Council or changes in the law, minor amendments such as to correct errors or to ensure that the Constitution is up to date, by amending the Constitution at Part A5, paragraph 2.3 through the deletion of the words “after consultation with the General Purposes Committee”;

RESOLVED

that, subject to the approval of the recommendation above, reports be submitted to the General Purposes Committee twice a year to update the Committee on any amendments which have been made to the Constitution following authorisation by the Monitoring Officer.

GPC/14/25. Constitution Update in Respect of Capital Programme Management and Asset Related Delegations

Members considered a report of the Executive Member for Corporate Resources which set out proposed amendments to the Constitution in respect of capital programme approval limits and asset related delegations which were found in Part I2 (Code of Financial Governance) and Part H3 (Scheme of Delegation by the Council and the Executive to Directors and other officers) of the Constitution respectively.

The Executive Member for Corporate Resources and Head of Financial Control introduced the report. Turning first to Part I2, the meeting noted that the current approval requirements for virements were the same for both revenue and capital budgets (paragraph 4.7 of the Code of Financial Governance refers). The proposed change would introduce higher values for capital virements, with cumulative values in excess of £500,000 requiring the approval of the Executive in place of the current figure of £200,000.

The meeting then noted that variations in cost of capital detailed business cases were approved in line with the values set out in the Code (paragraph 4.10.18 refers) and that it was proposed to increase the current limits in line with the threshold for Key Decisions with variations in excess of £150,000 requiring Executive approval and £500,000 requiring Council approval.

Members were aware that the Code (paragraph 5.7.1 refers) indicated that the Chief Finance Officer had responsibility for the production of an Asset Management Plan. The report stated that this responsibility rested more appropriately with the relevant Directors as was already set out in the Council's detailed Financial Procedures. The Chief Finance Officer's responsibilities (as set out in paragraphs 5.7.2 and 5.7.3) were to ensure that Council procedures

provided for the sound stewardship of all assets, including the disposal or acquisition of interests in land and buildings.

The Committee next considered the proposed amendments to Part H3 of the Constitution which set out the Scheme of Delegation. The delegations to the Director of Improvement and Corporate Services (paragraph 4.2 refers) included delegations specific to property and asset management and the report proposed amendments to remove duplication, align value limits with the existing criteria for Key Decisions and update references to specific asset plans and protocols.

Last, the Corporate Property Assets Disposal protocol guided the identification of assets surplus to service requirements. Council approval was required for individual disposals of land and property assets with an estimated receipt value in excess of £500,000. Any significant assets identified as being surplus to service requirements would be identified within the capital Programme and Budget which was recommended annually to Council. It was proposed to amend Part I2 (paragraph 4.10.2 refers) which detailed the components of the Capital Programme to include any surplus assets available for disposal.

Following the introduction a Member referred to the proposed changes to Part I2 and expressed concern over what he viewed as a further reduction in Member influence. In response the Executive Member for Corporate Resources reminded the meeting that the original approval limits had been adopted prior to the Council's creation in 2009. Further, from 2009 until the present, there had been few capital related issues so the need for any Constitutional change in this area had not been required. This situation had now altered and the Constitution required updating to ensure the current limits were in line with the threshold for Key Decisions. Another Member reminded the meeting that the limits had been set at a level below that of the former County Council and that experience indicated that these were too restrictive as Central Bedfordshire matured as a unitary authority.

RECOMMENDED TO COUNCIL

that Parts I2 and H3 of the Constitution be amended, as set out at Appendices B and C to these minutes.

(Note: As permitted under paragraph 9.5 of Part E3 of the Constitution, Councillor J Murray requested that his vote against the above recommendation be recorded.)

GPC/14/26. General Purposes Committee - Work Programme for 2014/15

Members considered a report by the Chief Legal and Democratic Services Officer setting out the Committee's proposed work programme for the 2014/15 municipal year. The meeting noted the current absence of any items, besides the work programme itself, which were scheduled to be considered at the October 2014 meeting.

RESOLVED

- 1 that, subject to resolution 2 below, the proposed General Purposes Work Programme for the remainder of the 2014/15 municipal year, as attached at Appendix A to the report of the Chief Legal and Democratic Services Officer, be approved;**

- 2 that the meeting of the Committee scheduled to be held on 2 October 2014 be cancelled if there are no additional reports forthcoming.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.24 a.m.)

Chairman

Dated