

Central Bedfordshire Council

General Purposes Committee

25 June 2015

Constitution Update

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Purpose of this report

1. To consider matters for maintaining the Constitution.

RECOMMENDATIONS

The Committee is asked to:

1. note the amendments made by the Monitoring Officer under her delegated powers to maintain the Constitution, as set out in Appendix A;
2. **RECOMMEND TO COUNCIL the inclusion of provision for Members' ICT allowances in Part K of the Constitution, Members' Allowances Scheme, as shown in Appendix C.**

Overview and Scrutiny Comments/Recommendations

2. Amendment of the Constitution falls within the remit of the General Purposes Committee rather than overview and scrutiny.

General maintenance of the Constitution

3. The Monitoring Officer has been granted delegated powers to make urgent and minor amendments to the Constitution as set out in Part A5

paragraph 2.3 of the Constitution, and is required to report to the Committee at intervals on any amendments which have been made.

4. A schedule of the amendments which have been made since the last report to the Committee is attached at Appendix A, for the Committee to note.

Proposal to amend Part K, Members' Allowances Scheme

5. An omission has been identified in the Constitution. Currently the provision for ICT allowances for members of the Council is not set out in the Constitution, although the provisions were discussed and approved by the Executive in 2011.
6. The Executive, at its meeting on 23 August 2011, considered the best means for enabling Council members to be equipped at an appropriate level to carry out their duties including communicating with Members, Officers and others and also accessing committee papers and other documents electronically.
7. The Executive was seeking to change a provision which had enabled Members to make financial claims for ICT equipment under various provisions effective in the legacy authorities prior to the creation of Central Bedfordshire Council in 2009. Following the Executive's consideration and implementation of the new approach, such claims stopped.
8. A recommendation should consequently have been made to full Council to amend the Constitution with the provisions approved by the Executive. Unfortunately this was not taken forward and the Constitution remains unamended.
9. The Executive meeting was attended by a number of Councillors who were not members of the Executive, including the then- leaders of the two minority political groups on the Council. It has been customary at this Council for the Leader to permit non-Executive members to speak at meetings of the Executive. There is no record of adverse comments made by any non-Executive or Executive Members.
10. The relevant minute of that meeting of the Executive is attached at **Appendix B**.

Payment of ICT Allowances

11. The Executive's conclusions were treated as effective despite not being taken through the next governance processes. Payments have been made since 1 September 2011 in accordance with the Executive's principles.

12. The Council is required to publish the details of allowances paid to Members and the sums paid as ICT allowances have been included.

Appropriate way forward

13. It is proposed that the Constitution should now be amended to set out the details of provision for Members' ICT allowances. This would be by the insertion of a short paragraph and a schedule at Part K, Scheme of Members' Allowances, as shown in **Appendix C**.
14. The Committee's recommendations on this proposal would be referred for full Council's consideration at its meeting on 23 July 2015.

Council Priorities

15. Whilst not specifically addressing a Council priority this report draws to the Committee's attention issues for maintaining the Constitution, as the Council's rule-book.

Legal Implications

16. The Constitution should be maintained as an up-to-date document and the proposals contained in this report enable that requirement to be met.

Financial Implications

17. The Members' Allowances Scheme should be clear and complete to enable the transparency of payments made under it.

Equalities Implications

18. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
19. In making changes to the allowances scheme, consideration has been given to the need to ensure that Members are able to access information in a variety of ways as appropriate to their circumstances.

Conclusion and next Steps

20. Any recommendations by the Committee to amend the Constitution will be submitted to the next meeting of full Council, on 23 July 2015.

Appendices

- Appendix A – Schedule of changes made to the Constitution under the Monitoring Officer's delegated powers.
- Appendix B – minute of Executive held on 23 August 2011 on ICT Allowances
- Appendix C – proposed amendments to Part K of the Constitution, Members' Allowances Scheme.

Background Papers

21. The following background papers, not previously available to the public, were taken into account and are available on the Council's website:

None