

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 14, Priory House, Monks Walk, Chicksands on Thursday, 17 December 2015

PRESENT

Cllr Mrs J G Lawrence (Chairman)
Cllr G Perham (Vice-Chairman)

Cllrs L Birt
P Hollick
J G Jamieson
K C Matthews

Cllrs M A G Versallion
N Warren
B Wells
A Zerny

Apologies for Absence: Cllrs Mrs C F Chapman MBE
M R Jones

Substitutes: Cllrs D Bowater (In place of Mrs C F Chapman MBE)
D J Lawrence (In place of M R Jones)

Members in Attendance: Cllr R D Wenham

Officers in Attendance: Mrs K Aspinall – Consultation Manager
Mr Q Baker – Assistant Director Legal and Democratic Services (Interim) and Monitoring Officer
Mrs D Broadbent-Clarke – Director of Improvement and Corporate Services
Ms M Damigos – Corporate Lawyer
Mrs C Jones – Chief People Officer
Mr L Manning – Committee Services Officer
Mr J Partridge – Head of Governance
Ms M Peaston – Committee Services Manager

GPC/15/12. **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 25 June 2015 be confirmed and signed by the Chairman as a correct record.

GPC/15/13. **Members' Interests**

None.

GPC/15/14. **Chairman's Announcements and Communications**

None.

GPC/15/15. **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/15/16. **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/15/17. **Pay Policy Statement 2016/17**

The Committee considered a report which set out the draft Pay Policy Statement for 2016/17. Members noted that under the Localism Act 2011 local authorities were required to publish a comprehensive Pay Policy Statement and that the Statement should be reviewed and updated annually.

The Committee noted that the Localism Act had extended the requirements under the Code of Transparency to publish Chief Officer remuneration on the Council website, and also to ensure that full Council had the opportunity to approve senior appointments or severance arrangements outside of existing approved policies and pay arrangements.

The Committee was aware that the draft Pay Policy Statement before it reflected existing pay arrangements following the national pay award implemented in January 2015 and covered the period to 31 March 2016. No details of any pay awards after this date were known although there would be a requirement to implement the national living wage.

The meeting noted that the provisions of the Localism Act brought together accountability, transparency and fairness in setting local pay. Councillors were therefore required to take a greater role in determining pay to ensure that the decisions were taken by those who were directly accountable to local people. The Localism Act also ensured that communities had access to the information they needed to determine whether remuneration, particularly at a senior level, was appropriate and had also introduced requirements to ensure that a comparison was possible between the policies adopted on the remuneration of Chief Officers and other employees. For the period 2016/17 the ratio of pay of the Chief Executive to that of the median earner was 7.3:1 and the ratio of pay of the Chief Executive to that of the mean average salary was 6.7:1. Both of these ratios were below the expected multiples of 8:1 for the public sector as identified in the Hutton Review of Fair Pay in the Public Sector (2011). The

meeting noted that the Council's policy was that the Chief Executive's salary would be no greater than 8x the median earner.

RECOMMENDED TO COUNCIL

- 1 that the draft Pay Policy Statement 2016/17, as set out at Appendix A to these minutes, be approved and adopted;**
- 2 that, following approval and adoption, the Pay Policy Statement 2016/17 be published on the Council's website.**

GPC/15/18. Virtual Attendance at Meetings

The Committee considered a report which sought Members' preferred approach to virtual attendance by councillors at formal committee meetings.

The Committee was reminded that webcasting had been introduced to some of the Council's meetings as a way of encouraging residents and organisations to engage with meetings without the need to physically attend them. It was also noted that the use of Skype had been trialled at the Council to enable officers to attend informal meetings virtually although, due to the technical issues, experience had been mixed. In connection with this point the Executive Member for Corporate Resources emphasised that ICT was currently examining the options to implement a more stable, alternative, system of video conferencing and that it was hoped to provide Members with the ability to participate in informal Member/officer meetings using the adopted technology.

With regard to virtual attendance by Members at formal committee meetings of the Council, however, Members noted that, in order to be counted towards the quorum of a meeting and to be allowed to vote on a matter, a councillor was required, under the Local Government Act 1972 and as reflected in the Council's Constitution, to be physically present at a meeting. With this legal restriction in mind the Committee considered two possible options. The first retained the established mechanism by which Members unable to attend a committee could arrange for a substitute to do so on their behalf and/or for written questions on issues to be submitted for consideration at the meeting, whilst the second posited allowing virtual attendance at meetings by Members in their role as 'community leaders', although not as a member of a committee. With regard to the latter option the Committee noted the related implications, including the anticipated cost of the necessary IT infrastructure, staff training and requirement for attendance and operational protocols.

In response to a query the Head of Governance advised that a Member had raised the issue of virtual attendance by councillors at meetings as the result of that Member being unable to attend a meeting in person due to a prior commitment.

Discussion followed during which the possible advantages of virtual attendance by Members and officers at informal meetings, subject to the provision of reliable technology, were acknowledged. However, a Member commented that the public expected to see the councillors it had elected attend formal meetings

of the Council in person. The use of virtual attendance at such meetings risked the diminishing of Members' relationship with the public and a loss of public engagement. He added that a schedule of the Council's meetings was made available in good time so Members were aware of their commitments and could plan accordingly. Further, should they be unable to attend, well established measures such the appointment of a substitute or the submission of written questions, could be employed.

RESOLVED

- 1 that Option 1 be adopted and virtual attendance by Members at formal meetings of the Council be rejected;**
- 2 that support be given to the introduction of virtual attendance by Members at informal meetings when possible;**
- 3 that support be given for the introduction of webcasting at all formal Council meetings.**

(Note: Minute GPC/15/19 below also refers).

GPC/15/19. Webcasting Review

The Committee considered a report which summarised a recent review of webcasting of certain of the Council's formal meetings and recommended improvements to the service both technically and as a means of increasing transparency and participation in the Council's decision making. Further, as the result of a request for additional background information, an appendix (Appendix A to the report) containing further detail had been circulated as a supplement.

Members were aware that webcasting had been introduced earlier in the year for meetings of the Development Management Committee, Executive and full Council and a commitment had been given at that time to review webcasting after six months and report the outcome and any recommendations to the General Purposes Committee.

As part of the review comments on the service had been sought from all Central Bedfordshire Council Members, Council staff, including those officers directly involved with the implantation and operation of the service, and those members of the public who had viewed previous webcasts. The Committee noted that the feedback had supported an extension to the range of meetings that were webcast. Suggestions for improving the service had also been received.

The Committee was advised that whilst the stability of the webcasting equipment had been an issue technical improvements were scheduled to be made as part of a comprehensive upgrade of the Council's audio/visual facilities. It was also noted that some concerns had been expressed by Members regarding their awareness of the webcast because the filming was so unobtrusive. Members had also referred to situations where they were visible

in a webcast because they were sitting near to a speaker. The meeting was informed that, in response to this latter concern, alterations had been made to the scope of the image being shown. It was also proposed that additional awareness raising sessions on webcasting would be arranged for Members.

A Member referred to his experience of the webcasting of the Development Management Committee and reiterated the need for training to raise awareness of webcasting and how Members could, unwittingly, appear unprofessional in certain circumstances. He also referred to a technical issue relating to the microphones and the repeated need to turn these on and off at those points of the meeting when Members were seeking clarification from public speakers because the equipment was unable to cope with more than two users (the Chairman plus one other). In response the Executive Member for Corporate Resources stated that this issue would be considered as a part of the upgrade of the audio/visual facilities.

NOTED

the outcome of the review into webcasting at Central Bedfordshire Council.

RESOLVED

- 1 that the webcasting service be extended to cover all Overview and Scrutiny Committees;**
- 2 that the appropriate additional Member and officer support and training be provided on webcasting.**

(Note: Minute GPC/15/18 above also refers).

GPC/15/20. Annual Report on the Arrangements for Ethical Standards

The Committee considered a report which provided Members with a summary of the Council's ethical governance and arrangements since July 2014 and sought authorisation to amend Part F2 the Constitution by removing the opportunity for appealing against a finding of breach of the Code of Conduct by the Standards Sub-Committee.

The meeting was reminded of the Council's obligations under the Localism Act 2011 and the measures taken by the Council to meet its responsibilities with regard to ethical standards including the Code of Conduct, Register of Interests and the handling of complaints. The meeting also noted the success of the joint panel of Independent Persons in providing at least one Independent Person whose views would be sought and taken into account by the Monitoring Officer as part of the initial assessment and investigation stages of the procedure and by the Standards Sub-Committee itself during the hearing process.

Turning to the handling of complaints the Committee noted the procedure adopted by the Council as set out in Part F2 of the Constitution, a copy of

which was attached at Appendix A to the report. Members also noted the numbers of complaints received, their origins and the costs involved whilst Appendix B to the report showed the cumulative totals of complaints received since June 2012. Members were aware of the delays in dealing with historic complaints and how these had been dealt with in part by the implementation of a new tracking system and appointment of a Corporate Lawyer to assist with the work. The figures in Appendix B revealed that the processes in place were working well with both an increasing number of complaints being dealt with overall and the total number of complaints open at the end of each month being significantly reduced. The Corporate Lawyer informed the meeting that there were currently only two complaints outstanding, an existing complaint awaiting resolution and a new complaint which had been received at the end of the previous week.

The Chairman, on behalf of the Committee, congratulated the officers for their successful reduction of the number of outstanding cases.

Members noted the measures taken in connection with training and guidance for town and parish councillors and Clerks. The Committee also noted the action which had been taken with particular reference to improving the Council's own procedures and creating efficiencies when dealing with complaints. In particular, those complaints identified as minor were referred back to the town or parish council to resolve.

Following a query by a Member the Corporate Lawyer explained that all cases, including those referred back to town and parish councils to resolve, were recorded by this Council as a complaint.

The Committee next considered the process by which allegations were dealt with, including the right of appeal by either the complainant(s) or the subject Member as set out under paragraph 12 of Part F2 of the Constitution. The Assistant Director Legal and Democratic Services (interim) and Monitoring Officer, in response to a Member's query stated that anecdotal evidence suggested that 50% of comparator local authorities did not include an appeal stage. In support of the removal of this stage from this Council's Constitution he suggested that there was sufficient protection of rights through the involvement and input from the Independent Person in the procedure coupled with at least three impartial Members at the Standards Sub-Committee hearing to ensure sufficient safeguards. The Assistant Director Legal and Democratic Services (interim) and Monitoring Officer also drew Members' attention to the costs involved with the appeal process and commented that, in view of the above points and the limited grounds of appeal and restricted sanctions which could be imposed, the appeal process represented a disproportionate use of the Council's resources. He stressed that the removal of the right of appeal would not prejudice the subject Members but would reduce process times and ensure a more efficient use of resources. The Committee indicated its support for the removal of the appeal stage.

A Member sought the provision of mandatory training for town and parish councillors and referred to the challenging and unreasonable behaviour experienced from some. In response the Director of Improvement and Corporate Services informed the meeting that although this Council did provide

training it had no authority to require councillors to undertake it. The Corporate Lawyer commented that the Clerks to town and parish councils were advised to contact the National Association of Local Councils (NALC) for guidance on this issue. She added that unreasonable behaviour on a personal level had previously been countered to an extent by letters being sent from the Monitoring Officer to the councillors concerned.

Arising from a query regarding the failure to complete and submit declarations of interest forms within the statutory timescale of 28 days from the day of taking office the Corporate Lawyer stated that the Clerks to town and parish councils were fully aware of this deadline and the consequences as were the councillors themselves. This Council offered advice and actively pursued outstanding forms. She added that the failure to declare interests at meetings was of greater concern than a failure to keep a councillor's entries on the register of interests up to date.

NOTED

that Central Bedfordshire Council has complied with its obligations in respect of ethical standards under the Localism Act 2011 for the period since July 2014.

RESOLVED

that paragraph 12 of Part F2 of the Constitution, in relation to appeals from the Standards Sub-Committee under the 'Arrangements for Dealing with Standards Allegations under the Localism Act 2011', be deleted.

GPC/15/21. Proposed Amendment to the Constitution - Officer Decision Making

The Committee considered a report setting out proposed changes to the definition of a 'Key Decision' with the aim of clarifying the types of decision that were outside the scope of the definition.

Members were first reminded that the delegation of decision making powers to officers was important in enabling the Council to take decisions at the most appropriate level. Removing routine and relatively uncontroversial matters from full Council, Executive and other committees enabled those bodies to focus on major decisions of significant financial or strategic importance. In addition, some decisions were, due to their nature, most effectively dealt with through officer delegation with Executive Member oversight.

To assist Members the report outlined the basic principles of officer decision making including the location of the provisions relating to officer delegation contained in Parts C2, H3 and I2 of the Constitution.

The Committee then turned to consider Key Decisions, a full definition of which was set out in Part C2. The Assistant Director Legal and Democratic Services (interim) and Monitoring Officer explained that the original legal purpose of defining Key Decisions was to ensure that significant decisions were readily available for public scrutiny and this was achieved by requiring that notice of

forthcoming Key Decisions was made available to the public through the Council's Forward Plan. In view of the current definition of Key Decisions within this Council this had the effect of placing a financial limit of £200k revenue (£500k capital) on the decisions officers could take under the powers delegated to them. To avoid unnecessary restrictions arising there were specific exclusions from the scope of the definition and if the decision to be made involved expenditure falling within any of the categories listed it was not regarded as a Key Decision and could be implemented.

The meeting noted, however, that the exclusions referred to above did not include decisions relating to the provision of secure placements for children in care and specialist care packages for children and adults with disabilities. These types of placement and care packages could be considered as falling within the Key Decision criteria due to their cost and lifespan despite a general acceptance that these sorts of decision were dealt with more appropriately under officer delegation rather than through the Executive. The decisions were effectively based on highly sensitive information and clinical assessments by health professionals so there was little scope for a body such as the Executive to effectively engage in the usual decision making process. In view of this the Assistant Director Legal and Democratic Services (interim) and Monitoring Officer suggested that the list of exemptions set out in Part C2 of the Constitution be amended to include a specific category covering the provision of secure placements for children in care and specialist care packages for children and adults with disabilities or other conditions warranting the provision of such placements or packages with the aim of reducing uncertainty and introducing greater consistency.

Lengthy discussion took place on the provision of Member oversight of the proposed new exemption and how this could be implemented mindful that the situation relating to such cases was often extremely urgent and there was insufficient time for any form of consultation to be carried out with members of this Council. The Committee recognised the special issues relating to the proposed exemption but made clear its wish that the Executive Member for Corporate Resources be kept fully aware of decisions made under the new exemption because of the possible long term budgetary impacts.

RESOLVED

- 1 that the definition of 'Key Decisions' as set out in paragraph 1.3 of Part C2 of the Constitution be amended by the addition of the following:**

"1.3.6 The procurement of placements for children and of care packages, including residential care, for children and adults with disabilities or other conditions warranting the provision of such placements or packages subject to such decisions being reported to the Executive Member for Corporate Resources and the Executive Member for the relevant service area.";

- 2 that the Monitoring Officer implement the above amendment and take any action necessary or incidental to achieving that end.**

GPC/15/22. **Review of Petitions Scheme**

The Committee considered a report which set out information relating to the role of petitions, the Council's current petition scheme (covering both paper and electronic petitions) and any related concerns, and petition schemes used by other local authorities and other organisations. The report also outlined the hosting of e-petitions by commercial sites, in particular Change.org which had been used to create petitions which had been signed and submitted to the Council's Monitoring Officer for acceptance as valid petitions.

Members noted concerns had been expressed over the use of Change.org in that the petition creator had the ability to amend the wording at the top of the petition whilst it was live. However, Change.org had given assurances that any such amendment was the subject of an email to all previous signatories advising them of the change and giving them the opportunity to withdraw their signature. The meeting was advised that a further concern existed regarding the use of Change.org because, unlike the Council's own e-petition scheme, it was not possible to verify whether signatories lived, worked or studied within Central Bedfordshire. Given this situation the Committee was asked whether it felt petitions submitted with this restriction should be acceptable or whether the Council's current provisions should remain in place.

The Vice-Chairman indicated his support for restricting petitioners to using the Council's own e-petition scheme as this would both remove any possible confusion that could arise if the wording at the top of the petition was amended whilst also ensuring that the Council could verify whether signatories lived worked or studied in the area. The Committee concurred with this position.

RESOLVED

that the current provisions of the Council's Petitions Scheme remain in place including that signatories to e-petitions must be verifiable as living, working or studying in Central Bedfordshire.

GPC/15/23. **Work Programme**

Members considered a report which set out the Committee's proposed work programme for the remainder of the 2015/16 municipal year.

RESOLVED

that the proposed General Purposes Committee work programme, as attached at Appendix A to the report, be approved.

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

Chairman

Dated