

GOVERNANCE AND AUDIT COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 26 NOVEMBER 2012

Councillors Present: Jeff Beck (Chairman), Paul Bryant, Tony Linden, Julian Swift-Hook (Vice-Chairman), Tony Vickers and Quentin Webb

Also Present: Andy Day (Head of Strategic Support)

Apologies for inability to attend the meeting: Councillor David Holtby

PART I

23. Minutes

The Minutes of the meeting held on 10 September 2012 and the special meeting held on 8 November 2012 were approved as a true and correct record and signed by the Chairman.

24. Declarations of Interest

There were no declarations of interest received.

25. Amendments to the Constitution - Part 4 (Executive Rules of Procedure), Part 5 (Council Rules of Procedure), Part 11 (Contract Rules of Procedure) and Part 13 Appendix A (Code of Conduct for Planning) (C2551)

The Committee considered a report (Agenda Item 4) which proposed changes to the Council, Executive and Contract Rules of Procedure in light of legislative changes following a review by the Finance and Governance Group.

The Committee was informed that a timetable had now been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers had been involved in revising specific parts of the Constitution. This report proposed amendments to Parts 4, 5, 11 and 13 of the Constitution. The main changes proposed were:

Part 4 - Council Rules of Procedure

Andy Day reported that it was proposed that an amendment to the Council's Rules of Procedure (Paragraph 4.13.7) which dealt with substantive amendments to the Council's annual budget be made to require that any substantive amendments should be submitted to the Council's Section 151 Officer at least three clear days before the meeting.

During the course of considering this issue it was agreed to make a small number of changes to the wording. The final wording of the amendment would be as follows:

"Any amendments considered to be substantive by the Section 151 Officer in relation to in year reports or motions which have a financial implication shall be the subject of discussions with and receive the approval of the Section 151 Officer in advance of the meeting to ensure that the amendment does not compromise the Council's financial position. In relation to the budget meeting, any substantive amendments proposed to the budget shall be submitted to the Council's Section 151 Officer at least three working days before the meeting".

In answer to a question from a Member, Andy Day confirmed that any substantive amendments proposed and which were subject to the three day rule would not mean

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that, if approved by the Section 151 Officer, that the amendment had to be released publicly. The Committee noted that it was standard practice for officers in Strategic Support to try and reach agreement between the two Groups to distribute any proposed amendments in advance of any meeting so as to assist with the overall “management” of the Council meeting. This practice would still continue.

Andy Day reported that concern had been raised at the Planning Policy Task Group about Members sitting on Area Planning Committees without having attended appropriate training. It had been suggested that an amendment to Part 13 Appendix A (Code of Conduct for Planning) be made to align the training requirements for Members sitting on Planning and Licensing Committees with those of the Licensing Committee. This would effectively mean that Members not attending appropriate training would not be able to sit on Planning Committees and make formal decisions until they had completed the training.

In relation to recommendation 3 on the front cover of the report, it was agreed to amend this to read as follows:

“That the Council’s Code of Conduct for Planning be amended to require all Members of Planning Committees (including substitutes) to receive appropriate training before being able to make formal decisions on the Committee and then to attend subsequent refresher training to remain on the Committee.”

Part 5 - Executive Rules of Procedure

The Committee was informed that it was proposed to make a number of small amendments to the Executive Rules of Procedure as set out below.

- **A definition of the key decisions had been inserted in Part 4 to aid decision making.**
- **The section on the Strong Leader had been clarified in accordance with decisions made at the Council meeting at the time the process was introduced.**
- **The section on petitions had been amended, as it would be for all sections relating to petitions, to signpost readers to the protocol in Part 13 to avoid duplication and in some instances disparity between the protocol and Parts 4, 5, 6 and 7 of the Constitution.**
- **The section on decisions not subject to call-in had been clarified following a recent query about this section of the Constitution.**
- **The sections pertaining to the Forward Plan and Key Decisions had been amended in light of the requirements of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.**

In relation to the item on call-in it was agreed that the proposed amendment to Paragraph 5.3.2 should be amended further to include the following words:

.....subject of a further call-in request “on that specific matter”.

Part 11 - Contract Rules of Procedure

Andy Day reported that Part 11 - Contract Rules of Procedure had been reviewed by the Finance and Governance Group and it was proposed to make a number of changes both because of legislative changes but also to try and make Part 11 much more concise and easy to understand.

In considering the proposed changes to Parts 5 and 11 the following typographical errors were identified:

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- (i) Page 38 - Paragraph 5.8 - Change the word “recognised” for “recognises”.
- (ii) Page 51 - Paragraph 11.1.2 - Add the letter “s” to the word “contract on the first line.
- (iii) Page 51- Paragraph 11.1.6 - Delete the full stop after the word “her” on the last line.
- (iv) Page 51 - Paragraph 11.2.1 - Add the letter “s” to the word “further” on the third line.
- (v) Page 58 – Paragraph 11.14.1 – add the words ‘including electronic evidence’ to the end of the sentence.

RESOLVED that:

- (1) paragraph 4.13.7 of the Council’s Rules of Procedure be amended to read as follows:
“Any amendments considered to be substantive by the Section 151 Officer in relation to in year reports or motions which have a financial implication shall be the subject of discussions with and receive the approval of the Section 151 Officer in advance of the meeting to ensure that the amendment does not compromise the Council’s financial position. In relation to the budget meeting, any substantive amendments proposed to the budget shall be submitted to the Council’s Section 151 Officer at least three working days before the meeting”;
- (2) the proposed changes to Part 5 - Executive Rules of Procedure be approved and adopted subject to Paragraph 5.3.2 (paragraph 7) being amended to read as follows:
“Any matter which has been the subject of a call-in request may not be the subject of a further call-in request on that specific matter”;
- (3) subject to the typographical errors identified in these minutes, the proposed changes to Part 11 - Contract Rules of Procedure be approved and adopted;
- (4) the Council’s Codes of Conduct for Planning and Licensing be amended to require all Members of Planning and Licensing Committees (including substitutes) to have received appropriate training before being able to make formal decisions on the Committee and then to attend subsequent refresher training to remain on the Committee.

(Councillor Julian Swift-Hook requested that his objections to the proposals be recorded in the minutes. Councillor Tony Vickers abstained from voting on this item.)

(The meeting commenced at 6.00 pm and closed at 4.50 pm)

CHAIRMAN

Date of Signature