

GENERAL PURPOSES COMMITTEE

GENERAL PURPOSES COMMITTEE HELD ON 28 JUNE 2007 (FROM 5.30 PM TO 6.58 PM)

PRESENT: Councillor Harrison in the Chair. Councillors Anthony Alton, Jean Butterfield, Mrs de Courcey-Bayley, John Fox, Mike Gardner, Elwyn Hinchcliffe, Bill Hoult, Bob Nash, Newby, Geoff Webber and Andrew Williams.

Late Arrivals: Mrs de Courcey-Bayley at 5.32 pm

Early Departures: None

01/07 - APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:

Notification had been received that Councillor Hoult was to act as substitute for Councillor Hawkins and that Councillor Mike Gardner was to act for Councillor Galloway.

(5.30 pm)

02/07 - DECLARATIONS OF INTEREST: The Chair reported that he would be declaring a prejudicial interest as detailed in Minute 09/07 below.

(5.31 pm)

03/07 - MINUTES: The Minutes of the meeting of the Committee held on 22 March 2007 were approved as a correct record and signed by the Chair.

(Ten Members voted for the motion and there were two abstentions)

(5.32 pm)

04/07 - EXEMPT INFORMATION: There were no exempt information items.

05/07 - PUBLIC ARRANGEMENTS - QUESTIONS: There were no questions to consider pursuant to Standing Order 27.

MATTERS WHICH ARE REFERRED TO COUNCIL FOR CONSIDERATION

06/07 - REVISED CODE OF CONDUCT FOR MEMBERS: A report in the name of the Head of Legal and Democratic Services was submitted and the Monitoring Officer reported that the revised Code of Conduct issued by the Secretary of State on 4 April 2007, appended to the report, had been endorsed by the Standards Committee at its meeting on 13 June 2007. Councils had until the end of September 2007 to adopt the Code, when it would become binding in any event. The Code would become operative at this authority after it was adopted at the Council meeting on 19 July 2007. The report outlined the provisions relating to personal and prejudicial interests in the new Code. The Officer reported that a further training session for Members would be held in July. *(NB - This has subsequently been postponed to 7 August 2007 to allow more Members to attend)*

Members referred to paragraph 5.3 of the report and to the new power in Regulation 4 of the Code to disclose information obtained in confidence where the disclosure met a number of tests set out in the Code, including that the disclosure should 'be

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made in compliance with the reasonable requirements of the authority.' The Monitoring Officer advised that further guidance was awaited on this but that, in any event, Members should consult him before making any disclosure under these provisions. The Head of Legal and Democratic Services agreed to give further guidance in the Council's Constitution when the new Code was published there.

RECOMMENDED (UNANIMOUSLY):

That the Council adopt the revised Code set out in Appendix 1 to the report in place of the Code of Conduct currently forming Appendix 1 to Part 5 : Codes and Protocols : Conduct of Members, of the Constitution.

(6.15 pm - 6.25 pm)

07/07 - HEALTH ACT 2006 - SMOKE FREE PREMISES, PLACES AND

VEHICLES: The Head of Public Protection submitted a written report on amendments required to the Scheme of Delegation to enable the Council to discharge its functions under the Health Act 2006 and associated Regulations in respect of Smoke Free Public Places. Appendix 2 set out the amendment required to the Constitution.

RECOMMENDED (UNANIMOUSLY):

That the functions contained in Schedule 2 of the Health Act 2006 and in the Regulations made under the Act be delegated to the Director of Community Services and the Council's Constitution be amended as set out in Appendix 2 to the report.

(6.25 pm - 6.28 pm)

08/07 - APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND

SUB-COMMITTEES: The Head of Legal and Democratic Services submitted a written report on a request from the Leader of the Independent Group to review Standing Order 22 insofar as it related to the number of substitute Members the political groups of the Council are able to appoint. Paragraph 5.4 of the report outlined possible options for consideration and 5.3 explained why the return to a 'long list' of substitutes was not favoured by officers. A full discussion ensued and the consensus was, in fact, to operate a long list subject to qualifying criteria detailed in the recommendation and to the Head of Legal Services reporting any perceived difficulties direct to Council on 19 July 2007. Members considered that any new procedures should be applicable to all groups on the Council.

RECOMMENDED:

That Standing Order 22 (1) be amended to reflect the following scheme, to apply to those bodies where substitution arrangements currently exist, which is recommended for adoption by the Council, to operate from 20 July 2007:

- political groups continue to nominate the same number of substitutes as ordinary seats held on the various committees, sub-committees and commissions, who must be approached first to substitute at a meeting - for that reason, the substitutes currently indicated in the Members' Handbook and

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- on the website remain, **but**
- if none of the named substitutes are able to attend, then a substitute may be sought from the remaining members of the particular political group (the long list) subject to eligibility to serve
 - the eligibility to substitute shall be subject to any statutory or procedural constraints (eg Cabinet Members may neither serve nor substitute on Scrutiny Commissions) and to the Council's training requirements (eg for licensing and planning).

(Eleven Members voted for the motion and one against)

(6.28 pm - 6.50 pm)