

AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 6 JANUARY 2016

AMENDMENTS

STANDARDS 15 DECEMBER 2015

Minute No: 5

Heading: DRAFT CONSTITUTION

Amendment submitted by Councillor: Mrs J Roach

WORDING OF AMENDMENTS:

1. Page 36 6.7c - refer back to Standards
2. Page 37 Article 7 - remove c & d
3. Page 39 - refer 8.1 to Standards
4. Page 45 - remove final paragraph
5. Page 51 - remove 'electronically' and substitute 'in a format requested by the Member'.
6. Page 60 17.3 b - add no 4 'All changes to the constitution will be recorded, giving the date of the change and the reason for the amendment.'
7. Page 61 d - add 'and recorded, giving the date and the reason for the amendment.'
8. Page 79, 8.10 - add 'within the agreed budget.'
9. Page 91 - remove 12 and replace with 15 plus correct para number.
10. Page 95 9.2d - refer back to Standards to remove any ambiguity.
11. Page 114 - add 'for one meeting only'.
12. Page 149 27.5 - remove 'with the discretion of the Chairman' or refer back to ensure that it is understood that Members have a right to attend any Council meeting and that this is not at the discretion of a Chairman.
13. Page 157 – refer back to Standards with a request to contact the Minister for clarification in relation to the conflict between legislation that requires openness and transparency against legislation (2012 Executive arrangements) that appears to give Cabinet the option of meeting in secret if 'disorderly conduct' is an issue.
14. Page 165 - refer back in order to redraft to comply with Motion 448 moved by Alderman Pugsley.
15. Page 168 23.3 - remove b

WORDING IF AMENDMENTS APPROVED:

No.	Page / section	Submitted Amendment	Wording if amendment approved	Amendment approved: Yes / No
1.	Page 36 6.7c	Refer back to Standards.	RECOMMENDED to full Council that the draft Constitution be approved subject to Page 36 6.7c being referred back to the Standards Committee.	
2.	Page 37	Remove c & d.	RECOMMENDED to full Council that the draft Constitution be	

	Article 7		approved subject to the removal of c & d on page 37 Article 7.	
3.	Page 39	Refer 8.1 to Standards.	RECOMMENDED to full Council that the draft Constitution be approved subject to page 39 section 8.1 being referred back to the Standards Committee.	
4.	Page 45	Remove final paragraph.	RECOMMENDED to full Council that the draft Constitution be approved subject to the removal of the final paragraph on page 45.	
5.	Page 51	Remove 'electronically' and substitute 'in a format requested by the Member'.	RECOMMENDED to full Council that the draft Constitution be approved subject to the removal of the word 'electronically' on page 51 and substituted with the words 'in a format requested by the Member'.	
6.	Page 60 17.3 b	Add no 4 'All changes to the constitution will be recorded, giving the date of the change and the reason for the amendment.'	RECOMMENDED to full Council that the draft Constitution be approved subject to the addition at number 4 on page 60 section 17.3b of 'All changes to the constitution will be recorded, giving the date of the change and the reason for the amendment.'	
7.	Page 61 d	Add 'and recorded, giving the date and the reason for the amendment.'	RECOMMENDED to full Council that the draft Constitution be approved subject to the addition of the words 'and recorded, giving the date and the reason for the amendment' on page 61d.	
8.	Page 79, 8.10	Add 'within the agreed budget.'	RECOMMENDED to full Council that the draft Constitution be approved subject to the addition of the words 'within the agreed budget' at section 8.10 on page 79.	
9.	Page 91	Remove Article 12 and replace with Article 15	RECOMMENDED to full Council that the draft Constitution be approved subject to the removal of Article 12 on page 91 under section 6.1 to be replaced with Article 15.	
10.	Page 95	Refer back to Standards to	RECOMMENDED to full Council	

	9.2d	remove any ambiguity.	that the draft Constitution be approved subject to page 95 section 9.2d being referred back to the Standards Committee.	
11.	Page 114	Add 'for one meeting only'.	RECOMMENDED to full Council that the draft Constitution be approved subject to the addition of 'for one meeting only' on page 114.	
12.	Page 149 27.5	Remove 'with the discretion of the Chairman' or refer back to ensure that it is understood that Members have a right to attend any Council meeting and that this is not at the discretion of a Chairman.	RECOMMENDED to full Council that the draft Constitution be approved subject to the removal of 'with the discretion of the Chairman' on page 149 at section 27.5.	
13.	Page 157	Refer back to Standards with a request to contact the Minister for clarification in relation to the conflict between legislation that requires openness and transparency against legislation (2012 Executive arrangements) that appears to give Cabinet the option of meeting in secret if 'disorderly conduct' is an issue.	RECOMMENDED to full Council that the draft Constitution be approved subject to page 157 being referred back to the Standards Committee with a request to contact the Minister for clarification in relation to the conflict between legislation that requires openness and transparency against legislation (2012 Executive arrangements) that appears to give Cabinet the option of meeting in secret if 'disorderly conduct' is an issue.	
14.	Page 165	Refer back in order to redraft to comply with Motion 448 moved by Alderman Pugsley.	RECOMMENDED to full Council that the draft Constitution be approved subject to page 165 being referred back to the Standards Committee in order to redraft it to comply with Motion 448 moved by Alderman Pugsley.	
15.	Page 168 23.3	Remove b.	RECOMMENDED to full Council that the draft Constitution be approved subject to the removal of b. on page 168 at section 23.3.	

WRITTEN QUESTIONS

1. CABINET – 17 DECEMBER 2015

Min No 100

Question submitted by Cllr Mrs J Roach and the response of the Cabinet Member for the Environment

The Council is required to publish fees and charges for services annually. Why is the Council intending to fail in that requirement by allowing for individual negotiation to discount some season tickets?

Has consideration been given to clearly publishing, for the long stay car parks only a scheme clearly identifying how many applicants are needed to qualify for a bulk discount and the cost of a season ticket under those circumstances?

It would appear that the rationale behind the increase of the long stay car parking to £1.50 from £1 will attract the same number of vends, is this correct?

When the Cabinet increased the charge to £2 for five hours, were they also assuming that the figure of 80.889 vends would remain the same and double the income?

In 2010 the income from the multi storey was just over £90k, has an analysis been done in relation to the increased use since the £1 per hour was introduced?

Why was the figure used to show the multi storey income not a complete year?

RESPONSE

The Council will be publishing all of its fees/charges for P&D and permits for 2016/17 after they have been out to the statutory period of consultation.

The working group, PDG and Cabinet all agreed to give the Head of Finance and the Cabinet Member delegated authority to negotiate permit discounts dependent upon the individual circumstances of the request (i.e. prevailing use of car park, availability of alternative parking, congestion issues, etc).

The Council will publicise that discounted permits will be considered upon request.

With regard to any modelling of changes to car parking tariffs – officers have always made it very clear that they have used current vend analysis so any income projections are for illustrative purposes.

The Cabinet agreed to increase the tariff in the long stay car parks to £2 – but this would allow the customer to stay all day – circa 10-12hrs and yes the financial modelling has assumed the same level of vends.

The total income from the Multi Storey was £91,335 back in 2010/11 and has increased up to £100,770 in 2014/15. It is difficult to do any detailed vend comparison as back in 2010/11 there were a wide range of charges available (and at that time 5 hrs parking was £1.80) and now there are only 2 tariffs. There are also a myriad of other things to consider when assessing why vend levels may change (e.g. what the shops have to offer, what other towns charge for parking, price of fuel, availability of alternative parking, state of the economy, condition and maintenance costs of car parks in District (we have spent circa £200k on maintaining/improving the Multi Storey over past 5 years), condition of road infrastructure in and around the town(s), etc.).

2. STANDARDS COMMITTEE – 15 DECEMBER 2015

Min No 5

Question submitted by Cllr Mrs J Roach and the response of the Head of Human Resources and Development

Do the Council's disciplinary, capability and related procedures allow staff a right of appeal to members?

RESPONSE

No, the Disciplinary and Capability procedures (which follow the ACAS code) do not allow for an appeal to Members. The appeal is made to a higher grade officer than the dismissing officer and to one who has not been involved in the process previously.

For statutory posts there is a separate disciplinary procedure which involves bringing in external people to ensure an investigation is done and then a report would go to Members.

3. COUNCIL MINUTES – 4 NOVEMBER 2015

Question submitted by Cllr Mrs J Roach and the response of the Head of Communities and Governance

Is the Council still not using RIPA?

RESPONSE

No we are not currently undertaking any directed covert surveillance and therefore we are not using RIPA.
