

# Council Issues

## 1. Amendments to the Constitution

### 1.1 Scheme of Allowances for payment of updates DBS

The current Members' Allowance Scheme as shown in the Constitution was approved by Council on 13 October 2015 following the Recommendations of the Independent Remuneration Panel.

Currently, the Scheme, as shown in *Appendix 2 of the Constitution* includes a provision:

#### **'Data Requirement Fee**

Where a Member is required to register with the Information Commissioner's Office as a data controller the cost of this fee will be met by the Council'

Since the approval of the Scheme the Council has adopted a policy asking all elected Members to undergo Disclosing and Barring Service checks (formerly known as CRB checks) and such a service incurs an annual fee which members have to pay themselves.

It is proposed that the 'Data Requirements Fee' paragraph in the Members' Allowance Scheme be replaced to take account of this change.

#### **Recommendation**

That the paragraph 'Data Requirement Fee' in the Members' Allowances Scheme be re-named and amended to:

#### **'Unavoidable Fees and Charges**

Where a Member is required to register with the Information Commissioner's Office as a data controller the cost of this fee will be met by the Council.

Where a member incurs expenditure with the Disclosing and Barring Service (DBS) with respect to checks arising from requests made by the Council, that expenditure may be claimed subject to the production of evidence of payment.'

## **1.2 Change to ‘Cabinet Approvers’ – Members’ Expense Claims**

Currently, paragraph 26.12 of the Constitution states that:

[Members] ‘Claims must be approved by an authorising officer: the Monitoring Officer for Cabinet Members and the Chairman and Vice-Chairman; the Democratic Services Team for all other Members.’

This reliance on the Monitoring Officer to personally approve expense claims gives rise to practical problems should the Monitoring Officer be unavailable on critical monthly dates and provides insufficient flexibility for the Council’s ongoing reorganisation.

It is proposed that the Constitution, paragraph 26.12 be re-written to permit the Monitoring Officer to make an appropriate delegation of this duty.

### **Recommendation**

That the Constitution, paragraph 26.12 be amended to:

‘All Members’ claims must be checked and approved by an authorising officer of the Democratic Services Team. Claims made by Cabinet Members, the Chairman or Vice-Chairman, must also be approved by the Monitoring Officer or such other officer as the Monitoring Officer may nominate for this purpose.’

## **2 Statutory Scrutiny Officer**

The role of the Scrutiny Officer is to improve governance, democracy and involvement in local government. The Scrutiny Officer is a statutory appointment under Section 9FB of the Local Government Act 2000.

The Scrutiny Officer has a number of statutory duties promoting and supporting the council’s overview and scrutiny committees.

In order to give a clear message about the importance and transparency of the function, the government determined that the local authority may not designate any of the following as the scrutiny officer:

- the Head of the Paid Service
- the Monitoring Officer
- the Chief Finance Officer

The overview and scrutiny function is supported by the Democratic Services Team. The current Scrutiny Officer is the Scrutiny and Corporate Governance Manager who will leave the Council’s employment in the next few weeks. It is proposed the Head of Democratic Services is appointed to the role of Statutory Scrutiny Officer.

## **Recommendation**

That the Head of Democratic Services be appointed as the Statutory Scrutiny Officer with immediate effect and that paragraph 4.4 of the constitution be amended accordingly.

### **3 Review of Local Pension Board for Essex**

Essex County Council is the administering authority for the Essex Pension Fund – the name for the Local Government Pension Scheme (LGPS) in Essex.

There are three bodies involved in the management of the Essex Pension Fund:

- a. the Essex Pension Fund Strategy Board – made up of 7 County councillors together with a number of other representatives of other employers and employee representatives.
- b. the Essex Pension Fund Investment Steering Committee, a committee of the Council made up of 7 County Councillors; and
- c. the Essex Pension Fund Advisory Board (PAB) which is a statutory advisory body comprising an equal number of employer and employee representatives with an independent Chairman.

The PAB was set up in 2015 as a result of a legal requirement imposed by regulations. As the PAB was at that time an entirely new body Council, agreed that a governance review should be undertaken after its first 18 months to consider whether any changes should be made.

The review has taken place and the only change recommended is that the PAB should appoint a Vice Chairman so that there is a person ready to chair meetings in the absence of the Chairman. This report asks the Council to make the change to the Constitution which is needed to implement this recommendation.

It is proposed that a vice chairman be appointed by PAB from its members annually at the first meeting of the board after each annual meeting of the Council. The role of the vice chairman will be to chair the PAB meetings in the absence of the chairman. They will not have a casting vote to reflect the role of the chairman so the vice chairman will not change the balance of control of the PAB.

**Recommended:**

That the Constitution be amended as follow to insert a new paragraph after paragraph 8.1.8 3 (E):

‘(F) The Board shall appoint a Vice Chairman annually from amongst its members at the first meeting of the Board after each annual meeting of the Council.’

**4 Dates of Future Council meetings**

On 12 July 2016 Members approved the dates of future meetings of Council. It has since been noted that the meeting agreed to be held on 8 May 2018 is a Tuesday immediately preceded by a Monday Bank Holiday. The Chairman has concluded that it would be prudent to amend the date of that meeting to 15 May 2018.

**Recommended**

1 That the meeting of the Council previously arranged for 8 May 2018 be moved to 15 May 2018.

2 That it be noted that forthcoming meetings of the Council will be held on Tuesdays at 10am on:

11 July, 10 October and 12 December 2017,  
13 February, 15 May, 10 July, 9 October and 11 December 2018,  
12 February, 14 May, 9 July, 8 October and 10 December 2019,  
11 February, 12 May, 14 July, 13 October and 8 December 2020.