



**Changes to Gloucestershire County Council Constitution
by the Monitoring Officer**

In the exercise of my powers set out in Article 14.02 of the Council's Constitution, I make the following amendments to the Council's Constitution as indicated by the following deletions and insertions to the Council's Constitution.

JBurns

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Monitoring Officer
Gloucestershire County Council

29 September 2017

Constitution Changes – to Issue 28 – Dated March 2017

<u>Page No</u>	<u>Part of Constitution</u>	<u>Section of the Constitution</u>	<u>Reason for Amendment</u>
2	Part 1	Summary and Explanation	Deletion of the terms Deputy Chief Executive and Chief Operating Officer as these posts no longer exist.

May 2011. Following the reorganisation of the Council's most senior management tier, changes to relevant job titles have been made throughout the Constitution. **Note that:**

- ~~The term "Director" shall be deemed to include Chief Operating Officer and Deputy Chief Executive.~~

<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
9	Part 2	Articles of the Constitution	Paragraph 3.04: Complaints about the conduct of County Councillors and co-opted Members of the Council are made to the Monitoring Officer rather than the Audit and Governance Committee'.

3.04 Complaints

The public may complain to the Council about its services under the Council's complaints scheme or, after having complained under the Council's scheme, to the Local Government Ombudsman if they believe the Council has failed to carry out its duties properly. Complaints about the conduct of County Councillors and co-opted Members of the Council may be made to the ~~Audit and Governance Committee of the Council~~ Monitoring Officer.

<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
207	Part 5	Protocol on the Relationship between officers and Members of Gloucestershire County Council	Paragraph 27: This is to ensure consistency regarding Members complaints being referred to the Monitoring Officer. <u>This is consistent with the published arrangements for dealing with complaints.</u>

27. Although this protocol is not intended to lay down absolute or comprehensive guidance on the relationship between Members and Officers, it may be a relevant consideration in the determination of disciplinary action against an Officer under the Authority's disciplinary procedures. It may also be relevant to the determination of a complaint against a Member referred to the Monitoring Officer and/or the Council's Audit and Governance Committee alleging a breach of the Code of Conduct for Members.

<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
71	Part 3	Section 5	Under the scheme of delegation the Chief Executive is referred to as the 'Proper Officer' in relation to the Local Government Act 1972, however, there are range of acts of parliament which refer to a Proper Officer. Therefore the amendment provides for the wider application to all County Council functions.

CE2	To be the Proper Officer of the County Council <u>in relation to all County Council functions, including the Proper Officer under</u> , Section 270(3) of the Local Government Act 1972.	Chief Executive	<u>N/A</u>
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<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
Page 75	Part 3	Section 5	Minor typographical change in the title of the delegated power.

<u>DPS-1</u> <u>DSF18</u>	To secure the proper management of the Council's human resources except for functions falling within decision categories CE5 and HLDS 1 to 3	Director: Strategic Finance	N/A
<u>DPS-2</u> <u>D:S&C 1</u>	The functions of the Safety & Licensing Committee under paragraphs 2 and 3 of its terms of reference.	Director: Strategy and Challenge	N/A

D:S & C <u>4_2</u>	To publish standards for the whole Council, which will secure the efficient processing of information.	Director: Strategy and Challenge	N/A
D:S & C <u>2_3</u>	To exercise all other functions relating to the following services: <u>Planning, Performance & Change</u> — <u>Need</u> ; Democratic Services; Information Management, <u>and Corporate Complaints</u> , Archives; the Executive and Cabinet Offices; <u>and the SHE Team</u> ; and Legal Services except for functions within decision categories HLDS 1 to 5.	Director: Strategy and Challenge	N/A

<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
79/80	Part 3	Section 5	To update the Constitution to enable: <ul style="list-style-type: none"> the Director of Children's Services to undertake functions relating to Children Services and the Director of Public Health to be responsible for the commissioning function of Children's Services

CD: C & F 1	The functions of the Safety and Licensing Committee under paragraph 4 of its terms of reference.	Commissioning Director: Children & Families. <u>Director of Children's Services</u>	N/A
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CD: C & F 2	To exercise all other functions relating to the areas of responsibility of Children's Services, Education and Learning except decision category HLDS1 to 3 <u>and in relation to the commissioning of Children's Services.</u>	<u>Director of Children's Services</u>	Most relevant Cabinet Member(s) for all decisions with financial implications over £250,000

Insertion of the following additional delegation to the Director of Public Health:

DPH2	To exercise the commissioning function relating to the areas of responsibility of Children's Services, Education and Learning	Director of Public Health	Relevant Cabinet Member for decisions with financial implications in excess of £250,000
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<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
Page 89	Part 4	Procedural Standing Orders	By way of a tidying up exercise, this procedural order will be moved to the end of the articles. In addition, the substitution rules do not apply to the full Council meetings. Therefore, the full Council meetings have been exempted from the substitution rules within the amendment.

4.28 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

428.1 The application of this Procedural Standing Order applies to all Council bodies except for the full-Council meetings, Cabinet and the Pensions Committee. In relation to the following Council bodies, this Procedural Standing Order can only be applied where the substitute Member has undertaken the same training as the appointed Member of the relevant Council body:

Appeals Committee, Planning Committee, Safety and Licensing Committee, Commons and Rights of Way Committee and Traffic Regulation Committee.

- | **428.2** Political groups will be entitled to substitute up to 50% of their members on Committees which allow substitutes (this would be rounded up in cases where a political group has an odd number of seats on a particular Committee) in accordance with their political balance and Procedural Standing Order 4.1.
- | **428.3** A substitute Member will only attend a meeting if the appointed Member cannot do so.
- | **428.4** Attendance of a substitute at a forthcoming meeting will be notified to the committee administrator as soon as possible and by no later than half an hour before the start of the meeting.
- | **428.5** Notice of substitution shall be given either by the absent Member or by their political group representative.
- | **428.6** At the commencement of a meeting where substitution has taken place, the Members shall be advised of the substitution.
- | **428.7** During the period of substitution, the substitute Member shall be a full Member of the particular body for all purposes.

<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
140	Part 4	Panel Operating Principles	Minor typographical alteration to ensure the Panel Operating Principles refer to the correct title of the Children and Families Overview and Scrutiny Committee.

- 11. Where a Scrutiny Task Group is tasked with looking at an education related issue then the Panel must offer to co-opt at least one additional Member from amongst the Church and Parent Governor members on the Children and ~~Young People~~ **Families** Overview and Scrutiny Committee.

<u>Page no</u>	<u>Part of Constitution</u>	<u>Section</u>	<u>Reason for Amendment</u>
211	Part 5	Member Allowances Scheme 17/18	The Constitution has been updated to reflect the Member Allowances Scheme 2017/2018.

Members Allowances Scheme ~~2016/17~~ 2017/18

The structure of the County Council's Members Allowances Scheme has been developed by a Panel independent of the County Council.

Members Allowances Scheme ~~2016/17~~ 2017/18

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1. BASIC ALLOWANCE

All Members of the County Council are entitled to a Basic Allowance. The Allowance is intended to recognise the community representative role that all Members undertake which embraces:

- Being accessible and available to all individuals resident in the Electoral Division;
- Ensuring local views within the Division are fed into the decision-making structure of the Council;
- Undertaking individual case work;
- Representing the interests of the whole Council area;
- Attending meetings of any body of the County Council.

~~————The Basic Allowance for 2016/17 was approved by full Council on the 17 February 2016 and comes into effect on the 1 April 2016.~~

The Basic Allowance for ~~2016/17~~2017/18 is:

£10,000 per member

2. SPECIAL RESPONSIBILITY ALLOWANCES

The Special Responsibility Allowances ~~for 2016/17~~ were approved by full Council on the 17 February 2016 and come into effect ~~from~~ on the 1 April 2016 onwards.

