

CONSTITUTION COMMITTEE

Report from the meeting held on 15 October 2018

1 Open Contracting Advisory Group

- 1.1 As a result of a motion in the 7 December 2016 Council, an Open Contracting Advisory Group was established by the Constitution Committee to assess the implications of the Council adopting open contract principles. As chair of the advisory group, Cllr Ray Theodoulou presented a report to the Committee setting out the findings and recommendations.
- 1.2 The group were able to ask questions of four leading figures in public sector contracting and their review was also supported by officers from the Commercial, Legal and Information Management teams. A number of Council suppliers had been approached to give evidence to the advisory group but they were reluctant to get involved.
- 1.3 The advisory group had made recommendations relating to:
- Compliance with the Local Government Transparency Code 2015
 - Protecting public services
 - Contract spend software
 - Providing more opportunities for small and medium-sized enterprises to do business with the Council.
 - Managing compliance costs and publishing contracts
 - Raising awareness of procurement practices amongst members and officers.
 - Contracts with schedules of prices
- 1.4 All the recommendations were accepted and a report on progress would be presented to the Audit and Governance Committee in January 2019.

2 Friendly Amendments

- 2.1 Cllr Hodgkinson raised an issue concerning a possible inconsistency in how 'friendly' amendments were approved at full Council meetings. A particular example was referred to where a friendly amendment was refused by the Chairman that the original proposer and seconder had agreed to include as part of their motion but later in the meeting had accepted an amendment as friendly that had the support of the Council.

- 2.2 Cllr Mark Hawthorne, the committee chair, asked that Democratic Services work with the Political Research Assistants and undertake research on the practice followed by other councils.

3 Referrals to Scrutiny Committee

- 3.1 Cllr Hay raised a suggestion that there should be a mechanism for a motion to be referred to scrutiny without the need for a debate at Council as with limited time available, there were occasions where there wasn't enough time to consider all the motions on the agenda.
- 3.2 Cllr Mark Hawthorne, the committee chair, recognised the concerns but at the same time he was anxious that the scrutiny work programme was not dominated by items identified at full Council. Another member noted the importance of allowing each scrutiny committees to manage its own work programme.
- 3.3 The committee agreed that the matter should be examined in more detail through the scrutiny review being led by the Overview and Scrutiny Management Committee.

4 Monitoring Officer Changes to the Constitution

- 4.1 Please refer to Appendix 1

- 4.2 ***RESOLVED TO RECOMMEND to the Council that the changes to the Constitution made by the Monitoring Officer relating to the Employee Code of Conduct and changes to the Cabinet be ratified.***

Cllr Mark Hawthorne MBE
Chair of the Constitution Committee



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 **deletions and amendments** to the Council's Constitution in respect of Paragraphs 81 and 83 of the Code of Conduct, including the '*Confidential Procedure (Whistle-Blowing) for Employees other than for Staff in Educational Establishments (for whom a separate code exists)*':

Amendment to Paragraph 81:

81. Where an employee is approached to undertake fee paying work, they must make sure they are authorised to express opinions on behalf of the Council and should avoid comments which could bring the Council into disrepute. The Council has determined that the fee is to be treated as income for the employee if all the work, including preparation, is undertaken outside normal work hours. In the case of activities which are prepared and/or take place partly during normal working hours, the Council has agreed that half the fee is to be treated as income for the employee, and the remainder paid to the Council. All consultancy, lecturing and other fee paying work must be approved by the employee's Director or, in the case of Directors the Chief Executive.

Amendment to Paragraph 83:

ARREST OR CONVICTION ON CIVIL OR CRIMINAL CHARGES

83 You must, as soon as practicable inform your line manager, at each stage, if you are arrested, charged, cautioned, refused bail, required to attend court, convicted or sentenced for any criminal or civil offence. This does not apply to traffic offences unless this involves a situation relating to the transport of service users, or the possible penalty includes imprisonment or disqualification from driving or involves an official vehicle. Failure to inform will be considered an act of gross misconduct.

J Burns

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Jane Burns
Monitoring Officer
Gloucestershire County Council

22 August 2018