



**Gloucestershire**

COUNTY COUNCIL

**CONSTITUTION COMMITTEE**

**3.00 pm**

**MONDAY**

**11 JUNE 2012**

**Meeting Room 1 - Shire Hall,  
Gloucester**

**MEETING PAPERS**





## CONSTITUTION COMMITTEE

**TIME:** 3.00 pm  
**DATE:** Monday 11th June, 2012  
**VENUE:** Meeting Room 1 - Shire Hall, Gloucester

### A G E N D A

ITEM	TOPIC	CONTACT
1.	<b>Apologies for absence</b>	Simon Harper
2.	<b>Minutes</b> (Pages 1 - 4) To approve the minutes of the meeting held on 12 March 2012.	Simon Harper
3.	<b>Public Questions</b> To answer any written public questions about matters which are within the powers and duties of the Committee. <b>The closing date/time for receipt of questions is 10.00am on 31 May 2012 .</b> To answer any oral question(s) put by members of the public with the consent of the Chairperson.  <i>Depending on the nature of the questions asked it may not be possible to provide a comprehensive answer at the meeting, in which case a written answer will be supplied as soon as reasonably possible after the meeting.</i>	Simon Harper
4.	<b>Members' Questions</b> To answer any written members' questions. <b>The closing date/time for the receipt of questions is 10.00am on 31 May 2012.</b>	Simon Harper
5.	<b>Proposal from Cllr Jeremy Hilton - One of the six signatories of a call-in to be given the right to speak at the Overview and Scrutiny Management Committee</b> (Pages 5 - 6) To consider the attached report from Cllr Jeremy Hilton.	Cllr Jeremy Eric Hilton
6.	<b>Proposal from Cllr Ceri Jones - The maximum 30 minute rule for debating motions from each political group to be extended by 30 minutes to a maximum of 60 minutes</b> (Pages 7 - 8) To consider the attached report from Cllr Ceri Jones.	Cllr Ceri David

## **NOTES**

- (a) **MEMBERSHIP** – Cllr Phil Awford, Cllr Mark Hawthorne, Cllr Tony Hicks, Cllr Jeremy Hilton, Cllr Ceri Jones, Cllr Steve McHale, Cllr Antonia Noble, Cllr Ray Theodoulou and Cllr Will Windsor-Clive
- (b) **DECLARATIONS OF INTEREST** – Members requiring advice or clarification about whether to make a declaration of interest are invited to contact the Monitoring Officer: Nigel Roberts ☎01452 425201 /fax: 426790/e-mail: nigel.roberts@gloucestershire.gov.uk prior to the commencement of the meeting.
- (c) **INSPECTION OF PAPERS AND GENERAL QUERIES** - If you wish to inspect reports relating to any item on this Agenda or have any other general queries about the meeting, please contact

Simon Harper, Lead Democratic Services Adviser  
☎: 01452 425230/fax: 425850/e-mail: simon.harper@gloucestershire.gov.uk

## **GENERAL ARRANGEMENTS**

- (1) *Will Members please sign the attendance list.*

***EVACUATION PROCEDURE - in the event of the fire alarms sounding during the meeting please leave as directed in a calm and orderly manner and go to the assembly point which is outside the main entrance to Shire Hall in Westgate Street. Please remain there and await further instructions.***

## CONSTITUTION COMMITTEE

**MINUTES of the meeting of the Constitution Committee held on Monday 12th March, 2012 commencing at 3.00 pm.**

**PRESENT  
MEMBERSHIP:**

Cllr Phil Awford	Cllr Ceri Jones
Cllr Andrew Gravells	Cllr Steve McHale
Cllr Mark Hawthorne	Cllr Ray Theodoulou
Cllr Tony Hicks	Cllr Will Windsor-Clive
Cllr Jeremy Hilton	

**Substitutes:** Cllr Gravells

**Apologies:** Cllr Noble

**1. ELECTION OF CHAIRMAN**

In the absence of Cllr Noble it was

**RESOLVED**

**THAT Cllr Hawthorne be elected as Chairman for the meeting.**

**2. MINUTES**

**RESOLVED**

**THAT the minutes of the meeting held on 14 November 2011 be approved as a correct record and signed by the Chairman.**

**3. PUBLIC QUESTIONS**

No public questions were received.

**4. MEMBERS' QUESTIONS**

No Members' questions were received.

**5. POLICE & CRIME PANELS**

In response to a Members' question Christine Wray confirmed that there was no potential conflict of interest for Members to discuss this as it was a recommendation to Council, not a decision.

Simon Harper presented this report that outlined the arrangements for the Gloucestershire Police & Crime Panel. It was intended that the panel would be established in June 2012 with appointments to be made in May 2012 at the annual meetings of the County Council and the six District Councils.

The Committee were asked to consider the proposed terms of reference and panel arrangements. A number of detailed revisions were proposed and these were circulated. It was noted that a minimum number of additional elected members could be appointed to the panel in order to achieve political balance. The Leader of Gloucestershire County Council would recommend these appointments following consultation with Leadership Gloucestershire. It was recognised that this process would need to involve the group leaders of the relevant party from each council.

With reference to the appointment of independent non-elected members, it was considered important that the interview process should involve more members than the chairman and vice-chairman of the panel.

The Committee also considered the report of the Independent Remuneration Panel and did not accept the recommendation for the two non-elected members to be offered the same level of computer equipment and consumables as provided for elected members. It was however, agreed that the ICT support provided to non-elected independent members of the panel and other council bodies is considered prior to the county council elections in 2013.

On being put to the vote it was

**RESOLVED to RECOMMEND to COUNCIL**

**THAT**

- (a) The revised terms of reference for the Police and Crime Panel and the panel arrangements be adopted.**
- (b) A special responsibility allowance of £5,808 per annum be paid to the Chairman of the Police and Crime Panel (as recommended by the Independent Remuneration Panel)**
- (c) The two Independent Members be able to claim travel, subsistence and the carers' allowance in accordance with the Members' Allowances Scheme.**

## **6. INDEPENDENT REMUNERATION PANEL REPORT**

The Committee considered a report of the Independent Remuneration Panel. It was noted that the Panel was recommending no change to the basic rate of allowances for 2012/13 and that all other allowances in the scheme remain unchanged. The Panel did, however, recommend that the mileage rate should be increased from 40p per mile to the Inland Revenue's authorised mileage payment of 45p per mile with effect from the 1 April 2012. Cllr Hawthorne expressed

*Minutes subject to their acceptance as a correct record at the next meeting*

concern that members' mileage rates should be brought in line with staff rates. He agreed to seek further information following the meeting and report to the Council.

The Committee noted that the Panel would be carrying out an in depth review of all allowances with the intention of offering its recommendations to Council for 2013/14. It was requested that the Panel be asked to invite any elected member to meet with them during the review.

**RESOLVED to RECOMMEND to COUNCIL**

**THAT**

**(a) No change be made to the basic allowance for 2012/13**

**(b) All other allowances in the scheme remain unchanged for 2012/13**

## **7. CHANGES TO THE CONSTITUTION**

The Committee considered a report of the Appeals Committee that proposed changes to the constitution. Following a recent internal audit of appeals against the refusal to provide free home to school transport, the Appeals Committee supported the recommended expansion of the description of the Committee's role. This presently states 'Appeals against refusal to supply free home/school transport'. It was proposed that the duties or purpose of the Appeals Committee, as set out in section 3, paragraph 3.1, table 3.3, point 7, when hearing home to school transport appeals should be amended to read:

*7. Act as an independent appeal panel and assess appeals lodged by parents, guardians, carers and other professionals against the decision of the County Council to decline requests for transport.*

With the following to be added as a note underneath table 3.3:

*For the purpose of hearing appeals relating to home to school transport there shall be a panel of three members taken from the 18 trained members of the committee.*

**RESOLVED to RECOMMEND to COUNCIL**

**THAT**

**(a) The changes to the Constitution in relation to the Appeals Committee be approved.**

**(b) The amendments to the Constitution as set out in Annex C be ratified.**

The Committee also considered changes made by the Monitoring Officer under delegated Powers.

*Minutes subject to their acceptance as a correct record at the next meeting*

Cllr Hawthorne explained that following a report considered by the Audit Committee in relation to the Cotswold Water Park it was clear that there were several issues contained in the report that required closer examination. He proposed that the Constitution Committee carries out a full scale review of officer delegations set out in the constitution and to ask the Chief Executive to consider the role of the Monitoring Officer and the conflicts highlighted in the report and report back to the Committee.

Members agreed to this and some considered that a full scale review of the Constitution may also be required as there may be problems elsewhere.

## **RESOLVED**

### **THAT**

- (a) The Constitution Committee will carry out a full scale review of the officer delegations set out in the Constitution.**
- (b) The Chief Executive be asked to consider the role of the Monitoring Officer and the conflicts highlighted in the report and report back to the Committee.**

## **CHAIRPERSON**

Meeting concluded at 15:50



## Constitution Committee – 11 June 2012

### Proposal from Cllr Jeremy Hilton

#### **One of the six signatories of a call-in to be given the right to speak at the Overview and Scrutiny Management Committee**

Liberal Democrat Constitution Committee member Cllr. Jeremy Hilton would like to propose in the interests of democracy at the forthcoming Constitution Committee being held at Shire Hall on 11<sup>th</sup> June that: -

Only one of the six signatories of a call-in and who is not a member of the Overview and Scrutiny Management Committee is permitted to speak to this particular Committee for up to a maximum of 5 minutes in support of the call-in on the day of the meeting.

This addition is to be written into the relevant section of the constitution under part 4 – Call-In Procedure Rules – Section 6 – Consideration by Overview and Scrutiny Management Committee.

This proposed change will be seconded by Liberal Democrat member of the Constitution Committee Cllr. Ceri Jones.

**Cllr Jeremy Hilton**

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## CONSTITUTION COMMITTEE - 11 June 2012

### Proposal from Cllr Ceri Jones

#### **The maximum 30 minute rule for debating motions from each political group be extended by 30 minutes to a maximum of 60 minutes**

Liberal Democrat Constitution Committee member Cllr. Ceri Jones would like to propose in the interests of democracy at the forthcoming Constitution Committee being held at Shire Hall on 11<sup>th</sup> June that the maximum 30 minute rule for debating motions from each political group is extended by 30 minutes to a maximum of 60 minutes.

To reflect this extension, the total period of time spent on motions on the day of a meeting is also to be extended by a further two hours to four hours.

The amendments are set out in red font as follows:

1) Under part 4 – Notices of Motion – Section 11.2.2 –

Unless the Chairperson, in consultation with Group Leaders, decided otherwise, subject to Procedural Standing Order 11.8, motions from each political group (for the purposes of this Procedural Standing Order 11.2.2 only, all independent Councillors are considered as a political group) shall be considered by full council for up to a maximum of 60 minutes on the day of a meeting. Immediately after the end of the 60 minute period the proposer of the original motion then under debate may choose whether the motion be put or withdrawn (the consent of the seconder and full Council not being required in these circumstances) and if he or she decides that the motion be put, he or she shall first have the right of reply which shall be limited to 3 minutes;

2) Under Part 4 – Notices of Motion – Section 11.8 –

The total period of time spent on motions on the day of a meeting shall not exceed four hours immediately following which the motion under discussion shall be put to a vote. This Procedural Standing Order may not be suspended.

This proposed amendment will be seconded by Liberal Democrat member of the Constitution Committee Cllr. Jeremy Hilton.

**Cllr Ceri Jones**

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