



Gloucestershire

COUNTY COUNCIL

CONSTITUTION COMMITTEE

3.00 pm

MONDAY

7 OCTOBER 2013

**Members' Room - Shire Hall,
Gloucester**

MEETING PAPERS



CONSTITUTION COMMITTEE

TIME: 3.00 pm
DATE: Monday 7th October, 2013
VENUE: Members' Room - Shire Hall, Gloucester

A G E N D A

ITEM	TOPIC	CONTACT
1.	Apologies for absence	Simon Harper
2.	Minutes (Pages 1 - 6) To confirm and sign the minutes of the meeting held on 10 June 2013.	Simon Harper
3.	Declaration of interest Please see note (b) of the agenda.	Simon Harper
4.	Public Questions To answer any written public questions about matters which are within the powers and duties of the committee. The closing date for receipt of questions is 10am on 30 September 2013. To answer any oral questions put by members of the public with the consent of the Chairman.	Simon Harper
	<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>	
5.	Members' Questions To answer any written members' questions. The closing date for the receipt of questions is 10am on 30 September 2013.	Simon Harper
6.	Independent Remuneration Panel (Pages 7 - 8) William Alexander, Chairman of the Independent Remuneration Panel, to present the Panel's recommendations relating to allowances for members of the Adoption Panel and Fostering Panel and the qualifying number of members for a Political Group	Simon Harper

Leader's allowance.

- 7. Health and Wellbeing Board**
To amend the membership of the Health and Wellbeing Board in Section 3.10 of Part 3 of the Constitution to allow the Leader of Gloucestershire County Council to appoint four county councillors. This will require removal of the reference to the Leader of the Council and two Cabinet Members as members of the Board. Simon Harper
- 8. Film and audio recording of Council meetings**
Following the publication of Government guidance, to amend procedure rule 22 in Part 4 of the Constitution as follows: Simon Harper
- Filming, photographing and audio recording of meetings is permitted. Please contact Democratic Services (tel 01452 425230) to make the necessary arrangements ahead of the meeting.*
- 9. Joint Waste Committee** (Pages 9 - 16)
To consider the terms of reference for the Joint Waste Committee for inclusion in Part 3 of the Constitution. Joanne Moore
- 10. Items for discussion from Cllr Jeremy Hilton** (Pages 17 - 20)
1. Time limit to debate Notices of Motion. Cllr Jeremy Hilton
2. Annual Election of Leader of Council.
- 11. Changes to Gloucestershire County Council Constitution by the Monitoring Officer** (Pages 21 - 22) Jane Burns
Tel: 01452 428472
- 12. Future meeting dates**
10 March 2014
9 June 2014
6 October 2014 Simon Harper

All meetings to be held at 3pm at Shire Hall. Additional meetings may be arranged as required.

NOTES

- (a) **MEMBERSHIP** –Cllr Colin Guyton, Cllr Mark Hawthorne, Cllr Jeremy Hilton, Cllr Paul Hodgkinson, Cllr Steve McHale, Cllr Nigel Moor, Cllr Ray Theodoulou, Cllr Lesley Williams 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: Jane Burns ☎01452 328472 /fax: 425149/e-mail: jane.burns@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, Head of Democratic Services

☎: 01452 425230/fax: 425850/e-mail: simon.harper@gloucestershire.gov.uk

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.



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CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday, 10 June 2013 at 3pm.

PRESENT

Cllr Colin Guyton	Cllr Ray Theodoulou
Cllr Mark Hawthorne	Cllr Lesley Williams
Cllr Jeremy Hilton	Cllr Will Windsor-Clive
Cllr Paul Hodgkinson	

Cllr Paul McMahon (observing)

William Alexander, Chairman of the Independent Remuneration Panel

Richard Blamey, Member of the Independent Remuneration Panel

Jane Burns, Director of Strategy & Challenge and Monitoring Officer
Christine Wray, Head of Legal Services and Deputy Monitoring Officer

Rodney Semple, Executive/Project Manager

Simon Harper, Head of Democratic Services

Apologies: Cllr Phil Awford and Cllr Stephen McHale

40. CHAIRMAN

Cllr Mark Hawthorne and Cllr Jeremy Hilton were proposed for chairman of the committee. On being put to the vote, it was

RESOLVED that Cllr Hawthorne be elected as Chairman of the Constitution Committee for the 2013-14 civic year.

41. MINUTES

The minutes of the meeting held on 5 March 2013 were confirmed and signed as a correct record subject to amending the attendance list to show Cllr Will Windsor Clive only once.

42. DECLARATION OF INTEREST

No declarations of interest were made at the meeting.

43. PUBLIC QUESTIONS

No questions from members of the public had been received.

44. MEMBERS' QUESTIONS

No questions from members had been received.

45. MEMBER INDUCTION - ROLES AND POWERS OF THE CONSTITUTION COMMITTEE

Jane Burns, the Director of Strategy and Challenge and Monitoring Officer, outlined the role of the committee as set out in the Council's constitution. She noted that issues relating to the constitution were often raised at meetings of Group Leaders before being brought before the committee. She said that recommendations from the Independent Remuneration Panel that assessed councillors' allowances were considered by the committee before they were presented at full Council.

Christine Wray, the Head of Legal Services and Deputy Monitoring Officer, undertook to circulate a briefing note to members of the committee on byelaws and local bills, particularly any that related to the functions of the County Council.

Action – *Christine Wray*

46. POLITICAL GROUP SPOKESPERSONS

William Alexander, the Chairman of the Independent Remuneration Panel, presented a report outlining the Panel's recommendations. He said that the Panel recognised that the Council needed to adopt a new approach to reflect its political make-up following the May 2013 election. He was anxious, however, that the level of allowance for Political Group Spokespersons was reviewed towards the end of 2013 to ensure that it reflected the success or otherwise of the new arrangements.

Answering questions, Mr Alexander explained how the allowance had been assessed and provided background information on the current scheme of allowances.

A member believed that it was not possible to be an effective county councillor and hold down a full-time job and she was anxious that allowances were set an appropriate level. The current arrangements favoured retired people or those who were wealthy who did not need a full-time job.

Differing views were expressed on the title used for Political Group Spokespersons. One member suggested 'Shadow Cabinet Member' but other members were not supportive of this suggestion. The Chairman suggested that Democratic Services contact other county councils who had no overall control and find out what arrangements for political group spokespersons were in place in those authorities.

Action – *Democratic Services*

RESOLVED TO RECOMMEND TO COUNCIL that

- a) *The level of Special Responsibility Allowance for each Political Group Spokesperson should be set at £1,500 and be effective from 1 June 2013.*
- b) *In line with the current allowances scheme, each councillor should continue to be entitled to receive only one Special Responsibility Allowance.*
- c) *Special Responsibility Allowance should not be paid to any Cabinet Project Champions beyond the end of the 2013-14 financial year.*
- d) *The title of 'Political Group Spokesperson' be considered at the meeting on 19 June 2013 following research by Democratic Services on titles used elsewhere.*

Cllr Colin Guyton requested that it be recorded that he had voted against the recommendation as he did not support the system of Cabinet governance within local authorities.

47. TRAVELLING ALLOWANCES

William Alexander, the Chairman of the Independent Remuneration Panel, presented a report outlining the Panel's recommendations. He noted that other councils usually paid for travelling to and from parish and town council meetings. He believed that it was right to encourage county councillors to attend meetings of parish and town councils within their area. The cost had been estimated at £7,000, although the reduction in the number of councillors from 63 to 53 was likely to result in an overall reduction in the number of miles claimed and the associated cost.

Members were anxious that councillors only claimed for journeys to parish and town council meetings within their divisions and not from their homes if they lived outside their division. It was noted, however, that some parishes were split between divisions and this might result in a meeting being held outside a particular member's division. In these circumstances, the Head of Democratic Services would be able to show some discretion and approve claims.

RESOLVED TO RECOMMEND TO COUNCIL that travelling allowances be payable to county councillors on journeys to and from parish and town council meetings within their division with effect from 19 June 2013. This should apply to full council meetings only and the county councillor should not be a member of that particular parish or town council.

48. CHANGES TO THE CONSTITUTION FLOWING FROM THE RECOMMENDATIONS OF MR GRAHAM GARBUTT

At the meeting of the Constitution Committee on 17 October 2012, members considered proposed changes to the officer scheme of delegation and requested that the Audit Committee provide further clarification and information on a number of issues. The Audit and Governance Committee subsequently considered these issues on 12 April 2013 and the report before members outlined the committee's response to each issue and recommended action.

Referring to Graham Garbutt's recommendation for rigorous periodic review of progress in relation to future governance of the Cotswold Water Park, Rodney Semple explained that this would happen through internal and external audit looking at specific issues. The Council's audit process was overseen by the Audit and Governance Committee.

Members were anxious that the process used for informing members of key decisions was applied to officer decisions above the £250,000 threshold.

A member questioned the reasons for increasing the officer threshold for publishing decisions from the £200,000 figure recommended by Graham Garbutt to £250,000. It was agreed, however, that the Audit and Governance Committee's advice should be followed.

RESOLVED

- a) ***TO RECOMMEND THE COUNCIL*** to adopt the changes to the officer scheme of delegation set out in appendix A.

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

- b) *To request the Audit and Governance Committee to review the changes after one year including the threshold of £250,000 for publishing officer decisions.*

49. CHANGES TO THE CONSTITUTION

Group Leaders had considered the following issues at their meeting on 6 June 2013:

- a) Health and Wellbeing Board
Member representation of 2:1:1 (Cons: Lib Dem: Lab) was preferred by Group Leaders. Before the matter was considered by the Constitution Committee, the Health and Well Being Board itself would need to be consulted on the proposals.
- b) Time limit for motions at full Council
Group Leaders supported the current provisions in the constitution subject to the Chairman of Council using his discretion to extend time limits where appropriate. The position would be reviewed at the Constitution Committee on 7 October 2013.
- c) Term of office for the Leader of the Council
The current four year term of office did not conflict with the provisions of the Localism Act. The Council could change to an annual appointment if it so wished but under the current arrangements the Leader could be removed through a vote of no confidence.

A member believed that, following the reduction in the number of councillors from 63 to 53 and changes to the scrutiny structure, it was important to 'stress test' the new arrangements. It was noted that the Overview and Scrutiny Management Committee was planning to undertake a review after 12 months and the outcome could be reported to the Constitution Committee.

50. AMENDMENTS TO THE CONSTITUTION

Consideration was given to a report from the Head of Legal Services outlining amendments to the constitution relating to Cabinet responsibilities and changes required following the transfer of the Monitoring Officer role from the Director of Law and Administration to the Director of Strategy and Challenge.

A request was made that the call-in procedure rules be changed to reduce the number of members required to call-in a key decision from six to five. Members

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

believed that this was appropriate following the reduction in the number of county councillors from 63 to 53.

RESOLVED

- a) *To note the changes to the constitution set out in Annex A (section 4.4 – Cabinet responsibilities).*
- b) **TO RECOMMEND THE COUNCIL**
 - i) *To approve the changes to the constitution set out in Annex B following the transfer of the Monitoring Officer role from the Director of Law and Administration to the Director of Strategy and Challenge.*
 - ii) *To change call-in procedure rule 4 in part 4 of the constitution to reduce the number of members required to call-in a key decision from six to five.*

51. NEXT MEETING

Members noted that the next scheduled meeting was due to be held on Monday, 7 October 2013 at 3pm. It was agreed that all future meetings should start at 3pm.
Action – *Democratic Services*

CHAIRMAN

The meeting ended at 4.30pm.

Independent Remuneration Panel - Adoption Panel, Fostering Panel and Group Leaders

Report to the Constitution Committee on 7 October 2013

1 Background

- 1.1 The Independent Remuneration Panel (IRP) met on 12 July 2013 to consider the level of Special Responsibility Allowances for members of the Adoption Panel and the Fostering Panel. During the term of the last Council, one member served on the Adoption Panel but the new Council has indicated that two members will be appointed. Historically, no allowance has been paid to the member serving on the Fostering Panel but a request has been made for this to be reviewed.
- 1.2 The Panel also considered the number of members required in a political group for the payment of a Special Responsibility Allowances for the Group Leader. The present number is four members but, following the May 2013 election, there are two political groups with just three members.

2 Adoption Panel

- 2.1 The IRP received detailed information on the role and membership of the Panel. Its workload is increasing with a rise in the number of cases, particularly in the 0-4 age range. There is no longer a requirement for an elected member to sit on the Panel but their life skills and knowledge is still thought to be of significant value. Having member representation also promotes a better understanding of the complexity of the issues faced amongst the wider membership of the Council.
- 2.2 The new Council has indicated that two members will be appointed to share the workload of the Panel. They will undertake the same training and go through the same checking processes as other members of the Panel.
- 2.3 The IRP recognise that the appointment of two members will provide greater resilience but would not wish to see the role split between more than two members. It is suggested that the current level of Special Responsibility Allowance of £11,703 is divided equally between the two members appointed, resulting in an allowance of £5,852 each.
- 2.4 The IRP wishes to place on record its thanks to former councillor, Joan Nash, who served as an elected member on the Adoption Panel for a number of years.

3 Fostering Panel

- 3.1 The Fostering Panel meets less often than the Adoption Panel but nonetheless provides a vitally important role in meeting the needs of 'looked after children'. The

IRP recognise that the safety and wellbeing of looked after children is dependent on selecting the right people to look after them.

- 3.2 Historically the member sitting on the Panel has not received an allowance but the IRP believe that in the interests of equity and fairness the member should receive the same level of allowance (£5,852) as the two members of the Adoption Panel. With the membership of the Adoption Panel split between two members, the number of meetings attended by the member of the Fostering Panel will broadly be similar.

4 Group Leaders

- 4.1 Following the May 2013 election, the Independent Group and UKIP Group each have three members. The qualifying number of members for a Group Leader's allowance of £5,808 is four.
- 4.2 The Leader of the Independent Group attended the meeting to provide details of his role. He stated that the no overall control position of the new Council meant that he was much more closely involved in the daily operations of the Council. He said that this extended to more than regular attendance at Group Leaders' meetings and briefings for full Council. He noted that the three main political groups were supported by Political Research Assistants but this type of support was not available to the smaller groups.
- 4.3 The IRP was not supportive of reducing the number of qualifying members from four to three at the present time but they undertook to review the position in the Autumn when a wider review of the allowances scheme would be undertaken.

5 Recommendations

- 5.1 That a Special Responsibility Allowance of £5,852 should be paid to each of the two members of the Adoption Panel. The allowances to be payable from the date of appointment by Council.
- 5.2 That a Special Responsibility Allowance of £5,852 should be paid to the member appointed to the Fostering Panel (effective from the date of appointment on 15 May 2013).
- 5.3 That the Council should not reduce the qualifying number of members for a Political Group Leader's allowance from four to three.

William Alexander
Chairman of the Independent Remuneration Panel

12 July 2013

Report of the Monitoring Officer

7 October 2013

Gloucestershire Joint Waste Committee – Terms of Reference

1. Purpose of Report

The purpose of this report is to recommend for approval by Cabinet and inclusion in the Council's constitution the Terms of Reference of the Gloucestershire Joint Waste Committee, as set out at Appendix A of this report.

2. Joint Decision Making

A Joint Committee allows two or more local authorities to delegate powers and decision making, (within an agreed framework and accountability), to a single decision making body.

According to its Constitution, Gloucestershire County Council may establish joint arrangements with one or more local authorities to exercise non-cabinet functions or to advise Council. Similarly, Cabinet may establish joint arrangements with other local authorities to exercise Cabinet functions. These arrangements may involve the appointment of joint committees whose members may include elected members of other local authorities. The committee need not be politically balanced.

3. Gloucestershire Joint Waste Committee

3.1 There are particular benefits from joint working in recycling and waste management. In recent years, the roles of district councils as waste collection authorities, and county councils as the waste disposal authority, have become increasingly complex and interdependent on one another, with a growing interest in sharing services across district boundaries.

3.2 As a consequence, Gloucestershire Joint Waste Committee was formed in April 2013 under sections 101 and 102 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012, to oversee the recycling, waste collection and street cleansing services for three district councils, and to deliver the waste treatment and disposal services for the County.

3.3 The partnership comprises:

- Cheltenham Borough Council;
- Cotswold District Council;
- Forest of Dean District Council
- Gloucestershire County Council

3.4 The agreed framework for the Gloucestershire Joint Waste Committee is an Inter Authority Agreement. Signed in March 2013, the Inter Authority Agreement sets out the delegation of powers to the Joint Waste Committee for the waste collection and disposal and street cleansing of each partner authority, including in Schedule 1 the detailed constitutional and working arrangements.

3.5 The Joint Waste Committee is hosted by Gloucestershire County Council, who will act as the Administering Authority.

3.6 Subject to the agreement of the partner authorities, should another local authority be permitted to join the Joint Waste Committee, then the Inter Authority Agreement provides that the committee shall be dissolved with a view to a new committee being established, the constitution of which shall be based on the Constitution at Schedule 1 of the Agreement.

4. Recommendations

It is recommended that the Constitution Committee approve the Terms of Reference of the Gloucestershire Joint Waste Committee for inclusion in the Council's Constitution as set out in Appendix A of this report and recommend the same to Cabinet.

Jane Burns

Monitoring Officer

September 2013

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3.12 GLOUCESTERSHIRE JOINT WASTE COMMITTEE

1. Pursuant to a partnership arrangement between Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council and Gloucestershire County Council, the Gloucestershire Joint Waste Committee was formed under Sections 101 and 102 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012, to oversee the recycling, waste collection and street cleansing services for the three district authorities, and to deliver the waste treatment and disposal services for the County.

2. The aims of the Gloucestershire Joint Waste Committee are to:
 - a) Provide a shared decision making body from which to improve services, deliver savings and minimise costs;
 - b) Ensure a fair distribution of savings between partners and their council tax payers;
 - c) Provide and improve good customer service within the bounds of the resources available;
 - d) Undertake operations in an environmentally sustainable manner, and
 - e) Identify and share initiatives and best practice amongst partner authorities.

3. Subject to the retained functions set out in paragraph 4 below, the statutory functions delegated to the Committee relating to the collection, management, disposal, treatment, or recycling of waste street cleansing are as follows:

Environmental Protection Act 1990 Part II	
Section 34	Duty of Care - to prevent the unlawful deposit or treatment of waste in your control
Section 45	Duty to collect waste in your area and to make arrangements to collect, to collect commercial waste where requested.
Section 46	Authority to serve notice on householders to use prescribed receptacles for waste and to put them out for collection
Section 47	Authority to provide commercial customers with receptacles
Section 48	Duty to deliver waste collected to specific places (as specified by the WDA)
Section 51	Duty to arrange for disposal and duty to provide HRCs
Section 52	Duty to pay recycling credits

Section 55	Duty to make arrangements to recycle waste
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Waste and Emissions Trading Act 2003	
Section 9	Duty not to exceed allowances
Section 12	Duty to maintain records of biodegradable waste sent for treatment/disposal
Section 31	Power to make directions to WCAs as to separation of waste
Section 32	Duty to have in place a Joint Strategy for waste

Waste Minimisation Act 1998	
Section 1	Power to take steps to minimise waste

Household Waste and Recycling Act 2003	
Section 1	Duty to collect at least two types of recyclable waste

Environment Act 1995	
Section 108	Powers to take action to investigate pollution incidents or where harm to human health has been caused by pollution
Section 109	Powers to take action to prevent pollution or harm to human health

Clean Neighbourhoods & Environment Act 2005	
Part 2	Abandoned Vehicles
Part 3	Litter and Refuse
Part 4	Graffiti
Part 5	Waste

Local Government Act 1972	
Section 111	Powers to act as a local authority In so far as its use is calculated to facilitate or is incidental or conducive to the discharge of any of the functions referred to in paragraphs (a) to (h) listed below
	(a) European Community Strategy for Waste Management 1989 (as reviewed in 1996);
	(b) EU Directive 757 4427 EEC as amended by Directive 917 1567 EEC and adapted by Directive 967 3507 EEC on Waste (The Framework Directives on Waste);
	(c) Environmental Protection Act 1990;
	(d) Public Health Act 1936;
	(e) Anti-Social Behaviour Act 2003;
	(f) Clean Neighbourhoods and Environment Act 2005;
	(g) Refuse Disposal (Amenity) Act 1978 (insofar as this relates to abandoned vehicles, public safety and amenity);
	(h) Environmental Protection (Waste Recycling Payments) Regulations 1992 (as amended 1994)

Localism Act 2011	
Section 1	Power of General Competence

4. The functions retained by the individual partner Authorities are:

- a) authorising changes to the Inter-Authority Agreement
- b) budget setting
- c) service changes
- d) collection and disposal methods and policy changes to such collection and disposal methods
- e) procurement decisions in respect of the functions
- f) enforcement proceedings or other legal action in respect of the Functions
- g) corporate media communications

5. The membership of the committee comprises two elected members from each partner authority on a 'one member, one vote' basis. Each partner authority shall appoint two of its members as its representatives, one of which will be a member of the partner authority's Executive.

6. Each member shall remain in office until removed or replaced by his or her appointing partner authority, or in the case of an executive member, until he or she ceases to be a member of the executive of the appointing partner authority.
7. Where a substitute member takes the place of a committee member who is an executive member of the appointing partner authority, the substitute member must also be a member of the executive. The substitute member shall have the same rights of speaking and voting at meetings as the member for whom the substitution is made.
8. The committee will meet formally in public session on a quarterly basis with informal meetings, workshops and visits arranged as and when required.
9. The committee may appoint working groups, comprising Gloucestershire Joint Waste Committee members; officers from the Administering Authority, and officers of any of the partner authorities, to consider specific matters and to report back to the committee with recommendations. Each partner authority may also send any of its officers to committee meetings to support its members or anyone invited to observe at meetings.
10. Decisions made by the committee shall be subject to the scrutiny arrangements of the relevant partner authority.
11. A Chairman and Vice Chairman will be elected at the first meeting, and annually thereafter at the Annual General Meeting.
12. The quorum for a meeting shall be four committee members, which shall include at least one member appointed by each of the four different partner authorities. No business shall be transacted unless quorum is reached. If quorum is not reached within 30 minutes of the start of the meeting, (or if quorum ceases to be present during a meeting), the meeting shall be adjourned to the same time and venue within five working days of the meeting or to a date determined by the Chairman.

CONSTITUTION COMMITTEE

7th October 2013

1. Time limit to debate notices of motion

In light of continued discussions over the maximum 30 minute rule for each political group to consider motions at full council, the Liberal Democrat Constitution Committee members Cllr. Jeremy Hilton and Cllr. Paul Hodgkinson would like to propose the removal of this time limit from the council's constitution together with the following amendments: -

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

Unless the Chairperson, in consultation with Group Leaders, decides otherwise, subject to Procedural Standing Order 11.8, there will be no time restrictions on 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). Immediately after the end of the debate 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;

Deleted: shall be considered by full council for up to a maximum of 60 minutes on the day of a meeting.

Deleted: 30 minute period

In recognizing the removal of the maximum 30 minute rule for each political group to consider motions at full council, Procedural Standing Order 11.8 will also be amended as follows: -

11.8 *The total period of time spent on motions on the day of a meeting shall not exceed three hours immediately following which the motion under discussion shall be put to the vote.*

Deleted: two

Deleted: This Procedural Standing Order may not be suspended.

In considering amendments to a motion, 13.5 of the council's constitution will be amended as follows: -

The time spent debating an amendment to a motion shall not exceed a maximum of 20minutes

Deleted: count towards the

Deleted: allowance of the political group of the proposer of the amendment to the motion.

The effect of these proposed amendments would be to restrict the total time for debating motions to three hours, an increase of just one hour from present constitutional limit. Council would be able to suspend standing orders to increase this time if it so wished. There would be no time limit on discussion on individual motions, but there will be a need for group leaders in consultation with the chair, to agree beforehand an informal time period for each motion, so that all motions can be debated and determined within the three hour time limit. To help facilitate the completion of motions it is proposed to introduce a 20 minute limit to debate amendments.

NB: The above changes however do not affect the 'Rules of Debate' and the time limit given to individual speakers.

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CONSTITUTION COMMITTEE

7th October 2013

2. Annual Election of Leader of Council

To improve democracy on the county council and ensure that the post of Leader of the Council is treated the same as all other elected member positions and in order that the Leader of this Council remains both effective and accountable, the Liberal Democrat Constitution Committee members Cllr. Jeremy Hilton and Cllr. Paul Hodgkinson would like to propose the following amendment to the council's constitution indicated below: -

1) Article 6 – The Cabinet – Section 6.03

The term of office of the Leader will start on the day of his election as Leader and end on the day of the next annual meeting unless:

Deleted: post election

And that the words highlighted in the box are deleted: -

6.03.1 He or she is removed from office by a simple resolution of the full Council at an earlier date.

Deleted: but normally only in the event of a change of political control of the Council;

The above amendments therefore reduces the current four year term of office of the Leader to yearly terms with the need for annual re-elections of the current Leader if he or she so wishes to re-stand or the election as Leader of Council. This will ensure that the role of Leader of the Council is treated in the same way as the Chair of the Council and other councillor posts that are elected at the annual meeting.

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Changes to Gloucestershire County Council Constitution by the Monitoring Officer

Following changes introduced by the Localism Act such that there is no longer an automatic requirement for a referendum before a change in the Council's governance arrangements, and in the exercise of my powers set out in Article 14.02.01 of the Council's Constitution, I make the following amendment to the Council's Constitution:

Article 14.03 shall be amended to read:

"14.03 Changes to governance arrangements

Changes to the law introduced by the Localism Act mean that there is no longer an automatic requirement for a referendum before a change to the Council's governance arrangements. Thus, the Council may change from executive arrangements to a committee system or change from a Leader and Cabinet executive to a Mayor and Cabinet executive by passing a resolution to that effect. This applies unless the Secretary of State has made an Order requiring the Council to hold a referendum on whether it should operate a Mayor and Cabinet executive. The resolution itself may provide that the proposed change be subject to approval in a referendum."



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Jane Burns
Monitoring Officer
Gloucestershire County Council

24 September 2013

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