

# CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday, 9 June 2014 at 1pm.

## PRESENT

### Membership:

Cllr Mark Hawthorne	Cllr Ray Theodoulou
Cllr Jeremy Hilton	Cllr Lesley Williams
Cllr Brian Oosthuysen	Cllr Will Windsor-Clive

### Substitutes:

Cllr Dorcas Binns (in place of Cllr Nigel Moor)  
Cllr Richard Leppington (in place of Cllr Colin Guyton)  
Cllr Klara Sudbury (in place of Cllr Paul Hodgkinson)

### Apologies:

Cllrs Colin Guyton, Paul Hodgkinson and Nigel Moor

### Officers:

Jane Burns, Director of Strategy & Challenge and Monitoring Officer  
Christine Wray, Head of Legal Services  
Gillian Parkinson, Deputy Head of Legal Services  
Claire Edwards, Team Leader – Economic Development and Strategic Planning  
Simon Harper, Head of Democratic Services

## 70. APPOINTMENT OF CHAIRMAN (AI 1)

Cllr Mark Hawthorne was appointed Chairman of the Constitution Committee for the 2014-15 civic year.

## 71. MINUTES (AI 3)

The minutes of the meeting held on 10 March 2014 were confirmed and signed as a correct record.

## 72. PUBLIC QUESTIONS (AI 4)

There were no public questions.

## 73. MEMBER QUESTIONS (AI 5)

There were no member questions.

**74. UKIP MOTION - REVISED PROCEDURE FOR COUNCIL QUESTIONS (AI 6)**

At the full Council meeting held on 19 March 2014, the following resolution was passed:

*This Council notes the increasing number of questions submitted to Council and Cabinet meetings. There have been close to 100 questions submitted to the last two Council meetings alone.*

*The impact on the work of Cabinet members and senior officers who prepare responses is of serious concern when they should be working on behalf of council taxpayers to deliver quality services to the residents of Gloucestershire.*

*The Constitution Committee should therefore be asked to consider making a recommendation to the Council that the current rules relating to member questions be amended to ensure that a question is only answered at Council or Cabinet if a member has previously submitted it in writing to the relevant Cabinet member and, in the opinion of the member, a satisfactory response has not been received within 10 working days.*

Cllr Richard Leppington who was in attendance on behalf of Cllr Colin Guyton, the mover of the original motion, said that the UKIP Group were concerned at the amount of time taken at the start of full Council meetings in dealing with member questions. He said that his group were supportive of a compromise whereby member questions at full Council meetings were considered after motions rather than near the start of meetings. He was anxious, however, that this was reviewed after a suitable period.

A member spoke strongly against the original motion and believed that it would lead to duplication and result in extra work for Cabinet members and officers. He was not supportive of moving questions to later on the Council agenda as he felt that it was appropriate that they were asked at the start of the meeting. He supported a suggestion that extra time should be provided at the end of the meeting to allow member question time to be completed if this was not possible during the 30 minutes at the start of the meeting.

Another member stated that there might be unintended consequences of moving member questions to later in the meeting. She said that members might submit more questions because of concerns that they might not be present later in the meeting to ask supplementary questions. She also believed that it was right for member questions to be considered at the start of the meeting when the public were more likely to be present.

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

A number of members supported the proposal for member questions to be considered after motions. They noted that motions were the most important part of Council meetings and the proposal would mean that they would be considered earlier. By moving member questions towards the end of the agenda, members with other commitments could leave the meeting having still had the opportunity to debate the motions.

***RESOLVED TO RECOMMEND TO THE COUNCIL that***

- a) *Procedural standing order 2.1 in part 4 of the Constitution (page 79) relating to the order of business at full Council meetings be amended so that member questions are considered immediately following motions.*
- b) *This change be reviewed by the Constitution Committee after three full Council meetings.*

**75. GLOUCESTERSHIRE ECONOMIC GROWTH OVERVIEW AND SCRUTINY COMMITTEE (A17)**

Consideration was given to a report providing information on the creation of the Gloucestershire Economic Growth Overview and Scrutiny Committee.

The Deputy Head of Legal Services outlined the proposed changes to the Council's Constitution including the requirement for a voting scheme to be agreed with the district councils.

Members noted that it would be a County Council overview and scrutiny committee comprising six members (2 Cons: 2 Lib Dem: 1 Lab: 1 UKIP) and six co-opted district members (one from each council).

The special responsibility allowance for the chairman of the committee would need to be assessed by the Independent Remuneration Panel and, if necessary, confirmed by full Council ahead of the first meeting in the Autumn.

***RESOLVED TO RECOMMEND TO THE COUNCIL that***

- a) *The Constitution be amended to create the Gloucestershire Economic Growth Overview and Scrutiny Committee in accordance with the report.*
- b) *Six county councillors be appointed to the committee (2 Cons: 2 Lib Dem: 1 Lab: 1 UKIP).*
- c) *The chairman be appointed from amongst the County Council membership of the committee.*

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

- d) *The Independent Remuneration Panel be asked to assess the special responsibility allowance for the chairman to allow the level of allowance to be confirmed ahead the first meeting of the committee in the Autumn.*

**76. AUDIT AND GOVERNANCE COMMITTEE - REVISED TERMS OF REFERENCE (AI 8)**

The committee considered a report setting out revised terms of reference for the Audit and Governance Committee. These reflected the requirements of the new Public Service Internal Audit Standards 2013.

***RESOLVED TO RECOMMEND TO THE COUNCIL*** *that the revised terms of reference for the Audit and Governance Committee included in the report be approved.*

**77. AMENDMENTS TO THE CONSTITUTION (AI 9)**

The committee considered a report proposing a number of changes to the Constitution to reflect good practice, ensure consistency and address issues which had been raised by members since the election in May 2013.

Following debate around a number of the changes proposed, it was

***RESOLVED TO RECOMMEND TO THE COUNCIL*** *that the changes proposed to the Constitution in annex 3 be approved subject to the following:*

- a) *Procedural standing order 2.1.8 on page 80 (12 - full Council meetings) – add ‘Note: motions will not normally be allowed at the Annual Meeting following a County Council election. However, in exceptional circumstances, the Chief Executive may allow a motion to be presented following consultation with Group Leaders’.*
- b) *No change to procedural standing order 9.7 on page 83 (16 - supplementary questions from the public).*
- c) *No change to procedural standing order 9.3 on page 115 (21 - deadline for questions at Cabinet meetings).*

**CHAIRMAN**

The meeting ended at 2.20pm