

# CONSTITUTION COMMITTEE

**MINUTES of the meeting of the Constitution Committee held on Wednesday 10th December, 2014 commencing at 3.00 pm.**

## **PRESENT MEMBERSHIP:**

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

## **Substitutes:**

## **Apologies:**

## **78. MINUTES**

The minutes of the meeting of 9 June 2014 were approved as a correct record and signed by the Chairman.

## **79. PUBLIC QUESTIONS**

No public questions were received.

## **80. MEMBERS' QUESTIONS**

No questions from members were received.

## **81. REVIEW OF REVISED PROCEDURE FOR COUNCIL QUESTIONS**

81.1 The Committee reviewed the change to Procedural standing order 2.1 in part 4 of the Constitution, which was amended so that member questions at full Council meetings were considered immediately following motions. The amendment was agreed at the full Council meeting of 25 June 2014, and was now subject to review following three full Council meetings.

81.2 A member expressed the view that member questions were a useful mechanism in scrutinising the work of the Cabinet and it was therefore not appropriate for member questions to be considered later on in the agenda. He felt that member questions should be considered at the beginning of the meeting when there were usually more members in attendance. Another member agreed, explaining that in his view the correct order of business was for member questions to be considered straight after the public questions, as the questions could be pertinent to the motions considered later on in the meeting.

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- 81.3 Cllr Lesley Williams confirmed that the consensus view of the Labour Group was that the order of business at full Council meetings should be restored, so that member questions were considered at the beginning of the meeting, straight after public questions.
- 81.4 Cllr Colin Guyton (mover of the original motion) explained that the intention of the original motion was to lessen the amount of time taken to deal with member questions, by encouraging members to submit their question to the relevant Cabinet member first, outside of the meetings. The question would then only be answered at full Council or Cabinet if a satisfactory response had not been received within 10 working days.
- 81.5 A number of members expressed support for the current order of business at full Council meetings to continue. Emphasis was placed on motions being the most important part of Council meetings. It was recognised that some members had other commitments later on in the day; by having member questions at the end of the agenda they could leave the meeting still having had the opportunity to debate the motions.
- 81.6 ***RESOLVED TO RECOMMEND TO THE COUNCIL that the current order of business at full Council meetings should continue, so that member questions were considered immediately following motions.***

## **82. ITEMS REQUESTED BY CLLR JEREMY HILTON**

### **82.1 Overview and scrutiny**

- 82.1.2 The Committee noted that following the debate at full Council on 26<sup>th</sup> November 2014, Cllr Hilton had requested that further consideration be given to the establishment of an overview and scrutiny committee to look at the Fire and Rescue Service, Emergency Planning and Business Continuity.
- 82.1.3 Cllr Hilton informed the Committee that in his view, items related to the Fire and Rescue Service, Emergency Planning and Business Continuity, were not being given sufficient coverage by the Environment and Communities Scrutiny Committee agenda. Another member agreed, commenting that those aspects of the agenda did not fit well under the remit of the Environment and Communities Scrutiny Committee as the agenda focused predominantly on highways and waste issues.
- 82.1.4 Cllr Hilton explained that he believed that if the scrutiny of those services remained within the remit of the Environment and Communities Scrutiny Committee, then a mechanism was needed, to ensure those services, received the appropriate level of scrutiny.

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- 82.1.5 The Committee was informed that an officer had undertaken research into the arrangements for scrutiny of the fire and rescue services in other county councils. Of the 12 councils contacted, none had a separate scrutiny committee specifically for the fire and rescue service.
- 82.1.6 A member expressed the view that whilst he was supportive of the Fire and Rescue Service being effectively scrutinised, he did not believe a separate committee for the Fire and Rescue Service was necessary. He pointed out that Cabinet Members could be held to account on the decisions they took through the Shadow system, and the Chief Fire Officer was often in attendance at the Environment and Communities Scrutiny Committee meetings.
- 82.1.7 A number of members were of the opinion that the most effective way of ensuring matters relating to the Fire and Rescue Service, Emergency Planning and Business Continuity, received the appropriate level of scrutiny, would be for a standing item; i.e. 'Report from the Chief Fire Officer', to be included on future Environment and Communities Scrutiny Committee agendas.
- 82.1.8 **RESOLVED TO RECOMMEND TO THE ENVIRONMENT AND COMMUNITIES SCRUTINY COMMITTEE** *that consideration be given to including a standing item on all future Environment and Communities Scrutiny Committee agendas; i.e. 'Report from the Chief Fire Officer', to enable any relevant issues regarding the Fire and Rescue Service, Emergency Planning and Business Continuity to be considered by the Committee.*

## **82.2 Tied Votes**

- 82.2.1 Cllr Hilton explained to the Committee that he believed an appropriate amendment should be made to the Constitution to ensure that the position was made clear in the case of a tied vote.
- 82.2.2 Members of the Committee recognised that a tied vote for the election of Chairman, or a tied vote in the case of a procedural motion relating to the election of Chairman, would happen only very rarely. Members of the Committee were however in support of an explanatory note being added to the Constitution, to specify that if the situation were to arise, then the matter would be dealt with by the toss of a coin.
- 82.2.3 **RESOLVED THAT THE MONITORING OFFICER** *be requested to make the appropriate change to the Constitution under her delegated powers.*

## **83. REVISIONS TO THE EMPLOYEE CODE OF CONDUCT**

- 83.1 Jane Burns, Director of Strategy & Challenge and Monitoring Officer, informed the Committee that following a recommendation from the Internal Audit Review of the Employee Code of Conduct, the document had been updated to reflect recent legal and other changes. The amendments were shown as tracked changes.

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83.2 The Committee considered the revised Employee Code of Conduct. In response to a point raised by a member, the Monitoring Officer explained that whilst the Political Assistant posts were politically sensitive, they were bound by slightly different regulations. The specific regulations relevant to the posts were outlined in the three post holders' contract of employment.

83.3 ***RESOLVED TO RECOMMEND TO THE COUNCIL that the revised Employee Code of Conduct is approved and adopted.***

#### **84. GLOUCESTERSHIRE ECONOMIC GROWTH JOINT COMMITTEE**

84.1 The Committee noted the changes.

***RESOLVED TO RECOMMEND THE COUNCIL to ratify the changes to the Constitution, made by the by the Monitoring Officer under delegated powers, regarding the Gloucestershire Economic Growth Joint Committee.***

#### **85. COMMONS AND RIGHTS OF WAY COMMITTEE**

85.1 The Committee noted the changes.

***RESOLVED TO RECOMMEND THE COUNCIL to ratify the changes to the Constitution, made by the by the Monitoring Officer under delegated powers, regarding the Commons and Rights of Way Committee.***

#### **CHAIRPERSON**

Meeting concluded at 3.50 pm