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| <b>Constitution Committee</b>                 |  |
| <b>Monday 12 March 2018 at 3.00 pm</b>        |   |
| <b>Members' Room - Shire Hall, Gloucester</b> |   |
| <b>AGENDA</b>                                 |   |

|          |  |              |
|----------|--|--------------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b><br>To note any apologies for absence.   | Laura Powick |
| <b>2</b> | <b>MINUTES</b> (Pages 1 - 4)<br>To approve the minutes of the meeting held on 15 January 2018.   | Laura Powick |
| <b>3</b> | <b>PUBLIC QUESTIONS</b><br>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 Monday 5 March 2018.</b> To answer any urgent question(s) put by members of the public with the consent of the Chairperson.<br><br><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> | Laura Powick |
| <b>4</b> | <b>MEMBERS' QUESTIONS</b><br>To answer any written members' questions. <b>The closing date/time for the receipt of questions is 10.00am on Monday 5 March 2018.</b>  | Laura Powick |

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| <b>5</b>   | <p><b>GENDER NEUTRAL LANGUAGE IN THE CONSTITUTION</b> (Pages 5 - 6)</p> <p>The Committee to consider a briefing note on gender neutral language in the Constitution.</p> | Cllr Rachel Smith |
| <b>6</b>   | <p><b>PROCEDURE FOR BUDGET COUNCIL MEETINGS</b></p> <p>The Committee to consider a proposal on a separate procedure in the Constitution for budget council meetings.</p> | Cllr Colin Hay    |
| <b>7</b>   | <p><b>MONITORING OFFICER CHANGES TO THE CONSTITUTION</b> (Pages 7 - 10)</p> <p>To consider the attached report.</p>  | Jane Burns        |
| <p><b>Membership</b> – <i>Cllr Mark Hawthorne MBE, Cllr Colin Hay, Cllr Paul Hodgkinson, Cllr Nigel Moor, Cllr John Payne, Cllr Rachel Smith, Cllr Lynden Stowe, Cllr Ray Theodoulou and Cllr Will Windsor-Clive</i></p> |  |                   |

- (a) **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](mailto:Jane.Burns@gloucestershire.gov.uk) prior to the start of the meeting.
- (b) **INSPECTION OF PAPERS AND GENERAL QUERIES** - If you wish to inspect minutes or reports relating to any item on this agenda or have any other general queries about the meeting, please contact: Laura Powick, Democratic Services Adviser ☎:01452 324205/fax: 425850/e-mail: [laura.powick@gloucestershire.gov.uk](mailto:laura.powick@gloucestershire.gov.uk)
- (c) **GENERAL ARRANGEMENTS**
- 1 Members are required to sign the attendance list.
  - 2 Please note that substitution arrangements are in place for Scrutiny (see page 81 of the Constitution).
- (d) Please note that photography, filming and audio recording of Council meetings is permitted subject to the Local Government Access to Information provisions. Please contact Democratic Services (Tel 01452 324202) to make the necessary arrangements ahead of the meeting. If you are a member of the public and do not wish to be photographed or filmed please inform the Democratic Services Officer on duty at the meeting.

**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 a meeting of the Constitution Committee held on Monday 15 January 2018 at the Cabinet Suite - Shire Hall, Gloucester.**

### **PRESENT**

|                      |                         |
|----------------------|-------------------------|
| Cllr Mark Hawthorne  | Cllr Rachel Smith       |
| MBE (Chairman)       | Cllr Lynden Stowe       |
| Cllr Colin Hay       | Cllr Ray Theodoulou     |
| Cllr Paul Hodgkinson | Cllr Will Windsor-Clive |
| Cllr Nigel Moor      |                         |
| Cllr John Payne      |                         |

### **Apologies:**

### **Substitutes:**

### **Also in**

**attendance:** Richard Blamey, Chair of the Independent Remuneration Panel  
Quentin Tallon, Independent Remuneration Panel Member

### **Officers:**

Jane Burns, Director of Strategy and Challenge and Monitoring Officer  
Gillian Parkinson, Head of Legal Services  
Simon Harper, Head of Democratic Services  
Laura Powick, Democratic Services Adviser

### **44. APOLOGIES FOR ABSENCE**

There were no apologies at the meeting.

### **45. MINUTES**

The minutes of the previous meeting of 9 October 2017 were agreed as a correct record and signed by the Chairman.

Following a query, it was clarified that the way in which individual members voted on a recommendation could be recorded in the minutes if requested.

### **46. PUBLIC QUESTIONS**

No public questions were received.

### **47. MEMBERS' QUESTIONS**

No questions from members were received.

### **48. REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Richard Blamey, Chair of the Independent Remuneration Panel (IRP), presented the IRP's report to the Committee.

He informed the Committee that he met with Group Leaders in June 2017, and that the Panel interviewed seventeen members, including 14 newly elected members, in October, as part of the review process for members' allowances. Members were reminded that the basic allowance was last increased in 2016 for a 2 year fixed period.

It was explained that the IRP had undertaken a review of the allowance schemes for the other 27 county councils in England, which indicated that the current special responsibility allowance (SRA) for committee and scrutiny chairs at Gloucestershire County Council was low in comparison to other councils. The SRA for the Leader of Gloucestershire County Council was also lower than at the majority of other county councils, however it was noted that a formal recommendation was not being made to address this due to the reluctance of the current Leader of the Council to accept an increase.

There was a discussion regarding the SRA for the Leader of the Council. It was clarified that, in other councils, the SRA for the position was as high as £45,000. Several members expressed an opinion that the SRA should be increased, as the role of Leader of the Council was significant in that it oversees a budget of over £400million, and in order to attract the right calibre of person to the position. Several members also commented that should the SRA be increased, the Leader had the right to decide whether to waive their allowance. It was suggested that an increase to the SRA for the Leader could put upward pressure on other SRAs.

Following the discussion, it was suggested that the IRP consider the SRA for the Leader of the Council in their next review of members' allowances in a year's time.

In response to a query it was explained that the data from other county councils suggested that the role of deputy leader should not be distinguished in the allowances scheme.

In response to a further query it was explained that there was no provision for members to be part of the Local Government Pension Scheme.

The Committee thanked the IRP for its report and supported its recommendations.

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

- 1. To increase the special responsibility allowance for committee chairs and group leaders to £6,000 for the financial year;*
- 2. To increase the basic allowance from £10,000 to £10,100 (1%) for the 2018-19 financial year;*
- 3. To increase all other special responsibility allowances by 1% in line with the recommendation for the basic allowance; and*

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

4. *To note the revised members' allowances scheme for 2018-19 at Appendix B to the report.*

#### **49. ARRANGEMENT FOR THE CHAIR OF AUDIT AND GOVERNANCE COMMITTEE**

The Committee reconsidered the following recommendation:

**That the Constitution be amended to include the arrangement for the Chair of Audit and Governance Committee to be a member drawn from outside the group or groups forming the administration.**

There was a discussion as to whether the Constitution should determine the arrangements for opposition groups to determine the nomination for the Chair of Audit and Governance Committee. It was agreed that Democratic Services would facilitate a conversation between opposition groups to agree a nomination, and would provide the guidance that opposition groups should endeavour to reach agreement on a single nomination but would not fetter voting by individual members at full Council.

***RESOLVED TO RECOMMEND TO THE COUNCIL that the Constitution be amended to include the arrangement for the Chair of Audit and Governance Committee to be a member drawn from outside the group or groups forming the administration.***

#### **50. URGENT QUESTIONS AT CABINET**

Simon Harper, Head of Democratic Services, reminded the Committee of the arrangement for a member of the public to ask an urgent question at meetings of full Council. It was proposed that the current arrangements for the asking of oral questions at Cabinet meetings be amended to mirror the arrangements at full Council, whilst maintaining that questions could only be asked about items on the Cabinet agenda.

One member expressed their disappointment that the arrangements for the asking of oral questions at meetings of full Council had been changed to the asking of urgent questions.

Clarification was sought as to whether a person submitting an urgent question could ask a supplementary question. It was explained that this would be the expectation.

It was proposed that the amendment be revised to determine that a member of the public may ask an urgent written question.

The Committee voted on the revised amendment. Six members voted for the revised amendment. Cllrs Colin Hay, Paul Hodgkinson, and Rachel Smith voted against the revised amendment. The revised amendment was therefore upheld.

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

**RESOLVED TO RECOMMEND TO THE COUNCIL** that the Constitution be amended under Part 4 of the Council's Constitution, section 9, Cabinet Procedural Rules to state that an urgent written question may be asked by a member of the public about any item on the Cabinet agenda for that meeting, which the Chairperson considers could not have been reasonably submitted by the deadline for receipt of written questions, provided that he or she gives notice of the question to the Chief Executive by 12 noon the day before the meeting.

## **51. LENGTH OF SPEECHES FOR MOTIONS AT MEETINGS OF FULL COUNCIL**

Simon Harper explained the proposed changes to the length of speeches at meetings of full Council.

It was clarified, following a query, that the standing order for the length of speeches at full Council meetings could be suspended should a longer amount of time be required for speeches.

On being put the vote, the Committee supported the recommendation.

**RESOLVED TO RECOMMEND TO THE COUNCIL** that the Constitution be amended under Part 4 of the Council's Constitution, section 13, Procedural Standing Orders, as set out in Annex A of the report.

## **52. MONITORING OFFICER CHANGES TO THE CONSTITUTION**

The Committee considered the reports, noting, in particular, the revised and updated 'Whistleblowing Policy', which, due to the cancellation of the Constitution Committee meeting on 11 December 2017 because of adverse weather conditions, was approved by the Chief Executive under delegated powers.

**RESOLVED TO RECOMMEND TO THE COUNCIL** to ratify the changes to the Constitution, as set out in the reports, by the Monitoring Officer under delegated powers.

**CHAIRMAN**

Meeting concluded at 4.10 pm

## Use of Gender-Neutral/ Gender-Inclusive Language in Gloucestershire County Council Constitution

### What is gender-neutral language?

Gender-neutral language or gender-inclusive language is language that avoids bias toward a particular sex or social gender. This includes use of nouns that are not gender-specific to refer to roles or professions, as well as avoidance of the pronouns *he/she*, *him/her* and *his/hers* to refer to people of unknown or indeterminate gender.

There are professions and roles that are not gender specific but which have traditionally had a gendered word to describe them. For example, *fireman* has become *fire fighter*; *policeman* has become *police officer* etc.

Particularly relevant to GCC and the practice within the democratic function of the council is the use of the word *chairman*, which prevails both in spoken usage, in the constitution and within other documents such as meeting minutes and agenda.

### What are we already doing at GCC?

Within the GCC Constitution, the majority of references to the role of the Chair are either *chair* or *chairperson*, but there are also references to *chairman* within the constitution.

Within the constitution, when reference is made to members of the public, they are subsequently referred to as *he or she*.

Within the wider council, especially in public facing areas, the practice is far more up to date. For example, from the register a death service, there is extensive use of gender-neutral language to refer to an individual of unknown gender: “**Their** bus pass and/or blue badge, if **they** had one”

### What can we change?

1. Tidy up the language relating to the position of chair – not only in the constitution, but also in documents such as meeting agendas and minutes, i.e. *Chairman* becomes *Chair* or *Chairperson*.
2. Within the constitution, change references to ‘*he/she*, *him/her* and *his/hers*’ to ‘*they/them/theirs*’.

Cllr Rachel Smith  
1<sup>st</sup> March 2018

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**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 amendments to the Council's Constitution as indicated by the following **insertions** to Section 4 of Part 3 of the Council's Constitution.

*J Burns*  
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Jane Burns  
Monitoring Officer  
Gloucestershire County Council  
*9 February* 2018

## SECTION 4 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 4.1 In accordance with the Local Government Act 2000 (as amended) the Leader of the Council has determined that executive functions of the Council should be the responsibility of the Cabinet, individual Members of which may take executive decisions within their area of responsibility, and Officers.
- 4.2 The Cabinet is not responsible for approving the Council's budget or the Policy Framework. It is, however, responsible for leading the development of the budget and Policy Framework. The Cabinet is also responsible for making decisions on the delivery of Council services within the approved budget and Policy Framework in respect of any matter that is not reserved by law or under the Constitution to the full Council or another Council body.
- 4.3 In Gloucestershire, executive decisions can be taken by the Cabinet collectively, by Cabinet Members individually and by Officers of the Council to whom powers have been delegated. Decisions will be taken in accordance with the Cabinet Procedure Rules, Access to Information Procedure Rules and the Policy Framework and Budget Procedure Rules.
- 4.4 Every Cabinet Member is assigned areas of responsibility by the Leader of the Council, as described below.

| <b>Area of responsibility</b> |   |
|-------------------------------|---|
| <b>4.4.1</b>                  | <b>Leader of the Council</b>                              |
|                               |   |
|                               | 1. Overall responsibility for the Council                 |
|                               | 2. Regional and national affairs                          |
|                               | 3. Accountable body status – Local Enterprise Partnership |
|                               | 4. Performance  |
|                               | 5. Communications   |
|                               | 6. Customer Experience                                    |

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| <b>4.4.2</b> | <b>Deputy Leader and Cabinet Member for Finance and Change</b> |
|              |  |
|              | 1. Finance and resources                                       |
|              | 2. Support Services  |
|              | 3. Shareholder of UBICO  |
|              | 4. Waste disposal (until 1 September 2017)                     |

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| <b>4.4.3</b> | <b>Cabinet Member for Fire, Planning and Infrastructure</b>   |
|              |   |
|              | 1. Fire and Rescue  |
|              | 2. Minerals and waste planning and Planning Authority liaison – duty to co-operate  |
|              | 3. Strategic infrastructure and local transport plan – with focus on plan led infrastructure needs (see link to economic led major infrastructure in 4.4.9) |
|              | 4. Trading Standards, Registration Service & Coroners   |

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| 5. Civil Contingencies   |
| 6. Community Safety including the prevention of crime and disorder and liaison with Gloucestershire Police and the Police & Crime Commissioner |
| 7. Road safety   |
| 8. Parking and TROs  |
| 9. Highways Development Management   |
| 10. Waste disposal (from 1 September 2017)   |
| 11. Climate change and carbon reduction  |

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| <b>4.4.4 Cabinet Member for Highways and Flood</b> |
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| 1. Highways 5 year investment plan                 |
| 2. Highways maintenance                            |
| 3. Traffic manager                                 |
| 4. Streetworks                                     |
| 5. Asset Management Plan                           |
| 6. Public Rights of Way                            |
| 7. Flooding  |

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| <b>4.4.5 Cabinet Member for Public Health and Communities</b> |
|   |
| 1. Public Health  |
| 2. Asset Based Community Development                          |
| 3. Welfare matters  |
| 4. Travellers   |
| 5. Parish and Town Councils                                   |
| 6. Advice and information                                     |
| 7. Libraries  |

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| <b>4.4.6 Cabinet Member for Adults Social Care Commissioning</b> |
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| 1. Commissioning including joint commissioning                   |
| 2. Adults Single Programme                                       |
| 3. Demand management   |
| 4. Services for vulnerable people                                |

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| <b>4.4.7 Cabinet Member for Children &amp; Young People</b>                         |
|   |
| 1. Children's safeguarding  |
| 2. Looked After Children/Care Leavers   |
| 3. Young people   |
| 4. Early help (including troubled families, family support, and early intervention) |
| 5. Early years including children's centres   |
| 6. Special Educational Needs  |
| 7. Strategic oversight of education   |
| 8. Adoption & Fostering   |
| 9. Children with disabilities   |

| <b>4.4.8 Cabinet Member for Adult Social Care Delivery</b>                   |
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| 1. GCC-provided services   |
| 2. Adult safeguarding  |
| 3. Operational services for Learning Disabilities and Physical Disabilities, |
| 4. Mental Health   |
| 5. Transitions   |
| 6. Adults living in vulnerable circumstances                                 |
| 7. Reablement  |
| 8. Residential and Nursing Care  |
| 9. Dementia  |
| 10. Domiciliary Care   |
| 11. Carers   |
| 12. Domestic abuse   |

| <b>4.4.9 Cabinet Member for Economy, Skills and Growth</b>                                |
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|   |
| 1. Economic growth  |
| 2. Skills, post 16 education and lifelong learning  |
| 3. Apprenticeships  |
| 4. Superfast broadband  |
| 5. Industrial strategy  |
| 6. Economic led major infrastructure (see link to plan led major infrastructure in 4.4.3) |
| 7. School improvement/access and place planning   |
| 8. Home to school transport   |
| 9. School funding (see link to 4.4.7 strategic oversight of education)                    |

4.5 Every area of responsibility shall include the Council's executive function of investigating and/or prosecuting suspected or actual criminal and civil acts relating to the executive functions referred to in the portfolio.

*Note: Prosecution of suspected criminal acts are subject to authorisation by the Head of Legal Services.*

4.6 The Leader of the Council may appoint up to five Cabinet Project Champions to assist the Cabinet with its work. Cabinet Project Champions do not have executive powers. The Leader has assigned the following roles:

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| <u>Cabinet Champion Infrastructure Planning</u> |
| <u>Cabinet Champion Community Empowerment</u>   |
| <u>Cabinet Champion Culture and Change</u>      |
| <u>Cabinet Champion Care Leavers</u>            |