

CONSTITUTION COMMITTEE

10 MARCH 2014

AMENDMENTS TO THE COUNCIL'S CONSTITUTION

REPORT OF THE MONITORING OFFICER

1. Procedural Standing Orders: Recorded votes.

- 1.1 On 25th February 2014 the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 came into force. The effect of these Regulations is that the Council must amend its Procedural Standing Orders to incorporate a provision requiring there to be a recorded vote at budget meetings. The purpose of this change is to enable people to see how their councillors voted, not only on the substantive budget motions agreeing the budget, setting council taxes or issuing precepts but also on any amendment proposed at the meeting.
- 1.2 The amendment to Procedural Standing Orders set out in Annex 1 Part 1 is therefore proposed for approval by the committee and recommendation to full council.

2. Cabinet Procedure Rules: Time limit for submitting questions to Cabinet.

- 2.1 It is proposed that the deadline for submitting questions to Cabinet be amended to 4.00pm three clear working days before the date of the meeting; thus paragraph 9.3 of the Cabinet Procedure Rules be amended as set out in Annex 1 Part 2.

3. Ratification of changes made by the Monitoring Officer under delegated powers.

- 3.1 The committee is requested to approve the amendments to the Constitution made by the Monitoring Officer under delegated powers as set out in Annex 2 and to recommend the same to full council.
- 3.2 The change to Article 6.03.1 results from previous discussions at committee.
- 3.3 The changes to the whistle blowing procedure result from a change in legislation, namely Part 4A of the Enterprise and Regulatory Reform Act 2013 amending the Employment Rights Act 1996. Essentially, in order to benefit from protection under the 1996 Act, whistle blowing claims must satisfy a

public interest test and disclosures which can be categorised as being of a personal rather than a public interest will not be protected. This necessitated the change in nuance in the council's procedure. Employees will still be able to address personal grievances through the council's HR policies.

4. RECOMMENDATIONS:

The amendments to the Constitution set out in Annexes 1 and 2 are approved and recommended to full Council.

Jane Burns

Monitoring Officer

Tel: 01452 328472

Email: jane.burns@gloucestershire.gov.uk

ANNEX 1

Part 1.

Procedural Standing Orders shall be amended by the addition of the following new paragraph 15.7 and re-numbering of subsequent paragraphs.

“15.7 Immediately after any vote is taken at a budget decision meeting there shall be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision, or against the decision or who abstained from voting.”

Part 2.

Cabinet Procedure Rule 9.3 shall be amended to read;

“A written copy of the question must have been delivered to the Chief Executive by 4.00pm three clear working days before the date of the meeting.”