

CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday 14th November, 2011 commencing at 3.00 pm.

PRESENT MEMBERSHIP:

Cllr Phil Awford	Cllr Steve McHale
Cllr Mark Hawthorne	Cllr Antonia Noble
Cllr Tony Hicks	Cllr Ray Theodoulou
Cllr Jeremy Hilton	Cllr Will Windsor-Clive
Cllr Ceri Jones	

Substitutes:

Apologies:

8. ELECTION OF CHAIRMAN

In the absence of Cllr Noble at the start of the meeting it was

RESOLVED

THAT Cllr Hawthorne be elected as Chairman for the meeting.

9. MINUTES

RESOLVED

THAT the minutes of the meeting held on 6 June 2011 be approved as a correct record and signed by the Chairman.

10. PUBLIC QUESTIONS

No public questions were received.

11. MEMBERS' QUESTIONS

No Members' questions were received.

12. AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Christine Wray, Assistant Director of Law and Administration presented this report that sought agreement to recommend to Council proposed amendments to the Officer Scheme of Delegation together ratification by Council of the changes to Cabinet Procedure Rules made by the Monitoring Officer under his delegated powers.

Christine Wray explained that the amendments to the Officer Scheme of Delegation relate to the new operating model with effect from 1 January 2012. Directorates would cease to exist on 1 January 2012 and it was proposed that the functions are described by reference to Service areas, rather than directorates. There would be a number of consequential changes when the consultation on the delivery structure was complete, these would be made by the Monitoring Officer under delegated powers and reflected in the report to Council.

In response to a Members' question it was confirmed that the Chief Executive could only make an interim appointment for a maximum period of six months and he would not be able to make a subsequent interim appointment.

On being put to the vote it was

RESOLVED to RECOMMEND to COUNCIL

THAT

- I. **the changes to the Constitution shown in tracked mode in Appendix A be approved.**
 - II. **the changes set out in Appendix B be noted and forwarded to Council for ratification.**
- 13. PROPOSAL TO CHANGE PROCEDURAL STANDING ORDER 4.2 - APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

The Committee considered a report of the Director of Law and Administration in relation to proposals to change Procedural Standing Order 4.2 – Appointment of Substitute Members of Committees. It was noted that currently the standing order only allows political groups one substitute at each meeting. In practice this means that the Conservative Group with 40 members has the same right to a substitute at a meeting as the People Against Bureaucracy Group with only 2 members. To better reflect the relative sizes of the political groups and to strengthen the provision of substitutes as a mechanism for maintaining the political balance at meetings it was proposed that Procedural Standing Order 4.2 be appended to increase the number of substitutes on those Committees which allow substitutes. Members were asked to consider two options; under both options Procedural Order 4.1 which stipulates that in respect of Regulatory and Appeals Committees substitute members must have received the same training as the appointed member will remain unchanged. The two options were:

Option 1 – Political groups will be entitled to appoint any number of substitutes on those Committees which allow substitutes, in accordance with their political balance and Procedural Standing Order 4.1.

Option 2 – Political groups will be entitled to substitute up to 50% of their members on Committees which allow substitutes (this would be rounded up in cases where a

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

political group has an odd number of seats on a particular Committee) in accordance with political balance and Procedural Standing Order 4.1.

Members were supportive of the increase in number of substitutes but agreed that for consistency no more than 50% of members of a Committee should be substituted.

On being put to the vote it was

RESOLVED to RECOMMEND to COUNCIL

THAT Procedural Standing Order 4.2 in respect of Committee substitutes be amended as per Option 2:

Political groups will be entitled to substitute up to 50% of their members on Committees which allow substitutes (this would be rounded up in cases where a political group has an odd number of seats on a particular Committee) in accordance with their political balance and Procedural Standing Order 4.1.

14. POLICE & CRIME PANELS

Simon Harper, Scrutiny Team Leader, provided Members with an update in respect of Police & Crime Panels. He explained that elections for the Police and Crime Commissioner will be held in November 2012. By that time a Police and Crime Panel will need to be established in Gloucestershire made up of 10 councillors and two independent members. This would be a powerful Local Authority Scrutiny Body requiring the Commissioner and Chief Constable to attend meetings and answer questions. Gloucestershire is the only council in the country to have a Community Safety Scrutiny Committee which has put us in a good position in terms of setting up this Panel. The work of the Community Safety Scrutiny Committee was acknowledged as good practice by the Centre for Public Scrutiny.

At the Leadership Gloucestershire meeting held on 10 November 2011 the leaders of the seven councils (or their representatives) agreed in principle that:

- a. Gloucestershire County Council should act as the lead authority in establishing the panel and provides the necessary officer support.
- b. The panel should be made up of 10 non-executive councillors and two independent members.
- c. The elected membership should be made up of six district councillors and four county councillors.

It was anticipated that back to back meetings of the Crime & Disorder Panel and Community Safety Scrutiny Committee would take place.

In terms of the timeframe it was anticipated that:

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

- Terms of Reference would be agreed and elected members appointed by the seven councils by the end of May 2012.
- Independent Members would be appointed by 31 July 2012.
- The Shadow Panel would meet to consider its role and work plan by 30 September 2012.
- The Police and Crime Commissioner would be elected on 15 November 2012.

In response to a Members' concern with regard to the importance of having political balance on this Panel and whether it was necessary to have District Council Members, it was confirmed that every Council had to be represented.

In response to Members' question about the make-up of membership of the Committee it was confirmed that this was set down in legislation. A request to the Secretary of State could be made to co-opt more members but it was extremely unlikely that this would get approval.

During the ensuing discussion concerns were expressed about the workload for members if they were to sit on both the Police and Crime Panel and the Community Safety Scrutiny Committee. At some stage the Independent Remuneration Panel should be asked to consider allowances for members of the Panel. Concerns were also raised with regard to whether there would be a conflict of interest for members sitting on both bodies. Cllr McHale expressed concern that there was no Labour Member on the Community Safety Scrutiny Committee and whilst he understood the reasons for this due to political balance, as the Police & Crime Panel would have a very important role, he would like a Labour Member on that Panel.

Simon Harper explained that the Police & Crime Panels were not a replacement for the Police Authority. There were no examples of what other Authorities were doing as Gloucestershire were the first to develop proposals. With regard to political balance, this could prove to be difficult as guidance just published stated that the Panels should be politically balanced across all Districts and the County Council in Gloucestershire. A copy of the guidance would be circulated to members.

Cllr Hawthorne suggested that the current proposals for the Police & Crime Panel should continue to be reviewed in 2013. It was for each Group to decide as to whether they appoint the same members to both bodies. The guidance would be checked in terms of the Panels being politically balanced across all authorities.

15. TERMS OF REFERENCE OF APPOINTMENTS COMMITTEE IN TERMS OF APPOINTMENT OF CHIEF FIRE OFFICE & DEPUTY CHIEF FIRE OFFICER

Cllr Hilton explained that the New Operating Model structure charts show that the Chief Fire Officer reports directly to the Chief Operating Officer which in accordance with the Terms of Reference for the Appointments Committee, would mean that this post would not be a Member appointment. He considered it important that there was member involvement for the posts of Chief Fire Officer and Deputy Chief Fire

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

Officer. This had been custom and practice in this Authority for a number of years and he considered this arrangement should continue. Due to the small pool of people available for these appointments good succession planning was important. He said the LGA informed him that almost all Authorities had member involvement for both the position of Chief & Deputy Chief Fire Officer posts.

The Chief Executive explained that the structure charts did not show all direct line reports to him. The Monitoring Officer was not a direct report, but was a member appointment and referred to as such in the terms of reference for the Appointments Committee. He clarified that the Chief Fire Officer appointment was inclusive in the roles referred to in the terms of reference for the Appointments Committee and would now be explicitly mentioned. However, he did not consider that the Deputy Chief Fire Officer post should be a member appointment as this would not be consistent with the rest of the structure.

Those Members who spoke during this debate agreed that the Chief Fire Officer post was a member appointment but not the Deputy Chief Fire Officer post.

Cllr Hilton proposed that the Deputy Chief Fire Officer post be a member appointment.

Cllr Hawthorne asked the Committee to vote on:

- a) The Chief Fire Officer post be confirmed to be a Member appointment.

On being put to the vote it was

RESOLVED

THAT the Chief Fire Officer post be confirmed to be a Member appointment.

- b) The Deputy Chief Fire Officer post be confirmed as a Member appointment.

On being put to the vote this was LOST.

CHAIRPERSON

Meeting concluded at 16:00