

# CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday, 12 October 2020 at 3.00pm.

## PRESENT

Cllr Mark Hawthorne MBE  
(Chair)  
Cllr Colin Hay  
Cllr Nigel Moor  
Cllr John Payne

Cllr Lynden Stowe  
Cllr Lesley Williams MBE  
Cllr Will Windsor-Clive

## 31. APOLOGIES FOR ABSENCE

Cllr Nigel Robbins

## 32. MINUTES

The minutes of the meeting held on 9 March 2020 were confirmed as a correct record.

## 33. PUBLIC QUESTIONS

No public questions had been submitted ahead of the meeting.

## 34. MEMBERS' QUESTIONS

No questions had been received from members ahead of the meeting.

## 35. UPDATES TO GCC CONSTITUTION

Rob Ayliffe, Monitoring Officer, presented the report that had been circulated with the agenda. He explained that it was the responsibility of the Monitoring Officer to keep the Constitution under regular review. An end-to-end review had been carried out over recent months and the report set out a number of recommended changes to various sections of the Constitution. A further report would be presented to a future meeting covering other aspects of the Constitution including Financial Regulations, Contract Standing Orders, Access to Information, Protocol for Public Address at Planning Committee and the Member Code of Conduct.

The following areas were highlighted by members and, where appropriate, responses were provided by officers.

- a) Complaints - Part 2, Section 3.04 (page 19 of agenda pack)  
Information compliance procedures relate to how data was being handled under GDPR. These procedures sat alongside the complaints' scheme.
- b) Photography and audio recording of meetings - Part 4, Section 21.2  
The reference to 'audit recording' to be replaced with 'audio recording'.
- c) Cabinet Procedure Rules - Part 4, Section 5.3 (page 83 of the agenda pack)  
The quorum for the Cabinet could not be four members if the Cabinet membership was two or three members (in accordance with Section 1.2). Section 5.3 to be redrafted to reflect a quorum of four members for Cabinet membership of five to 10 members (including the Leader of the Council). All Cabinet Members (including the Leader of the Council) will be required for Cabinet membership of three or four members.
- d) Full Council functions – Part 3, Section 3 (page 25 of the agenda pack)  
The Gloucestershire Economic Growth Joint Committee had been moved to new Section 6 on Joint Arrangements. The Police and Crime Panel, Health and Wellbeing Board, Pensions Committee and Pension Board were shown as Full Council functions and included representation from the District Councils and other public sector organisations. The Monitoring Officer to check the status of each of these bodies and inform the members of the Constitution Committee.
- e) Remote Meetings Protocol and Procedure Rules – Part 5 (page 99 of the agenda pack)  
The protocol sets out the Council rules relating to remote meetings. Members requested that it be highlighted prominently at the start of the Constitution that Council meetings were currently operating under the Local Authorities and Police and Crime Panels (Coronavirus) Regulations 2020.
- f) Planning Committee - Part 3, Section 3.6, Table 3.05 (page 29 of the agenda pack)  
To adjust 3 in the table to read 'Power to grant planning permission for development already carried out (retrospective planning permission).'
- g) Member training  
Members were statutorily required to undergo training before they sat on quasi-judicial committees such as the Planning Committee. There was no statutory requirement for members to undergo training in their role as Corporate Parents but they were strongly encouraged to attend training sessions. Cllr Richard Boyles, Cabinet Member for Children's Safeguarding

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

and Early Years, stated that it was not the intention to make training mandatory but for members to do it because they wanted to.

- h) Write-off of debts – Part 3, Section 5 (Scheme of Delegation), DCR 4 (page 57 of the agenda pack)

The Monitoring Officer to check the position regarding the financial limit for the writing off of debts by the Executive Director of Corporate Resources.

***RESOLVED TO RECOMMEND to the Council that the changes to the Constitution highlighted in the report be approved subject to the changes highlighted at b), c), e) and f) above.***

The meeting ended 3.40pm

**Chair**