


Constitution Committee	
Monday 16 January 2023 at 2.00 pm	
Cabinet Suite - Shire Hall, Gloucester	
AGENDA	

1	APOLOGIES FOR ABSENCE	Chair
2	MINUTES (Pages 1 - 6) To approve the minutes of the meeting held on 10 October 2022.	Chair
3	PUBLIC QUESTIONS To answer any written public questions about matters which are within the powers and duties of the Committee. The closing date/time for receipt of questions is 10.00am on 9 January 2023.	Stephen Bace
4	MEMBERS' QUESTIONS To answer any written member questions about matters which are within the powers and duties of the Committee. The closing date/time for receipt of questions is 10.00am on 9 January 2023.	Stephen Bace
5	INDEPENDENT REMUNERATION PANEL 2022/23 REPORT (Pages 7 - 10)	Richard Blamey
6	CHANGES TO THE CONSTITUTION (Pages 11 - 18) This report includes recommended changes to the following: <ul style="list-style-type: none"> • Audit and Governance Committee Terms of Reference • Corporate Overview and Scrutiny Committee Terms of Reference • Protocol on Member and Officer attendance at meetings of other public authorities 	Rob Ayliffe

	<ul style="list-style-type: none"> • Scheme of Delegation • Articles of the Constitution • Contract Procedure Rules <p>And noting changes made by the Monitoring Officer.</p>	
7	INDEPENDENT REMUNERATION PANEL ALLOWANCES (Pages 19 - 22)	Rob Ayliffe
<p>Membership – Cllr John Bloxsom, Cllr Mark Hawthorne MBE (Chair), Cllr Colin Hay, Cllr Jeremy Hilton, Cllr Nick Housden, Cllr Gill Moseley, Cllr David Norman MBE, Cllr Philip Robinson and Cllr Lynden Stowe</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, (Rob Ayliffe Tel:01452 328506/ e-mail: rob.ayliffe@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: Sophie Benfield, Senior Democratic Services Adviser ☎:01452 324094/ e-mail: sophie.benfield@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 10 October 2022 at the Cabinet Suite - Shire Hall, Gloucester.

PRESENT:

Cllr John Bloxsom	Cllr Gill Moseley
Cllr Mark Hawthorne MBE (Chair)	Cllr David Norman MBE
Cllr Colin Hay	Cllr Philip Robinson
Cllr Jeremy Hilton	Cllr Lynden Stowe
Cllr Nick Housden	

Officers in attendance: Rob Ayliffe

2. MINUTES

The minutes of the meeting held on 17 January 2022 were approved.

3. PUBLIC QUESTIONS

No questions had been received from members of the public.

4. MEMBERS' QUESTIONS

No questions had been received from members.

5. MEMBERS CODE OF CONDUCT

5.1 Rob Ayliffe was invited to present this report and members noted the following:

- The draft Code had resulted from a long-term piece of work with district council monitoring officers, with a view of having the same Code rolled out to all councils in Gloucestershire.
- The idea and content were consulted on throughout the summer, including a number of conversations with members/group leaders who were largely supportive of the principle and content.
- The Code was then reviewed by Audit and Governance earlier this month.
- If/when a final code was adopted, officers would put in place training and development to ensure members were aware of its content and what it would mean in practise.
- It was confirmed that discussion between monitoring officers from county and district councils would continue going forward on such issues that could be streamlined potentially.

5.2 A member acknowledged that the Code did not relate to members private and personal lives but questioned how this extended to a member acting a party-political capacity. It was advised that this issue was debated at Audit

and Governance as well, the wording used was prescribed by law and that each case would be taken on its merit. If a member was acting purely in their capacity as a party member, the code would not apply, but the grey area arises when party activity was carried out within the member's constituency. It would depend on whether a reasonable member of the public would regard the Member concerned as acting in their political arather than their official capacity.

- 5.3 Regarding the disclosure of exempt information where a member or group believe it was in the public interest to do so, it was questioned how a disagreement between the Monitoring Officer advising against doing so would be resolved, given the Monitoring Officer (having advised on the matter) would have a conflict of interest. Members noted that the role of the Monitoring Officer is soley to determine whether the incident was within the scope of the Code or not. The question as to whether the Code had been broken or not would be a matter for the Hearings Panel. Nevertheless, in a situation where the Monitoring Officer had a conflict of interest, the compaint would be handled by the Deputy Monitoring Officer.
- 5.4 Point 13 of the Code related to the use of GCC IT equipment for party politically activity and a member gave an example of issuing a press release. It was advised that it would come down to the content of the press release, whether it was discussing a point of GCC policy or publicising a wider political party view/encouraging people to vote in a particular way.
- 5.5 It was suggested that it would be a good idea to include a model register of interests for all councils to use and it was confirmed that the Localism Act exempts the requirement of members to disclose membership of secret societies.
- 5.6 Members noted that the sanctions referred to were relatively limited. A local authority could criticise a member in public and/or in writing, could require training, restrict access to council premises within reason or make a recommendation to group leaders/council body to take specific action.
- 5.7 Actions taken:
- Provide an overview of the difference between this and the previous Code of Conduct.
 - Raise with Audit and Governance to review the £25 limit on gift registration (considering inflation since this was set) at its Annual Review of the Code of Conduct.
 - Consider adding a preface of the Nolan Principles alongisde the publication of this Code once agreed.

RESOLVED TO RECOMMEND TO THE COUNCIL that the Draft Gloucestershire Code of Members' Conduct be approved.

6. GLOUCESTERSHIRE HEALTH AND WELLBEING PARTNERSHIP

- 6.1 Rob Ayliffe was invited to present the draft Terms of Reference and shared the following context setting:
- The Health and Care Act had replaced Clinical Commissioning Groups with Integrated Care Boards (ICB).
 - It also included a requirement for each local authority area to establish an Integrated Care Partnership (ICP), which was a joint committee of the local ICB and partner local authority (in this case GCC).
 - The Terms of Reference for each ICP was to be determined locally, as long as they met statutory requirements within the Act.
 - In addition, it was decided that because of the close link between the future ICP and work of the existing Gloucestershire Health and Wellbeing Board (GHWB), Gloucestershire's ICP would be known locally as the Gloucestershire Health and Wellbeing Partnership (GHWP).
 - The role of the GHWB remained unchanged, albeit fulfilling similar functions to the new GHWP, and therefore the proposal would be to keep the majority of the membership in common.
- 6.2 It was questioned what the scrutiny arrangements would be for the new GHWP, including publication of decisions and call-in procedures. Members noted that the only formal decision-making power of the GHWP would be to approve the Health and Wellbeing Strategy. The rest of its power lay within influence and coordination.
- 6.3 This meant that each individual organisation/partner remained subject to their own scrutiny arrangements, On creation of the Strategy, it would go through the same process, including scrutiny input from Health Scrutiny, but the decision of the GWHP whether to adopt the final version would not be subject to call-in, similar to GCC's budget process.

ACTION: Clarify above position in further detail re: scrutiny arrangements/call-in

ACTION: Confirm colours used on the graphic under paragraph 10.

RESOLVED TO RECOMMEND TO THE COUNCIL that the Council approves the following to:

1. Establish the Gloucestershire Health and Wellbeing Partnership as a Joint Committee with the Gloucestershire Integrated Care Board and Gloucestershire County Council, and
2. Approve and adopt the proposed Terms of Reference for the Partnership and integrated into Section 3 of the Council's constitution.

7. ORDER OF COUNCIL MOTIONS

- 7.1 This paper was for discussion only. It had resulted from a recent issue of members running out of time to debate motions on the agenda, and then not being able to reschedule them onto a new council agenda due to the inability of motions to rollover automatically to the next meeting.
- 7.2 The two main questions posed by the paper were: should motions be automatically carried forward if not heard and what is the earliest point that a new motion could be submitted.
- 7.3 The Chair shared that their group view was that the consideration of motions should be automatically carried forward, but there should be a number limit on this. For example, if more than 6 motions were submitted, motions over 6 would not qualify for automatic rollover due to the unrealistic view that they would be reached within the time limit. They also felt that motions should not be amended before being automatically rolled over. Groups would still however retain the right to amend them during council debate as normal.
- 7.4 There was a discussion about the inability to suspend standing orders at Council meetings, and whether the flexibility to at least vote to do so could resolve a lot of these issues, especially where there was clear will of the whole council to debate a particular motion. It was argued that having set timings gave some certainty about how long the meeting would last for, particularly for members who had other commitments. Gloucestershire was also an outlier compared to many other county councils for how long the meetings were lasting.
- 7.5 The only part of the motion process that was not currently codified was the timings of submitting motions. It was suggested that this should be set at least the day following the current council meeting date, as this would allow time for discussions after the meeting about rolling over motions that were not debated.
- 7.6 A member suggested small changes that could be made such as, voting for motions to be first on the agenda at the next meeting, group leaders discussing (with the agreement of the proposer/seconded of a motion) the order in which they will be tabled on the agenda.
- 7.7 It was suggested that officers should review existing flexibilities that already existed but were not being used e.g., reordering motions prior to the agenda being published. It was agreed for a further discussion to happen at Group leaders and a suggested way forward being brought back to this Committee.

8. MONITORING OFFICER CHANGES

Members noted and approved the recommended changes as detailed.

CHAIR

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

Meeting concluded at 14:10.

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Independent Remuneration Panel

Constitution Committee – 16 January 2023

1 Introduction

1.1 This report has been produced by the Independent Remuneration Panel (IRP) made up of members drawn from the local community. The Panel is independent of the Council and its role is to make recommendations on the level of allowances paid to councillors. The object being to promote access to all in our diverse community who may wish to stand for election to serve that community via the democratic process.

1.2 The members of the Panel:

- Richard Blamey Former head of pensions with a large multi-national industrial gas company. Currently a pensions' trustee and appointed chair of the Tewkesbury IRP. Also serves as treasurer and member of his local parish council.

- Philip Lowery Former adviser to the Social Services Committee. Member of the Independent Advisory Group to the Gloucestershire Constabulary.

- Fiona Miles Former Clinical Nurse Specialist in Respiratory Medicine. Involved in Gloucestershire Girl Guiding and a parish councillor.

- Quentin Tallon Former Secretary of Cheltenham and District TUC. Involved with the voluntary sector.

1.3 The IRP's recommendations are in accordance with the following statutory provisions:

1.3.1 Local Government and Housing Act 1989 and Local Government Act 2006

1.3.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 ('The Allowances Regulations')

2. Review Process

2.1 Interviews were held with councillors over three dates in November/December 2022, all of which took place in-person in Shire Hall. The Panel welcomed the opportunity to speak to a range of members across all political groups. The interviews provided a valuable insight into the work of councillors.

- 2.2 It remains evident from the interviews that there is a strong sense of commitment to their local communities amongst county councillors in Gloucestershire.
- 2.3 The Panel met on 20 December 2022 to study data and to consider its recommendations for 2023-24.

3 Allowances

- 3.1 Last year, the Council accepted the Panel's recommendation to increase the Basic Allowance from £10,500 to £10,750, and for the Special Responsibility Allowances (SRAs) to be maintained at their current levels. The current allowances are shown at Appendix A.
- 3.2 At the request of the Panel, Democratic Services undertook a review of allowance schemes for all county councils in England. Basic allowances together with SRA's have increased substantially over the last year or so with the average basic allowance standing at more than £11600.
- 3.3 The staff pay settlement for 2022-23 agreed in November 2022 (effective 1 April 2022) was a flat rate increase of £1,925, roughly equivalent to an increase of 6%. The Panel feels it is appropriate to apply a similar percentage increases to all allowances effective from April 2023.
- 3.4 The Panel became aware during the interview sessions, that several councillors are not claiming their travel expenses. The panel feels it is important to remind councillors to claim all legitimate travelling expenses.

4 Recommendations for the 2023-24 financial year

- 4.1 To increase the Basic Allowance from £10,750 to £11,395.
- 4.2 To increase the Special Responsibility Allowances by broadly 6% in line with the recommendation for the Basic Allowance.
- 4.3 To note the revised Members' Allowances Scheme for 2023-24 at Appendix B to the report.

Richard Blamey - Chair of the Independent Remuneration Panel for Gloucestershire County Council

Allowances for 2022-23

Basic Allowance payable to all 53 members: £10,750

Special Responsibility Allowances (SRA)	Positions	Allowance
Leader of the Council	1	£34,170
Group leader with 5 or more members (not Leader of the Council)	2	£ 6,360
Group leader with less than 5 members (0.2 per group member – min 2 members)	1	£ 5,088
Cabinet member	9	£19,130
Scrutiny chair	7	£ 6,360
Audit and Governance Committee chair	1	£ 6,360
Planning Committee chair	1	£ 6,360
Pensions Committee chair	1	£ 6,360
Chair of Council	1	£ 9,570
Vice-chair of Council	1	£ 2,860
Fostering Panel member	2	£ 5,730

Proposed Allowances for 2023-24

Basic Allowance payable to all 53 members: £11,395

Special Responsibility Allowances (SRA)	Positions	Allowance
Leader of the Council	1	£36,200
Group leader with 5 or more members (not Leader of the Council)	2	£ 6,740
Group leader with less than 5 members (0.2 per group member – min 2 members)	1	£ 5,390
Cabinet member	9	£20,250
Scrutiny chair	7	£ 6,740
Audit and Governance Committee chair	1	£ 6,740
Planning Committee chair	1	£ 6,740
Pensions Committee chair	1	£ 6,740
Chair of Council	1	£ 10,140
Vice-chair of Council	1	£ 3,030
Fostering Panel member	2	£ 6,070

Constitution Committee

Changes to the Council Constitution

Date: 16 January 2023

Agenda Item:

Title of Report	Changes to the Council Constitution
Purpose of Report	To seek the Committee's approval for various changes to the Constitution
Recommendations	<p>That the Constitution Committee:</p> <ol style="list-style-type: none">1. Recommends that County Council agrees the following changes to the Council's constitution<ol style="list-style-type: none">a. The addition to the terms of reference of Audit and Governance Committee as set out in paragraph 4 of this report.b. The amendment to the terms of reference of Corporate Overview and Scrutiny Committee as set out in paragraph 7 of this report.c. That the Protocol for the Attendance of Members and Officers at Meetings of Other Public Authorities (as appended to this report) is included in Part 5 of the Council's constitutiond. The amendment to the Scheme of Delegation (Part 3, Section 5.12 of the constitution) as set out in paragraphs 11, 12 and 13 of this report.e. The amendment to Article 14.04 of the constitution as set out in paragraph 14 of this reportf. The addition to Contract Procedure Rules as set out in paragraph 16 of this report2. Notes the changes to the constitution made by the Monitoring Officer as set out in paragraphs 15 and 16 of this report.
Officer Contact	Rob Ayliffe Director of Policy, Performance and Governance Tel: 01452 328506;

1. The purpose of this report is to consider a number of proposed minor changes to the Council's Constitution as set out below.

Audit and Governance Committee Terms of Reference:

2. Until recently, a Health and Safety report was brought to Council on an annual basis. Following a review of the arrangements for engaging and consulting with council employees on health and safety matters, some benchmarking was undertaken of other council's practices. This showed that Gloucestershire was unusual in this respect. A number of Councils had no arrangements in place for reporting Health and Safety matters to members. However, where arrangements were in place, those reports were taken to the equivalent of our Audit and Governance Committee.
3. Doing so has the potential to increase members' oversight of health and safety matters. While taking it to Audit and Governance Committee exposes it to a smaller audience of members, it is likely to lead to more discussion of the issues.
4. For those reasons, it is recommended that Audit and Governance Committee's Terms of Reference are amended to include the following under Section 2: Governance, Risk and Control

"To monitor the effectiveness of GCC's Health & Safety policy"

Corporate Overview and Scrutiny Committee Terms of Reference:

5. Corporate Overview and Scrutiny Committee's Terms of Reference include the following:

"3. Carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by scrutinising those County Council functions not covered by other Scrutiny Committees. These include support services included within the Core Council group."

6. The reference to 'Core Council group' is clearly out of date, but was missed during the recent end-to-end review of the constitution.
7. It is recommended that this is amended as follows:

“ 3. Carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by scrutinising those County Council functions not covered by other Scrutiny Committees. These include support services included within the ~~Core Council~~ group Corporate Resources Directorate.”

Protocol on Member and Officer attendance at meetings of other public authorities

8. Stroud District Council has recently drawn attention to the existence of a protocol on Member and Officer attendance at meetings of other public authorities. This protocol, which is appended to this report, was agreed between Gloucestershire County Council and the six district councils within Gloucestershire in 2009, with the intention of each council including it within its constitution. In Gloucestershire County Council’s case, the protocol doesn’t appear to have ever been considered by the Constitution Committee.

9. The provisions within the protocol provide a helpful framework for responding to such requests whilst respecting each council’s right to determine whether to agree or not. On that basis, it is recommended that the Protocol be included in Part 5 of the Council Constitution.

Scheme of Delegation

10. Following changes to the senior management structure within the Economy, Environment and Infrastructure directorate, a review has been undertaken of the Scheme of Delegation as it relates to these areas. This has identified an omission in that the scheme currently makes no reference to two areas within that directorate:
 - ecology, archaeology and flooding
 - adult education, employment and skills.

11. In order to ensure that the Executive Director is able to exercise the executive functions relating to those areas, the following amendment to the Scheme of Delegation is proposed:

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
DEE17	To exercise all other <u>executive</u> functions relating to the areas of responsibility of the following services:	Executive Director of Economy, Environment and Infrastructure	Relevant Cabinet Member for all decisions with financial

	Development, Planning & <u>Natural Environment</u> , Transport & Community Infrastructure, Road Safety, Registration, Libraries, <u>Adult Education</u> , <u>Employment & Skills</u> and Waste Management except decision categories ADLS 1 to 3 (although, in cases when only an Officer other than the Assistant Director of Legal Services may institute proceedings, the Director of Economy, Environment and Infrastructure may institute a prosecution once it has been authorised under ADLS2).		implications over £250,000
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12. The same review as also highlighted a typographical error which needs to be corrected as follows:

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
DEE15	To exercise the functions falling within Planning Committee terms of reference 1 to 14 and 16 to <u>26</u> , except decision categories ADLS1 to 3 of this Scheme of Delegation.	Executive Director of Economy, Environment and Infrastructure. (Note: Where the Executive Director is an Officer whose responsibilities include any aspect of the management of any land or building to which an application made by the Council relates, or is responsible for a function (other than as planning authority) materially affected by any planning matter, this power is delegated to the appropriate senior officer).	Assistant Director of Legal Services.

13. Also, following the transfer of the Safety, Health and Environment team from the Director of Policy, Performance and Governance to the Assistant Director

of Asset Management and Property Services, the following changes to the scheme of delegation are required:

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
DPPG4 AMPS1	The functions of the Safety & Licensing Committee under paragraphs 2 and 3 of its terms of reference	Director of Policy, Performance & Governance Assistant <u>Director of Asset Management and Property Services</u>	N/A
DPPG2 DPPG1	To publish standards for the whole Council which will secure the efficient processing of information	Director of Policy, Performance & Governance	N/A

Articles of the Constitution

14. Article 14.04 of the constitution includes an advisory note which refers to Contract Standing Order 13. This reference is out of date, given that these were replaced with the current Contract Procedure Rules in January 2022, and the equivalent reference would be to Contract Procedure Rule 14 (which, amongst other things, sets out the minimum requirements for the signing or sealing of contracts. It is therefore recommended that the reference be updated as follows:

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal Services or other person authorised by them, unless any enactment or the Constitution otherwise authorises or requires, or the Council has given Authority to some other person.

Note: ~~Contract Standing Order 13~~ Contract Procedure Rules 14.8, 14.9 and 14.10 imposes additional authentication requirements in certain circumstances

Contract Procedure Rules

15. Contract Procedure Rules (formerly called Contract Standing Orders) were completely reviewed and updated in January 2022. The previous version included an exemption which allowed the Council to award contracts for legal representation and advice without competition under certain circumstances. This exemption is provided for under Regulation 10(1)(d) of the Public

Contract Regulations 2015 in recognition of the specialist nature of such advice.

16. Having reviewed the various drafts of the Contract Procedure Rules that were produced, it appears that this omission was unintended. It is therefore proposed that this exemption be reinstated by inserting the following provision under Part 5 – Exemptions to these Contract Procedure Rules.

5.4 Any requirement under these Contract Procedure Rules to seek more than one tender or quotation shall not apply where arrangements are being made for the appointment of counsel or other experts by the Assistant Director of Legal Services, who must be satisfied that the fee to be paid is relative to the level of advice and expertise required.

Monitoring Officer changes to the constitution

17. In exercise of the powers of the Monitoring Officer in Article 15.02.1 of the Council Constitution, in order to secure the convenient, efficient and effective discharge of any function, I have recently made the following changes to the constitution:

- Under article 13.01.02 to identify Stephen Bace as the Council's Statutory Scrutiny Officer, following his recent appointment to the post of Head of Democratic Services role.
- Under the Gloucestershire County Council Petition Scheme in Part 5 of the constitution, to identify Stephen Bace as the point of contact for anyone wishing to organise a petition.

These changes follow Stephen Bace's recent appointment to the role of Head of Democratic Services, which includes these areas of responsibility.

18. In exercise of the powers of the Monitoring Officer in Article 15.02.1 of the Council Constitution, in order to give effect to a decision of the Leader of the Council, I have recently made the following changes to Section 4.4 of Part 3 of the Council's Constitution, which sets out Cabinet Members' areas of responsibility.

- To remove the role of Cabinet Member for Public Health and Communities;
- To reassign to the Leader the areas of responsibility previously held within that portfolio;
- To include under the Leader's portfolio "Equality, Diversity and Inclusion"

ENDS

Appendix

PROTOCOL FOR THE ATTENDANCE OF OFFICERS AND MEMBERS OF ONE PUBLIC AUTHORITY AT MEETINGS OF ANOTHER PUBLIC AUTHORITY

This protocol is agreed by:-

Gloucestershire County Council
Cotswold District Council
Tewkesbury Borough Council
Cheltenham Borough Council
Forest of Dean District Council
Stroud District Council
Gloucester City Council

1. An Authority may request through its Head of Paid Service officers and/or members of another Authority to attend at a meeting or meetings of the Authority or any of its committees, subcommittees, boards, panels or other gatherings being held at its offices. The purpose of such attendance is limited to assisting that Authority in the conduct of its business including reviewing the effects of, but not scrutinising, decisions of another Authority.
2. All such requests shall be made in writing to the Head of Paid Service of the Authority, normally at least 10 working days before the date of requested attendance (although time limits in an Authority's constitution may affect this period of notice) and shall include the following information.
 - The date, time, location and anticipated duration of the attendance requested.
 - The name of the person(s) whose attendance is requested.
 - If a particular person's presence is requested the reason for selecting that person.
 - A summary of the matter in respect of which attendance is requested.
 - All questions which reasonably can be anticipated will be put to any person(s) attending (it is accepted that answers to questions may lead to further questions).
 - The names of the person(s) who will be putting questions.
 - A list of the names of all other persons expected to attend.
 - The name and telephone number of the responsible officer as a point of contact for the person attending.
3. The Head of Paid Service receiving such a request shall respond to the request within five working days stating:
 - Whether anyone will attend.
 - Whether attendance will be as requested or that alternative arrangements will be necessary.

- Whether the particular person(s) whose presence is requested will attend and/or whether in their place, or in addition, some other person will attend and who that person will be.
 - Whether the questions specified in the request will be answered either at all or to some limited extent (in which case reasons will be given) or fully. In the event that there will be no attendance, whether and if so how and when, the questions notified will be responded to.
4. All questions shall relate to facts and not opinion although the person attending may express opinions.
 5. The person(s) attending may only decline to answer any question on the grounds of competence or knowledge.
 6. All reasonable expenses relating to the attendance(s) will be met by the Authority responding to the request.
 7. All persons attending in response to a request shall at all times be treated with the highest standards of courtesy and respect and shall not under any circumstances be bullied, harassed or abused.

Agenda Item 7

Constitution Committee

Independent Remuneration Panel Allowances

Date: 16 January 2023

Agenda Item: 7

Title of Report	Independent Remuneration Panel Allowances
Purpose of Report	To seek the Committee's views on various matters related to the Independent Remuneration Panel (IRP), including the rate of allowances paid to panel members, and their term of office.
Recommendations	That the committee provides a steer on the issues set out within this report with a view to bringing back a worked-up recommendation to the next meeting of the committee on 13 March 2022.
Officer Contact	Rob Ayliffe Director of Policy, Performance and Governance Tel: 01452 328506; Email: rob.ayliffe@gloucestershire.gov.uk

1. Every English District and County Council is required to establish an Independent Remuneration Panel whose role is to make recommendations to the authority regarding the Members Allowance Scheme¹. The IRP must consist of at least three members, none of whom is a member of the authority itself, or is disqualified from being or becoming a member of the authority.
2. Panel members are appointed by the authority itself, and so long as the requirements of the regulations are satisfied, there is some scope for Councils to determine the membership of the panel and its terms of reference.
3. In Gloucestershire County Council's case, responsibility for that falls to the Constitution Committee. Panel members are not appointed for a particular term of office, but remain in place until they choose to step down and this doesn't appear to have been considered when the panel was first established in 2001.
4. The Independent Remuneration Panel currently comprises 4 members:
 - Richard Blamey (Chair of the panel) - Former head of pensions with a large multi-national industrial gas company. Currently a pensions' trustee and appointed chair of the Tewkesbury IRP. Also serves as treasurer and member of his local parish council.
 - Philip Lowery - Former adviser to the Social Services Committee. Member of the Independent Advisory Group to the Gloucestershire Constabulary.
 - Fiona Miles - Former Clinical Nurse Specialist in Respiratory Medicine. Involved in Gloucestershire Girl Guiding and a parish councillor.
 - Quentin Tallon - Former Secretary of Cheltenham and District TUC. Involved with the voluntary sector.
5. There is also scope for councils to determine how frequently member allowances should be reviewed. Some councils do this on a 4-yearly basis, unless significant issues occur in the meantime, others do it bi-annually, and still others, annually. In Gloucestershire County Council's case, the Panel carries out a review of member allowances on an annual basis. This involves them interviewing a cross section of members, before meeting to formulate their recommendations, based on the findings of those interviews alongside other relevant information, such as benchmarking against other local authorities.

¹ This requirement is set out in Part 4 of the Local Authorities (Members' Allowances) (England) regulations 2003.

6. Councils can also determine the level at which allowances are set for Panel Members². In Gloucestershire County Council's case, panel members receive an annual allowance of £250 per annum and the chair receives an annual allowance of £1000. There is currently no process in place for keeping these allowances under review.
7. Clearly, it would be problematic to directly link the panel's allowance to the Basic Allowance paid to councillors, as this would give panel members a conflict of interests in considering that allowance. However, in order to provide a point of comparison, that Basic Allowance has increased by approximately 22% over the past ten years.
8. The allowance paid to IRP members by Gloucestershire's District Councils ranges from £250 to £300 per year. However, the amount of work involved may mean these are not directly comparable.
9. This report is therefore seeking the Committee's steer as to whether there is an appetite to review the panel's arrangements, including the allowance paid to panel members, and if so, to agree the scope of that review, how it is to be conducted and what factors should be taken into account, including how the views of the members of the IPR are to be considered. Issues that the committee may wish to include in such a review include:
 - The amount of work involved for members of the IRP;
 - The allowance paid to IRP members, whether that should be subject to review on a regular basis, and what factors should be taken into account in setting that allowance;
 - Whether a fixed term of office should be introduced for panel members, and if so, how that should be introduced.

ENDS

² Regulation 20 (3)

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