

# CONSTITUTION COMMITTEE

**MINUTES** of a meeting of the Constitution Committee held on Friday 31 March 2023 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

Apologies: Cllr Nick Housden

## 2. MINUTES

The minutes of the meeting held on 16 January 2023 were agreed as a correct record, subject to the following minor amendment at section 6, second paragraph:

*“The recommended changes included an amendment so that the SHE annual report would be brought to Audit and Governance Committee. One member stated that if there was an important issue arising from the report that Audit and Governance should be in a position to then raise that with Cabinet or Council as appropriate.”*

## 3. PUBLIC QUESTIONS

No questions had been received from members of the public.

## 4. MEMBERS' QUESTIONS

No questions had been received from Members.

## 5. GLOUCESTERSHIRE HEALTH AND WELLBEING BOARD AND GLOUCESTERSHIRE HEALTH AND WELLBEING PARTNERSHIP TERMS OF REFERENCE

5.1 Members were reminded that the Health and Care Act required all local authorities to set up an Integrated Care Partnership (ICP) as a joint committee with the Integrated Care Board (ICB). For Gloucestershire, the Terms of Reference for the Gloucestershire Health and Wellbeing Partnership (GHWP) were agreed at full Council on the 9 November 2022.

5.2 The new Partnership had a distinct but complimentary role to the Health and Wellbeing Board (HWBB) that already existed as a council committee. The HWBB provided a forum where political, clinical, professional and community leaders from across the health and social care system came together to improve the health and wellbeing of the local population, and work to reduce inequalities. The new ICP had a statutory duty to prepare an Integrated Care Strategy (ICS) which set out how the ICB, NHS and councils would work

together to address the needs of the population in respect to health and social care.

- 5.3 One the clear distinctions between the two was the legislation described footprint for each as set out in legislation. The HWBB followed boundaries of upper-tier local authorities, where as the ICP followed the ICB boundaries. In Gloucestershire's case, these were the same footprint as health and local authority were coterminous, this however was not the case in most other areas of the country.
- 5.4 The guidance allowed Gloucestershire to take advantage of this unusual situation in that it was able to align the roles and ways of working of the two boards very closely. This paper therefore proposed to do so by amending the HWBB terms of reference and align them with those for the GHWP. This would result in both boards being able to meet on the same day, in the same place with the same group of people in attendance to discharge their separate but interrelated functions.
- 5.5 There was also a minor proposed change to the GHWP terms of reference to reduce the quorum to a quarter of the membership, rather than 50% which was unusually high.
- 5.6 A member highlighted an error on page 8, paragraph 3.11 of the report:

*Membership of the Health and Wellbeing Board comprises:*

- *Chair (will be the same as the Chair for the **Health and Wellbeing Board Gloucestershire Health and Wellbeing Partnership**); to be appointed by the County Council*

- 5.7 Noting that the new GHWP was statutory required to produce the ICS, there was a discussion around scrutiny arrangements and call-in procedures for the Strategy. It was advised that the Strategy could not be called in the same way that an executive decision within GCC could. The Strategy was more akin to policies that would go through budget and policy framework processes and then be signed off by full council. Any decisions however that public health made as a result of the Strategy would be subject to the same call-in procedure.
- 5.8 A member requested that the sign off procedure for the Strategy was clarified before this Committee's recommendation was considered at full Council in May.

**ACTION: Rob Ayliffe**

**RESOLVED TO RECOMMEND TO THE COUNCIL**

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

*that the proposed Terms of Reference for the Gloucestershire HWB and HWP outlined in Annex A are approved.*

## **6. INDEPENDENT REMUNERATION PANEL ALLOWANCES**

7.1 The Committee were reminded that this item followed on from discussions at its previous meeting where officers were asked to give consideration to a number of issues in relation to the Independent Remuneration Panel (IRP) as follows:

### **7.2 Allowances**

- a) It was confirmed having reviewed allowances paid by district councils and other authorities that GCC's current rate was in line. Some other authorities did not have a distinction between the Chair and panel member allowance, but Gloucestershire's set up reflected the fact that the Chair attended several more meetings than the panel members.
- b) Having reviewed similar positions across GCC, it was confirmed that the allowance was in line with that paid to the Independent Member of the Audit and Governance Committee.
- c) The Panel's views were also taken into consideration, and as a result the recommendation was that the allowance, going forward, be linked to the annual employee pay award.
- d) Since publication of this report, a representation was received from the Chair on behalf of the Panel, requesting the Committee take into account that the allowance had been static since 2016, in which time inflation had increased by 27% and the basic members allowance 14%.

### **7.3 Membership**

- a) When the Panel was initially set up it had five members, and this had dropped to four members since 2016.
- b) Both the Panel and officers felt that it was working well as four members, they were perfectly able to fulfil their remit and therefore saw no benefit in increasing the size of the Panel.
- c) The recommendation was to fix the membership at four members going forward.

### **7.4 Term of office**

- a) When the Panel was initially set up, panel members were appointed on a 3-year term of office. This had lapsed in practise since 2012.
- b) It was deemed appropriate to reinstate the 3-year term of office as it would provide a natural review point.
- c) This would not prevent members standing for successive terms.

### **7.5 Process for Reviewing and Determining Allowances**

- a) Members asked for consideration to be given to switching to a less frequent review by the Panel and index linking allowance increases on the in-between years.
  - b) It was noted that there were arguments on both sides, and it should be for the Committee to decide.
  - c) The Panel expressed a very strong view against index linking the allowance increases as they felt this would be less democratic and transparent.
- 7.6 In relation to allowances paid to the Panel, members agreed that it would a sensible way forward to link this to GCC's employees pay award going forward.
- 7.7 There was a discussion over the representation that this should retrospectively take into account inflation increases. Some members felt that this was a good opportunity to create a 'year zero' scenario that could be benchmarked against to ensure GCC was paying in line with other local authorities. The risk of the allowance being backdated was losing the opportunity to create a baseline. An example was given that if members decided to take an allowance freeze, it would not then backdate inflation increases once the freeze was over. Other members felt that it was only fair that this should be taken into account.
- 7.8 It was highlighted that the last pay award for employees was not linked to a percentage but rather a lump sum which was then calculated to find an average percentage increase. It was agreed that in such cases, the average percentage increase (across all GCC green-book staff) would be applied to the Panel allowances.
- 7.9 The Chair highlighted that the Committee did not need to agree a position today and suggested that, as the position remained unclear, a further report be brought back to the next Committee meeting, having been considered by Group Leaders beforehand. This report should include research that benchmarked the current allowances with other comparable roles for the Committee to consider.
- 7.10 Following a discussion, members agreed that there did not need to be a limit on how many terms of office a panel member could serve. It was noted that it was vital to retain experience and that there was no such limit placed on councillors.
- 7.11 The Committee discussed the current process used to review members allowances. Whilst members appreciated the thoroughness of the current annual review by the Panel, they expressed concern that political pressure often played a part in Council's review of the recommendations. It also meant that the Council had found itself out of kilter with other county councils as proposed increases had not been passed for some time.

- 7.12 There was a suggestion that the annual review could default to index linking with the employee pay award (as agreed above for the panel member allowance), unless issues arose in the meantime that would cause the Panel to recommend something different. A similar suggestion was made but one that included a 4-yearly allowance benchmarking review.
- 7.13 Another member suggested that it was the role of the Panel to review things such as, changes in the special responsibility roles or surrounding circumstances and therefore, in normal circumstances, the allowances should be indexed to what was agreed nationally for staff.
- 7.14 Officers clarified the two options available under legislation:
- a) The process as it stood which required an annual review of allowances by the IRP and resulted in a recommendation to council which was then voted on, or
  - b) A less frequent review by the IRP (the frequency could be set as required but for example, every 3 years) and the intervening years being index linked to the employee pay award.
- 7.15 It was highlighted that even if the allowance review was as a result of indexation, Council would still be required to vote on the recommendation.
- 7.16 The Chair summarised that, in order for the Committee to make a clear decision before recommending it to Council, a further report would need to be considered in light of the above comments.
- 7.17 In summary, the Committee agreed:
1. A further report was needed before a decision could be made on Recommendation 1 in relation to allowances. This should also be considered by Group Leaders beforehand.
  2. To approve Recommendation 2 in relation to membership.
  3. To approve Recommendation 3 in relation to the term of office
  4. A further report was needed before a decision could be made on Recommendation 4 in relation to the review process. This should also be considered by Group Leaders beforehand.

## **7. MONITORING OFFICER CHANGES**

Members noted the changes as detailed in the report.

### **CHAIR**

Meeting concluded at 10:50.

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