

CONSTITUTION COMMITTEE

MINUTES of a meeting of the Constitution Committee held on Monday 10 June 2024 at the Committee Room - Shire Hall, Gloucester.

PRESENT:

Cllr Mark Hawthorne MBE (Chair)	Cllr Gill Moseley
Cllr Colin Hay	Cllr Philip Robinson
Cllr Jeremy Hilton	Cllr Lynden Stowe

Substitutes: Cllr Carole Allaway-Martin (in place of Cllr Stephen Davies)
Cllr David Gray (In place of Cllr David Norman MBE)

Officers in attendance: Rob Ayliffe and Stephen Bace

Apologies: Cllr John Bloxsom

1. ELECTION OF CHAIR

Cllr Mark Hawthorne was elected as Chair.

2. ELECTION OF VICE CHAIR

Cllr Colin Hay was elected as Vice Chair.

3. APOLOGIES FOR ABSENCE

See above.

4. MINUTES

The minutes of the meeting on 11 March 2024 were agreed as a correct record.

5. PUBLIC QUESTIONS

No public questions were asked.

6. MEMBERS' QUESTIONS

No member questions were asked.

7. SCRUTINY TERMS OF REFERENCE

7.1 Rob Ayliffe introduced the report which suggested changes to the current Scrutiny Committee terms of reference for the Committee's consideration. The purpose of the changes was to align the committees more closely with

the relevant cabinet portfolios. This had been considered by Corporate Overview and Scrutiny Committee and came with their support.

- 7.2 One member queried the Trading Standards, Libraries and Registration Service and Coroners falling within the remit of Adult Social Care and Communities Scrutiny Committee. It was suggested that this could be picked up by Fire Scrutiny. It was felt that the Chair of both committees could have a conversation and if they were in agreement to amend the report to Council to reflect that change.

It was **RESOLVED** to recommend to Council that:

The changes to the current Scrutiny Committee terms of reference be made as outlined in the report.

8. GLOUCESTERSHIRE CITY REGION BOARD AND SCRUTINY ARRANGEMENTS

- 8.1 Rob Ayliffe introduced the report which noted the changes made to the Constitution made by the Monitoring Officer to reflect the establishment of the City Region Board and sought to establish the terms of reference for the Gloucestershire Economic Strategy Scrutiny Committee.
- 8.2 The committee noted that Paragraph 4(b) of the Background section of the Constitution Committee report should reflect that the proposed membership of the GESSC shall comprise 13 members: 7 County Councillors and 6 co-opted voting borough/district councillors (one from each borough/district area).
- 8.3 It was outlined that Appendix 2 at 3.3.6 should read: Gloucestershire Economic Strategy Scrutiny Committee 7 County Councillors.
- 8.4 Each Council maintained their own executive powers relating to specific decisions that might involve economic development. Decisions of the Gloucestershire City Region Board could be called in by any of the council's scrutiny committees under their own scrutiny process. Should more than one call-in arise the appropriate place to consider it call-in would be agreed by the joint scrutiny committee.
- 8.5 Feedback on the terms of reference had been sought from Leadership Gloucestershire and City Region Board. The only feedback received was from the Forest of Dean District Council who had requested that where reference was made to a greener economy, that it be defined as low carbon, resource efficient and socially inclusive. Where the terms of reference detailed measuring economic growth/ success the request was that the scrutiny function would include assessing the results of economic growth metrics additional to GDP. It was suggested that the feedback be noted as something that had been agreed by City Region Board but not written into the terms of reference.

- 8.6 It was clarified that County Councillor membership of the scrutiny committee would be decided at the next Council meeting, including election of the Chair and Vice Chair.
- 8.7 The Committee noted the Monitoring Officer's changes to the Constitution following the end of the Gloucestershire Economic Growth Committee and formation of the Gloucestershire City Region Board as set out in the Annex to the report.

It was **RESOLVED** to recommend to Council to:

a) amend the Council's Constitution by removing the reference to the Gloucestershire Economic Growth Scrutiny Committee as set out in Appendix 1.

b) create the Gloucestershire Economic Strategy Scrutiny Committee (GESSC) as set out in Appendix 2 (as amended at 3.3.6 to specify 7 County Councillors) and insert the GESSC's terms of reference in the Constitution.

c) amend the County Council's Co-Optees and Voting Rights Scheme under Paragraph 5 of Part 4 (Rules of Procedure) of the Constitution as set out in Appendix 3.

d) appoint a Chairman of the GESSC.

e) agree the GESSC's political proportionality as described in paragraph 7.

9. EMPLOYEE CODE OF CONDUCT: REGISTRATION OF INTERESTS, GIFTS AND HOSPITALITY

- 9.1 The Committee noted the suggested changes to the Constitution in relation to the arrangements for registration of interests, gifts and hospitality by the council's employees. This was something identified by external auditors. The report suggested introducing more rigour amongst senior managers of the Council where there was greater opportunity for employees to fall foul of conflicts of interest. The report recommended that all employees at Head of Service level or above should be required to complete a declaration on a 3 year cycle. That would include a required nil return.
- 9.2 It was suggested that there would be merit to aligning the arrangements of registering gifts and hospitality with those for registering interests. Bringing both sets of records into a single register, held by the Monitoring Officer, would make it easier to interrogate records. The Audit and Governance Committee had looked at this in advance and supported the proposals.

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

- 9.3 One member asked whether the proposal for head of service and above would cover those individuals involved in procurement processes. It was explained that the process would cover this.
- 9.4 One member questioned whether there should be clarification over the responsibilities of staff with regards to the County Council's equipment. The Monitoring Officer would consider this and have conversations about the appropriate way of taking this forward. Any specific wording would then go to Audit and Governance Committee.
- 9.5 In response to a question, it was confirmed that the three year cycle was an attempt to balance capacity alongside keeping things timely. Any new member of staff would sign a register of interest form when joining the organisation. Initial rollout would be on a staggered basis.

It was **RESOLVED** to recommend to Council to:

Approve the changes to the Employee Code of Conduct as set out in the appendix to this report for recommendation to County Council.

10. ARRANGEMENTS FOR GRANTING DISPENSATIONS FOR A MEMBER TO BE ABLE TO PARTICIPATE IN MEETINGS WHERE THEY HAVE A DISCLOSABLE PECUNIARY INTEREST

- 10.1 The Committee considered the report which asked for approval to the changes to the Scheme of Delegation to make provision for dispensations to be granted under delegated authority.
- 10.2 Members noted the legal requirements for Councillors to register Disclosable Pecuniary Interests set out in the Localism Act 2011. Those requirements were enshrined in the Gloucestershire Code of Members' Conduct, as adopted by the Council in November 2022, and supplemented with further requirements for the registration and declaration of Other Interests.
- 10.3 Under Gloucestershire County Council's Constitution, the power to grant dispensations rests with Audit & Governance Committee. However, no such dispensation had been sought or granted since the legislation was enacted in 2012. While such provisions should only be used exceptionally, there had been occasions recently when it might have been appropriate, but the timing of meetings would have made it impractical to seek a decision of the Audit and Governance Committee. The Constitution Committee was therefore asked to consider whether provision should be made within the Council's Scheme of Delegation for the Monitoring Officer to grant such a dispensation. That would allow greater flexibility on those occasions when it would be impractical for the committee to meet to consider such a request. In order to maintain transparency and appropriate safeguards, it was proposed that such a decision must be taken in consultation with the chair and group leads of Audit and Governance Committee.

- 10.4 An emergency meeting of the Audit and Governance Committee could be called if there was not agreement following consultation with the chair and group leads. Members noted that political balance may be one such area where dispensations might need to be made in a more timely way. Audit and Governance was comfortable with the proposed changes.

It was **RESOLVED** to recommend to Council to:

Approve the addition of the delegation set out in paragraph 6 of this report to the Council's Scheme of Delegation (Part 3, Section 5 of the Constitution).

11. NEO-NATAL CARE LEAVE FOR COUNCILLORS

- 11.1 Rob Ayliffe introduced the report which asked the Committee to consider expanding the Members Parental Leave Scheme to make provision for neonatal car leave for councillors.
- 11.2 The Neonatal Care Act (2023) introduced a statutory right for employees to up to 12 weeks' paid leave and pay when their baby required neonatal care in addition to existing parental leave entitlements. Although councillors were not legally classified as employees, and so were not covered by the Act, the Minister for Local Government had written to Council Leaders encouraging them to make similar provision for councillors.
- 11.3 The Committee was informed that adopting such an approach would be consistent with that taken by the council with regard to Parental leave. The Council adopted a Members Parental Leave Scheme in February 2020 which made provision for councillors that was broadly equivalent to that enjoyed by employees of the council.
- 11.4 One member queried whether the policy would apply to those parents who were adopting? It was clarified that this would be the case as long as the adopted child was a newborn.

It was **RESOLVED** to recommend to Council to:

Approve the changes to the Members Parental Leave Scheme that are set out in the appendix to this report.

12. MONITORING OFFICER CHANGES

The Committee noted the changes outlined in the report.

CHAIRMAN

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

Meeting concluded at 2.40 pm

For a full overview of this meeting, please use the following link to access the recording <https://gloucestershire.public-i.tv/core/portal/webcasts>