

CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday 12th March, 2012 commencing at 3.00 pm.

PRESENT MEMBERSHIP:

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

Substitutes: Cllr Gravells

Apologies: Cllr Noble

1. ELECTION OF CHAIRMAN

In the absence of Cllr Noble it was

RESOLVED

THAT Cllr Hawthorne be elected as Chairman for the meeting.

2. MINUTES

RESOLVED

THAT the minutes of the meeting held on 14 November 2011 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTIONS

No public questions were received.

4. MEMBERS' QUESTIONS

No Members' questions were received.

5. POLICE & CRIME PANELS

In response to a Members' question Christine Wray confirmed that there was no potential conflict of interest for Members to discuss this as it was a recommendation to Council, not a decision.

Simon Harper presented this report that outlined the arrangements for the Gloucestershire Police & Crime Panel. It was intended that the panel would be established in June 2012 with appointments to be made in May 2012 at the annual meetings of the County Council and the six District Councils.

The Committee were asked to consider the proposed terms of reference and panel arrangements. A number of detailed revisions were proposed and these were circulated. It was noted that a minimum number of additional elected members could be appointed to the panel in order to achieve political balance. The Leader of Gloucestershire County Council would recommend these appointments following consultation with Leadership Gloucestershire. It was recognised that this process would need to involve the group leaders of the relevant party from each council.

With reference to the appointment of independent non-elected members, it was considered important that the interview process should involve more members than the chairman and vice-chairman of the panel.

The Committee also considered the report of the Independent Remuneration Panel and did not accept the recommendation for the two non-elected members to be offered the same level of computer equipment and consumables as provided for elected members. It was however, agreed that the ICT support provided to non-elected independent members of the panel and other council bodies is considered prior to the county council elections in 2013.

On being put to the vote it was

RESOLVED to RECOMMEND to COUNCIL

THAT

- (a) The revised terms of reference for the Police and Crime Panel and the panel arrangements be adopted.**
- (b) A special responsibility allowance of £5,808 per annum be paid to the Chairman of the Police and Crime Panel (as recommended by the Independent Remuneration Panel)**
- (c) The two Independent Members be able to claim travel, subsistence and the carers' allowance in accordance with the Members' Allowances Scheme.**

6. INDEPENDENT REMUNERATION PANEL REPORT

The Committee considered a report of the Independent Remuneration Panel. It was noted that the Panel was recommending no change to the basic rate of allowances for 2012/13 and that all other allowances in the scheme remain unchanged. The Panel did, however, recommend that the mileage rate should be increased from 40p per mile to the Inland Revenue's authorised mileage payment of 45p per mile with effect from the 1 April 2012. It was noted that the Panel would be carrying out an in depth review of all allowances with the intention of offering its

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

recommendations to Council for 2013/14. Cllr Hawthorne expressed concern that members' mileage rates should be brought in line with staff rates. He agreed to seek further information following the meeting and report to the Council.

The Committee noted that the Panel would be carrying out an in depth review of all allowances with the intention of offering its recommendations to Council for 2013/14. It was requested that the Panel be asked to invite any elected member to meet with them during the review.

RESOLVED to RECOMMEND to COUNCIL

THAT

(a) No change be made to the basic allowance for 2012/13

(b) All other allowances in the scheme remain unchanged for 2012/13

7. CHANGES TO THE CONSTITUTION

The Committee considered a report of the Appeals Committee that proposed changes to the constitution. Following a recent internal audit of appeals against the refusal to provide free home to school transport, the Appeals Committee supported the recommended expansion of the description of the Committee's role. This presently states 'Appeals against refusal to supply free home/school transport'. It was proposed that the duties or purpose of the Appeals Committee, as set out in section 3, paragraph 3.1, table 3.3, point 7, when hearing home to school transport appeals should be amended to read:

7. Act as an independent appeal panel and assess appeals lodged by parents, guardians, carers and other professionals against the decision of the County Council to decline requests for transport.

With the following to be added as a note underneath table 3.3:

For the purpose of hearing appeals relating to home to school transport there shall be a panel of three members taken from the 18 trained members of the committee.

RESOLVED to RECOMMEND to COUNCIL

THAT

(a) The changes to the Constitution in relation to the Appeals Committee be approved.

(b) The amendments to the Constitution as set out in Annex C be ratified.

The Committee also considered changes made by the Monitoring Officer under delegated Powers.

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Cllr Hawthorne explained that following a report considered by the Audit Committee in relation to the Cotswold Water Park it was clear that there were several issues contained in the report that required closer examination. He proposed that the Constitution Committee carries out a full scale review of officer delegations set out in the constitution and to ask the Chief Executive to consider the role of the Monitoring Officer and the conflicts highlighted in the report and report back to the Committee.

Members agreed to this and some considered that a full scale review of the Constitution may also be required as there may be problems elsewhere.

RESOLVED

THAT

- (a) The Constitution Committee will carry out a full scale review of the officer delegations set out in the Constitution.**
- (b) The Chief Executive be asked to consider the role of the Monitoring Officer and the conflicts highlighted in the report and report back to the Committee.**

CHAIRPERSON

Meeting concluded at 15:50