

# CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday, 10 June 2013 at 3pm.

## PRESENT

Cllr Colin Guyton	Cllr Ray Theodoulou
Cllr Mark Hawthorne	Cllr Lesley Williams
Cllr Jeremy Hilton	Cllr Will Windsor-Clive
Cllr Paul Hodgkinson	

Cllr Paul McMahon (observing)

William Alexander, Chairman of the Independent Remuneration Panel

Richard Blamey, Member of the Independent Remuneration Panel

Jane Burns, Director of Strategy & Challenge and Monitoring Officer  
Christine Wray, Head of Legal Services and Deputy Monitoring Officer

Rodney Semple, Executive/Project Manager

Simon Harper, Head of Democratic Services

**Apologies:** Cllr Phil Awford and Cllr Stephen McHale

## 40. CHAIRMAN

Cllr Mark Hawthorne and Cllr Jeremy Hilton were proposed for chairman of the committee. On being put to the vote, it was

***RESOLVED*** that Cllr Hawthorne be elected as Chairman of the Constitution Committee for the 2013-14 civic year.

## 41. MINUTES

The minutes of the meeting held on 5 March 2013 were confirmed and signed as a correct record subject to amending the attendance list to show Cllr Will Windsor Clive only once.

**42. DECLARATION OF INTEREST**

No declarations of interest were made at the meeting.

**43. PUBLIC QUESTIONS**

No questions from members of the public had been received.

**44. MEMBERS' QUESTIONS**

No questions from members had been received.

**45. MEMBER INDUCTION - ROLES AND POWERS OF THE CONSTITUTION COMMITTEE**

Jane Burns, the Director of Strategy and Challenge and Monitoring Officer, outlined the role of the committee as set out in the Council's constitution. She noted that issues relating to the constitution were often raised at meetings of Group Leaders before being brought before the committee. She said that recommendations from the Independent Remuneration Panel that assessed councillors' allowances were considered by the committee before they were presented at full Council.

Christine Wray, the Head of Legal Services and Deputy Monitoring Officer, undertook to circulate a briefing note to members of the committee on byelaws and local bills, particularly any that related to the functions of the County Council.

**Action** – *Christine Wray*

**46. POLITICAL GROUP SPOKESPERSONS**

William Alexander, the Chairman of the Independent Remuneration Panel, presented a report outlining the Panel's recommendations. He said that the Panel recognised that the Council needed to adopt a new approach to reflect its political make-up following the May 2013 election. He was anxious, however, that the level of allowance for Political Group Spokespersons was reviewed towards the end of 2013 to ensure that it reflected the success or otherwise of the new arrangements.

Answering questions, Mr Alexander explained how the allowance had been assessed and provided background information on the current scheme of allowances.

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A member believed that it was not possible to be an effective county councillor and hold down a full-time job and she was anxious that allowances were set an appropriate level. The current arrangements favoured retired people or those who were wealthy who did not need a full-time job.

Differing views were expressed on the title used for Political Group Spokespersons. One member suggested 'Shadow Cabinet Member' but other members were not supportive of this suggestion. The Chairman suggested that Democratic Services contact other county councils who had no overall control and find out what arrangements for political group spokespersons were in place in those authorities.

**Action** – *Democratic Services*

**RESOLVED TO RECOMMEND TO COUNCIL that**

- a) *The level of Special Responsibility Allowance for each Political Group Spokesperson should be set at £1,500 and be effective from 1 June 2013.*
- b) *In line with the current allowances scheme, each councillor should continue to be entitled to receive only one Special Responsibility Allowance.*
- c) *Special Responsibility Allowance should not be paid to any Cabinet Project Champions beyond the end of the 2013-14 financial year.*
- d) *The title of 'Political Group Spokesperson' be considered at the meeting on 19 June 2013 following research by Democratic Services on titles used elsewhere.*

Cllr Colin Guyton requested that it be recorded that he had voted against the recommendation as he did not support the system of Cabinet governance within local authorities.

#### **47. TRAVELLING ALLOWANCES**

William Alexander, the Chairman of the Independent Remuneration Panel, presented a report outlining the Panel's recommendations. He noted that other councils usually paid for travelling to and from parish and town council meetings. He believed that it was right to encourage county councillors to attend meetings of parish and town councils within their area. The cost had been estimated at £7,000, although the reduction in the number of councillors from 63 to 53 was likely to result in an overall reduction in the number of miles claimed and the associated cost.

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Members were anxious that councillors only claimed for journeys to parish and town council meetings within their divisions and not from their homes if they lived outside their division. It was noted, however, that some parishes were split between divisions and this might result in a meeting being held outside a particular member's division. In these circumstances, the Head of Democratic Services would be able to show some discretion and approve claims.

***RESOLVED TO RECOMMEND TO COUNCIL*** *that travelling allowances be payable to county councillors on journeys to and from parish and town council meetings within their division with effect from 19 June 2013. This should apply to full council meetings only and the county councillor should not be a member of that particular parish or town council.*

#### **48. CHANGES TO THE CONSTITUTION FLOWING FROM THE RECOMMENDATIONS OF MR GRAHAM GARBUTT**

At the meeting of the Constitution Committee on 17 October 2012, members considered proposed changes to the officer scheme of delegation and requested that the Audit Committee provide further clarification and information on a number of issues. The Audit and Governance Committee subsequently considered these issues on 12 April 2013 and the report before members outlined the committee's response to each issue and recommended action.

Referring to Graham Garbutt's recommendation for rigorous periodic review of progress in relation to future governance of the Cotswold Water Park, Rodney Semple explained that this would happen through internal and external audit looking at specific issues. The Council's audit process was overseen by the Audit and Governance Committee.

Members were anxious that the process used for informing members of key decisions was applied to officer decisions above the £250,000 threshold.

A member questioned the reasons for increasing the officer threshold for publishing decisions from the £200,000 figure recommended by Graham Garbutt to £250,000. It was agreed, however, that the Audit and Governance Committee's advice should be followed.

#### ***RESOLVED***

- a) ***TO RECOMMEND THE COUNCIL*** *to adopt the changes to the officer scheme of delegation set out in appendix A.*

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- b) *To request the Audit and Governance Committee to review the changes after one year including the threshold of £250,000 for publishing officer decisions.*

#### **49. CHANGES TO THE CONSTITUTION**

Group Leaders had considered the following issues at their meeting on 6 June 2013:

- a) Health and Wellbeing Board  
Member representation of 2:1:1 (Cons: Lib Dem: Lab) was preferred by Group Leaders. Before the matter was considered by the Constitution Committee, the Health and Well Being Board itself would need to be consulted on the proposals.
- b) Time limit for motions at full Council  
Group Leaders supported the current provisions in the constitution subject to the Chairman of Council using his discretion to extend time limits where appropriate. The position would be reviewed at the Constitution Committee on 7 October 2013.
- c) Term of office for the Leader of the Council  
The current four year term of office did not conflict with the provisions of the Localism Act. The Council could change to an annual appointment if it so wished but under the current arrangements the Leader could be removed through a vote of no confidence.

A member believed that, following the reduction in the number of councillors from 63 to 53 and changes to the scrutiny structure, it was important to 'stress test' the new arrangements. It was noted that the Overview and Scrutiny Management Committee was planning to undertake a review after 12 months and the outcome could be reported to the Constitution Committee.

#### **50. AMENDMENTS TO THE CONSTITUTION**

Consideration was given to a report from the Head of Legal Services outlining amendments to the constitution relating to Cabinet responsibilities and changes required following the transfer of the Monitoring Officer role from the Director of Law and Administration to the Director of Strategy and Challenge.

A request was made that the call-in procedure rules be changed to reduce the number of members required to call-in a key decision from six to five. Members

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believed that this was appropriate following the reduction in the number of county councillors from 63 to 53.

**RESOLVED**

- a) *To note the changes to the constitution set out in Annex A (section 4.4 – Cabinet responsibilities).*
- b) **TO RECOMMEND THE COUNCIL**
  - i) *To approve the changes to the constitution set out in Annex B following the transfer of the Monitoring Officer role from the Director of Law and Administration to the Director of Strategy and Challenge.*
  - ii) *To change call-in procedure rule 4 in part 4 of the constitution to reduce the number of members required to call-in a key decision from six to five.*

**51. NEXT MEETING**

Members noted that the next scheduled meeting was due to be held on Monday, 7 October 2013 at 3pm. It was agreed that all future meetings should start at 3pm.

**Action** – *Democratic Services*

**CHAIRMAN**

The meeting ended at 4.30pm.