

# CONSTITUTION COMMITTEE

**MINUTES of the meeting of the Constitution Committee held on Tuesday 12th January, 2010 commencing at 10.00 am.**

## **PRESENT MEMBERSHIP:**

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

### **1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Cllr Dare.

### **2. MINUTES**

#### **RESOLVED**

**THAT the minutes of the meeting held on 9 November 2009 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. REPORT OF INDEPENDENT REMUNERATION PANEL**

William Alexander, Chairman of the Independent Remuneration Panel attended the meeting and presented the Panel's report in respect of Members' allowances for 2010/11.

He explained that the Panel had unanimously agreed that there should be no change to the basic rate of allowance and all other allowances in the scheme remain unchanged for 2010/11. The IRP would be interviewing newly elected members to get their views on the allowances scheme during the next few months. It would also be inviting the Chairman of the newly established Corporate Parenting Committee to give their view on the role and responsibility of that Committee when it had been running for a few months. The Panel would also be giving consideration to the gap difference in the basic allowance and the average white collar worker's wage in Gloucestershire.

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Members were in general agreement that it would not be appropriate to increase allowances at this time, especially as many people were being forced to take a reduction in salaries.

During the ensuing debate some Members' expressed concern that the allowance was not sufficient to encourage a wider sector of the community to consider becoming a councillor, particularly younger people, whilst others considered that the allowance was not the primary reason people stood for election. When considering the gap difference between the basic allowance and the average white collar worker's wage, the Panel were asked to also take into consideration that white collar workers may also have a pension scheme in addition to their salary. It was also requested that more in-depth consideration should be given to all the Special Responsibility Allowances in relation to the basic allowance and what additional work a Chairman of a Committee has, to that of a Lead Member.

The Committee thanked Mr Alexander and the Panel for their work, stressing the importance of having an Independent Panel reviewing allowances.

On being put to the vote it was

**RESOLVED to RECOMMEND TO COUNCIL**

**THAT**

- (a) No change be made to the basic rate of allowance for 2010/11**
- (b) All other allowances in the scheme remain unchanged for 2010/11.**

## **6. INTERIM APPOINTMENTS**

The Nigel Roberts, Director of Law & Administration presented this report that advised of the discussion and recommendation from the Appointments Committee at its meeting on 17 December 2009 in respect of the appointment of senior interim managers to the Council's employment.

The recommendation was that the Constitution be amended to reflect that the Chief Executive be granted express authority (in consultation with the relevant Cabinet Member and Scrutiny Chairman) to appoint on an interim basis to the position of group director or director within the employment of the Council.

In response to Members' questions, Nigel Roberts explained that most of the Interims are appointed through an Agency and the contract would be between the Council and Agency, with the Interim working in the Council as an employee. The decision to appoint an Interim would be that of the Chief Executive, whilst members' would be consulted they could not veto the decision.

During the ensuing discussion concerns were expressed with regard to the role of the Appointments Committee being waived. Consultation should include all Group Leaders. Some members did not consider enough detail had been included in the

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report and that it should be re-drafted and brought back to the Committee for consideration. The Interim appointments should be for a maximum of six months and if there was a need to extend it should be referred back to the Appointments Committee.

Nigel Roberts explained that the difficulty of putting too much detail in a process was that there was a risk of missing something out. There would be the opportunity during the consultation process to explore the detail in relation the proposed interim appointment. The decision would be that of the Chief Executive, but he must take account of any issues raised during consultation.

On being put to the vote it was

#### **RESOLVED to RECOMMEND to COUNCIL**

**THAT the Constitution be amended to reflect that the Chief Executive be granted express authority (in consultation with the relevant Cabinet Member, Group Leaders and relevant Scrutiny Chairman) to appoint on an interim basis to the position of group director within the employment of the Council for a maximum period of up to 6 months.**

#### **7. QUESTIONS AT CABINET**

Cllr Hilton presented this report that sought consideration to be given to public and members questions being asked at Cabinet meetings. The County Council has a procedure in the Constitution for questions at Council and other bodies and a similar process could be used for Cabinet. He explained almost all other Local Authorities have a similar system and it worked well.

During the ensuing debate the following principle points were made:

- There was facility to ask questions at Council, therefore no need to ask at Cabinet meetings;
- Consideration should be given as to whether questions were asked in advance or on the day and what time limit should be allowed.
- What would questions relate to – i.e. any matter or only on items on the agenda
- It was good for democracy for the public to be able to put their questions to Cabinet Members before decisions were made.
- Members have the opportunity to ask questions on decisions made by Cabinet at Council.
- If this was introduced, it should be done for a 12 month trial period.

It was suggested that the Monitoring Officer be asked to give consideration to the points raised and bring a report back to a future meeting of the Constitution Committee clarifying the issues.

Cllr Hilton proposed that the report be brought to a special meeting of the Constitution Committee prior to Council meeting in February.

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The Chairman asked the Committee to vote on this proposal. On being put to the vote it was LOST.

The Chairman suggested that the report be brought back to the next scheduled meeting of the Constitution Committee in March.

On being put to the vote it was

**RESOLVED**

**THAT a report be brought back to the next scheduled meeting of the Constitution Committee on 8 March 2010.**

**8. CHANGE TO THE CONSTITUTION MADE UNDER DELEGATED POWERS**

Nigel Roberts presented this report that advised of changes made to the Constitution under delegated powers.

**RESOLVED to RECOMMEND to COUNCIL**

**THAT changes to the Constitution as set out in the report be ratified.**

**CHAIRPERSON**

Meeting concluded at 11.45am