

CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday 7th October, 2013 commencing at 3.00 pm.

PRESENT MEMBERSHIP:

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

William Alexander, Chairman of the Independent Remuneration Panel

Jane Burns, Director of Strategy & Challenge and Monitoring Officer
Christine Wray, Head of Legal Services and Deputy Monitoring Officer
Simon Harper, Head of Democratic Services
Joanne Bolton, Democratic Services Adviser

53. APOLOGIES FOR ABSENCE

Cllr Steve McHale.

54. MINUTES

The minutes of the meeting held on 10 June 2013 were confirmed and signed as a correct record by the Chairman.

55. DECLARATION OF INTEREST

No declarations of interest were made at the meeting.

56. PUBLIC QUESTIONS

No questions from members of the public had been received.

57. MEMBERS' QUESTIONS

No questions from members had been received.

58. INDEPENDENT REMUNERATION PANEL

- 58.1 William Alexander, Chairman of the Independent Remuneration Panel (IRP) presented the panel's recommendations relating to allowances for members of the Adoption Panel and Fostering Panel and the qualifying number of members required in a political group for a payment of a Special Responsibility Allowance (SRA) to their group leader.
- 58.2 William Alexander explained that the IRP had recognised that appointing two members to the Adoption Panel should provide greater resilience, and enable the workload to be shared. The IRP was suggesting that the current level of SRA of £11,703 be divided equally between the two members appointed, resulting in an allowance of £5,852 each.
- 58.3 He informed members that the IRP had been unaware until recently that an elected member served on the Fostering Panel, and that historically the member had not received an allowance. The IRP believed the member should receive the same level of allowance (£5,852) as the two members of the Adoption Panel. In response to a question, William Alexander made the point that whilst it was not the responsibility of the IRP to recommend the number of members to a specific workload or role, it was the responsibility of the panel to recommend the remuneration relative to that role.
- 58.4 William Alexander informed the committee that the IRP had considered the number of members required in a political group for the payment of a SRA to the group leader. The current qualifying number in a political group for the leader to receive a SRA was four. He informed members that he had met with the leader of the Independent Group who had provided details of his role.
- 58.5 William Alexander confirmed to members that the IRP was not supportive of reducing the number of qualifying members from four to three at the present time. The IRP was however currently undertaking a review of the position as part of a wider review of the allowances scheme.
- 58.6 In response to a question, William Alexander explained that the IRP had previously made the recommendation to the committee that the qualifying number of members in a political group, for the payment of a SRA to the group leader, should be six. He clarified that it was the Constitution Committee which had set the current number.
- 58.7 William Alexander made reference to the significance of the no overall control position of the council had on the group leaders. He emphasised the point that the IRP was having to rethink this particular aspect of the members' allowances scheme, to consider what was needed to help a no overall majority council work.
- 58.8 One member commented that it was unfair that the group leaders of the smaller political groups did not qualify to receive a SRA.

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58.9 William Alexander informed the committee that he was keen to hear the views of councillors, particularly those in the minority political groups, on this subject. He explained that he would be undertaking this as part of the wider review of the Members' Allowances Scheme, with member interviews taking place throughout October.

58.10 He explained that following its review of the Members Allowances Scheme, the IRP would be bringing its conclusions and recommendations to this committee, at a meeting in the New Year.

58.11 The committee resolved:

TO RECOMMEND TO COUNCIL

- (a) That a Special Responsibility Allowance of £5,852 should be paid to each of the two members of the Adoption Panel. The allowances to be payable from the date of appointment by council.*
- (b) That a Special Responsibility Allowance of £5,852 should be paid to the member appointed to the Fostering Panel (effective from the date of appointment on 15 May 2013).*
- (c) That the council should not reduce the qualifying number of members for a political group leader's allowance from four to three.*

59. HEALTH AND WELLBEING BOARD

59.1 The committee resolved:

TO RECOMMEND TO COUNCIL

- (a) To amend the membership of the Health and Wellbeing Board in Section 3.0 of Part 3 of the Constitution to allow the Leader of Gloucestershire County Council to appoint four county councillors.*
- (b) To remove the reference to the Leader of the Council and two Cabinet Members as members of the Board.*

60. FILM AND AUDIO RECORDING OF COUNCIL MEETINGS

60.1 The committee noted that this change would permit filming from a fixed location and also filming from Smart phones by individuals and members. The chairman explained that the political group leaders had agreed to remind members that the filming should not in any way be disruptive. The committee recognised that it would still be within the chairman's power to intervene if filming became disruptive and the amendment would not affect this.

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60.2 Simon Harper, Head of Democratic Services, informed the committee that media organisations were being encouraged to get in touch beforehand if they planned on filming the meeting, so that the necessary arrangements could be made in the meeting room.

60.3 The committee resolved:

TO RECOMMEND TO COUNCIL *That following the publication of Government Guidance, to amend procedure rule 22 in Part 4 of the Constitution as follows:*

Filming, photographing and audio recordings of meetings is permitted. Please contact Democratic Services (tel 01452 425230) to make the necessary arrangements ahead of the meeting.

61. JOINT WASTE COMMITTEE

61.1 The committee considered the terms of reference for the Joint Waste Committee for inclusion in Part 3 of the Constitution.

61.2 The committee made the recommendation that the Joint Waste Committee should devise a protocol for public and member questions at the meeting, and reference to this be included on the agenda. **Action: Simon Harper.**

61.3 The committee resolved:

TO RECOMMEND TO CABINET *that the terms of reference of the Gloucestershire Joint Waste Committee be approved and included in Part 3 of the Council's Constitution.*

62. ITEMS FOR DISCUSSION FROM CLLR JEREMY HILTON

62.1 Time limit to debate Notices of Motion

62.1.1 Cllr Jeremy Hilton informed the committee that the Liberal Democrat Group members on the Constitution Committee, were proposing the removal of the time limit of a maximum of 30 minutes rule for each political group to consider motions at full council. He commented that the present rules meant that it was often the case that there was not enough time to debate the motions, thus denying backbench councillors the opportunity to participate.

62.1.2 He explained that the effect of the proposed amendments would be to restrict the total time for debating motions to three hours, an increase of one hour from the present constitutional limit.

62.1.3 The chairman indicated that the Conservative Group understood the reasons behind the proposed amendment to remove the 30 minute rule for each political group to consider motions. He recognised that some debates had been

curtailed, when an extra 10 or 15 minutes would have enabled all members to participate who wished to, effectively completing the debate.

- 62.1.4 The chairman stated that the Conservative Group was not supportive of increasing the time spent considering motions to three hours, and he felt it should remain at two. He suggested that once the two hours was up the Chairman of Council could make a judgement on whether extra time was needed to complete the debate.
- 62.1.5 The chairman emphasised that the extension should only be used to complete the debate of that particular motion and not be used to debate a new motion. He suggested that increasing the overall time spent debating motions could be reviewed again in six months time.
- 62.1.6 Some members of the committee raised the point that there would be an opportunity for the political group leaders to consider the council agenda beforehand at their group leaders' meeting. Group leaders in consultation with the Chairman of Council would be able to determine the motions which needed the most debate, and agree an informal time period for each motion.
- 62.1.7 On being put to vote the committee resolved:

TO RECOMMEND TO COUNCIL that the following amendments to the council's Constitution be approved:

1) *Under part 4 – Notices of Motion – Section 11.2.2 –*

Unless the Chairperson, in consultation with Group Leaders, decides otherwise, subject to Procedural Standing Order 11.8, there will be no time restrictions on motions from each political group (for the purposes of this Procedural Standing Order 11.2.2 only, all independent Councillors are considered as a political group) shall be considered by full council for up to a maximum of 30 minutes on the day of a meeting. Immediately after the end of the 30 minute period debate the proposer of the original motion then under debate may choose whether the motion be put or withdrawn (the consent of the seconder and full Council not being required in these circumstances) and if he or she decides that the motion be put, he or she shall first have the right of reply which shall be limited to 3 minutes;

- 62.1.8 The committee was not in support of amending Procedural Standing Order 11.8, to increase the total time period spent on motions to three hours.
- 62.1.9 The committee was not in support of amending 13.5 of the Council's Constitution to introduce a 20 minute limit to debate amendments.

62.2 Annual Election of Leader of Council

- 62.2.1 Cllr Jeremy Hilton explained that the Liberal Democrat Group members on the Constitution Committee were proposing amendments to the Constitution, for the

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Leader of Council to be appointed annually at the annual meeting of the council, therefore reducing the current four year term of office, to an annual one.

- 62.2.2 Cllr Hilton informed members that this would improve democracy on the county council and ensure that the post of Leader of the Council was treated the same as other elected member positions. Cllr Paul Hodgkinson explained that the amendment would mean that the Leader of Council would remain both effective and accountable.
- 62.2.3 Some members made reference to the mechanisms already in place for the removal of the Leader of Council, if there was a need to. Those members felt that there were benefits to the council and council services from the stability of a four year term of office of the Leader of Council, and consequently were strongly against the proposed amendment.
- 62.2.4 One member informed the committee that he could appreciate both sides of the argument and suggested that research should be done into what other local authorities did. Cllr Hilton commented that at Gloucester City Council the Leader of Council was elected annually.
- 62.2.5 On being put to the vote, the committee did not support amending the council's Constitution to reduce the current four year term of office of the Leader of Council to an annual term.

63. CHANGES TO GLOUCESTERSHIRE COUNTY COUNCIL CONSTITUTION BY THE MONITORING OFFICER

- 63.1 The committee considered a report of the Monitoring Officer relating to changes to the Article 14.03 (Changes to governance arrangements).

The committee resolved:

TO RECOMMEND TO COUNCIL that the amendments to Article 14.03 be approved.

64. FUTURE MEETING DATES

- 64.1 Members noted the following future meeting dates and it was agreed that all meetings would now begin at 2pm.

10 March 2014
9 June 2014
6 October 2014

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The committee agreed that another meeting would need to be arranged to take place in January 2014. **ACTION: Joanne Bolton.**

CHAIRPERSON

Meeting concluded at 16:30