

CONSTITUTION COMMITTEE REPORT

17 February 2016

Presented by Cllr Mark Hawthorne, Chairman of the Constitution Committee

1 Report of the Independent Remuneration Panel

- 1.1 Richard Blamey, Chairman of the Independent Remuneration Panel (IRP), attended the meeting of the Committee on 8 January 2016, and presented the Panel's report and recommendations for the 2016/17 revision of the Members' Allowances Scheme.
- 1.2 The Panel conducted an in-depth review of all matters relating to the remuneration of members. Interviews with 21 councillors were conducted on 19, 26 and 28 October 2015. Members were asked about their roles both at the Council and within their communities; they were also invited to give their views on the current allowances scheme.
- 1.3 The Panel also conducted a review of comparative data and the analysis revealed that both the average and median figures for the Basic Allowances were in the region of £10,300.
- 1.4 The Committee considered the report in detail and concluded that the recommendations of the Panel, set out below, should go forward, without amendment, for debate at the full Council meeting on 17 February. This will enable all members of Council to consider the Panel's recommendations within the context of the Council's overall budget.
- 1.5 The Panel's full report and recommendations are attached at Annex A.
- 1.6 **Recommendations of the IRP**

(a) Basic Allowance

To increase the Basic Allowance from £9,100 to £10,000 for a two year period from 1 April 2016.

(b) Special Responsibility Allowances (SRA)

To maintain all Special Responsibility Allowances as a fixed sum at their 2015-16 level.

2. Motion 763 – referred from County Council 2 December 2015

- 2.1 The Committee has considered the following Motion (proposed by Cllr Jeremy Hilton and seconded by Cllr Iain Dobie), which was received at the full Council meeting held on 2 December 2015, and was referred to the Constitution Committee:

This Council expresses deep concern over the Cabinet's decision on 11 November 2015 to approve a £17 million one-off financial contribution to the residual waste project, funded from revenue reserves.

This Council believes that redirections of such significant sums should be approved by all members of this Council.

The Council therefore recommends that the Constitution Committee considers changes to standing orders and reports back to full Council at the earliest opportunity.

- 2.2 Cllr Hilton suggested that financial thresholds for decision-making were reviewed, for example by the Audit and Governance Committee or by looking at what similar local authorities do.
- 2.3 Consequently, the Committee did agree that it would be a useful exercise to ascertain the reporting processes followed by other local authorities, for transfers of significant funds from Council reserves to mitigate additional costs of a project. A report on the findings of the exercise will be brought back to a future meeting of the Committee.

3. Modifications to the Petitions Scheme

- 3.1 The revised scheme amends the scheme agreed in 2010 to reflect current practice and feedback received from the public. It follows a more logical format and links across to the new flow chart which had been developed so that the public can follow the steps required in presenting a petition.

3.2 RESOLVED TO RECOMMEND THAT THE COUNCIL:

- a) *Approve the revised petition scheme at Annex B including the associated flow chart at Appendix 1 of the report.*
- b) *Include the petition scheme in part 5 of the Council's constitution under 'codes and protocols'.*

4. Monitoring Officer Changes to the Constitution

RESOLVED TO RECOMMEND TO THE COUNCIL *to ratify the changes to the Constitution, at Annex C and Annex D of the report, made by the Monitoring Officer under delegated powers.*

Mark Hawthorne – Chairman

February 2016

REPORT OF THE INDEPENDENT REMUNERATION PANEL

DECEMBER 2015

1. Introduction

1.1 This report has been produced by an Independent Remuneration Panel (IRP) made up of members drawn from the local community. The Panel is independent of the Council and its role is to make recommendations on the level of allowances paid to councillors. The object being to promote access to all in our diverse community who may wish to stand for election to serve that community via the democratic process.

1.2 The members of the Panel:

- **Richard Blamey** Former Pensions Manager with a large multi-national industrial gas company. Currently a pensions trustee. Recently appointed chair of the Tewkesbury IRP. Also serves as treasurer and member of his local parish council.
- **Philip Lowery** A former adviser to the Social Services Committee. Member of the Independent Advisory Group (IAG) of the Criminal Justice Board.
- **Fiona Miles** Former Clinical Nurse Specialist in Respiratory Medicine. Former Treasurer and Secretary to play groups and the Royal College of Nursing Specialist Group. Trustee of Gloucestershire Chest Fund. Also a parish councillor, school governor and involved in Gloucestershire Girl Guiding and the RSPB.
- **Gwyn Morgan** Former Head of Science at a Gloucestershire Secondary School. Broad experience of the education system as a teacher and a school governor. Custody Visitor with high level security clearance.
- **Quentin Tallon** Former Secretary of Cheltenham and District TUC with broad experience of trade union and other negotiations. Involvement with the voluntary sector.

- 1.3 Sadly, Gwyn Morgan passed away on 18 November 2015. The Panel wish to pass on their condolences to Gwyn's family and friends. He was a much valued member of the Panel and will be greatly missed.
- 1.4 The Panel's recommendations relate to a two year period (2016-17 and 2017-18) and are in keeping with the following statutory provisions:
 - 1.4.1 Local Government and Housing Act 1989 and Local Government Act 2006
 - 1.4.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 ('The Allowances Regulations')

2. Review process

- 2.1 The Panel met on 9 April and 10 November 2015. Interviews with 21 councillors were conducted on 19, 26 and 28 October 2015. Members were asked about their roles both at the Council and within their communities. They were also invited to give their views on the current allowances scheme. The Panel appreciated the willingness of members to be open and frank in their responses to the interview questions.
- 2.2 The Panel recognises the commitment of all County Councillors to the people of Gloucestershire and commends them on their untiring efforts in this cause.
- 2.3 The Panel recognises the support given to councillors by the Democratic Services Team and the value of an ongoing member development programme to help members understand their roles and responsibilities. They believe, however, there may be a case for tailored support to be provided to individual members who join the Council with no previous experience of local government.

3. Allowances

- 3.1 In our previous reports in 2013 and 2014, we stated clearly that the appropriate rate for the Basic Allowance should be at least £10,000. One year on, we continue to hold this view. Indeed, the comparative data we have analysed reveals that both the average and median figures for the Basic Allowances are in the region of £10,300. Against this background the current

Basic Allowance of £9,100 clearly undervalues the role of our County Councillors [see Appendix A].

- 3.2 Accordingly, in this report, the Panel is recommending that Basic Allowances increase from £9,100 to £10,000 for 2016-17, with no further increases in 2017-18. The Panel is aware of the economic climate but in the face of the existing data, we simply cannot recommend a Basic Allowance of less than £10,000.
- 3.3 The Panel is recommending that all other allowances remain fixed at their 2015-16 level [see Appendix B]. We recognise that this will remove the principle of using the Basic Allowance as a 'building block' for the Special Responsibility Allowances and we will address this issue in 2017 as part of a thorough review following the May 2017 elections.

4. Recommendations

4.1 Basic Allowance

To increase the Basic Allowance from £9,100 to £10,000 for a two year period from 1 April 2016.

4.2 Special Responsibility Allowances (SRA)

To maintain all Special Responsibility Allowances as a fixed sum at their 2015-16 level.

Richard Blamey

Chairman

Independent Remuneration Panel for Gloucestershire County Council

Appendix A – basic allowance for county councils across England

Local Authority	Current Basic Allowance (November 2015)	Number of Councillors
Buckinghamshire County Council	£11,063.35	49
Cambridgeshire County Council	£7,700	69
Cumbria County Council	£8,322.00	84
Derbyshire County Council	£10,047.00	64
Devon County Council	£10,970.00	62
Dorset County Council	£10,641.00	45
East Sussex County Council	£11,080.00	49
Essex County Council	£11,500.00	75
Gloucestershire County Council	£9,100.00	53
Hampshire County Council	£12,003.00	78
Hertfordshire County Council	£9,781.00	77
Kent County Council	£12,805.00	84
Lancashire County Council	£10,362.00	84
Leicestershire County Council	£10,152.00	55
Lincolnshire County Council	£10,322.28	77
Norfolk County Council	£9,216.00	84
North Yorkshire County Council	£8,994.00	72
Northamptonshire County Council	£9,054.00	57
Nottinghamshire County Council	£13,190.00	67
Oxfordshire County Council	£10,000.00	63
Somerset County Council	£10,580.00	55
Staffordshire County Council	£9,022.00	62
Suffolk County Council	£10,273.74	75
Surrey County Council	£12,418.00	81
Warwickshire County Council	£9,172.00	62
West Sussex County Council	£11,251.00	71
Worcestershire County Council	£8,515.00	57
The Average Basic Allowance equals to :	£10,279.05	
Neighbouring unitary councils covering county areas		
Herefordshire Council	£7,254.00	53
Wiltshire Council	£12,684.95	98

Appendix B – proposed allowances for 2016-17

Basic allowance (BA)			£10,000	
Number of members			53	
Special responsibility allowances (SRA)			Positions	Allowance
Leader of the Council			1	£27,300
Group leader (5 or more members)	Lib Dem	14	1	£5,850
(Not paid to Leader of the Council)	Labour	9	1	£5,850
Group Leader (4 members or less)	Independent	2	1	£2,340
	UKIP	3	1	£3,510
Cabinet member			7	£18,200
Scrutiny chair			5	£5,460
Audit and Governance Committee chair			1	£5,460
Planning Committee chair			1	£5,460
Pensions Committee chair			1	£5,460
Chair of Council			1	£9,100
Vice-chair of Council			1	£2,730
Adoption Panel member			2	£5,460
Fostering Panel member			1	£5,460
Political Group Spokesperson			14	£1,500

Gloucestershire County Council Petition Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. In the first instance you should always try to speak to an officer in the relevant department or your local county councillor to discuss your particular concerns.

Anyone wishing to organise a petition should contact Democratic Services (Tel: Simon Harper 01452 324202, email simon.harper@gloucestershire.gov.uk) who will provide advice on the procedures that apply. It may be that in some instances it is more appropriate for issues to be raised in other ways – for example through your local councillor or the complaints process.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 5 working days of receipt, and within 20 working days of receipt of the petition, we will set out what we plan to do with the petition.

Paper petitions can be sent to the address below or be created, signed and submitted online.

Gloucestershire County Council
c/o Democratic Services
Shire Hall
Gloucester
GL1 2TG

You can also request that your local county councillor presents a petition at a full Council meeting. Dates and times can be found here (<http://glostext.gloucestershire.gov.uk/ieDocHome.aspx?bcr=1>).

Please contact Democratic Services (tel Simon Harper 01452 324202, email simon.harper@gloucestershire.gov.uk) at least 10 clear working days before the meeting and they will talk you through the process.

To come within the scheme and trigger a response a petition needs a minimum of 25 signatures from people who live, work or study in Gloucestershire. Petitions with fewer signatures can still be submitted but they will not be treated in accordance with this scheme.

If your petition has received 5,000 signatures or more it will be scheduled for a Council debate and, if this is the case, we will let you know when this will take place.

What are the guidelines for submitting a petition?

Petitions submitted to the Council should relate to a matter which is a function of the Council or relate to the economic, social or environmental well being of Gloucestershire. They should have at least 25 signatures and must include:

- A clear and concise statement covering the subject of the petition and include details of what action the petitioners wish the Council to take.
- The name, the address in Gloucestershire where they live work or study and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons. The Council's statutory officers (Head of Paid Service, Chief Financial Officer or Monitoring Officer) will be responsible for determining the validity of a petition. In addition, the Monitoring Officer can accept signatures from people living, working or studying outside the county border where, for example, there is an issue which is relevant to Gloucestershire and also to an area that borders the county.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within five working days of receiving the petition. Within 20 working days we will provide a written response to the petition organiser.

If the petition affects a particular area the county councillors covering that area will be informed that a petition has been received.

If the petition has enough signatures to trigger a Council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as a school admission appeal, other procedures apply.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will refer the petition to the relevant body and ask that they provide a response to you.

Full Council debates

If a petition contains more than 5,000 signatures it will be debated by the full Council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Petitions must be received by Democratic Services at least 10 clear working days ahead of the meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for 15 minutes. This may be extended at the discretion of the Chair of Council up to a maximum of 30 minutes.

The options open to the Council are limited. The Council may simply decide to note the petition. Where the issue is one on which the Council executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within five working days and a formal response within 20 working days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information.

E-petitions may be combined at the request of the petition organiser with paper petitions. The wording of both petitions must be the same if the petitions are being brought together to reach the 5,000 signatures required for a debate at full Council.

How do I sign an e-petition?

You can see all the e-petitions currently available for signature on the Council's website. When you sign an e-petition you will be asked to provide your name, the address in Gloucestershire where you live work and study and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

How do I submit a petition to the County Council?

Start

Does the petition relate to the Council or the economic, social or environmental impact of Gloucestershire?

No

It should not be presented to the Council but to another relevant organisation, if appropriate.

Yes

Has the concern or issue been discussed with the relevant County Council officer or your local County Councillor?

No

Contact the relevant County Council officer, your local County Councillor, or seek advice from Democratic Services.

Yes

Does the petition have at least 25 signatures from people who live, work or study in Gloucestershire?

No

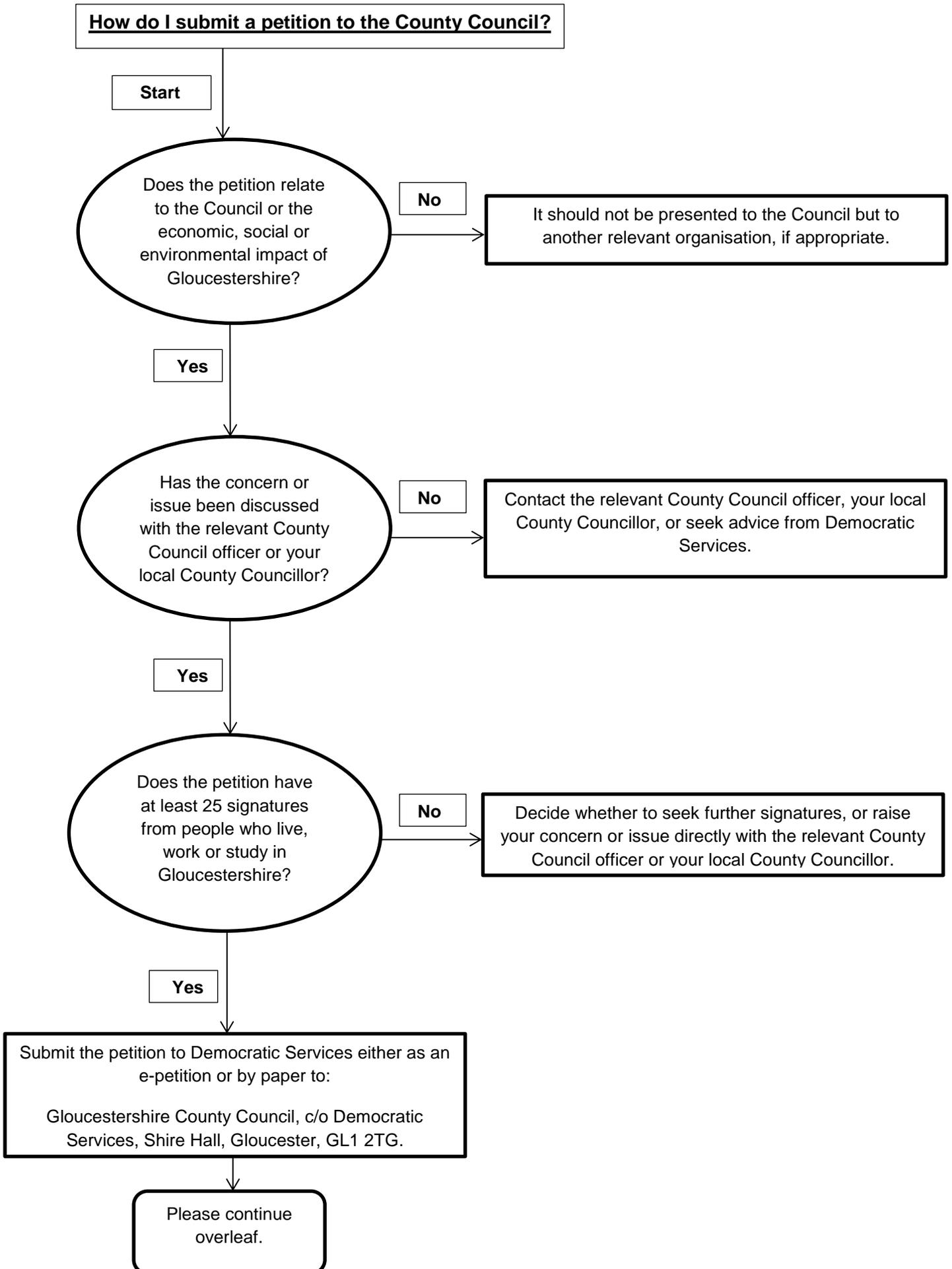
Decide whether to seek further signatures, or raise your concern or issue directly with the relevant County Council officer or your local County Councillor.

Yes

Submit the petition to Democratic Services either as an e-petition or by paper to:

Gloucestershire County Council, c/o Democratic Services, Shire Hall, Gloucester, GL1 2TG.

Please continue overleaf.



What happens after a petition has been submitted to the County Council?

Start

Does the petition have more than 5,000 signatures?

No

The petition will be acknowledged within 5 working days.

The petition organiser will receive a formal written response from the Council within 20 working days.

Yes

The petition will be scheduled for debate by the full Council.

At the full Council meeting, the petition organiser will be given 5 minutes to present the petition.

The petition will then be discussed by the full Council for 15 minutes. This may be extended at the discretion of the Chair of the Council up to a maximum of 30 minutes.

The full council will vote on action to be taken. This may simply be to note the petition or, if the issue is one in which the Cabinet is required to make a decision, the Council may make recommendations to inform that decision.

The petition organiser is advised of the outcome of the debate in writing.

Changes to Gloucestershire County Council Constitution

By the Monitoring Officer

In the exercise of my powers set out in Article 14.02.1 of the Council's Constitution, I make the following amendments to the Council's Constitution:

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). ~~Immediately after the end of the 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;~~”

Reason for amendment is that this paragraph previously referred to a 30 minutes time limit per political group. The paragraph is redundant.

13.8 Withdrawal of motion or amendment.

A Member may withdraw a motion or amendment to a motion which he or she has moved, with the consent of both the full Council and the seconder. The full Council's and seconder's consent will be given or not given, without discussion. No Member may speak on the motion or amendment to motion after the mover has asked permission to withdraw unless permission to withdraw is refused. ~~This Procedural Standing Order shall not apply to the circumstances pertaining under Procedural Standing Order 11.2.2.~~

This sentence refers to the above point and is therefore also redundant.

20 Members Interests in Contracts and Other Matters.

Any member of the Council who has a disclosable ~~personal~~ pecuniary interest (within the terms of the Code of Conduct for Members adopted under the Localism Act 2011) in any matter except one that is under consideration by the Council as part of the report of the Cabinet or other appropriate Council body and is not itself the subject of debate, **shall inform the meeting** and act in accordance with the relevant code of conduct.

Any disclosure, withdrawal or dispensation under this rule shall be recorded in the Minutes of the meeting concerned.

Inaccurate wording.

Call-in Procedural Rules

5.2 | *Note: A political Group Leader may request clarification from and/or discussion with one or more of the ~~six~~ five members giving notice and other political Group Leaders.*

Inaccurate wording.

Jane Burns
Monitoring Officer
21 December 2015

**Changes to Gloucestershire County Council's Constitution
by the Monitoring Officer**

In the exercise of my powers set out in Article 14.02.01, Part 2 of the Council's Constitution, I make the following amendments to the Constitution:

Part 3 - SECTION 5 – SCHEME OF DELEGATION

HLDS4	To be the adjudicator for disputes under the Local Government Pension Scheme	Head of Legal Services	N/A
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Jane Burns
Monitoring Officer


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Dated: 20 November 2015