

CONSTITUTION COMMITTEE

MINUTES of a meeting of the Constitution Committee held on Monday 15 January 2018 at the Cabinet Suite - Shire Hall, Gloucester.

PRESENT

Cllr Mark Hawthorne	Cllr Rachel Smith
MBE (Chairman)	Cllr Lynden Stowe
Cllr Colin Hay	Cllr Ray Theodoulou
Cllr Paul Hodgkinson	Cllr Will Windsor-Clive
Cllr Nigel Moor	
Cllr John Payne	

Apologies:

Substitutes:

Also in

attendance: Richard Blamey, Chair of the Independent Remuneration Panel
Quentin Tallon, Independent Remuneration Panel Member

Officers:

Jane Burns, Director of Strategy and Challenge and Monitoring Officer
Gillian Parkinson, Head of Legal Services
Simon Harper, Head of Democratic Services
Laura Powick, Democratic Services Adviser

44. APOLOGIES FOR ABSENCE

There were no apologies at the meeting.

45. MINUTES

The minutes of the previous meeting of 9 October 2017 were agreed as a correct record and signed by the Chairman.

Following a query, it was clarified that the way in which individual members voted on a recommendation could be recorded in the minutes if requested.

46. PUBLIC QUESTIONS

No public questions were received.

47. MEMBERS' QUESTIONS

No questions from members were received.

48. REPORT OF THE INDEPENDENT REMUNERATION PANEL

Richard Blamey, Chair of the Independent Remuneration Panel (IRP), presented the IRP's report to the Committee.

He informed the Committee that he met with Group Leaders in June 2017, and that the Panel interviewed seventeen members, including 14 newly elected members, in October, as part of the review process for members' allowances. Members were reminded that the basic allowance was last increased in 2016 for a 2 year fixed period.

It was explained that the IRP had undertaken a review of the allowance schemes for the other 27 county councils in England, which indicated that the current special responsibility allowance (SRA) for committee and scrutiny chairs at Gloucestershire County Council was low in comparison to other councils. The SRA for the Leader of Gloucestershire County Council was also lower than at the majority of other county councils, however it was noted that a formal recommendation was not being made to address this due to the reluctance of the current Leader of the Council to accept an increase.

There was a discussion regarding the SRA for the Leader of the Council. It was clarified that, in other councils, the SRA for the position was as high as £45,000. Several members expressed an opinion that the SRA should be increased, as the role of Leader of the Council was significant in that it oversees a budget of over £400million, and in order to attract the right calibre of person to the position. Several members also commented that should the SRA be increased, the Leader had the right to decide whether to waive their allowance. It was suggested that an increase to the SRA for the Leader could put upward pressure on other SRAs.

Following the discussion, it was suggested that the IRP consider the SRA for the Leader of the Council in their next review of members' allowances in a year's time.

In response to a query it was explained that the data from other county councils suggested that the role of deputy leader should not be distinguished in the allowances scheme.

In response to a further query it was explained that there was no provision for members to be part of the Local Government Pension Scheme.

The Committee thanked the IRP for its report and supported its recommendations.

RESOLVED TO RECOMMEND TO THE COUNCIL

- 1. To increase the special responsibility allowance for committee chairs and group leaders to £6,000 for the financial year;*
- 2. To increase the basic allowance from £10,000 to £10,100 (1%) for the 2018-19 financial year;*
- 3. To increase all other special responsibility allowances by 1% in line with the recommendation for the basic allowance; and*

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

4. *To note the revised members' allowances scheme for 2018-19 at Appendix B to the report.*

49. ARRANGEMENT FOR THE CHAIR OF AUDIT AND GOVERNANCE COMMITTEE

The Committee reconsidered the following recommendation:

That the Constitution be amended to include the arrangement for the Chair of Audit and Governance Committee to be a member drawn from outside the group or groups forming the administration.

There was a discussion as to whether the Constitution should determine the arrangements for opposition groups to determine the nomination for the Chair of Audit and Governance Committee. It was agreed that Democratic Services would facilitate a conversation between opposition groups to agree a nomination, and would provide the guidance that opposition groups should endeavour to reach agreement on a single nomination but would not fetter voting by individual members at full Council.

RESOLVED TO RECOMMEND TO THE COUNCIL that the Constitution be amended to include the arrangement for the Chair of Audit and Governance Committee to be a member drawn from outside the group or groups forming the administration.

50. URGENT QUESTIONS AT CABINET

Simon Harper, Head of Democratic Services, reminded the Committee of the arrangement for a member of the public to ask an urgent question at meetings of full Council. It was proposed that the current arrangements for the asking of oral questions at Cabinet meetings be amended to mirror the arrangements at full Council, whilst maintaining that questions could only be asked about items on the Cabinet agenda.

One member expressed their disappointment that the arrangements for the asking of oral questions at meetings of full Council had been changed to the asking of urgent questions.

Clarification was sought as to whether a person submitting an urgent question could ask a supplementary question. It was explained that this would be the expectation.

It was proposed that the amendment be revised to determine that a member of the public may ask an urgent written question.

The Committee voted on the revised amendment. Six members voted for the revised amendment. Cllrs Colin Hay, Paul Hodgkinson, and Rachel Smith voted against the revised amendment. The revised amendment was therefore upheld.

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RESOLVED TO RECOMMEND TO THE COUNCIL that the Constitution be amended under Part 4 of the Council's Constitution, section 9, Cabinet Procedural Rules to state that an urgent written question may be asked by a member of the public about any item on the Cabinet agenda for that meeting, which the Chairperson considers could not have been reasonably submitted by the deadline for receipt of written questions, provided that he or she gives notice of the question to the Chief Executive by 12 noon the day before the meeting.

51. LENGTH OF SPEECHES FOR MOTIONS AT MEETINGS OF FULL COUNCIL

Simon Harper explained the proposed changes to the length of speeches at meetings of full Council.

It was clarified, following a query, that the standing order for the length of speeches at full Council meetings could be suspended should a longer amount of time be required for speeches.

On being put the vote, the Committee supported the recommendation.

RESOLVED TO RECOMMEND TO THE COUNCIL that the Constitution be amended under Part 4 of the Council's Constitution, section 13, Procedural Standing Orders, as set out in Annex A of the report.

52. MONITORING OFFICER CHANGES TO THE CONSTITUTION

The Committee considered the reports, noting, in particular, the revised and updated 'Whistleblowing Policy', which, due to the cancellation of the Constitution Committee meeting on 11 December 2017 because of adverse weather conditions, was approved by the Chief Executive under delegated powers.

RESOLVED TO RECOMMEND TO THE COUNCIL to ratify the changes to the Constitution, as set out in the reports, by the Monitoring Officer under delegated powers.

CHAIRMAN

Meeting concluded at 4.10 pm