

CONSTITUTION COMMITTEE

MINUTES of a meeting of the Constitution Committee held on Monday 14 October 2019 at the Members' Room - Shire Hall, Gloucester.

PRESENT

Cllr Richard Boyles	Cllr Lynden Stowe
Cllr Mark Hawthorne MBE (Chairman)	Cllr Lesley Williams MBE
Cllr Colin Hay	Cllr Will Windsor-Clive
Cllr Nigel Moor	

Apologies: Cllr John Payne and Cllr Nigel Robbins OBE

Officers: Rob Ayliffe, Simon Harper, Steve Mawson, Gillian Parkinson and Mandy Quayle.

2. MINUTES

The minutes of the meeting held on 29 May 2019 were confirmed and signed as a correct record.

3. PUBLIC QUESTIONS

No public questions had been received.

4. MEMBERS' QUESTIONS

No questions from members had been received.

5. MOTION 837 - PARENTAL LEAVE FOR COUNCILLORS

5.1 Simon Harper, Head of Democratic Services, gave a brief summary of the report for the Committee. It was explained that in forming the three options available for members, Democratic Services had reviewed the GCC employees parental leave policy, and other public sector schemes including specifically the LGA Labour Group Scheme.

5.2 It was noted that members were not paid employees of the Council and thus the employees existing policy could not simply be adopted for members as well. There had been examples of members being away from the Council for a period of time in the past and the relevant political group and Democratic Services have been able to put the necessary cover arrangements in place to ensure that enquiries from constituents were dealt with.

- 5.3 It was highlighted that any policy would have to reflect both the basic allowance and special responsibility allowance, whilst also taking into account elections, changes in administration and new appointments.
- 5.4 The Committee was asked to consider the three options summarised at the end of the report.
- 5.5 Members acknowledged the need for any policy for councillors to take account of the election process as outlined above, but were keen that it also should remain, as far as possible, consistent with the employees scheme and not create any preferential treatment for councillors.
- 5.6 There was a question in relation to a cabinet member being absent through parental leave or long term sick how their cabinet responsibilities will be covered. It was advised that whilst off, the cabinet member would still receive their Special Responsibility Allowance but another existing cabinet member would be delegated responsibility for their portfolio in their absence. It was requested that officers also consider a policy on long-term sickness for councillors.

ACTION DEMOCRATIC SERVICES

- 5.7 In responding to a question, officers advised that employees were only required to have 2 weeks off post the birth as a minimum. Employees also retained their entitlement to leave in the event of a still birth or miscarriage in line with legislation.
- 5.8 Members discussed the legal duty (under the Local Government Act 1972) of a member to attend a meeting of council within a 6 month period. It was advised that if a member was away longer than 6 months, there would have to be a resolution of Council excusing them from attending a meeting.
- 5.9 It was suggested that a sensible approach for the parental leave policy would be to add in an assumption that if a member was off due to parental leave, they would not be attending meetings within that set period. However, this would still require a motion approving that specific absence. It was advised that proxy voting did not currently exist.
- 5.10 If a member was on parental leave that ran through an election period then it would end at the election. If they were re-elected, any previous arrangements would 'reset' under a new council term.
- 5.11 Members were advised that there could be some difficulties with replicating the employee's policy for councillors, particularly in reference to weeks 19-30 being purely Statutory Maternity Pay which councillors were not entitled to claim as they were not employees of the Council.
- 5.12 A member suggested it may be useful for the Independent Remuneration Panel to be consulted on the development of a policy also.

ACTION: DEMOCRATIC SERVICES

- 5.13 The Committee agreed that officers would work on a policy, addressing all issues raised above and bring a draft policy to the next Constitution Committee.

ACTION DEMOCRATIC SERVICES

6. AUDIT AND GOVERNANCE COMMITTEE'S TERMS OF REFERENCE

- 6.1 The Chair requested that presenting officer Rob Ayliffe took items 6 and 7 together due to both being related to the Audit and Governance Committee.
- 6.2 It was advised that during the discussion at the Audit and Governance Committee on the amended terms of reference, it was requested a final amendment be made requiring regular compulsory training for members.
- 6.3 The Committee expressed concern about requiring members to attend training. Whilst they appreciated the importance of understanding for Audit and Governance, it was not a legal requirement as with some Committees and it could undermine Group Leaders role in appointing members to Committee if training was compulsory to sit.
- 6.4 It was agreed that the wording should be changed to reflect an expectation to attend training annually, rather than a compulsion. Officers assured members that they would make sure enough training sessions were made available to members throughout the year.

ACTION: ROB AYLIFFE

RESOLVED TO RECOMMEND TO THE COUNCIL that the changes to the Constitution in respect of the Audit and Governance Terms of Reference be ratified, subject to the following additional wording:

Members of the Audit and Governance Committee will be expected to attend training that will be provided at least annually.

7. AUDIT & GOVERNANCE COMMITTEE PROPOSED INDEPENDENT MEMBER RECRUITMENT PACK

- 7.1 Members discussed whether it was necessary to prevent certain people applying at first instance as referenced in Appendix 2.
- 7.2 It was suggested it may be more appropriate to advise applicants they are likely to be unsuccessful if they fell within the disqualifications, rather than excluding them from the outset. Members noted for example, there were examples in other Committees where members of other local authorities have worked well as independent involvement. In order to capture as wide a

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

field as possible, it would be best to keep the selection criteria as open as possible for initial applications.

- 7.3 The Committee was also asked to approve the interview panel as outlined in the report. It was noted that as drafted this would not result in the panel being politically balanced as it did not include a Conservative member.

RESOLVED TO APPROVE the recruitment pack and interview panel as presented, subject to the following changes:

- Remove section A of Appendix 2;
- Replace the final two paragraphs of page 6 with the following wording:

Given the independent nature of this role, it is unlikely that we would appoint a person who:

- *has within the period of five years immediately preceding the date of the appointment been a member or officer of Gloucestershire County Council*
- *is a serving member or officer of any other local authority, or*
- *is a relative or close friend of a member or officer of Gloucestershire County Council*

Please see appendix 2 for further details on Disqualifications for Appointment.

- *To increase the interview panel by one to include a member of the Conservative Group for political balance.*

8. SCHEME OF DELEGATION

RESOLVED TO RECOMMEND TO THE COUNCIL to ratify the changes to the Constitution made by the Monitoring Officer relating to the Scheme of Delegation, as set out in the report.

9. MONITORING OFFICER CHANGES TO THE CONSTITUTION

RESOLVED TO RECOMMEND TO THE COUNCIL to ratify the changes to the Constitution made by the Monitoring Officer.

10. MOTIONS AT FULL COUNCIL

- 10.1 Cllr Stowe introduced this item by explaining to members that there needed to be a review of the criteria for motions submitted to full Council. He emphasised that good decision making, members needed to fully understand any implications of a motion passing, with particular regard to costs, environmental impact and the effect on any protected group.

- 10.2 This would mean that both members proposing a motion and the wider membership of the Council understood its implications.

- 10.3 Some members highlighted some initial difficulties with the practicalities of introducing a scheme:
- If the motion was calling for a policy to be developed, implications would only be evident once the policy had been drafted by officers, and at the time of proposing the motion, it would be difficult to understand these fully.
 - The issue of 'on the day' amendments to motions. Some amendments could be quite significant to the conclusion of the motion and therefore might completely change the implications if passed in an amended form.
- 10.4 It was suggested an option could be for all motions to be referred to the relevant scrutiny committee for consideration before returning to Council, in order for the implications to be fully explored. In response, it was highlighted this might be an option for topic specific motions but would be difficult to apply when there were broad ranging statements of intent that might impact on a number of different areas.
- 10.5 It was advised that there are requirements within other local authorities that all motions were signed off by Section 151 officers/Chief Executives before being submitted.
- 10.6 The Committee requested that officers look into processes at other local authorities and return to the Committee with options.

ACTION: DEMOCRATIC SERVICES

CHAIR

Meeting concluded at 15:46.