

CONSTITUTION COMMITTEE

MINUTES of a meeting of the Constitution Committee held on Monday 10 October 2022 at the Cabinet Suite - Shire Hall, Gloucester.

PRESENT:

Cllr John Bloxsom	Cllr Gill Moseley
Cllr Mark Hawthorne MBE (Chair)	Cllr David Norman MBE
Cllr Colin Hay	Cllr Philip Robinson
Cllr Jeremy Hilton	Cllr Lynden Stowe
Cllr Nick Housden	

Officers in attendance: Rob Ayliffe

2. MINUTES

The minutes of the meeting held on 17 January 2022 were approved.

3. PUBLIC QUESTIONS

No questions had been received from members of the public.

4. MEMBERS' QUESTIONS

No questions had been received from members.

5. MEMBERS CODE OF CONDUCT

5.1 Rob Ayliffe was invited to present this report and members noted the following:

- The draft Code had resulted from a long-term piece of work with district council monitoring officers, with a view of having the same Code rolled out to all councils in Gloucestershire.
- The idea and content were consulted on throughout the summer, including a number of conversations with members/group leaders who were largely supportive of the principle and content.
- The Code was then reviewed by Audit and Governance earlier this month.
- If/when a final code was adopted, officers would put in place training and development to ensure members were aware of its content and what it would mean in practise.
- It was confirmed that discussion between monitoring officers from county and district councils would continue going forward on such issues that could be streamlined potentially.

5.2 A member acknowledged that the Code did not relate to members private and personal lives but questioned how this extended to a member acting a party-political capacity. It was advised that this issue was debated at Audit

and Governance as well, the wording used was prescribed by law and that each case would be taken on its merit. If a member was acting purely in their capacity as a party member, the code would not apply, but the grey area arises when party activity was carried out within the member's constituency. It would depend on whether a reasonable member of the public would regard the Member concerned as acting in their political rather than their official capacity.

- 5.3 Regarding the disclosure of exempt information where a member or group believe it was in the public interest to do so, it was questioned how a disagreement between the Monitoring Officer advising against doing so would be resolved, given the Monitoring Officer (having advised on the matter) would have a conflict of interest. Members noted that the role of the Monitoring Officer is solely to determine whether the incident was within the scope of the Code or not. The question as to whether the Code had been broken or not would be a matter for the Hearings Panel. Nevertheless, in a situation where the Monitoring Officer had a conflict of interest, the complaint would be handled by the Deputy Monitoring Officer.
- 5.4 Point 13 of the Code related to the use of GCC IT equipment for party politically activity and a member gave an example of issuing a press release. It was advised that it would come down to the content of the press release, whether it was discussing a point of GCC policy or publicising a wider political party view/encouraging people to vote in a particular way.
- 5.5 It was suggested that it would be a good idea to include a model register of interests for all councils to use and it was confirmed that the Localism Act exempts the requirement of members to disclose membership of secret societies.
- 5.6 Members noted that the sanctions referred to were relatively limited. A local authority could criticise a member in public and/or in writing, could require training, restrict access to council premises within reason or make a recommendation to group leaders/council body to take specific action.
- 5.7 Actions taken:
- Provide an overview of the difference between this and the previous Code of Conduct.
 - Raise with Audit and Governance to review the £25 limit on gift registration (considering inflation since this was set) at its Annual Review of the Code of Conduct.
 - Consider adding a preface of the Nolan Principles alongside the publication of this Code once agreed.

RESOLVED TO RECOMMEND TO THE COUNCIL that the Draft Gloucestershire Code of Members' Conduct be approved.

6. GLOUCESTERSHIRE HEALTH AND WELLBEING PARTNERSHIP

6.1 Rob Ayliffe was invited to present the draft Terms of Reference and shared the following context setting:

- The Health and Care Act had replaced Clinical Commissioning Groups with Integrated Care Boards (ICB).
- It also included a requirement for each local authority area to establish an Integrated Care Partnership (ICP), which was a joint committee of the local ICB and partner local authority (in this case GCC).
- The Terms of Reference for each ICP was to be determined locally, as long as they met statutory requirements within the Act.
- In addition, it was decided that because of the close link between the future ICP and work of the existing Gloucestershire Health and Wellbeing Board (GHWB), Gloucestershire's ICP would be known locally as the Gloucestershire Health and Wellbeing Partnership (GHWP).
- The role of the GHWB remained unchanged, albeit fulfilling similar functions to the new GHWP, and therefore the proposal would be to keep the majority of the membership in common.

6.2 It was questioned what the scrutiny arrangements would be for the new GHWP, including publication of decisions and call-in procedures. Members noted that the only formal decision-making power of the GHWP would be to approve the Health and Wellbeing Strategy. The rest of its power lay within influence and coordination.

6.3 This meant that each individual organisation/partner remained subject to their own scrutiny arrangements, On creation of the Strategy, it would go through the same process, including scrutiny input from Health Scrutiny, but the decision of the GWHP whether to adopt the final version would not be subject to call-in, similar to GCC's budget process.

ACTION: Clarify above position in further detail re: scrutiny arrangements/call-in

ACTION: Confirm colours used on the graphic under paragraph 10.

RESOLVED TO RECOMMEND TO THE COUNCIL that the Council approves the following to:

1. Establish the Gloucestershire Health and Wellbeing Partnership as a Joint Committee with the Gloucestershire Integrated Care Board and Gloucestershire County Council, and
2. Approve and adopt the proposed Terms of Reference for the Partnership and integrated into Section 3 of the Council's constitution.

7. ORDER OF COUNCIL MOTIONS

- 7.1 This paper was for discussion only. It had resulted from a recent issue of members running out of time to debate motions on the agenda, and then not being able to reschedule them onto a new council agenda due to the inability of motions to rollover automatically to the next meeting.
- 7.2 The two main questions posed by the paper were: should motions be automatically carried forward if not heard and what is the earliest point that a new motion could be submitted.
- 7.3 The Chair shared that their group view was that the consideration of motions should be automatically carried forward, but there should be a number limit on this. For example, if more than 6 motions were submitted, motions over 6 would not qualify for automatic rollover due to the unrealistic view that they would be reached within the time limit. They also felt that motions should not be amended before being automatically rolled over. Groups would still however retain the right to amend them during council debate as normal.
- 7.4 There was a discussion about the inability to suspend standing orders at Council meetings, and whether the flexibility to at least vote to do so could resolve a lot of these issues, especially where there was clear will of the whole council to debate a particular motion. It was argued that having set timings gave some certainty about how long the meeting would last for, particularly for members who had other commitments. Gloucestershire was also an outlier compared to many other county councils for how long the meetings were lasting.
- 7.5 The only part of the motion process that was not currently codified was the timings of submitting motions. It was suggested that this should be set at least the day following the current council meeting date, as this would allow time for discussions after the meeting about rolling over motions that were not debated.
- 7.6 A member suggested small changes that could be made such as, voting for motions to be first on the agenda at the next meeting, group leaders discussing (with the agreement of the proposer/seconded of a motion) the order in which they will be tabled on the agenda.
- 7.7 It was suggested that officers should review existing flexibilities that already existed but were not being used e.g., reordering motions prior to the agenda being published. It was agreed for a further discussion to happen at Group leaders and a suggested way forward being brought back to this Committee.

8. MONITORING OFFICER CHANGES

Members noted and approved the recommended changes as detailed.

CHAIR

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

Meeting concluded at 14:10.

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