

CONSTITUTION COMMITTEE

MINUTES of a meeting of the Constitution Committee held on Monday 16 January 2023 at the Cabinet Suite - Shire Hall, Gloucester.

PRESENT

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

Apologies: Cllr Lynden Stowe

Substitutes: Cllr Carole Allaway Martin

Officers: Rob Ayliffe, Gillian Parkinson, Stephen Bace

1. APOLOGIES FOR ABSENCE

See above.

2. MINUTES

The minutes of the meeting held on 10 October 2022 were agreed as a correct record.

3. PUBLIC QUESTIONS

No questions had been received from members of the public.

4. MEMBERS' QUESTIONS

No questions had been received from Members.

5. INDEPENDENT REMUNERATION PANEL 2022/23 REPORT

Richard Blamey, Chair of the Independent Remuneration Panel (IRP), provided information on the review process and set out the recommendations included in the report. He welcomed the opportunity to meet with members face to face. He noted the pay increase provided to staff and that allowances for councillors had fallen below other councils.

He thanked staff in Democratic Services for the work in supporting the IRP.

One member noted that other authorities would be going through the same process of reviewing their allowances and so the average position would continue to rise.

One member asked whether there had been any noticeable response from councillors about perceived hardship relating to the amount of allowance provided. It was explained that a variety of views were expressed by councillors regarding the rate of the allowance.

There was a discussion around the appropriate process and timing of considering members allowances. It was recognised that the staff pay award was retrospective and that the provision in the upcoming budget was 4%. It was explained that the IRP was an independent panel whose role was to look at the allowances and make a recommendation annually. The consideration was linked to the pay award from staff and that had always been in arrears.

Further discussion focussed on when the right time would be to look at the differential in the council's allowances and the average across other authorities. Points raised included the upcoming Boundary Commission review, the recognition of some members having a large number of parish councils within their division, and whether a recommendation on allowances each year was the right approach. Some members felt that using an indexation approach would be helpful in addressing the imbalance. It was explained that the legislation required IRP input but that could potentially be a on a four-year basis with allowances being index linked in the intervening years.

A suggestion was made to have a discussion at a future meeting on the options around how to proceed with members allowances going forward, whether to maintain an annual review of allowances, or whether to use indexation. This was picked up again in the item relating the IRP allowances later in the agenda.

The Chair and the members of the committee thanked Mr Blamey and the other members of the IRP for the work they had undertaken.

RESOLVED TO RECOMMEND TO THE COUNCIL

- a) To increase the Basic Allowance from £10,750 to £11,395.
- b) To increase the Special Responsibility Allowances by broadly 6% in line with the recommendation for the Basic Allowance.
- c) To note the revised Members' Allowances Scheme for 2023-24 at Appendix B to the report.

6. CHANGES TO THE CONSTITUTION

Rob Ayliffe, Monitoring Officer, introduced the report outlining the recommended changes to the Constitution.

The recommended changes included an amendment so that the SHE annual report would be brought to Audit and Governance Committee. One member stated that if

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

there was an important issue rising from the report that Audit and Governance should be in a position to then raise that with Cabinet or Council as appropriate.

Members noted the protocol for Attendance of Members and Officers at meetings of Other Public Authorities. The recommended change brought that into the Constitution. One member asked whether it was necessary to put the protocol in the Constitution and it was explained that other district councils had included it and that it made it clear that the Council had adopted it.

One member queried the variation in contract procedural rules. It was explained that there were four exceptions for direct award and it was recognised that this was a necessity on occasions.

RESOLVED TO RECOMMEND TO THE COUNCIL approval of the following changes to the Council's constitution:

- a. The addition to the terms of reference of Audit and Governance Committee as set out in paragraph 4 of the report.
- b. The amendment to the terms of reference of Corporate Overview and Scrutiny Committee as set out in paragraph 7 of this report.
- c. That the Protocol for the Attendance of Members and Officers at Meetings of Other Public Authorities (as appended to this report) is included in Part 5 of the Council's constitution.
- d. The amendment to the Scheme of Delegation (Part 3, Section 5.12 of the constitution) as set out in paragraphs 11, 12 and 13 of this report.
- e. The amendment to Article 14.04 of the constitution as set out in paragraph 14 of this report
- f. The addition to Contract Procedure Rules as set out in paragraph 16 of this report

Members noted and approved the recommended Monitoring Officer changes as detailed in the report.

7. INDEPENDENT REMUNERATION PANEL ALLOWANCES

Rob Ayliffe introduced the report explaining that he was seeking the Committee's views on various matters related to the Independent Remuneration panel (IRP) including the rate of allowances paid to panel members, and their term of office. The current allowances were introduced in 2016.

The Committee understood that the Panel was appointed by the Council and currently comprised of four members. There was scope for councils to determine how frequently member allowances should be reviewed. The County Council currently had a process which was undertaken each year.

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Originally the Panel had included five members and had been established with members having a three-year term which had been lost at some stage.

One member suggested that Panel members should be on their own three-year cycle rather than an entire panel appointed for the same term. Another member felt that a longer term would be beneficial.

One member felt that consideration should be given to how many other independent people the Council had doing jobs for which they received an allowance and the amounts they were paid.

Members agreed that the review should consider the views of the IRP members.

It was suggested that a review of the IRP could include:

- The amount of work involved for members of the IRP;
- The allowance paid to IRP members, whether that should be subject to review on a regular basis, and what factors should be taken into account in setting that allowance;
- Whether a fixed term of office should be introduced for panel members, and if so, how that should be introduced.
- Referring to the earlier discussion on Members allowances, whether the Panel should continue to have a yearly process for determining allowances or some other approach such as using indexation.

A report would be brought back to the committee for the meeting on 13 March 2022.

CHAIRMAN

Meeting concluded at 2.45 pm