



**REPORT TITLE: Constitution Committee Report**

County Council meeting:	24 May 2023
Member/Officer	Cllr Mark Hawthorne, Chair of the Constitution Committee
Purpose of Report	To update Council on the recent Constitution Committee meeting and bring forward recommendations for Council's consideration where appropriate.
Recommendations/ Action sought	<p>In relation to the report at Annex A:</p> <ul style="list-style-type: none"><li>• That Council approves and adopts the proposed amended Terms of Reference for the Health and Wellbeing Board and the Health and Wellbeing Partnership and integrated into Section 3 of the Council's constitution.</li></ul> <p>In relation to the report at Annex C, that Council approves to:</p> <ul style="list-style-type: none"><li>• Maintain membership of the Independent Remuneration Panel at four members.</li><li>• Introduce a 4-year fixed term of office for panel members.</li></ul>
Resource Implications	N/A

Background Documents	<a href="#">Constitution Committee – 31 March 2023</a>
Equality Impact Assessment	N/A
Contact Information	<p>Rob Ayliffe – Director of Policy, Performance &amp; Governance  <a href="mailto:rob.ayliffe@gloucestershire.gov.uk">rob.ayliffe@gloucestershire.gov.uk</a>  01452 328506</p> <p>Sophie Benfield – Senior Democratic Services Officer  <a href="mailto:sophie.benfield@gloucestershire.gov.uk">sophie.benfield@gloucestershire.gov.uk</a>  01452 324094</p>

## **1. Gloucestershire Health and Wellbeing Board and Gloucestershire Health and Wellbeing Partnership Terms of Reference**

- 1.1. The Committee considered the report shown at **Annex A**. They were reminded that the Health and Care Act required all local authorities to set up an Integrated Care Partnership (ICP) as a joint committee with the Integrated Care Board (ICB). For Gloucestershire, the Terms of Reference for the Gloucestershire Health, and Wellbeing Partnership (GHWP) were agreed at full Council on the 9 November 2022.
- 1.2. The new Partnership had a distinct but complimentary role to the Health and Wellbeing Board (HWBB) that already existed as a council committee. One the clear distinctions between the two was the legislation described footprint for each as set out in legislation. The HWBB followed boundaries of upper-tier local authorities, whereas the ICP followed the ICB boundaries. In Gloucestershire’s case, these were the same footprint as health and local authority were coterminous, this however was not the case in most other areas of the country.
- 1.3. The guidance allowed Gloucestershire to take advantage of this unusual situation in that it was able to align the roles and ways of working of the two boards very closely. This paper therefore proposed to do so by amending the HWBB terms of reference and align them with those for the GHWP. This would result in both boards being able to meet on the same day, in the same place with the same group of people in attendance to discharge their separate but interrelated functions. There was also a minor proposed change to the GHWP

terms of reference to reduce the quorum to a quarter of the membership, rather than 50% which was unusually high.

- 1.4. The Committee had a discussion around scrutiny arrangements and call-in procedures of the Integrated Care Strategy (ICS). It was advised that the Strategy could not be called in the same way that an executive decision within GCC could. The Strategy was more akin to policies that would go through budget and policy framework processes and then be signed off by full council. Any decisions however that public health made as a result of the Strategy would be subject to the same call-in procedure.
- 1.5. On request of the Committee, post-meeting note has been added at **Annex B** to explain in more detail the sign off for the ICS and scrutiny of the ICS/ICP.

***RESOLVED TO RECOMMEND TO THE COUNCIL that the proposed Terms of Reference for the Gloucestershire HWB and HWP outlined in Annex A are approved.***

## **2. Independent Remuneration Panel Allowances**

- 2.1. The Committee considered the report at **Annex C**, which they were reminded followed on from discussions at its previous meeting where officers were asked to give consideration to a number of issues in relation to the Independent Remuneration Panel (IRP).
- 2.2. In relation to allowances paid to the Panel, members agreed that it would be sensible to link this to GCC's employees pay award going forward.
- 2.3. There was a discussion over a representation from the Panel, in response to this report, that any allowance increase should retrospectively take into account inflation increases over the previous years. Some members felt that this was a good opportunity to create a 'year zero' scenario that could be benchmarked against to ensure GCC was paying in line with other local authorities. The risk of the allowance being backdated was losing the opportunity to create a baseline. An example was given that if members decided to take an allowance freeze, it would not then backdate inflation increases once the freeze was over. Other members felt that it was only fair that this should be taken into account.

- 2.4. Following a discussion, members agreed that there did not need to be a limit on how many terms of office a panel member could serve. It was noted that it was vital to retain experience and that there was no such limit placed on councillors.
- 2.5. The Committee discussed the current process used to review members allowances. Whilst members appreciated the thoroughness of the current annual review by the Panel, they expressed concern that political pressure often played a part in Council's review of the recommendations. It also meant that the Council had found itself out of kilter with other county councils as proposed increases had not been passed for some time.
- 2.6. There was a suggestion that the annual review could default to index linking with the employee pay award (as agreed above for the panel member allowance), unless issues arose in the meantime that would cause the Panel to recommend something different. A similar suggestion was made but one that included a 4-yearly allowance benchmarking review.
- 2.7. Another member suggested that it was the role of the Panel to review things such as, changes in the special responsibility roles or surrounding circumstances and therefore, in normal circumstances, the allowances should be indexed to what was agreed nationally for staff.
- 2.8. Officers clarified the two options available under legislation:
  - a) The process as it stood which required an annual review of allowances by the IRP and resulted in a recommendation to council which was then voted on, or
  - b) A less frequent review by the IRP (the frequency could be set as required but for example, every 3 years) and the intervening years being index linked to the employee pay award.
- 2.9. The Chair summarised that, in order for the Committee to make a clear decision before recommending it to Council, a further report would need to be considered in light of the above comments.
- 2.10. In summary, the Committee agreed:
  1. A further report was needed before a decision could be made on Recommendation 1 in relation to allowances. This should also be considered by Group Leaders beforehand.
  2. To approve Recommendation 2 in relation to membership.
  3. To approve Recommendation 3 in relation to the term of office.

4. A further report was needed before a decision could be made on Recommendation 4 in relation to the review process. This should also be considered by Group Leaders beforehand.

***RESOLVED TO RECOMMEND TO THE COUNCIL*** to maintain membership of the Independent Remuneration Panel at four members and to introduce a 4-year fixed term of office for panel members.

### **3. Monitoring Officer Changes**

Members noted the changes detailed at **Annex D**.

**Cllr Mark Hawthorne MBE**  
**Chair of the Constitution Committee**