



Kettering Borough Council Independent Review Panel Briefing Pack

(DRAFT)

February 2012

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SECTION 1

1. INTRODUCTION AND TERMS OF REFERENCE FOR THE PANEL

Introduction

- 1.1 The Independent Review Panel on Members' Allowances last met in February 2012.
- 1.3 The existing scheme of Members' Allowances was adopted on 25th April 2012 following consideration of the recommendations of the Independent Review Panel and the views of the Policy and Improvement and Executive Committees on those recommendations. The scheme was implemented with effect from 1st May 2012 and has been revised annually in accordance with the scheme. The Council resolution is included in the minutes of the meeting held on 25th April 2012 reproduced at Appendix (i) p 41-44. It can be seen that some recommendations were in line with the recommendations of the Independent Review Panel and some were not.
- 1.4 A copy of the current Scheme of Members' Allowances and Guidelines for Members is included as Appendix (ii) p 45-52.
- 1.5 The membership of the Panel is Emeritus Professor Steve Leach of the Department of Public Policy at De Montfort University (Chair), Mrs Sue Watts (representing the voluntary sector) and a representative of the business community (to be appointed to fill the vacancy following the retirement of Barry Matthews).

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1.6 The terms of reference and the objectives of the Review contained in this briefing pack have been agreed by the Standards Advisory Committee of Kettering Borough Council.

Terms of Reference

1.7 To examine the basic principles of the Members' Allowances Scheme and recommend any changes (if any).

1.8 To recommend a level of basic allowance for members.

1.9 To recommend a level of special responsibility allowances taking into account the current bandings as set out in the existing scheme of members allowances giving consideration to Committee workloads and frequency as set out in Appendix ix p 70.

1.10 To either confirm or recommend changes to the current arrangements in respect of childcare and dependant carer's allowances (currently reimbursement of cost).

1.11 To review the amount of the Mayor's and Deputy Mayor's allowances.

1.13 To review the operation of the Ward Initiatives Fund and associated guidelines and recommend any changes in respect of its application or the level of funding.

1.14 To make any recommendations considered necessary in respect of members' travel allowances.

Provision for IT

1.15 To review the current £137 allowance payable to members in recognition of the use of their own personal IT systems.

Disclosure and Barring Service (DBS) Checks and Registration under the Data Protection Act

1.16 To give consideration to introducing a requirement for members to undergo Disclosure and Barring Service (DBS) checks and registration of individual Councillors under the Data Protection Act and make recommendations on how any costs can be contained within the overall budget for members' allowances (Appendix (iii) p 53).

SECTION 2

2. OBJECTIVES OF THE REVIEW

2.1 Kettering Borough Council requires a scheme of Members' Allowances that adequately supports Councillors in fulfilling the Council's corporate priorities (Appendix (v), p 55) and provides the best possible opportunity for any resident who is qualified to become a local councillor to stand for election and serve. Financial support for councillors must therefore reinforce the culture of an improving Council and address, as far as possible, any disincentives to serving as a councillor.

Standards Advisory Committee

2.2 The existing scheme of Members' Allowances provides for a payment to be made to the Independent Person, an independent chair and independent members of the Standards Advisory Committee. This Committee has met on only seven occasions since the last review in 2012, compared with the previous four year period, when it met 13 times. The Panel's views are sought on whether (a) the allowances paid to the Independent Person and the Standards Advisory Committee Chair and Independent Members is correct; and (b) the need for a special responsibility allowance for an Independent Chair given the decrease in workload.

2.3 The Ward Initiatives Fund gives the opportunity for members to spend a sum of money each year on projects that make a positive impact on people living in their wards. In the light of alternative opportunities available to

local organisations to apply for grants, the Panel is requested to consider whether the annual budget for the Ward Initiatives Fund should be confirmed, revised or made available for the benefit of local community groups and organisations in a different way.

SECTION 3

3. SCOPE OF THE REVIEW

3.1 Any new scheme for Kettering Borough Council should be in accordance with all relevant legislation (appendix vi, p 56), and the scheme should be capable of supporting any new statutory activities or duties that may be introduced.

3.2 The Members' Allowances budget for 2017/18 is detailed at Appendix iii, p 53.

3.3 Does the Panel endorse the following existing basic principles?

(i) Only one Special Responsibility Allowance should be payable to any member.

(ii) Duties qualifying for a Special Responsibility Allowance must be within one or more of the following categories:-

(a) acting as leader or deputy leader of a political group;

(b) being a member of the authority's executive

- (c) being the Chair or Deputy Chair of a Committee or Sub-Committee;
- (d) representing the Council at meetings of or arranged by any other body;
- (e) membership of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods;
- (f) any other duties which require time and effort equal to, or greater than, the other examples listed

3.4 Although the Council will need to take account of its financial position in considering the recommendations of the panel, it wants the panel to consider a scheme only against the objectives of the review. The Council will consider affordability issues.

SECTION 4

4. ROLES AND RESPONSIBILITIES

4.1 In June 2007 the Council was the second authority in the East Midlands to achieve the standards for the Councillor Development Charter. The Council was re-accredited with the Charter in April 2011 and March 2014 and is seeking re-accreditation in 2017/18. The Member Development Working Group meets regularly to continually review issues relating to member development and effectiveness and benefits of members' training and part of its remit is to promote local democracy. The cross-party group has produced and kept under review a document setting out the roles of a councillor and its work has been endorsed by full Council. This document is enclosed as Appendix viii, p 66-69 and should be taken into account when recommendations are made by the Panel on the level of basic and special responsibility allowances.

4.2 A diagram entitled "*The Big Picture*" is attached as Appendix iv, p 54 showing the Council's structure in relation to the following areas of its operation:

- Community Leadership, Participation and Consultation
- Policy and Resource Allocation
- Regulatory, Overview and Scrutiny

The Executive

4.3 The Council's Executive comprises of between 2 and 9 members in addition to the Leader. The composition of the current Executive is the Leader, the Deputy Leader, the Portfolio Holder for Finance and four other members. Members of the Executive are allocated portfolios by the Leader, which are subject-based but cut across issues where necessary. Members of the Executive may be allocated more than one portfolio. Portfolio holders take the lead in representing the Executive both internally and externally in their areas. There is currently no delegation of powers to individual members of the Executive, with decisions being made collectively. The Executive meets monthly. Members of the Executive can be called to account by the scrutiny committees and can be subject to questioning in public by members of that committee. As decided by the Council at its meeting of 27th June 2007, the size of the Executive Committee currently has no impact on the overall special responsibility budget for Executive members because the available budget is split accordingly, except in relation to the Deputy Leader and the Portfolio Holder for Finance, who receives an enhanced special responsibility allowance to reflect the workload associated with that portfolio.

The Panel is requested to recommend whether an increase/decrease in the size of the Executive should result in an increase/decrease in the overall budget for the Executive or whether the increase/decrease should continue to be shared.

Overview and Scrutiny Committees

4.4 The Council currently operates two overview and scrutiny committees:-

- The Monitoring and Audit Committee
- The Research and Development Committee

Chairing an overview and scrutiny committee requires specific skills and an effective Chair is one of the key elements in ensuring the Council delivers the objectives of efficient, transparent and accountable local government.

Task and Finish Groups

4.5 The Council also operates a system of time-limited task and finish groups, of which five are allowed at any one time. These groups inform the work of the two overview and scrutiny committee and meet for a variable number of times, depending on the work to be carried out.

Planning Policy Committee

4.6 The Planning Policy Committee is a committee of Council and is politically proportional. The Committee considers and recommends to Council for approval the Plans and alterations which together comprise the Development Plan. It also considers and recommends to Council and any joint committee established by order of the Secretary of State in respect of strategic planning policy issues that affect the area. The Planning Policy Committee also responds to various consultations in respect of the growth area and other strategic planning matters. The Planning Policy Committee

has met 31 times over the last four years, compared with 34 times between 2008 and 2012.

Regulatory Committees

4.7 The Planning Committee meets every four weeks. It also meets to consider major or controversial planning applications as and when required. The Panel is asked to consider whether it considers the current level of enhanced special responsibility allowance remains consistent with the workload of the Committee (Appendix ix p 70).

The full Licensing Committee meets rarely, but the Licensing Sub-Committee in respect of taxi licensing and the Licensing Sub-Committee in respect of premises licensing meet as and when required. Appendix ix p 70 gives details of the Committee workload in respect of Licensing.

Committee Chairs attend briefings before meetings and they are the spokespersons for their committees' areas of responsibility to the Council and to the community. The Deputy Chair of the Planning Committee also attends briefings. Chairing a Planning Committee is particularly onerous as planning issues tend to generate the most public interest and the most intense lobbying. The Chairs of the Licensing and Planning Committees have a particular duty to ensure that all parties involved in an issue are treated in accordance with the principles of natural justice.

Geographic Forums

4.8 The Council currently operates three geographic forums:-

- The Kettering Town Forum
- The Rural Forum
- The A6 Towns Forum

The Chairs do not currently receive a Special Responsibility Allowance. The Chairs of Forums operate in an environment where the Council, although taking the Chair, is more often acting in the rôle as a facilitator. Membership of the Forums is constituted from relevant partners, stakeholders, other agencies and includes town and parish councillors on the A6 Towns and Rural Forums as appropriate. Each of the geographic forums meets quarterly.

The Council Appointee on an Outside Body

4.9 The Council is invited to appoint representatives to a wide range of external bodies. These include the management committees of local charities and service providers, local cultural and educational organisations and local government associations. In some cases, the appointment requires significant commitment by the member to the affairs of the body to which they are appointed, whereas other outside bodies meet only once or twice a year.

Leader/Spokesperson of a Political Group and Deputies

4.10 Each of the political groups meets separately to consider political strategy and tactics and considers matters such as appointments to committees and nominations to outside bodies. The group leaders also occasionally meet together to resolve issues relating to the conduct of business. The leader of the largest group outside the administration is the Leader of the Opposition. The Deputy Leaders of the political groups need to be able to undertake the full range of duties and responsibilities of their Leaders at short notice.

The Mayor and Deputy Mayor

4.11 The Mayor has several roles: -

- As Chair of the Council
- As the "first citizen" of the Borough
- As a focal point for the community
- As a focus for charitable works
- To promote both the Council and the Borough as a whole

The only qualification for being Mayor is that of being an elected Councillor who has served at least one term of office prior to nomination. In practice, it helps if the Mayor has experience of the work of the Council and its Committees, is familiar with the constitution and has sufficient time available to devote to attending a reasonable number of civic engagements. Under the Employment Protection (Consolidation) Act 1978, members are permitted reasonable time off from their work in order to carry out Council duties, including that of the Mayor, though this does not

automatically attract payment from the employer. Prospective Mayors who are in work are advised to negotiate with their employer an appropriate level of leave for their Mayoral year.

The role of "First Citizen" is essentially representative, and requires the Mayor to be a figurehead. The Mayor and Deputy Mayor are, however, specifically excluded from Charing committees, sub committees and working parties of the Council or any other body on which Borough Councillors are a majority of those present.

In addition to the purely civic functions, the Mayor undertakes a large number of engagements bringing him/her in to contact with many different bodies, varying from formal dinners, ceremonies and church services to more localised events such as charity events and coffee mornings. The Mayor will also be looked upon to take part in any official ceremony associated with the Council's own business, for example, opening new facilities.

3.4 The Panel is asked to consider the allowances paid to the Mayor and Deputy Mayor to support these roles and to recommend to the Council any change it considers should be made. The allowances are currently:-

Mayor: £7,656 per annum

Deputy Mayor: £1,453 per annum

The above allowances are paid in two instalments, in June and November each year.

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A further sum is set aside each year by the Council to cover its Civic Expenses, such as civic hospitality, civic insignia and associated items. The use of this money is regulated by law to 'defray expenses incurred in the reception and entertainment of distinguished persons visiting the area of the authority and persons representative of, or connected with, the local authority or other public services'.

In 2017/18 this provision is £5,800. This element of the Civic Budget is managed by the Democratic Services Manager and any money unspent at the end of the financial year is returned to the general fund.

SECTION 5

5. THE WARD INITIATIVES FUND

- 5.1 Guidelines on the use of the Ward Initiatives Fund are included as Appendix vii, p. 57-65. The Ward Initiative Fund is currently £625 per member per annum.
- 5.2 The fund enhances the capacity of members to help organisations in their wards and complements their role as a community leader. It can also be used to provide information or for training. It enhances the economic, social and well-being of residents in individual wards by providing funding to organisations that might not receive funding from other sources. It can also help projects to succeed which might otherwise fail through lack of funding.
- 5.3 It is important that councillors understand the scheme and its limitations, particularly the statutory prohibitions on its use and the Council's own 'golden rules' in respect of its financial policies. Councillors need to be aware of such other policies and grant schemes that their Council may have adopted, which could potentially conflict with the ward-based scheme.
- 5.4 Individual ward members may pool their funds if they feel that a scheme would benefit residents of more than one ward. Individual members are responsible for ensuring funds are distributed in an equitable manner. One or more ward councillors can also join with one or more councillors from an adjacent ward or wards to fund a project, provided it can be shown that the project benefits residents from both or all wards concerned.
- 5.5 There is an allocation in each of the four years of the scheme, which is the same as the four year term between local elections. Any monies not spent can be rolled over into the next year. However in the fourth year any balances left

in the fund are lost and absorbed within the Council's general balances, if not spent before the deadline imposed.

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SECTION 6

6. TIMESCALES AND RESOURCES

6.1 The Independent Review Panel will meet on 2nd November 2017, with recommendations being reported to Council on 13th December 2017, when a new Scheme will be adopted.

6.2 Recommendations of the Panel to be considered by the Research and Development Committee and the Executive Committee prior to adoption of a new Scheme of Members' Allowances by Council as set out in the timetable below:-

Standards Advisory Committee <i>(Approval of the briefing pack only)</i>	9 th October 2017
Independent Review Panel meeting	2 nd November 2017
Research and Development Committee	28 th November 2017
Executive Committee	6 th December 2017
Council	13 th December 2017

6.3 The Panel will decide on the methods it will use to conduct its review. The Council will provide such administrative support, including research, as the Panel reasonably requires.

6.4 Members and officers will be available to discuss any issue with the panel. The Council would expect the Panel to make use of previous work in this area,

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including the previous reports of the Panel which the Council highly values as thorough and helpful approach.

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