



*Meeting:* **Constitution Committee**

*Date/Time:* **Tuesday, 7 September 2021 at 12.30 pm**

*Location:* **Sparkenhoe Committee Room, County Hall, Glenfield**

*Contact:* **Mr. E. Walters (Tel: 0116 305 2583)**

*Email:* **Euan.Walters@leics.gov.uk**

### **Membership**

Mr. N. J. Rushton CC (Chairman)

Mr. P. Bedford CC   Mr J. Poland CC  
Mr. L. Breckon JP CC   Mr. R. J. Shepherd CC  
Mr. M. T. Mullaney CC   Mrs D. Taylor CC

### **AGENDA**

<u>Item</u>	<u>Report by</u>	
1. Minutes of the meeting held on 15 June 2021.		(Pages 3 - 4)
2. Question Time.		
3. Questions asked under Standing Order 7(3) and 7(5).		
4. To advise of any other items which the Chairman has decided to take as urgent.		
5. Declarations of interest.		
6. Report of the Independent Remuneration Panel on Member Allowances.	Chief Executive	(Pages 5 - 14)
7. Any other items which the Chairman has decided to take as urgent.		



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Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Tuesday, 15 June 2021.

PRESENT

Mr. P. Bedford CC  
Mr. L. Breckon JP CC  
Mr. M. T. Mullaney CC  
Mr J. Poland CC

Mr. N. J. Rushton CC  
Mr. R. J. Shepherd CC  
Mrs D. Taylor CC

1. Appointment of Chairman.

RESOLVED:

That Mr. N. J. Rushton CC be appointed Chairman for the period ending with the date of the Annual Meeting of the County Council in 2022.

Mr. N. J. Rushton CC in the Chair.

2. Election of Deputy Chairman.

That Mrs. D. Taylor CC be elected Deputy Chairman for the period ending with the date of the Annual Meeting of the County Council in 2022.

3. Minutes of the previous meeting.

The minutes of the meeting held on 17 March 2021 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

5. Questions asked under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent items.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

8. Proposed changes to the structure of Overview and Scrutiny bodies.

The Committee considered a report of the Chief Executive which sought approval to submit proposed changes in the structure of Overview and Scrutiny Bodies to the County Council for approval. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

Mr. M. T. Mullaney CC emphasised that the Liberal Democrat Group were not in support of Article 2.03(b) of the Constitution which stated that all County Councillors should act in the capacity to which they were elected to the County Council and could not speak on behalf of any other local authority whilst acting as a County Councillor. Mr Mullaney CC stated that the Liberal Democrat Group were of the view that members should be able to speak on behalf of both the County Council and District Councils at the same meeting. In response the Director of Law and Governance explained that Article 2.03(b) was an important part of the Constitution which picked up the rules around bias and reflected common law principles.

RESOLVED:

That the County Council be recommended to approve the proposed changes to the Overview and Scrutiny Committee structure and terms of reference, as set out in Appendix A to the report and to consequential amendments being made to the Constitution.

(Note: Mr. M. T. Mullaney CC abstained from voting on the proposal)

11.00 - 11.37 am  
15 June 2021

CHAIRMAN



## **CONSTITUTION COMMITTEE – 7 SEPTEMBER 2021**

### **REPORT OF THE CHIEF EXECUTIVE**

### **REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES**

#### **Purpose**

1. The purpose of this report is to present the report of the Independent Remuneration Panel on Members' Allowances and invite the Committee to make recommendations to the County Council on proposals for a new scheme of allowances in the light of the contents of that report.

#### **Background**

2. The statutory framework for members' allowances includes the following requirements:-
  - Each local authority is required to establish and maintain an Independent Remuneration Panel with the function of providing the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
  - Local authorities must, before the beginning of each year, make a scheme for the payment of a basic allowance for the year. The basic allowance must be payable to all members.
  - The scheme may include provision for the payment of special responsibility allowances, travel and subsistence allowances, a dependants' carers' allowance, and co-optees' allowance. The scheme may also make provision for pensions.
  - The approval of a members' allowances scheme has to be determined by the full Council and cannot be delegated to the Cabinet or a committee.
  - A scheme for members' allowances may be amended at any time but may only be revoked at the end of the year, i.e. 31 March. A further scheme must be available to replace the revoked scheme.

3. The Independent Remuneration Panel has recently met and its recommendations are set out in the report which is attached as Appendix A.

### **Resources Implications**

- 5 The Director of Corporate Resources has been consulted on this report.

### **Equal Opportunities Implications**

6. The Scheme incorporates a Carers and Dependants Carers' Allowance.

### **Recommendation**

7. The Committee is asked to determine what recommendations it wishes to put forward to the County Council in response to the Report of the Independent Remuneration Panel on Members' Allowances.

### **Background Papers**

Report of the Independent Panel – see Appendix A attached.

### **Circulation Under Sensitive Issues Procedure**

None.

### **Officers to Contact**

Graeme Wardle, Head of Member Services

☎ 0116 305 6002.

Email: [graeme.wardle@leics.gov.uk](mailto:graeme.wardle@leics.gov.uk)

### **Appendices**

Appendix A – Report of Independent Remuneration Panel

**REPORT OF THE  
INDEPENDENT  
REMUNERATION PANEL ON  
MEMBERS' ALLOWANCES**

**AUGUST 2021**

## **Introduction**

1. This report sets out the recommendations of the Independent Remuneration Panel appointed by Leicestershire County Council to review its current Members' Allowances Scheme. The Panel was constituted under the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. The Regulations require all local authorities to set up and maintain an advisory Independent Remuneration Panel to review and provide advice about the allowances paid to members. All Councils are required to seek the advice of the Panel before making changes to their allowances scheme and must 'pay regard' to the Panel's recommendations.

## **Membership of the Panel**

3. Leicestershire County Council's Independent Remuneration Panel comprises the following:-
  - Michael Pearson –(Chairman) – Former Bursar and Finance Director of Loughborough University.
  - Jayne Kelly – Former Solicitor working with various local authorities.
  - Gordon Grimes – Former HM Revenue and Customs Area Manager.

## **Support to the Panel**

4. The Panel was supported by the Head of Member Services who provided advice and background information to support the Panel's deliberations.

## **Scope of the Review**

5. Following the County Council elections in May 2021 it was necessary to re-convene the Independent Remuneration Panel and for the Panel to be asked to:-

- i) Review the annual increase to Basic and Special Responsibility Allowances which is linked to an agreed indexation figure.
- ii) Review the Travel and Subsistence Rates.
- iii) Review of Member Annual Reports.

## **Recommendations of the Panel**

### **A. Review of Annual Increase to Basic and Special Responsibility Allowances**

6. As part of the Panel's 2017 review the Panel recommended the implementation, for the first time, of an indexation figure to the Basic and Special Responsibility in accordance with Part 3 – of the Regulations, 10 (4 and 5), which are set out below.
  - A scheme may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority and where the only change made to a scheme in any year is that effected by such annual adjustment in accordance with such index the scheme shall be deemed not to have been amended.
  - Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.
7. The Panel agreed that the indexation figure to be used should be the employee pay award and that it should be used for a four year period from 1<sup>st</sup> April 2018.
8. That four year period is coming to an end and the Panel therefore needed to decide whether it wished to recommend the continuation of the indexing of allowances and considered the following indexation options:-
  - Employee Local Government Pay Award;

- Consumer Price Index;
  - Average Earnings in Leicestershire.
9. The Panel noted that the current level of Basic Allowance paid to Members was around £200.00 more than the average paid to the County Council's CIPFA comparable authorities.
  10. Following careful deliberation the Panel concluded that the Basic and Special Responsibility Allowance should continue to be linked to the Local Government Employee Pay Award for that particular year.
  11. However, the Panel felt that, due to the recent pandemic and uncertainties surrounding the economic recovery, that the indexation of Basic and Special Responsibility Allowance continue for a period of two years from April 2022 rather than as previously four years and that the Panel should reconvene in 2023 to carry out a further review.

**The Panel recommends to Council that:-**

**Basic and Special Responsibility Allowances be increased on an annual basis, from 1st April 2022, for a two year period, in line with the Local Government Employee Pay Award.**

**The Panel reconvenes in 2023 to review the indexation of Basic and Special Responsibility Allowances.**

**B. Travel and Subsistence**

12. The Panel reviewed the Travel and Subsistence allowances and concluded no changes to the scheme were necessary.

**The Panel recommends to Council that:-**

**The current levels of Travel and Subsistence allowances remain unchanged.**

**C. Member Annual Reports and Accountability**

13. In making its recommendation to the County Council, the Panel in 2017, as it had in previous reports, recommended that Members

should provide a public account of what they had done during the municipal year by way of an Annual Report and that these should be published on the County Council's website. In making this recommendation the Panel also recommended that Group Leaders and Whips be responsible for ensuring that all Members of their Groups complete and submit an Annual Report. The County Council endorsed this recommendation at the Full County Council meeting in December 2017.

14. The Panel met in the autumn of 2018 and 2019 to review the submissions made by Members but did not meet in 2020.
15. In June 2021 the Head of Member Services wrote to the forty Members who were re-elected to the Council in May, asking them to write and submit an Annual Report for the municipal year 2020/21.
16. At the same time as Members were asked to submit their Annual Report the Head of Member Services also wrote to Group Leaders and Group Whips to remind them of the Council's recommendation that it was their responsibility to ensure that all Members of their Group completed a report.
17. A total of thirty seven out of forty Members produced an annual report for the municipal year 2020/21. The Panel noted that Mrs Radford has not produced an annual report because she produces a monthly report, all of which are published on the County Council's website.
18. All the Annual Reports submitted have been published on the County Council's website and can be accessed via the following:-

from the Member's individual page see link

<http://politics.leics.gov.uk/mgMemberIndex.aspx?bcr=1> and/or

a dedicated page for Member Reports see link

<http://politics.leics.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13200>

19. The Panel was very pleased with the number of annual reports returned and recognised the hard work of Members in producing a report. The Panel, therefore, wished to put on record its gratitude

and thanks to all those Members who took the time to write and submit a report.

20. Whilst pleased at the high response rate the Panel was disappointed that two Members had not submitted a report for the 2020/21 municipal year.
21. The Panel noted that the calibre and quality of reports had improved year on year and that it appeared that Members were taking a more serious and considered approach to their submission. By doing so it provided constituents with a greater understanding of the work of Members and the County Council. The Panel felt that Members should be commended for this.
22. However, The Panel observed that there were a small number of reports which contained very little content which, in the Panel's view, probably did not provide a fair reflection of the Member's activity during the year.
23. The Panel was also pleased that a number of Members had within their reports been able to identify how the impact of their activities was making a difference for their constituents and their communities.
24. The Panel highlighted a number of reports as being particularly good and these reports were submitted by the following Members:-
  - Mr. Bill CC
  - Dr. Feltham CC
  - Mrs Hack CC
  - Mr. O'Shea CC
  - Mrs. Taylor CC
  - Mrs. M. Wright CC

The Panel, in commenting on the reports, thought it might be useful for other Members of the Council to consider these when preparing their 2021/22 report.

25. The Panel was also pleased to see that a number of Members used their own report template and/or inserted photographs into their report which in the Panel's view made those reports more personal.

## **Recommendations**

**The Panel recommends to Council that:-**

**Those Members who submitted an Annual Report be thanked for doing so.**

**Those Members who have not submitted an Annual Report for the municipal year 2020/21 do so at the earliest opportunity.**

## **Summary of Recommendations**

**The Panel recommends to Council that:-**

- a. Basic and Special Responsibility Allowances be increased on an annual basis, from 1st April 2022, for a two year period, in line with the Local Government Employee Pay Award.**
- b. The Panel reconvenes in 2023 to review the indexation of Basic and Special Responsibility Allowances.**
- c. The current levels of Travel and Subsistence allowances remain unchanged.**
- d. Those Members who submitted an Annual Report be thanked for doing so.**
- e. Those Members who have not submitted and Annual report for the municipal year 2020/21 do so at the earliest opportunity.**

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