

RECOMMENDATIONS TO CABINET 15 MARCH 2022 FROM THE CORPORATE PERFORMANCE PANEL HELD ON 3 MARCH 2022

CP104 **CALL IN - MEMBERS ALLOWANCES SCHEME**

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Prior to inviting the Monitoring Officer to address the Panel, the Chair drew the Panel's attention to page 23 section 5.2 of the report and advised of the following amendment:

"If the Panel holds three courses of action² – delete (a) and (b) below as well as two lines below commencing If the Panel upholds the call in, etc.

The Monitoring Officer provided an update on the legal advice which would be given to the Corporate Panel and Cabinet with regard to the Members Allowances Scheme report. It was highlighted that it was a requirement that the Members Allowances Scheme was in place at 1 April 2022. It was noted therefore that it would be necessary to schedule an additional Council meeting before the 31 March 2022 as Council approval was required to implement the Members Allowance Scheme from 1 April 2022 and provided an overview of the information which would be included in the Cabinet Report to be presented on 15 March 2022.

The Chair reminded Members that at the end of the debate, there were three options available if the Panel determined to uphold the call-in as set out in section 5.2 of the report.

At the invitation of the Chair, Councillor T Parish, Proposer of the call-in addressed the Panel and explained why he had called in the Cabinet decision and outlined a suggestion that could be considered.

Councillor Squire concurred with the comments made by Councillor Parish and added that there was little point in undertaking an Independent Remuneration Panel exercise if the recommendations were ignored. Councillor Squire stated that the role of Opposition Leaders had changed significantly since the last Election and should be reflected given the huge amount of work involved in the role.

Councillor Bullen stated that he supported the call-in and had nothing further to add.

Councillor Jones commented that he supported the call-in and the comments made by Councillor Parish. Councillor Jones added that at this moment it was necessary to look at the cost to the Council in its

current state and stated that the cost of living going up and that Members allowances should not be increased.

The Chair invited the Panel to ask questions of the Portfolio Holder for Finance.

At the invitation of the Chair, the Portfolio Holder for Finance, Councillor Mrs A Dickinson addressed the Panel and outlined the reasons for the Cabinet decision and explained that the 2.5% increase proposed had already been allocated in the budget as previously planned.

Councillor Joyce referred to page 33 - private vehicles (b) in relation to business use and commented that there was a high court ruling with a tribunal looming.

Councillor Joyce referred to page 27 (2) Cabinet Members were unanimous in their view that the existing allowances should be increased in line with the inflationary increase of the officers' pay award effective from 1 April 2021 and asked when did the Cabinet become unanimous and was there anyone else present.

In response, the Portfolio Holder, Finance commented that she didn't know, but that it was fair to say that Cabinet Members did have discussions with one another and that everyone in this meeting room would expect that to happen

The Portfolio Holder, Finance responded to questions from Councillor Joyce as to why it was considered now was not the right time to increase Members' allowances significantly and when would be the right time to undertake a review.

Councillor Rose commented that there was no mention of Task Groups or Outside Bodies Chairs. In response, the Portfolio Holder for Finance explained that those bodies were not permitted to receive special responsibility allowances.

The Chair informed Members that he took full responsibility for the item not being identified to be considered by the Panel on a previous occasion and outlined the reasons why.

The Portfolio Holder, Finance responded to questions from Councillor Joyce as to why there had been a delay.

Councillor Parish asked if Cabinet had considered consulting with a wider range of Councillors and taking those views into account before a decision was made. The Chair advised that he had receive an apology from the Leader and invited the Portfolio Holder, Finance if she wished to comment in the Leader's absence. In response, the Portfolio Holder for Finance explained that her understanding was that the Leader had

consulted with the Opposition Party Leaders and if this had not been the case suggested it might have been a good idea to do.

Councillor Parish confirmed that the Leader did not consult with Opposition Party Leaders.

The Portfolio Holder, Finance responded to questions from Councillor Hudson on the proposed increase in Members allowances and the recommendation relating to the ICT allowance.

The Portfolio Holder, Finance responded to questions from Councillor Morley on the pre-emption/perception from the public on the proposal to significantly increase Members allowances, fair remuneration principles, evidence that the perception of people would be adverse and how Cabinet defined equitability. In conclusion, Councillor Dickinson comment that a further in depth review was required than had been undertaken.

The Portfolio Holder, Finance responded to questions from Councillor Joyce on section 4.1.10 to identify an hourly rate for the Leader/Councillors and 4.1.11 calculating the basic allowance.

Councillor Squire asked the Portfolio Holder, Finance why it was thought that Members required an IT allowance. Councillor Squire stated that the Council provided each Councillor with an Ipad and a sim card was provided by the Council for those Members who did not have access to good broadband and added that with the amount of IT equipment provided by council, Members should no longer require an IT allowance. In response, the Portfolio Holder, Finance commented that it she felt it was an individual opinion.

The Monitoring Officer advised she had nothing further to add.

Councillor Blunt referred to the Cabinet Minutes of 9 February 2022 when Members Allowances was discussed and quoted that the following Councillors had been present under Standing Order 34 – Morley, Ryves, Joyce, Parish and Moriarty. Councillor Parish did speak at that meeting and put forward his comments and Cabinet took notice of those comments. Councillor Blunt advised that Cabinet took into account comments made by any Member at all Cabinet meetings attending under Standing Order 34. Councillor Blunt explained that Cabinet had considered hourly rates carefully.

Councillor Parish referred to the Cabinet recommendation and explained that Cabinet should have undertaken wider consultation prior to making a decision which was not done.

The Chair stated that Cabinet met prior to the formal meeting and decisions were made before the Cabinet meeting. He then opened the meeting up for debate.

Councillor Tyler provide an overview as to why he could not support the recommendations of the Independent Remuneration Panel or support the call-in.

Councillor Joyce stated the reasons why he supported the call-in and why the Members Allowances Scheme – Special Responsibilities Allowances should be further reviewed and commented should a Task Group look at this to see if the public were receiving value for money. Councillor Joyce also commented on whether Councillors should receive an IT allowance.

The Chair agreed with Councillor Joyce as he had been the Leader of two Opposition Groups and commented there was an enormous amount of work involved and an important role.

Councillor Devereux explained why the Panel should note the call-in and to accept the Cabinet recommendations as declared, subject to the consideration of further legal advice provided by the Monitoring Officer earlier in the meeting.

The Proposer, Councillor Parish exercised his right of reply and outlined the reasons why he could not agree with the recommendations of the Independent Remuneration Panel or Cabinet.

The Chair invited the Panel to consider whether the call-in should be upheld and on being put to the vote, 6 Councillors voted for and 6 Councillors voted against, with the Chair's casting vote the call-in was upheld.

Councillor Devereux raised a point of order and asked the Monitoring Officer, is it not usual to stay with status quo rather than vote for this unusual arrangement. The Monitoring Officer confirmed that it was not prescribed in Standing Orders and was at the Chair's discretion.

The Chair outlined options (available to the Panel). It was noted the item was on the Cabinet Forward Decisions List for 15 March 2022.

Councillor Hudson proposed that the 2.5% increase on basic Members Allowances should be approved but considering the state of the nation there should be no increase on special responsibility allowances at this particular moment in time. There was no seconder for the proposal.

Councillor Joyce proposed that Cabinet be requested to ask the Independent Remuneration Panel to undertake a review of the special responsibility allowances and clear understanding and value as had been done with the Basic Members Allowance as a matter of urgency.

The Chair proposed that Cabinet be asked to take into account the comments from the Panel at this meeting and to ask the Independent Remuneration Panel to undertake a review of the special responsibility

allowances and clear understanding and value as had been done with the Basic Members Allowance as a matter of urgency.

Councillor Morley put forward the following amendment to Councillor Joyce's proposal to add the word equitable which was accepted.

Councillor Nash seconded the proposal.

The Chair also added to ask Cabinet to take into account the debate and discussion at the Corporate Performance Panel before coming to a decision to go forward to Full Council.

The above proposal and on being put the to vote, 6 Councillors voted for and 6 Councillors voted against therefore with the Chair's casting vote the recommendation was agreed to go forward to Cabinet.

RESOLVED: The Corporate Performance upheld the call in and supported the Cabinet recommendations subject to:

- 1) Requesting Cabinet to ask the Independent Remuneration Panel to undertake a review on the special responsibility allowances for them to be equitable as a matter of urgency.
- 2) Asking Cabinet to take into account the debate and discussion at the Corporate Performance Panel before coming to a decision to go forward to Full Council.

CP110 **EXCLUSION OF PRESS AND PUBLIC**

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RESOLVED: That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CP111 **EXEMPT CABINET REPORT: REVIEW OF LEGAL SERVICES**

The Assistant to the Chief Executive presented the report and responded to questions and comments from the Panel.

RESOLVED: The Corporate Performance Panel supported the recommendations to Cabinet and Council as set out in the report subject to the amendment to bullet 2 to add that the newly appointment Monitoring Officer take part in the consultation and recruitment programme to establish an in-house legal team.