

TO: **All members of the Council**

Our reference CS
Your reference N/A
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16 June 2023

Dear Councillor

Council - Tuesday 20 June 2023

I am now able to enclose, for consideration at Tuesday's meeting of Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
9.	<u>Independent Remuneration Panel appointment process (Pages 1 - 14)</u> Report number: COU/WS/23/011
10.	<u>Constitution Review Group (Pages 15 - 18)</u> Report number: COU/WS/23/012

Yours sincerely

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West Suffolk
Council

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Independent Remuneration Panel appointment process

Report number:	COU/WS/23/011	
Report to and date:	Council	20 June 2023
Cabinet member:	Councillor Gerald Kelly Portfolio Holder for Governance and Regulatory Tel: 07968 396389 Email: Gerald.kelly@westsuffolk.gov.uk	
Lead officer:	Teresa Halliday Monitoring Officer Tel: 01284 757144 Email: Teresa.halliday@westsuffolk.gov.uk	

Decisions Plan: **Not applicable as this is not an executive matter**

Wards impacted: **Not applicable**

Recommendation: **It is recommended that Council:**

- 1. Agrees the process for appointing a new Independent Remuneration Panel for West Suffolk Council, as set out in section 2 of Report number: COU/WS/23/011.**
- 2. Gives delegated authority to the Monitoring Officer, in consultation with the respective Group Leaders, to each appoint a member from the Progressive Alliance Grouping and the Conservative Group to join the Portfolio Holder, being a member of the**

Independents, to sit on the proposed Selection Panel, as set out in paragraph 2.2.1

- 3. Approves the terms of reference for the Independent Remuneration Panel, as set in Appendix A to Report number: COU/WS/23/011.**
- 4. Agrees the person specifications for IRP members as set out in Appendix B.**
- 5. Agrees the appointment of an advisor to the panel, as set out in Appendix C.**

1. Context to this report

- 1.1 Elected members are entitled to receive an annual allowance which recognises their work and time commitment to the role. In addition, they are entitled to claim expenses for travelling and other costs incurred when undertaking their duties as a councillor. Those councillors who undertake additional duties, such as chairing a committee or acting as the lead member (portfolio holder) for an area of council activity, are entitled to an additional allowance due to the extra time they can incur in such duties.

The detail on the level of remuneration, allowances and expenses entitled by councillors forms the Members' Allowances Scheme. This must be produced in accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations) and is required to be adopted by the Council.

- 1.2 The Regulations also require local authorities to establish and maintain an independent remuneration panel to make recommendations on the level of basic and special responsibility allowances and associated matters that are paid to councillors.
- 1.3 West Suffolk Council's Members' Allowances Scheme is required to be reviewed in full by a newly appointed independent remuneration panel. The panel will make recommendations to Council on the level of remuneration, allowances and expenses for councillors. These recommendations must be considered by the Council, although the Council is within its right to agree alternative proposals. A new scheme must be adopted by December 2023 in order for it to be adopted before the current scheme expires in February 2024. The scheme will then be subject to annual review.

2. Proposals within this report

2.1 Process for appointing an independent remuneration panel

- 2.1.1 An independent remuneration panel must comprise a minimum of three members. The process for appointing must command public confidence, and both the process, and the panel, should not only be independent, but seen to be independent. Those who are disqualified from being a councillor cannot sit on the panel, and in addition, it suggested that those with existing, active political affiliations should also not sit on the panel.
- 2.1.2 The Regulations state that '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.'

- 2.1.3 It is therefore recommended that the panel is appointed for no longer than a four-year term, as proposed in the terms of reference for the independent remuneration panel (IRP) attached at Appendix A.
- 2.1.4 The IRP's work will be supported by officers of the Council, who will offer appropriate training, briefing and support to panel members. Members may also wish to consider the appointment of an advisor to the panel who can act as a conduit between Council officers, elected members and the panel. This is not unusual and is a role usually undertaken by someone with significant experience of local government, whether through having acted as a senior officer or councillor in the past.
- 2.1.5 Person specifications for IRP members and the advisor to the panel are attached at Appendices B and C respectively.

2.2 **Appointment process including formation of selection panel**

- 2.2.1 As above, the process for appointing IRP members must be open, fair and seen to be independent. Practices in recommending and approving appointments vary. It is proposed to make appointments as follows:
- a. Officers will advertise for IRP members using a variety of means, including social media channels, via the website, contacting relevant organisations (local business / voluntary sector organisations) and issuing a press release
 - b. If agreed by Members, officers will also seek an advisor at the same time, and whilst similar communication channels will be used, different relevant parties (for example, the Local Government Association) will also be contacted
 - c. Applicants will be required to submit a CV and an accompanying personal statement outlining why they wish to apply for the role and their relevant skills / attributes and experience
 - d. A selection panel will be formed, comprising the following:
 - Portfolio Holder for Governance and Regulatory
 - A member from the Progressive Alliance Grouping
 - A member from the Conservative Group
 - The Monitoring Officer
 - A Strategic Director
 - An Independent Person (selected from the Suffolk authorities pool, on the condition that they do not wish to be appointed to the IRP)
 - e. If agreed, the Monitoring Officer and Strategic Director will be given delegated authority to review and assess applications and circulate recommended shortlisting proposals to the selection panel. The selection panel will then meet with shortlisted applicants and recommend a minimum of three members and, if required, one advisor to Council

- f. The Council shall subsequently consider the recommendations of the selection panel and make the appointments.

3. Proposed timeline

3.1 The following timeline for review and adoption of a new Members’ Allowances Scheme is as follows:

Stage	Action	When
Selection Panel	Approval sought to form a selection panel to appoint an independent remuneration panel (IRP). Approval also sought for terms of reference for the IRP and person specifications.	Council – 20 June 2023
Appointment process	Selection panel undertakes recruitment process to recommend appointments to the IRP (including potentially an external advisor)	July 2023 to mid September 2023 (9 weeks)
Appointment of IRP	Approval sought for appointing the nominated persons to the IRP	Council – 26 September 2023
Review	IRP reviews Members’ Allowances Scheme over a series of meetings, interviews with members etc, in accordance with its ToR.	October 2023 to December 2023 (9 weeks)
Adoption	Report of the IRP: Approval sought to adopt new Members’ Allowances Scheme.	Council – 19 December 2023

4. Alternative options that have been considered

- 4.1 **Selection panel:** The Council may decide not to form a selection panel to undertake the recruitment process for appointing a new independent remuneration panel; however, acknowledging the requirement to maintain and promote independence, openness and transparency, the formation of a selection panel is considered to be an appropriate method of achieving this.
- 4.2 **Alternative timeline for the review of the Members’ Allowances Scheme:** A new Members’ Allowances Scheme is required to be adopted by Council by February 2024; therefore, it is necessary to put the necessary actions in place in a timely manner to ensure Council has the opportunity to consider and adopt a new scheme before the current scheme expires.

5. Consultation and engagement undertaken

- 5.1 Engagement will be undertaken with the selection panel (if formed) on the proposed recruitment process for the IRP.

6. Risks associated with the proposals

- 6.1 That a new Members' Allowances Scheme is not adopted prior to the expiry of the existing scheme. However, the proposed timeline set out in 3.1 above allows some flexibility to help mitigate this.

7. Implications arising from the proposals

- 7.1 Financial – the costs associated with undertaking the appointment process for the independent remuneration panel (IRP) will be borne from existing resources.
- 7.2 Legal compliance – the review of the Members' Allowances Scheme will be undertaken in accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003
- 7.3 Personal data processing – the appointment process for the IRP will be compliant with personal data processing procedures
- 7.4 Equalities – the appointment process for the IRP will be compliant with appropriate equalities procedures

8. Appendices referenced in this report

- 8.1 Appendix A – proposed terms of reference for the independent remuneration panel (IRP) (as already approved in the Constitution)
- 8.2 Appendix B – Person specification for IRP members
- 8.3 Appendix C – Person specification for Advisor to the IRP

9. Background documents associated with this report

- 9.1 [The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003](#)
- 9.2 The current [Members' Allowances Scheme](#) as contained in the Constitution

Proposed terms of reference for the Independent Remuneration Panel

1. The work of the panel

- 1.1 The Independent Remuneration Panel is convened to make recommendations to West Suffolk Council on its Scheme of Members' Allowances and Expenses.
- 1.2 The Remuneration Panel will be required to make recommendations for the formation of a new scheme for West Suffolk, and subsequently review the scheme agreed by the Council to ensure that it remains consistent, fair and relevant.
- 1.3 The Panel's recommendations should encompass:
 - a. The rates of basic allowance that should be payable by the Council to all of its Members.
 - b. The rates of allowances payable to those Members who have special responsibilities within the Council.
 - c. The rates of travel, subsistence and other allowances payable to Councillors when discharging their duties, to include payments made in respect of child and dependent caring duties.
 - d. The rates that should be payable to any co-opted Members of the Council, if appointed.
 - e. The frequency with which the rates should be reviewed or adjusted.
 - f. Any other matters that the Panel deem to be appropriate.
- 1.4 In undertaking their work, the Panel should be mindful of:
 - a. Any relevant legislation, including in relation to the payment of allowances and taxation.
 - b. Any relevant guidance issued by government departments or advisory bodies.
 - c. The need to respect the expectations of the general public in the payment of allowances.
 - d. The need to ensure that appropriate analysis and research is undertaken to ensure their recommendations are robust and evidence-based.
 - e. The need to ensure that the level of allowances is affordable to the Council.
 - f. The expectations placed on councillors, and the workloads and commitments generated as a result.
 - g. The need to ensure that councillors have the opportunity to put forward their views on levels of remuneration.

2. Membership of the Panel

- 2.1 The panel shall serve a term of office for up to four years which shall be subject to an annual review. After four years a formal recruitment process shall be undertaken, with further appointments to be made for a term of no longer than four years. Panel members may seek re-appointment to the Panel.
- 2.2 The panel shall be made up of a minimum of three members appointed by a selection process to be agreed by the Council. The Council may also appoint advisors to the panel, who will not be voting members.
- 2.3 The members of the panel and advisors shall receive an allowance of £100 per meeting attended, plus travelling expenses of up to 45p per mile. Members of the panel and advisors may elect to waive their allowances and shall not be treated as employees, being responsible for their own tax, National Insurance and pension arrangements.
- 2.4 The Council shall have the right to remove members of the panel and advisors where they no longer meet the required criteria as established by the Council; commit a breach of confidentiality; persistently fail to attend meetings, or an act or behaviour which may otherwise bring the panel or the Council into disrepute.

3. Operation of the Panel

- 3.1 The members of the panel shall elect their own Chair from amongst their members. The Chair shall be responsible for managing the business of the meeting, ensuring that meetings are conducted in an effective manner, and reach clear conclusions.
- 3.2 The panel should seek to draw consensus on their recommendations, but where they are unable to do so, minority opinions may be reflected in their subsequent recommendations and report.
- 3.3 The panel shall be supported by the Democratic Services Team of West Suffolk Council. The panel is encouraged to seek advice, seek the views of members of the Council, and undertake and commission research to support its work. The Council will support the panel by accommodating all reasonable requests for information and resources.

4. Advisor

- 4.1 An advisor may be appointed, whose role will be to provide the panel with their views on matters under discussion and assist the panel in understanding the context of matters under discussion – effectively acting as a conduit between the Council officers, Council members and members of the panel. They are not a voting member of the panel and can be called on at the discretion of the panel. They will be entitled to attend panel meetings and have access to all papers and records of panel meetings.

5. Report and findings

- 5.1 The Independent Remuneration Panel is required to produce recommendations for the Council, which will be articulated in reports, prepared by Council officers and agreed by the panel. These shall be presented by the Chair of the panel to the Council.

6. Access to meetings

- 6.1 Panel meetings will not normally be open to the public although minutes and records of the panel will be open to public inspection.

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Person specification – Independent Remuneration Panel members

Criteria

The Independent Remuneration Panel (IRP) will advise West Suffolk Council on the rates of remuneration, allowances and expenses that should be paid to its councillors.

We are seeking to appoint a minimum of three individuals to our Independent Remuneration Panel (IRP) for a period up to four years. No experience of serving on such panels is required, as a full briefing will be provided.

We support applications from all sections of the community, regardless of age, gender, ethnicity, sexual orientation, faith or disability.

We welcome candidates from a diverse range of backgrounds and different experience. Preferably, candidates should be able to demonstrate some experience of the West Suffolk area, for example having lived or worked within West Suffolk.

Further, candidates are welcome to highlight work they have done that demonstrates commitment to supporting their local community or business sector – for example, whether they have volunteered, supported their local school, charities or community groups, have been part of representative organisations or similar roles.

Time commitment

The work of the panel will primarily be undertaken between October and December 2023. Candidates should be willing to commit at least three days per month during this period, which may be a mixture of meetings and preparatory work. Some meetings may take a full day commitment.

Candidates should also be willing to attend additional meetings outside of this timeframe to undertake an annual review of the scheme and to potentially consider other matters, as required.

One member of the panel will act as Chair, and will additionally be expected to present findings of the panel to Council meetings which will require some additional time commitment.

Skills

Members of the panel will be required to work in a collaborative manner. The panel will be expected to reach outcomes on a consensual basis.

Candidates should have some experience in undertaking financial and non-financial analysis of proposals, and being able to digest information to developing clear outcomes. They should be used to working in a team environment, or at a board level, and willing to actively participate in challenging debates with an open mind.

Panel members should have some experience of presenting findings and conclusion in a confident manner.

Requirements

IRP members must be able to demonstrate they are committed to high standards of personal integrity and independence from the Council. They should not have a close association with any current political organisation or elected member of West Suffolk.

All panel members must not:

- be a member or officer of a county council, district council or parish / town council within West Suffolk, or otherwise employed under the direction of a local authority;
- be an active member, officer or campaigner of a local political association or party;
- have made substantial contributions to a local political association or party;
- be subject to a bankruptcy restriction order or interim order;
- be subject to a sexual risk order or be on the sexual offenders register;
- be subject to a civil injunction or criminal behaviour order;
- be disqualified from acting as a director, a charter trustee or charity trustee within five years before the date of submission of application
- within five years before the date of submission of application, have been convicted of any offence and have had passed on you a sentence of imprisonment, whether suspended or not, for a period of three months or more without the option of a fine

As part of the application, candidates are required to declare any matters that may cause a conflict of interest in performing their role. The Council has the right to remove any candidates or members of the panel (once appointed) who they believe does not meet this criteria; whose interest conflict with the independent requirement, and who they believe have undertaken activities that could call the work of the panel into disrepute.

Person specification – Independent Remuneration Panel advisor

Criteria

The Independent Remuneration Panel (IRP) will advise West Suffolk Council on the rates of remuneration, allowances and expenses that should be paid to its councillors.

We are seeking to appoint an advisor to the IRP for a period up to four years, who will be responsible for providing advice to the panel, based on their own experiences of local authorities and their operation. No experience of similar roles is required.

We support applications from all sections of the community, regardless of age, gender, ethnicity, sexual orientation, faith or disability.

Candidates must be able to demonstrate past experience of local authorities – through having worked or served as a councillor for a unitary, county or district council. Preferably, candidates should be able to demonstrate some experience of the West Suffolk area, for example having lived or worked within West Suffolk.

Time Commitment

The work of the panel will primarily be undertaken between October and December 2023. Candidates should be willing to commit at least three days per month during this period, which may be a mixture of meetings and preparatory work. Some meetings may take a full day commitment.

Candidates should also be willing to attend additional meetings outside of this timeframe to potentially advise on matters relating to the annual review of the scheme and on any other matters, as and when required.

Skills

Candidates for the role must demonstrate knowledge and insight to the workings of local councils. They will not formally be part of the panel, although may take part in challenging and robust debates, helping the panel to reach conclusions. Candidates should be able to approach matters under consideration in an open-minded way.

Requirements

IRP advisors must be able to demonstrate they are committed to high standards of personal integrity and independence from the Council. Preferably, they should not have any current close association (for example, relative, business association or close friendship) with Councillors of West Suffolk Council. Candidates should not:

- be subject to a bankruptcy restriction order or interim order;
- be subject to a sexual risk order or be on the sexual offenders register;

- be subject to a civil injunction or criminal behaviour order;
- be disqualified from acting as a director, a charter trustee or charity trustee within five years before the date of submission of application
- within five years before the date of submission of application, have been convicted of any offence and have had passed on you a sentence of imprisonment, whether suspended or not, for a period of three months or more without the option of a fine

As part of the application, candidates are required to declare any matters that may cause a conflict of interest in performing their role. The Council has the right to remove any candidates or members of the panel (once appointed) who they believe does not meet this criteria; whose interest conflict with the independent requirement, or whom they believe have undertaken activities that could call the work of the panel into disrepute.

Constitution Review Group

Report number:	COU/WS/23/012	
Report to and date:	Council	20 June 2023
Cabinet member:	Councillor Gerald Kelly Portfolio Holder for Governance and Regulatory Tel: 07968 396389 Email: gerald.kelly@westsuffolk.gov.uk	
Lead officer:	Teresa Halliday Monitoring Officer Tel: 01284 757144 Email: Teresa.halliday@westsuffolk.gov.uk	

Decisions Plan: **Not applicable as this is not an executive matter**

Wards impacted: **Not applicable**

Recommendation: **It is recommended that Council continues to operate the Constitution Review Group in accordance with the terms of reference attached at Appendix A to this report (COU/WS/23/012) and the membership as set out in section 2.2 of this report.**

1. Context to this report

- 1.1 The Constitution serves as the overriding framework for the way the Council works. It determines how we will make decisions and how members and officers are expected to act and work together to achieve positive outcomes for West Suffolk.
- 1.2 The Constitution Review Group was originally formed in 2019 for the development of the Constitution for West Suffolk Council. Thereafter it was recognised that it would be helpful to continue as a smaller group in order to assess how the Constitution operates and make recommendations for change where necessary and appropriate.

2. Proposals within this report

- 2.1 In recognising that the Constitution must evolve to accord with changes in legislation and the Administration it is proposed that the Constitution Review Group continues with the terms of reference which are attached at Appendix A to this report.
- 2.2 It is proposed that the Constitution Review Group will have seven members on a politically balanced basis. The Group shall elect its own chair and vice-chair from its membership. The Group will have no decision-making powers but will make recommendations to Council.

3. Alternative options that have been considered

- 3.1 Development and ongoing assessment of the Constitution could be undertaken by Council without the need for a Constitution Review Group. However, this may often be a very detailed and/or technical task so may be more effectively undertaken by a small review group so changes can be explored in more detail before it is presented to Council.

4. Consultation and engagement undertaken

- 4.1 Discussion has been undertaken with the Council's three Group Leaders

5. Appendices referenced in this report

- 5.1 Appendix A: Terms of Reference for the Constitution Review Group

Terms of Reference West Suffolk Constitution Review Group

Purpose and remit

The Constitution Review Review Group has been established by Council to review the Constitution and ensure that it remains fit for purpose. It will undertake this role by:

- a. Responding to requests to review certain areas of the Constitution
- b. Considering changes proposed by Members, Officers and Committees
- c. Period reviews of the whole Constitution
- d. Recommending proposed changes to Council for approval.

Membership and meeting arrangements

The Constitution Review Group will comprise up to seven Members, and will respect the political balance of the Council. Members will be appointed based on the nomination of group leaders. The quorum for the Constitution Review Group shall be three.

The Chair and Vice-Chair shall be appointed by the Constitution Review Group from amongst its membership.

Voting shall be by a show of hands and a simple majority.

The Constitution Review Group shall meet as and when required to do so.

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