

Improving People's Lives

To: All Members of the Council

Bath and North East Somerset Councillors: Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse (Chairman), Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Grant Johnson, Dr Kumar, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Michelle O'Doherty, Lisa O'Brien (Vice-Chair), Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Chief Executive and other appropriate officers
Press and Public

Dear Member

Council: Tuesday, 4th May, 2021

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

10. **CONTINGENCY OPTIONS - DECISION MAKING POST MAY 7 2021 – UPDATE REPORT & REVISED RECOMMENDATIONS (Pages 3 - 4)**
11. **INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES – REVISED RECOMMENDATIONS (Pages 5 - 8)**

Yours sincerely

Jo Morrison
for Chief Executive

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Item 10 – Contingency options

Update & Revised recommendations;

The application to the High Court made by ADSO, LLG and Hertfordshire County Council in relation to virtual meeting provision for local authorities has been dismissed.

The court concluded that:

"... the Secretary of State was correct in November 2016 and July 2019 to say that primary legislation would be required to allow local authority "meetings" under the 1972 Act to take place remotely. In our view, once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being "present" at such a meeting involves physical presence at that location. We recognise that there are powerful arguments in favour of permitting remote meetings. But, as the consultation documents show, there are also arguments against doing so. The decision whether to permit some or all local authority meetings to be conducted remotely, and if so, how, and subject to what safeguards, involves difficult policy choices on which there is likely to be a range of competing views. These choices have been made legislatively for Scotland by the Scottish Parliament and for Wales by the Senedd. In England, they are for Parliament, not the courts".

The LLG are now working to obtain specific legislative provision for virtual meetings at the earliest opportunity.

In the light of the high court declaration that virtual meetings are not formal meetings of councillors the revised recommendations are.

The Council is asked to;

- 1.1 Determine to hold Council, Cabinet & all Committee meetings (including scrutiny) in accordance with Appendix A until further review by Council.
- 1.2 Authorise the Monitoring Officer to make all necessary amendments to the Constitution to effect the arrangements to hold all meetings in accordance with Appendix A.
- 1.3 Agree that these measures will automatically terminate on the coming into force of any regulations which permit remote attendance at meetings of the Council.
- 1.4 Agree that all members unable to attend a council meeting for a period greater than six months receive a dispensation further to section 85(1) of the Local Government Act 1972 to 7 November 2021.

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Bath and North East Somerset Council

Full Council meeting 4 May 2021

Agenda item 11: Report of the Independent Remuneration Panel on Members' Allowances

To be proposed by Councillor Samuel

2 RECOMMENDATION

Council is asked to

- 2.1 Note the report of the Independent Remuneration Panel (IRP) on Members' Allowances and implement the recommendations as follows:

Recommendation 1:

Accept the IRP recommendations. However, the start of incremental increases in Basic Allowances is to be delayed until 2022/23, in recognition of the of the impact of Covid-19 on local residents.

Recommendation 2:

Accept the IRP recommendations with the exception of 2ii.

Remove the present reduction of 50% for receipt of a second SRA to ensure this is paid in full, so that it properly reflects the work undertaken and, in particular, the additional work for performance management addressed in the Council's response to the Advisory Comments.

Recommendations 3-11:

Accept the IRP recommendations.

Recommendation 12:

Reject the IRP recommendations as noted at recommendation 20.

Reject the proposed change to the Group Leaders allowance in so far as this relates to the Leader of Council but accept the governance element for all minority group leaders and continue to pay the allowance at the rate of £428 per member for all Group leaders for each member of their Group.

Recommendations 13-19:

Accept the IRP recommendations.

Recommendation 20:

20 i. Multiple Special Responsibility Allowances & Group Leaders allowances

Rationale and comments in support of recommendations 2 and 12

It is understood that the impact of the current 50% reduction for a second SRA only impacts Group Leaders.

The Council acknowledges and supports the panels' concern to ensure that councillors are properly remunerated for the roles they undertake. The present impact of this rule is that the allowance for managing a political group as group leader is automatically reduced to half if this is a second SRA. The implication of the later recommendation for group leaders to performance manage members receiving an SRA will increase workload for group leaders without recognising the work involved in doing so.

Allied to this point is the compounding and therefore disproportionate impact of the proposed changes for the remuneration of Political Group Leaders.

No rationale is provided to disapply the Governance element for the Leader other than the explanation that it is assumed that the governance element is already taken account of in the Council Leaders Allowance. However, these roles are entirely different whilst the first is outward facing the second is inward facing but each require considerable time effort and commitment. The panels proposal should not be accepted. In particular, this disproportionately impacts the leader of the largest party with the greatest governance responsibility because of the increased number of members to be managed. This is especially true if the Council accepts the need for performance management of members. Perversely the present proposal does not acknowledge this increase in workload, the impact of not awarding a governance element, or the present effect of a 50% reduction through the receipt of a second SRA. The latter impact equally affects other group leaders.

The present custom and practice is for the Leader of Council to forego the Group Leaders allowance to fund the work of other members of the group for assuming responsibilities which do not attract an SRA. The current Liberal Democratic administration intend to follow the example of the 3 previous Leaders of Council in continuing this practice. Accordingly, it is proposed that even if the will of council is not to abolish the reduction for a second SRA that rule should not apply to this allowance.

20 ii. Policy Development and Scrutiny Panels

Scrutiny is an important check and balance and the role of co-ordinating the scrutiny of the Executive should be properly recognised with formal terms of reference for the role.

Proposal

The function should be formalised as part of the current scrutiny review and the IRP should be asked to evaluate the role and recommend an appropriate allowance to recognise the time effort and accountability involved in delivering this function. In addition, the delivery of effective scrutiny should not be undermined by the 50% reduction if this is a second SRA.

20 iii. Chairs Allowance

The role of the Chair of Council has been reduced and budget savings taken in respect of this. The role nevertheless has a significant ceremonial function in particular, citizenship ceremonies. It is also acknowledged that it is not possible to evaluate the impact of Covid on this role at the present time.

Proposal

The role is evaluated by the IRP and any impact should not be applied until 1 April 2022 to ensure the impacts of Covid are discounted.

20 iv. Members Performance & Development

It is important to ensure that public money is spent appropriately, and performance management is an appropriate means of achieving that outcome.

Proposal

Accept the recommendation in its entirety.

- 2.2 The Foster Panel Allowance should continue to be paid at the current rate until the banding review, detailed in para 3.14, has concluded.
- 2.3 Authorise the Monitoring Officer to action the decisions of Council on this revised scheme and respond to the IRP's queries as required.
- 2.4 Formally thank the Panel for their work.

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