

# Cheltenham Borough Council

## A report and recommendations of the Independent Remuneration Panel

March 2012

### 1. Summary

- 1.1 A meeting of the Independent Remuneration Panel (IRP) was convened on 27 February 2012. We were asked to consider three issues namely:
- new scrutiny arrangements effective from May 2012
  - new arrangements for Standards Committee effective from July 2012.
  - Members ICT support
- 1.2 The Democratic Services Manager wrote to all elected Members via e-mail on 7 February 2012 asking for any issues that Members may wish to be considered by the panel to be notified by 17 February. No responses were received however there has been input from Members in other forms which is set out under the relevant sections in this report.
- 1.3 The meeting was attended by all members of the panel and supported by the Democratic Services Manager, Rosalind Reeves and Donna Ruck, a solicitor from One Legal. We were presented with a discussion document which updated the panel on issues regarding the current scheme and asked us to focus on the following outcomes:
- 1. To agree recommendations on SRAs to support the new scrutiny arrangements**
  - 2. To note the imminent changes to the Standards regime and receive a further report once the arrangements are finalised**
  - 3. To establish principles for Members ICT support and receive a further report once the full costs are known.**

### 2. New scrutiny arrangements

- 2.1 The panel was briefed on the new scrutiny arrangements and our aim was to review the new roles and responsibilities under the revised arrangements and to make recommendations for any Special Responsibility Allowances which should apply. In order to do this we also looked at evidence relating to the current scrutiny arrangements and how they might change going forward.

#### **The Evidence**

- 2.2 Cheltenham Borough Council established its scrutiny function in November 2001, with three new committees being formed in October 2002 to mirror the new corporate

structure at that time. These committees were the Economy and Business Improvement (EBI), Environment and Social and Community Overview and Scrutiny Committees and they have remained in place since that time. Currently chairs of the O&S receive an SRA of £1,361 per annum.

**2.3** In May 2011, the Group Leaders asked the Chief Executive to consider whether the current arrangements for scrutiny within the Council would be effective with the move to become a commissioning council. They agreed that a review should be carried out to identify what changes needed to be made, in time for their implementation following the borough elections in May 2012.

**2.4** The final project brief was agreed in July 2011 with the following objective:

**'To ensure an effective scrutiny process operates in Cheltenham Borough Council which supports commissioning and achieves positive outcomes for the town'**

An emphasis was made in the brief that the new scrutiny arrangements should focus on outputs rather than inputs, that is achieving positive outcomes for the town. This was in line with the council's philosophy on commissioning.

**2.5** In December 2011, Council agreed a set of principles for the new scrutiny arrangements. The new structure supports a move away from the current three committee structure to a structure based on one overarching committee and task and finish groups. It is not intended that all the work of the existing three committees would be passed over to the new committee but rather that the new committee would play more of a managing and co-ordinating role and set up task and finish groups to do the more detailed work.

**2.6** It is also envisaged that there would be more public involvement in the process by co-opting people to serve on a task and finish group because of their expertise or knowledge in the issue being scrutinised. Currently the council does not pay any allowance for existing permanent co-optees on the Social and Community O&S committee but the council does pay travel expenses on production of any receipts.

**2.7 Estimates of current time spent by existing O&S chairs**

Chairs of the 3 current O&S committees were asked to estimate the time they spent on each meeting cycle. The estimates for the EBI and Social and Community were in the order of 9-10 hours per meeting cycle and involved attending chairs briefings, preparation and reading papers, attending meetings, reviewing minutes, dealing with e-mails related to the committee and reviewing Cabinet papers and the forward plan. The estimate for Environment was slightly higher at 13 to 16 hours per meeting cycle. The higher figure seemed to be due to the increased workload dealing with issues arising from the remit of the committee and the regular attendance at Cabinet meetings where these issues were being discussed.

**2.8 Current SRAS for comparison**

When considering the new roles for O&S, we felt it was particularly relevant to look at the existing SRAs in the council and the relative scores for the roles of Cabinet Member, chair and vice-chair of Planning Committee and current chair of an O&S committee. We could then make comparisons on the relative skills and experience needed to carry out the role, the risk and responsibilities associated with it and the

amount of time that was likely to be needed.

## **2.9 Other councils for comparison based on analysis of 2010/11 Members Allowances returns for the South West**

The initial results from the analysis of 2010/11 Members Allowances returns for the South West provided us with some comparative data which are set out in the table below.

## **2.10 Officer and member feedback**

At a scrutiny workshop on 20 February 2012, Members and officers discussed the new roles for scrutiny. They were asked to give their views on the following aspects of the role.

**Skills** - the attendees felt that the chair of overview and scrutiny would need a range of skills and expertise including management and organisation, communications, chairing skills, enthusiasm, ability to build relationships and challenge the status quo.

**Knowledge and Experience** - would require experience of chairing a formal committee and a good knowledge of overview and scrutiny and how the council operates.

**Responsibilities** – the attendees felt that the responsibilities of the chair would be high and they would be responsible for making the new arrangements work effectively and the quality of the scrutiny outcomes. They would need to raise Members' confidence in the ability of O&S to make a difference and encourage their active contribution.

They would need to have the time available to spend on dealing with the various issues. They felt this would exceed the time spent by current O&S chairs and a figure of up to 10 hours per week was mentioned. The chair would need the support of a vice-chair and would need to delegate some of the work to them and therefore the vice-chair role would be much more than just deputising for the chair when they were not able to attend the O&S committee meeting.

**2.11** A draft role specification and a person specification for the new chairing role of O&S was presented to us together with a role specification for the vice-chair/lead member role. These role specs are contained in Appendix A. The specification for officer roles was also included to give the panel an understanding of the level of officer support. Under the new arrangements, the chair will have the support of the Democratic Services Manager and a Lead Officer and we understand the Chief Executive will be undertaking this role for the first few months.

**2.12** The South West Councils provided some guidance in their practical guide in 2010 on the role of Overview and Scrutiny chair saying;

*“One Panel for a Unitary Authority in the South West discovered that, within the same authority, two chairs had completely different ideas about the expectations and duties of their role. In one case the role was little more than presiding at meetings with an element of agenda management. The other chair gave robust evidence to support his role as a functional leader for overview and scrutiny in the authority. This role involved coordination of work programmes to ensure committees were working to their capacity as well as a leading role in championing scrutiny within the council and the community.*”

*The issue for Panels to consider is **whether to value the role as described** in evidence by the post-holders or the role as defined/required by the council.*

### **Our conclusions**

**2.13** We concluded that the new role for the chair of O&S was greater than the current role of chair of an O&S committee for the following reasons:

1. Whereas the current role of chair of an O&S committee centred on preparation and follow up to the meeting itself, the new chair, in order to be fully effective, would be much more of an ongoing role to deal with a whole range of issues where scrutiny may have an interest. However at this stage there is no way of measuring this and we would need evidence of time spent when we come to review the role.

2. The role would have a significant impact on the success of the new arrangements and it was important to recognize this level of responsibility.

3. The role would have a lot of officer support particularly in the first few months.

4. The strong support of a vice-chair will be important and it is anticipated that the vice-chair would also spend time outside meetings progressing some of the issues on behalf of the chair and being involved in consultations with the chair in a similar way to Planning Committee.

5. Although the political lead member on the O&S committee may have some additional responsibilities to a normal committee member we did not consider this was sufficient to warrant any form of SRA.

5. The new role would require a significant level of experience and skills, not just in chairing meetings but in negotiating and communicating with others.

**2.14** After considering all these factors we decided that the new role of chair of O&S needed a level of knowledge and skills comparable with a Cabinet Member or chair of Planning Committee and higher than the existing chair of an O&S Committee. The responsibility and risk was less than a Cabinet Member as O&S was not responsible for making decisions but it was on a par with the responsibility and risk associated with the Planning role. This factor was unchanged from current role of O&S chair. The final factor in the scoring mechanism for determining the SRA is the estimated number of hours per week for the role. At this stage we have opted for a conservative estimate of 4 hours per week. We would want to see evidence that in practice the full extent of the role is being carried out before we increase this and we have taken into account the average hours spent in the current role.

**2.15** Taking all this into consideration our first recommendation is as follows:

**Recommendation 1: That the SRA for the role of chair of Overview and Scrutiny under the new arrangements should be set to £2,722 and £1361 for the vice-chair and this should be reviewed after the new arrangements have been implemented for a minimum period of 12 months.**

**2.16** We were also advised of the current financial constraints operating within the Council and although we did not take this into account when making recommendations, we did note that the proposals above would be cost neutral in terms of the total SRAs for O&S.

**2.17** We considered that the council should continue with the current practice of paying travel expenses to co-optees but not introduce any additional allowance.

- 2.18 We also briefly considered the chairing of a scrutiny task group. We understood that it was part of the new scrutiny arrangements that all non-executive Members should be prepared to put themselves forward for scrutiny task groups. The chairmanship of such a group is something that a member would be expected to pick up as part of their basic allowance.

### 3. New Standards Regime

- 3.1 We were also updated on the current allowances relating to the current Standards Committee and the impact of the potential changes to the standards regime.

#### Evidence

#### 3.2 Standards Committee chair and Independent Members of the Standards Committee

The local filter arrangements, whereby local standards committees deal with complaints against their Members or parish councillors, came into force in May 2007. The SRAs set for the chair of the committee and for the independent Members were based on their attendance at 4 meetings of the Standard Committee and attendance at 8 subcommittees per annum.

- 3.3 We understand that the Standards Board for England will cease to exist from March 2012 and local authorities are awaiting clarification on the changes required to local arrangements from July 2012. Local authorities will be able to adopt a local code of conduct and opt to continue to have some form of Standards Committee to deal with local complaints against parish councillors or borough councillors.

#### Our conclusions

- 3.4 At this stage we cannot estimate the scope of the role of the chair of Standards Committee or its Members so the panel will need to meet again once details are known to make recommendations on the appropriate levels of allowance for the chair and independent Members.

#### Recommendation 2

**That the IRP be reconvened to consider the SRAs for the chair of Standards Committee and Independent Members once the details of new Standards Regime is known.**

### 4. ICT provision

- 4.1 In 2010 the panel were asked to consider the provision of ICT equipment to Members. The current position is that all Members are entitled to a council laptop for their use as an elected Member and this remains the property of the council and must be returned at the end of their term of office. Some Members opt to use their own computer and from their Internet access they can access their e-mails via a web access system. Members are expected to pay for their own broadband connection.
- 4.2 In our report to Council in 2010 we said the following:

*ICT provision is essential for Members in carrying out their role effectively and forms a key part of communication with the public, Members and officers. New Councillors have always been offered a council laptop and these laptops are returned when they leave office. There is also a provision for Members to access the Council network from home using a Virtual Private Network, VPN. Many Members opt to use their own PC at home but can then only access web outlook due to security constraints imposed by central government.*

*We understand that there are currently no spare laptops if an additional councillor was to request one and that there is no budget for new Members laptops or replacing existing ones, either in ICT or in the budgets held by Democratic Services. There is also a charge associated with VPN of an initial outlay of £400 and thereafter £200 per annum and again there is no budget for this.*

*We were asked to consider whether we thought ICT provision should be covered within the basic Members' allowance. We feel that Members should be responsible for providing their broadband connectivity, paper, printing cartridges etc but the Council should provide Members with essential ICT equipment such as a laptop and if required the VPN link. A budget should be set aside for this.*

We made the following recommendation

***A member should not be expected to pay for a laptop or VPN link for council use from their basic allowance and a budget should be set aside for this within ICT to ensure that all Members have the tools they need to carry out their role effectively.***

***The recommendation was agreed by Council.***

#### **The Evidence**

- 4.3** Since that recommendation was agreed, we understand that the situation has remained largely unchanged with regard to the financial support and a dedicated budget has not been set up. Any demand for additional laptops for Members has been accommodated by recycling ones that have been returned or financing a new purchase from existing budgets.
- 4.4** A review of ICT has been initiated and Members ICT support forms a part of this review. As a result of this, there have been specific meetings held to discuss future technology which could be provided to Members to support them in their role. The expectation is that new modes of connectivity may enable Members to make more use of their own ICT facilities at home and still achieve full functionality and the ability to access the council's own network with all the information that they require.
- 4.5** If it is the case that Members can use their own ICT facilities, it has been suggested that instead of the current provision of a council laptop, it may be more appropriate to offer Members a financial amount with which they could purchase their own ICT facilities. The amount would be sufficient to buy the basic equipment which would enable them to carry out their council work with the appropriate levels of security however Members could choose to top up the amount with their own money and buy a more advanced piece of equipment with added facilities for their own use.

- 4.6 The council has elections in May 2012 and there may be new Members who require ICT facilities. The decision on the way forward is unlikely to be made in these timescales and therefore finance will need to be made available to purchase new laptops for any new Members that require them.

### **Our conclusions**

- 4.7 As the IRP, it is not part of our role to consider the type of ICT provision provided to Members but only the level of financial support payable under the Member Allowances Scheme.
- 4.8 Regarding the suggestion that Members should receive a separate ICT allowance, we feel this can only be considered once the outcomes of the ICT for Members review is concluded.
- 4.9 In the absence of any further evidence, we see no reason to deviate from our previous recommendation and repeat it here to emphasise the position we would like to see adopted for new Members following the elections in May 2012.

### **Recommendation 3**

**That a member should not be expected to pay for a laptop or VPN link for council use from their basic allowance and a budget should be set aside for this within ICT to ensure that all Members have the tools they need to carry out their role effectively.**

- 4.10 A further report should be brought back to the panel once the ICT review has been completed and at that stage some additional research should be done to inform the panel of what happens with regard to ICT allowance at other councils.

## **5. Summary**

- 5.1 As there were no other matters that the panel were asked to consider, we advise that all other parts of the Members Allowance Scheme remain unchanged and we ask Council to consider the recommendations set out in this report.

### **Panel Members:**

Mr Paul Johnstone (chairman)	Director of Operations, RR Donnelley Global Document Solutions Panel Previous Member for Tewkesbury BC IRP
Mr Quentin Tallon (vice-chair)	Cheltenham TUC and Panel Member for Gloucestershire CC IRP
Mrs Patricia Dundas	Gloucestershire Hospitals
Mrs Joyce Williams	Retired Public Servant

<b>Appendices</b>	<ol style="list-style-type: none"><li>1. SRAS for other councils</li><li>2. Role specs for chair and vice-chair of O&amp;S</li></ol>
<b>Background papers</b>	Report of the IRP to Council 13 December 2010  Current Members Allowance Scheme – Part 6 of the Council's Constitution

## Appendix A

### SRAS IN OTHER SOUTH WEST DISTRICT COUNCILS

All figs per annum	Basic Allowance	Cabinet Member	Chair of PC (vice-chair in brackets if applicable)	Chair of O&S(vice-chair brackets)
Cheltenham	5066	12,929	2268 (1134)	Currently 1,361
Glos County	8800	17,599	5808	5808
Forest of Dean	4100	5740	4100 (2050)	4100
Cotswold	4000	6000	4000 (1333)	4000 (1333)
Tewkesbury (4 <sup>th</sup> option)	7200	n/a	1984	1984
Glos City	5250	9180	3150 (1050)	3150 (1050)
Stroud	4616	9863	4704 (918)	4704 (918)
Average over 16 South West District Councils in 2010/11	4397	Not applicable	4657 12 of these 16 councils or 75% payed an average of £2028 for the vice chair	4161 6 of these 16 councils or 38% payed an average of £1830 for the vice chair role.

**Elected Members**  
**Role of Chair of Overview and Scrutiny**  
**Role Description**

**PURPOSE:** To provide strong leadership and direction for overview and scrutiny in the Council and ensure the scrutiny and review processes are carried out effectively in accordance with the Council's constitution and the terms of reference for the committee.

1. To chair meetings of the Overview and Scrutiny Committee and act as principal spokesperson for its work.
2. To take a lead on the implementation of the new scrutiny arrangements and ensure their success by championing the work of scrutiny, promoting its achievements and encouraging all members to actively participate in an A political way.
3. To manage and co-ordinate the scrutiny process, working with the Lead Officer for O&S and Democratic Services, focusing on structure, process and quality of outcomes.
4. To set up effective communication links with the Leader and Cabinet Members and ensure they are briefed at the appropriate time on significant issues relating to the work of O&S and challenged on the follow up of any scrutiny recommendations agreed by the Cabinet.
5. To set up effective communication links with partnerships and other bodies who work with the council so that they can be involved in the scrutiny process.
6. To promote the work of scrutiny to the public and ensure outcomes are widely communicated.
7. Act as a spokesperson to the media for the committee and take a proactive role in communicating with the media on the work of the committee where there is a strong public interest.
8. Take a lead in developing the scrutiny workplan consulting with the relevant Directors and partners and taking account of corporate priorities and available officer resources.
9. Meeting bi-monthly with the Lead Officer, Democratic Services officer and the lead members on the O&S committee to manage and co-ordinate the workplan and any key issues arising.
10. In consultation with the Vice Chair and lead member from other parties, deal with urgent business including the setting up of scrutiny task groups according to the procedure set out in the constitution.

11. Ensure that every task group has clear terms of reference and an appropriate timescale is agreed, taking into account the officer resources required to support it and ensure a process is in place to follow up and monitor any recommendations subsequently agreed.
12. Promote the development of members' skills and competencies in scrutiny and ensure the work is shared equitably across the non executive members and raise any concerns through the Group Leaders.
13. Ensure that officers and witnesses are introduced to the committee at meetings and that they are always treated with respect and consideration according to the witness protocol.
14. Work with officers on the production of final reports for work carried out by the O&S committee and present the final report and recommendations to the Cabinet or Council.

## **Role of Vice Chair of Overview and Scrutiny**

### **Role Description**

**PURPOSE:** To support the chair in providing strong leadership and direction for overview and scrutiny in the Council and work to promote and facilitate cross party agreement in carrying its aims and objectives.

1. Chair meetings of the O&S committee in the absence of the chair and ensure the scrutiny and review processes are carried out effectively in accordance with the Council's constitution and the terms of reference for the committee.
2. Meet bi-monthly with the Chair, Lead Officer, Democratic Services officer and the lead members on the O&S committee to agree the agenda for each meeting and review the work programme for the coming year.
3. Promote the development of members' skills and competencies in scrutiny within their group and ensure the work is shared equitably across the non executive members and raise any concerns through their Group Leader.
4. In consultation with the Chair and lead member from other parties, deal with urgent business including the setting up of scrutiny task groups according to the procedure set out in the constitution.
5. To pick up delegated work from the Chair to support them in their role.

### **Lead Member**

The Lead member would be invited to attend the bi-monthly meetings and 3-4 and generally would be involved to a much lesser extent to the Vice Chair. Their presence is to encourage cross party working across scrutiny.