

## **GOVERNANCE COMMITTEE**

Minutes of the meeting held on 19 September 2013 commencing at 7.00 pm

Present: Cllr. Mrs. Davison (Chairman)

Cllrs. Fittock, Mrs. Morris and Walshe

Apologies for absence were received from Cllrs. Mrs. Cook, London and Scholey

Cllrs. Davison and Mrs. Hunter were also present.

### 5. Minutes

Resolved: That the minutes of the Governance Committee held on 10<sup>th</sup> July 2013 be approved and signed as a correct record.

### 6. Declarations of Interest

There were no additional declarations of interest.

### 7. Actions arising from the last meeting

The Committee noted that three Governance Committee Working Groups had been held since the last meeting and had considered options for Members' Allowances that had fed into the report due to be considered later in the agenda.

### 8. Appointment of Electoral Registration Officer and Returning Officer for District and Parish Council Elections

The Committee considered a report explaining that Sevenoaks District Council was required by the Representation of the People Act to appoint an officer of the Council as Electoral Registration Officer and as Returning Officer for the election of Sevenoaks District councillors and of parish councillors. At Sevenoaks District Council these roles had traditionally been undertaken by the Chief Executive and the report recommended to Council that the Chief Executive, Dr. Pav Ramewal, be appointed Electoral Registration Officer for the Sevenoaks District Council and Returning Officer for the election of councillors of the Sevenoaks District and of councillors of parishes within the Sevenoaks District.

A Member noted that two by-elections were due to be held at the end of September and questioned who would be acting as Returning Officer at the elections. In response, the

## **Governance Committee - 19 September 2013**

Elections Manager reported that Dr Pav Ramewal had previously been appointed Deputy Returning Officer and would be overseeing the conduct of the elections.

Another Member expressed some concerns that at the Kent County Council election count in May 2013 it had been very difficult to hear the announcements as they were being made. The Elections Manager confirmed that the problems with the sound system were being investigated and the Council was working with Sevenoaks Leisure Centre to improve the quality of announcements at future elections. Counting staff would also be asked to remain quiet as announcements were being made.

Resolved: That Council be recommended to appoint the Chief Executive, Dr. Pav Ramewal, Electoral Registration Officer for the Sevenoaks District Council and Returning Officer for the election of councillors of the Sevenoaks District and of councillors of parishes within the Sevenoaks District.

### **9. Review of Member Expenses**

The Committee considered a report outlining proposed changes to Appendix G of the Council's Constitution 'Members' Allowance Scheme' in relation to the payment of Members' Expenses. The framework for the payment of Members' Expenses needed to be reviewed to take account of the new governance arrangements introduced in May 2013.

The Chief Officer Legal and Governance explained that one of the main changes that was being proposed was a clarification of 'Approved Duties'. The proposed Schedule 2 contained a list of examples and whilst the list was not definitive, any doubtful claims would be adjudicated by the Section 151 Officer.

Members felt that attendance at Development Control Committee meetings for Ward related matters and representing constituents at appeals should be included in the list of approved duties.

A Member suggested that there should be a clear explanation that attendance at Committee meetings as an observer was not considered an approved duty. The only exception to this was meetings of the Cabinet where Members had a right to attend in order to hold the Cabinet to account.

Another main change was the proposal that Travelling Expenses would be payable in accordance with the HMRC maximum tax free allowance as had been recommended by the Joint Independent Remuneration Panel.

In relation to the procedure for making expenses claims those over 3 months old will not be paid with all claims to be finalised within one month of the end of the relevant financial year.

Resolved: That Full Council be recommended to approve the changes to Appendix G of the Constitution in relation to Members' Expenses, including the Inclusion of Schedule 2 to the Members' Allowance Scheme, attached at Appendix 1.1 of the report, subject to the amendments outlined above.

10. Review of Members' Allowances

In August 2012, the Joint Independent Remuneration Panel (JIRP) began a review into Members' Allowances for 2013/14. The review made a number of recommendations covering Basic Allowance, Special Responsibility Allowances (SRAs), Carers' Allowance, Travel Expenses and Pensions. In June 2013, following a change in governance arrangements the Panel reviewed its recommendations regarding allowances payable under the new structure. The Committee considered a report setting out the recommendations arising from the further review.

Mr Barry Cushway and Mrs Rachael Roots attended the meeting to present the report produced by the Joint Independent Remuneration Panel. Mr Cushway explained that the Panel had produced a brief report that tried to reflect the changes that the Panel had understood had been made to the Council's governance structure. The Committee was reminded that the remit of the Panel was to develop an allowance scheme that would encourage wider participation and that the Panel needed to remain independent of the financial considerations of the Council.

A Member noted that there was no justification in the report for the reduction in the allowances paid to the Opposition Group Leaders. Mr Cushway recalled that this had been a recommendation from the original report produced by the Panel in October 2012 and that the recommendation would have been based on meetings that had been held with Members. Mr Cushway agreed that he would review the notes that had been taken at the meetings and would explain the reasons behind the recommendation following the meeting. The response would be copied into the Committee Chairman.

The Committee considered the role of Vice-Chairmen. The Panel Members suggested that it may be helpful to have a job specification for the role of Vice-Chairman and reported that they were happy to revisit the recommendation based on fresh evidence.

A Governance Committee Working Group had been established to consider the options for Members' Allowances and the Group met on three occasions throughout August and September 2013. The options considered by the Working Group included:

- Option 1 – JIRP proposed scheme
- Option 2 – JIRP proposed scheme less 15% for all allowances
- Option 3 – Increasing from 85% of JIRP proposed scheme level in 2013/14 to 100% in 2016/17

The Working Group had also agreed that allowances should be paid to the Chairman of the Licensing Committee, the Chairman of the Sevenoaks Joint Transportation Board and the Chairman of the Health Liaison Board.

The Governance Committee Working Group most favoured Option 2 because the cost could be contained within the current budget, and by reducing all allowances by the

## Governance Committee - 19 September 2013

same percentage the differential between allowances as recommended in the JIRP proposed scheme could be achieved.

The Chairman noted that inflationary increases had been built within Option 2. This option also included a substantial rise in the basic allowance paid to councillors. The proposed increase would mean that councillors at Sevenoaks District Council would become the second best remunerated in the County. The Chairman hoped that Members would be satisfied that the recommended option recognised the ward work that many members undertook.

Some Members expressed concerns with the recommended option. One Member felt that Special Responsibility Allowances remained disproportionate to the Basic Allowance whilst another Member felt that increasing allowances for councillors sent the wrong message to staff who had experienced a pay freeze in recent years.

The Committee noted that under Option 2, the overall budget for Members' Allowances had not increased.

Resolved: That Council be recommended to:

- (a) Adopt Option 2 – the Joint Independent Panel proposed increase less 15% for all allowances - for the payment of Members' Allowances.
- (b) Formally record thanks to Barry Cushway, Rachael Roots and Susan Piggot-Foster MBE for their work in preparing 'Report on revised allowances for Members following change of Committee Structure at Sevenoaks District Council, June 2013'.

### 11. Scrutiny Committee - Change to Terms of Reference

The Committee considered a report setting out suggested revisions to Part 5 and Appendix H of the Council's Constitution relating to the Terms of Reference of the Scrutiny Committee. The Terms of Reference for the Scrutiny Committee were drafted in such a way that nine members were called from a pool of fifteen, and the mechanics of this process could lead to a breach of political proportionality. In order to avoid this at the first meeting, all members of the Committee were invited to attend. However it was necessary to make changes to the terms of reference prior to the next meeting in order for the Committee to legally and effectively fulfil its scrutiny function.

The current Terms of Reference stated that:

- 4.1 The Scrutiny Committee will comprise a permanent Chairman and Vice Chairman, neither of whom sit on Cabinet Advisory Committees and a pool of 15 members 3 drawn from each of the Cabinet Advisory Committees, none of whom may be members of the Cabinet or be their Deputies.*
- 4.2 When a meeting is called 9 ordinary members and the Chairman and Vice Chairman will be called to form the committee. No Members will be called from the Cabinet Advisory Committee where a decision being scrutinised was formulated.*

## Governance Committee - 19 September 2013

4.3 *The membership is to be chosen according to political proportionality rules.*

4.4 *The membership of the Committee can be found at Appendix H - Membership of Council Committees, Cabinet and Advisory Committees.*

The following changes were proposed in the report:

4.2 *When a meeting is called the Chairman (or Vice Chairman in the Chairman's absence) will call 9 members from the pool of 15 (see para. 4.1 above) and if necessary a pool of substitutes (see para. 4.3 below) to form the committee. No Members will be called from the Cabinet Advisory Committee where a decision being scrutinised was formulated.*

4.3 *The membership is to be chosen according to political proportionality rules. If application of paras. 4.1 and 4.2 above results in a breach of these rules, then a substitution may be made from a pool of substitutes drawn from the Cabinet Advisory Committees, in order to maintain political proportionality.*

Resolved: That the revisions to Part 5 and Appendix H of the Council's Constitution as set out in Appendices A and B of the report, be recommended to the Council for agreement.

### 12. Sevenoaks District Strategic Board

The Committee considered a report setting out the background to Locality Boards and seeking approval to work with the County Council to establish a Sevenoaks District Strategic Board. The setting up of local arrangements to replace the Sevenoaks District Kent Locality Board had the support of the Leader of Kent County Council.

The Chief Officer Communities and Business reported that the Locality Board had considered the report on 11<sup>th</sup> September 2013 and put forward the following amendment to the terms of reference:

- amending number 1 to remove the word "Cabinet" to read "...and 7 Sevenoaks District Council Members"
- the addition of a new number 2 "The Leader of Sevenoaks District Council will have the power to rotate/amend the District Council membership as appropriate" with sequential numbering appropriately changed.

At the Locality Board meeting the Head of Business Transformation and Programmes at Kent County Council (KCC) had confirmed that the arrangements did not need to be formally confirmed through the KCC committee process.

The Committee considered the delivery structure included within the report which included a number of multi-agency groups across the District. The Strategic Board would focus on 6 key themes previously agreed by the Locality Board: Youth Commissioning arrangements, Schools, Health, the Community Plan, Troubled Families, the future of library provision in the District.

## Governance Committee - 19 September 2013

In response to a question, the Chief Officer Communities and Business confirmed that the Strategic Board would be a meeting held in public and all Members would be welcome to attend the meeting and ask questions of the Officers present.

Resolved: That Council be recommended to:

- a) approve the creation of a Sevenoaks District Strategic Board which builds on the working arrangements of the previous Sevenoaks District Kent Locality Board,
- b) approve the draft terms of reference as amended; and
- c) note the proposed Strategic Board delivery structure.

### 13. Draft Survey - Review New Governance Arrangements

A draft questionnaire was circulated by the Chief Officer Legal and Governance for the Committee's consideration. The Chairman explained that the purpose of the survey was to ask Members their opinion of the current governance arrangements. The survey had been formulated from information received from Members on what they wanted surveyed.

Members agreed that some of the statements within the questionnaire should be re-worded so that direct questions were asked.

The Committee agreed that the question relating to the Member's Portal should not be included as it did not directly relate to the current governance structure.

It was also agreed that an additional item under question 1 should be added - "*Do you think you are made aware of items under consideration before a recommendation is made?*"

The Committee considered the timing of the questionnaire and Members agreed that it should be circulated to all Members on or around Friday 25<sup>th</sup> October 2013 after all Advisory Committees had held their second meetings. Members suggested that responses should be received by 15<sup>th</sup> November 2013.

It was agreed that the Chairman should approve the final draft of the questionnaire prior to circulation to all Members.

Resolved: That the draft Governance Arrangements questionnaire be approved, subject to the amendments outlined above, and circulated to all Members of the Council on or after 25<sup>th</sup> October 2013 for a period of three weeks.

### 14. Work Plan

The Committee considered its Work Plan, noting that the next meeting was due to be held on Tuesday 5<sup>th</sup> November 2013. It was agreed that it could be necessary to hold a

**Governance Committee - 19 September 2013**

meeting of the Working Group in December 2013 to consider the Governance Arrangements questionnaire responses.

Resolved: That the Work Plan be noted.

THE MEETING WAS CONCLUDED AT 8.40 PM

CHAIRMAN