

Crawley Borough Council

Minutes of Governance Committee 14 March 2016 at 7.00pm

Present:

Councillor	J Stanley (Chair)
Councillor	R D Burrett (Vice-Chair)
Councillors	M L Ayling, D G Crow, C R Eade, M G Jones, P K Lamb, R A Lanzer, T Lunnon, K McCarthy and A C Skudder

Also in Attendance:

Alan Kennedy	Chair of the Members' Allowances Independent Remuneration Panel
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Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Steve Lappage	Democratic Services Manager

Apologies for Absence:

Jeremy Taylor	Member of the Members' Allowances Independent Remuneration Panel
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22. Members' Disclosure of Interests

No disclosures of interests were made by Members.

23. Minutes

The [minutes](#) of the meeting of the Committee held on 18 January 2016 were approved as a correct record and signed by the Chair.

24. Members' Allowances Scheme: Report of the Independent Remuneration Panel

The Committee considered report [LDS/115](#) of the Head of Legal and Democratic Services on the findings of the Members' Allowances Independent Remuneration Panel and which requested the Committee to decide what recommendations it wished to make to Full Council on the Members' Allowances Scheme for 2016/17 to 2019/20.

It was explained that this was the first full review since 2011/12 and a completely new Panel had been established. The Committee welcomed Alan Kennedy, Chair of the Panel, who had been invited to attend the meeting to respond to questions from the Committee on the Panel's findings.

It was noted that the following clerical corrections and changes were required:

- 1) That the new scheme would cover the period 2016/17 to 2019/20 and not to 2020/21 (or until 31 March 2021) (as stated in paragraphs 2 (2) (page B1) and paragraph 4.2 (page B2)).
- 2) The current Special Responsibility Allowance (SRA) for the Vice-Chair of the Licensing Committee was £1,189 and not £2,428 (as stated on page B12 - 4.1(1) (d)).
- 3) That Section 10 to paragraph 4.1 (page B13) ("No changes should be made to the withholding of any allowance to a member during a period of suspension, or partial suspension, imposed due to a breach of the Code of Conduct.") should have been deleted because it no longer applied following changes to the Code of Conduct (Standards) regime.

The report generated a lot of discussion with the more supportive comments outlined below:

- 1) Members were broadly supportive of the findings and recommendations with particular support expressed for:
 - the removal of SRAs for the 3 Vice-Chairs (Development Control Committee, Licensing Committee and Overview & Scrutiny Commission) ;
 - reductions in the SRAs for the Chair of the Licensing Committee and Chair of the Budget Advisory Group;
 - that posts with SRAs should have clear descriptions of the roles and expectations of each post holder;
 - the Panel's offer to consider any additional evidence provided and review the scheme accordingly
- 2) It was recognised that the Panel had conducted a much more thorough review and been more challenging than many of the previous reviews.
- 3) Some Members suggested that the Committee should not challenge the findings of the Panel because it is independent and they agreed with the principles and approach adopted and the recommendations were reasonable and acceptable.

Discussions which were more challenging of the Panel's findings were:

- 1) That the proposed increase to the SRA for the Chair of the Development Control (DC) was disproportionate and could not justify the small differential (£281) with Cabinet Members or the reversal of the differential with the Chair of the Overview & Scrutiny Commission (OSC) who was generally acknowledged to be the leading non-executive Member because of their role in holding the Cabinet to account.
- 2) Some Members also questioned:
 - The SRA for the Leader of a large Opposition Group which they considered was much more onerous than for the Chair of DC Committee
 - The need for or levels of SRAs for Chairs of Scrutiny Panels
 - The proposal to remove the SRA for the Vice-Chair of the OSC
 - Whether another index be used instead of the Chief Officers' pay awards
 - That the overnight allowance (hotel accommodation) was too low especially in London

- The need to retain tea and evening meal expenses and mileage expenses
- The Government's decision to exclude Members from the Local Government Pension Scheme which they felt could act as a disincentive.

A Member emphasised that the Panel had not been requested to take into account differentials between various SRAs and, therefore, suggested that this be included in any future brief for the Panel.

In responding to the various questions, the Chair of the Panel

- 1) Emphasised the considerations and evidence taken into account including the relative workloads, time commitments (e.g. meetings; pre-meetings; site visits; reading and other preparation), responsibilities, benchmarking information (e.g. South East Employers (SEE) surveys; Peer Groups), Member surveys and interviews with Members.
- 2) Highlighted that many of Crawley BC's allowances were in the top quartile and some in the top decile of the SEE and, therefore, the Panel had sought to identify what was unique about the Council and its Members roles and responsibilities. The subsequent peer group survey had shown that more allowances were in the second quartile which the Panel considered was easier to justify in view of the nature of the town and the complex issues and demands faced by Members.
- 3) Mentioned the Panel had considered changing other SRAs but concluded that an overwhelming case for change had not been made.
- 4) Repeated the Panel's offer to review any further evidence submitted.
- 5) Explained that the Panel had questioned the payment of mileage and subsistence allowances but concluded that these were standard practices for such public sector positions and the Panel thought it fair and proper to retain these.

The Chair of the Panel also highlighted their suggestions that:

- a) The mayoral allowances remain the same and the Panel will reconsider these after completion of the review of the mayoralty and civic arrangements;
- b) The Council be more proactive in increasing prospective candidates/ Councillors awareness about their likely workloads and the Members' Allowances Scheme.

It was proposed by Councillor D G Crow and seconded by Councillor R A Lanzer that the Panel be asked to consider the following revised recommendations:

- 1) The SRA for the Chair of the Licensing Committee be reduced to £4,000;
- 2) The SRA for the Chair of the DC Committee be retained at £6,068;
- 3) The SRA for the Leader be increased by £500;
- 4) The SRAs for each Cabinet Member be increased by £250.

With the vote being 5 for the proposal and 5 against the proposal, with one abstention, the Chair used his casting vote, which was against the proposal. The proposal was therefore lost.

It was subsequently proposed by Councillor R D Burrett and seconded by Councillor R A Lanzer that the SRA for the Chair of the Development Control Committee remain at £6,068 and the Panel be asked for its views on this revised recommendation and that these be reported to the Members of the Governance Committee and Full Council.

With the vote being 7 for the proposal and 2 against the proposal, with one abstention, the proposal was, therefore, CARRIED.

The Committee confirmed all the other recommendations be agreed.

RESOLVED

1. That the Members' of the Panel be thanked for the thorough and efficient way in which they carried out the review.
2. That the Full Council be recommended to approve the Members' Allowances Scheme for 2016/17 to 2019/20 as set out in Appendix 2 to report [LDS/115](#) – subject to the retention of the Special Responsibility Allowance for the Chair of the Development Control Committee at £6,068 (rather than increasing it to £7,000 as had initially been recommended by the Panel).

Note from the Head of Legal and Democratic Services

All 4 Members of the Panel subsequently expressed support for the revised proposal to retain the Special Responsibility Allowance for the Chair of the Development Control Committee at £6,068 particularly on the understanding that they could always revisit the matter and any further evidence in the future if they were asked to or if they so wished.

25. Report of the Constitution Review Working Group – Review of Council Procedure Rules

At its meeting on 18 January 2016 the Governance Committee agreed to establish a Constitution Review Working Group to consider ways in which to simplify and improve the Council Procedure Rules (Part 4 of the Constitution). The Working Group has since met on two occasions, with all members of the Council invited to suggest ways of improving those Rules. The Committee considered report [LDS/114](#) of the Head of Legal and Democratic Services which proposed the Working Group's amendments to those Rules.

Whilst some Members expressed concerns that it still left too much discretion and power in the hands of the Mayor, there was general agreement that these were considerably improved, clearer and more workable rules which followed good practice and established a level playing field. Furthermore, the deliberations of the Working Group had helped to increase their understanding of the rules, their purpose and practice. It was evident that many rules had not been properly followed or enforced. Consequently, the Working Group recommended amendments to clarify the rules to avoid breaches and assist enforcement.

Following some concerns expressed, Members of the Working Group clarified the rationale for the proposed changes on the calling of extraordinary meetings (requiring nine rather than five Members – Section 3.1(iii)), right to require motion in writing (16.2), right of reply (16.9), closure motions (16.12).

It was noted that there were rules for rejecting written questions but not for oral ones and, therefore, agreed that such rules be included for both oral and written questions.

It was proposed by Councillor M G Jones and seconded by Councillor T Lunnon that five (as currently) rather than nine Members be required to sign a request to call for an extraordinary meeting. Two Members supported the proposal and seven voted against with one abstention and, therefore, this proposal was lost.

A few minor clerical changes were also required including to pages 157 and 179 (nominations to outside bodies) and pages 164-165 on ruling questions out of order.

The Chair thanked the Chair and Members of the Council Procedure Rules Working Group for their thorough review.

RESOLVED

- 1) That the Full Council be recommended to agree the amendments to the Council Procedure Rules (Part 4 of the Constitution) proposed in report [LDS/114](#) subject to the minor amendments identified.
- 2) That the Head of Legal & Democratic Services be authorised to make minor clerical amendments to the Council Procedure Rules in consultation with the Chair and Vice-Chair of the Governance Committee.

26. Annual Review of the Constitution

The Committee considered report [LDS/113](#) of the Head of Legal and Democratic Services which considered whether any changes were required in 2015/16 to the provisions for Call-In and Urgency and amendments to the Constitution.

One Member considered that paragraph 13 (page D3) was too prescriptive and suggested that Members should have an automatic right to see all documents unless there was good reason not to and not have to prove it under the “need to know principle”. In response, the Head of Legal and Democratic Services explained that the paragraph stated the common law position and was established in case law – it was up to Members to demonstrate their “need to know” to enable the Member to properly perform their duties as a Member of the Council.

RESOLVED

That the Full Council be recommended:

1. That the amendments to the Constitution proposed in Appendix 1 to report [LDS/113](#) be agreed subject to minor clerical amendments to be made by the Head of Legal and Democratic Services.
2. To agree that since the provisions relating to Call-In and Urgency have not been used during the past twelve months, no changes to the provisions are necessary at this stage.

27. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 9.18pm.

J STANLEY
Chair