

Council Report

Council 27th January 2016

Title

Constitution update and review of Special Responsibility Allowance Status

Is this a Key Decision and has it been included on the Forward Plan?

No

Director Approving Submission of the Report

Interim Assistant Director Legal & Democratic Services

Ward(s) Affected

All

Executive Summary

To inform Members of the update to the Council's constitution to reflect the duties and responsibilities of the Advisory Cabinet members and the decision of the Lead Commissioner to pay a proportion of Special Responsibility Allowance (SRA) to certain office holders ;

Further to request that Council agrees amendments to the constitution in respect of the arrangements for call in of Executive decisions.

Also to request that Council agrees the amendments to the Executive Procedure Rules as set out in the report, to include arrangements for the public asking questions at Cabinet meetings.

Recommendations:

That Members note:

- 1.1 The changes to the Constitution to reflect the new portfolios of Advisory Cabinet members.
- 1.2 The decision of the Lead Commissioner in December 2015 to pay fifty percent of the SRA in respect of the three new Advisory Cabinet members (Councillors Alam, Wallis and Yasseen) with effect from 9th December and eighty percent of the SRA to all Advisory Cabinet members from 15th February 2016.

That Members agree that:

1.3 Previous “call-in” arrangements as set out at Appendix 2 be reinstated to the Council’s Constitution

1.4 The Executive Procedure Rules within the Council’s constitution apply to these meetings and Cabinet meetings will be held every four weeks

1.5 The procedures regarding members of the public asking questions at Cabinet meetings be reinstated, as set out in Appendix 3.

List of Appendices Included

Appendix 1- Advisory Cabinet members’ portfolios

Appendix 2 – Call-in Arrangements

Appendix 3 – Procedure for Public Questions at Cabinet Meetings

Background Papers

1. Directions of Secretary of State 26/2/2015

2. Members remuneration scheme 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable

Council Approval Required

No

Exempt from the Press and Public – No

Title (Main Report)

Update of Constitution and review of Special Responsibility Allowances Status

1.Recommendations

That Members note:

- 1.1 The changes to the Constitution to reflect the new portfolios of Advisory Cabinet members.
- 1.2 The decision of the Lead Commissioner in December 2015 to pay fifty percent of the SRA with effect from 9th December 2015 in respect of the three new Advisory Cabinet members (Councillors Alam, Wallis and Yasseen) and eighty percent of the SRA to all Advisory Cabinet members from 15th February 2016.

That Members agree that:

- 1.3 Previous “call-in” arrangements as set out at Appendix 2 be reinstated to the Council’s Constitution
- 1.4 The Executive Procedure Rules within the Council’s constitution apply to these meetings and Cabinet meetings will be held every four weeks
- 1.5 The procedures regarding members of the public asking questions at Cabinet meetings be reinstated, as set out in Appendix 3.

2. Background

- 2.1.1 As part of the Directions to the Council on 26th February 2015 the Secretary of State announced that the authority was required to cease to pay the special responsibility allowances (SRA) to members of its executive whilst they have no functions to exercise.
- 2.1.2 The Commissioners were appointed in February 2015 and agreed following the local elections in May 2015 that fifty percent of the SRA would begin to be paid to the Leader, Deputy Leader and Advisory Cabinet Members.
- 2.1.3 With effect from 9th December 2015, the Leader increased the number of portfolios and membership of the Advisory Cabinet from five to eight and made the following additional appointments:
 - Neighbourhood working and Cultural Services: Councillor Yasseen
 - Housing: Councillor Wallis
 - Corporate Services and Finance: Councillor Alam

- 2.1.4 The portfolios have been redefined and a copy is attached at Appendix 1, for information. This will replace the existing document in the Council's constitution to reflect the current position.
- 2.1.5 It is anticipated that some of the Councils Executive powers will be returned by the time of the next Advisory Cabinet/Commissioners meeting on 15th February 2016.
- 2.1.6 In order to comply with the requirements of the Local Government Act 2000 and the Localism Act 2011, in respect of "call-in" of Executive decisions, it is proposed that the arrangements which were previously in place in respect of "call-in" of executive decisions prior to the government intervention be reinstated, with a minor amendment to the urgency provisions whereby the agreement of the Chair of the Overview and Management Board be sought rather than the Mayor. Those arrangements are set out at Appendix 2.
- 2.1.7 These arrangements are subject to review as part of the outcome of the Governance Review Group, whose recommendations are due to be forwarded to Commissioner Sir Derek Myers shortly. Any subsequent recommended changes to the Council's Constitution will be set out in a further report to members and will be effective from the new Municipal year.
- 2.1.8 The Secretary of State is currently considering a revised intervention package following proposals from Lead Commissioner Sir Derek Myers. In preparation for the return of Executive powers to the Council it is appropriate for the Executive Procedure Rules as contained within the constitution to be brought back into effect which would apply to these meetings, with the amendment that the Cabinet meetings would take place every four weeks.
- 2.1.9 Further in order to promote public engagement it is appropriate for the procedure in respect of Public questions at Cabinet meetings, as detailed at Appendix 3, to be reinstated.

3. Key Issues

- 3.1 To note the Commissioners' decision regarding the payment of SRA to the new Advisory Cabinet appointees with a further reinstatement of an additional proportion of the Special responsibility allowance to all Advisory Cabinet members with effect from 15th February 2016.
- 3.2 To agree changes to the Councils "call-in" procedure as Executive powers are returned to the Council, the protocol for public questions and the re-instatement of the operation of the Executive Procedure Rules.

4. Options considered and recommended proposal

- 4.1 To pay fifty percent of the SRA to the new Advisory Cabinet members from 9th December 2015 and in relation to all Advisory Cabinet Members to pay eighty percent of the allowance from 15th February 2016.

- 4.2 Different options in respect of scrutiny procedures are being considered by the Governance Review Working group and will form part of its recommendations to Commissioner Derek Myers.

5. Consultation

- 5.1 The decision in respect of SRAs is a Commissioner decision in accordance with the Directions of the Secretary of State.
- 5.2 The decisions in respect of call in procedures and constitutional amendments are a matter for Council

6. Timetable and Accountability for Implementing this Decision

- 6.1 The payments of the SRA for the three new Advisory Cabinet members commenced from 9th December 2015 and the increase to eighty percent will come into effect from 15th February 2016.
- 6.2 The re-instated Call-in arrangements and operation of the amended Executive Procedure Rules including questions from the Public will be operative when the Executive meets as Cabinet and will be reviewed as stated above in readiness for new arrangements as of the new Municipal year.

7. Financial and Procurement Implications

- 7.1 The Commissioners were appointed in February 2015 and agreed following the local elections in May 2015 that fifty percent of the SRA would begin to be paid to the Leader, Deputy Leader and Advisory Cabinet Members. Additional Members of Advisory Cabinet were appointed on 9th December 2015 and will receive fifty percent SRA from that date.
- 7.2 All Advisory Cabinet members will be awarded eighty percent of the SRA applicable to the position from 15th February 2016.
- 7.3 The decision re the increase to all Advisory Cabinet members is based on the increasing contribution made by the members in relation to the additional responsibility being undertaken by the portfolio holders and the proposed restitution and decision making meetings being held in public.

8. Legal Implications

- 8.1 As part of the Directions to the Council on 26th February 2015 the Secretary of State announced that the authority was required to cease to pay the special responsibility allowances (SRA) to members of its executive whilst they have no functions to exercise.
- 8.2 In accordance with the Directions, the Commissioners have agreed to reinstate the allowances in certain instances as detailed in paragraph 2.
- 8.3 The reinstated call in arrangements are in compliance with the Councils obligations under the Local Government Act 2000 and the Localism Act 2011.

9. Human Resources Implications

None

10. Implications for Children and Young People

None

11 Equalities and Human Rights Implications

None

12. Implications for Partners and Other Directorates

None

13. Risks and Mitigation

None

14. Accountable Officer(s)

Interim Assistant Director Legal and Democratic Services

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