



Purpose: For Decision

Committee report

Committee	ANNUAL COUNCIL
Date	16 SEPTEMBER 2020
Title	APPOINTMENTS, ALLOWANCES AND PROPORTIONALITY ISSUES
Report of	MONITORING OFFICER

EXECUTIVE SUMMARY

1. This report sets out a number of actions required at the Annual Council in accordance with legislation and the constitution.

BACKGROUND

2. In accordance with various legislative requirements and the constitution, Annual Council is required, in addition to those items dealt with elsewhere on the agenda for the meeting, to:
 - (a) appoint at least one overview and scrutiny committee and determine any changes to the size and terms of reference of such other committees as the council considers appropriate;
 - (b) appoint the chairman of the Corporate Scrutiny Committee and the chairmen and vice-chairmen of other committees or sub-committees appointed by council;
 - (c) appoint councillors to serve on outside bodies that are required to be appointed by the council;
 - (d) annually adopt a members' allowances scheme;
 - (e) review the representation of different political groups on committees and sub-committees;
 - (f) approve any member absences that exceed six months.

Appointment of committees, their size and terms of reference

3. There are no substantial changes proposed to the establishment, size and terms of reference of those committees currently within the constitution.

Appointment of chairmen and vice chairmen of committees

4. It is for council to approve the chairmen of committees included at **Appendix A**. All committees and boards can appoint their own vice-chairmen unless the council so chooses to appoint a vice-chairman.

Appointments to outside bodies

5. Appointments to outside bodies were made after Annual Council in 2017 and positions filled in accordance with the framework. These were for the life of the council. Included at **Appendix B** is a list of additional external appointments required to be approved by the council.
6. Where a vacancy does arise, all members will be consulted in accordance with current practice and will then be filled by the Monitoring Officer in consultation with the relevant Cabinet member.
7. Members are reminded that these appointments should be shown on their register of interests.
8. This paper also seeks Full Council's approval of the appointment of two council nominated members and the 16 other members to the four SACRE committees.

Review of political proportionality and allocation of seats on committees

9. The Local Government and Housing Act 1989 requires the council to review the representation of different political groups on committees and sub-committees at, or as soon as practicable after, the annual meeting of the council; and as soon as practicable after a change to the council's political composition.
10. There has been one change since the last review of the council's political composition in July 2020, namely the resignation of Cllr Murwill from the Conservative Group on 29 August 2020. Cllr Murwill continues to represent the Bembridge, Brading and St Helens division as an independent member until, at least, the next election.
11. The proportionality table has therefore been adjusted in **Appendix C** to reflect this change, with adjustments to the allocation of seats highlighted in yellow.

Members' allowances scheme

12. Under the Local Authorities (Members' Allowances) (England) Regulations 2003, the council is required to review its members' allowances scheme at least once every four years and formally adopt a members' allowances scheme each year.
13. In doing so, the council is required to establish and maintain a member Independent Remuneration Panel (IRP), providing the council with advice and recommendations on its scheme.
14. Local authorities must include in their members' allowances scheme a basic allowance, payable to all members, and may include provision for the payment of special responsibility allowances (SRAs) and a dependents' carers' allowance. In addition, the regulations allow the inclusion of a travel and subsistence allowance and a co-optees' allowance within the scheme.
15. The Members' Allowances Scheme was last reviewed and adopted in September 2018. At that time, Full Council agreed the IRP's recommendation that there should be an annual percentage increase applied each April during the lifetime

of the scheme, equivalent to the annual percentage increase for the majority of Isle of Wight Council employees to whom NJC terms and conditions apply.

16. This report therefore proposes an amended scheme for the year 2019/20 and 2020/21, for adoption in accordance with the council's statutory obligation and pursuant to the decision of members in 2018.
17. Attached as **Appendix D** to this report is the Members' Allowances Scheme showing the annual percentage increase of two per cent for the year 2019/20 and two point seven five per cent for the year 2020/21 for adoption by the council.

Approval of member absences that exceed six months

18. Section 85(1) of the Local Government Act 1972 requires a member of a local authority to attend at least one meeting of that authority within a six month consecutive period, in order to avoid being disqualified as a councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the authority, in advance of the six month period expiring.
19. Once any councillor loses office through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance. Nor can retrospective approval of the council be sought for an extension.
20. During the period when remote meetings are necessary due to Covid-19 restrictions and social distancing measures are in place, it may mean that a councillor – through no fault of their own, perhaps due to illness, equipment failure, internet connection problems or a combination of all - finds themselves unable to attend a meeting for a period approaching six months.
21. To avoid disqualification, the council is asked to pre-approve any councillor for an automatic three month extension of absence, immediately before they reach the six month point. The reason for failure to attend would be recorded as circumstances arising from the Covid-19 pandemic.
22. It may not be necessary to use the provision for a three month extension for any councillor (should the council agree to it); however, it is considered a sensible precaution that will avoid unnecessary or unfair disqualification from office and may reassure councillors in these special circumstances.
23. The council may, if it wishes, reduce or extend the period of extension. Three months is suggested as a guide for consideration.

STRATEGIC CONTEXT

24. Good governance arrangements are essential to the delivery of the council's services and the decision making process that supports this.

CONSULTATION

25. As this report is not proposing any significant changes to the constitution, no specific consultation has been undertaken.

FINANCIAL/BUDGET IMPLICATIONS

26. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the

overall budget agreed by Full Council in February 2020.

27. Under the Members' Allowances Scheme (as set out in the constitution), a number of council appointments are entitled to receive a special responsibility allowance (SRA) in recognition of undertaking a role. The council is free to determine if any of the posts should have an SRA but any changes outside the existing scheme will need to be on the basis that they are subject to consideration by the Independent Remuneration Panel, a panel of independent external people appointed by the council that makes recommendations on members' remuneration. Any expenditure on members' allowances must be met from within the existing budget.
28. If the council wishes to agree to additional meetings or change the committee structure or limit existing delegations to officers significantly, the resource implications will have to be assessed and taken into account before any final decision on implementation can be made.

LEGAL IMPLICATIONS

29. The council is required to adopt a constitution by virtue of the Local Government Act 2000 to incorporate and comply with its various legal obligations.

EQUALITY AND DIVERSITY

30. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

RISK MANAGEMENT

31. The majority of the recommendations are to ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision making process by way of judicial review or other such legal action.

EVALUATION

32. An effective governance system for the council is essential to enable business to be transacted openly and in a timely manner. The appointment of the various committee chairmen and the implementation of the supporting processes seeks to do this. Not appointing a chairman will lead to unnecessary time being spent on electing a chair for each meeting and may not provide consistency.

OPTIONS

33. Appointment of chairman and vice chairman of committees

Option 1: To appoint the chairmen, and where required, vice chairmen to the positions contained in Appendix A.

Option 2: Not to appoint to these positions and allow each committee to appoint a chair for the meeting each time they are convened.

34. Appointments to outside bodies

Option 3: To make the appointments contained in Appendix B.

Option 4: To nominate alternative appointments.

35. Review of political proportionality and allocation of seats on committees

Option 5: To agree the representation of different political groups on committees and sub-committees contained in Appendix C.

Option 6: To propose alternative arrangements for consideration by the council.

36. Members' Allowances Scheme

Option 7: To formally adopt the Members' Allowances Schemes for the years 2019/20 and 2020/21 contained in Appendix D.

Option 8: To propose alternative arrangements for consideration by the Independent Remuneration Panel.

37. Approval of member absences that exceed six months

Option 9: To approve the following:

During the period when remote meetings are necessary due to Covid-19 restrictions, any councillor who becomes unable to attend meetings of the authority for six months, will automatically have their period of absence extended for a further three months by the council pursuant to section 85(1) of the Local Government Act 1972.

Option 10: To propose alternative arrangements, including the length of time of any extension.

RECOMMENDATIONS

38. Appointment of chairman and vice chairman of committees

Option 1: To appoint the chairmen, and where required, vice chairmen to the positions contained in Appendix A.

39. Appointments to outside bodies

Option 3: To make the appointments contained in Appendix B.

40. Review of political proportionality and allocation of seats on committees

Option 5: To agree the representation of different political groups on committees and sub-committees contained in Appendix C.

41. Members' allowances scheme

Option 7: To formally adopt the Members' Allowances Schemes for the years 2019/20 and 2020/21 contained in Appendix D.

42. Approval of member absences that exceed six months

Option 9: To approve the following:

During the period when remote meetings are necessary due to Covid-19 restrictions, any councillor who becomes unable to attend meetings of the authority for six months, will automatically have their period of absence extended for a further three months by the council pursuant to section 85(1) of the Local Government Act 1972.

APPENDICES ATTACHED

Appendix A – List of available positions on committees.

Appendix B – List of external appointments.

Appendix C – Allocation of committee seats in accordance with political proportionality.

Appendix D – Members' Allowances Scheme 2019/20 and 2020/21.

BACKGROUND PAPERS

None.

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