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TRAFFORD COUNCIL

9 September 2014

Trafford Town Hall
Talbot Road
Stretford
M32 0TH

Dear Councillor,

Please find enclosed reports in respect of the following items of business listed on the Summons for the meeting of Council on **WEDNESDAY, 17 SEPTEMBER 2014**, at **7.00 P.M.** in the **COUNCIL CHAMBER, TRAFFORD TOWN HALL, TALBOT ROAD, STRETFORD**:

	Pages
7. Report of the Independent Remuneration Panel (IRP)	
To consider a report of the Chief Executive.	1 - 10
8. Constitutional Matters	
To consider a report of the Director of Legal and Democratic Services.	11 - 14

Yours sincerely,

THERESA GRANT
Chief Executive

Membership of the Council

Councillors Cllr E.H. Malik (Mayor), Cllr J. Holden (Deputy Mayor), Cllr D. Acton, Cllr S. Adshead, Cllr S. Anstee, Cllr K. Barclay, Cllr J. Baugh, Cllr J. Bennett, Cllr L. Blackburn, Cllr R. Bowker, Cllr C. Boyes, Cllr H. Boyle, Cllr A. Bruer-Morris, Cllr J. Brophy, Cllr B. Brotherton, Cllr D. Bunting, Cllr D. Butt, Cllr C. Candish, Cllr K. Carter, Cllr R. Chilton, Cllr L. Cooke, Cllr M. Cordingley, Cllr M. Cornes, Cllr J. Coupe, Cllr L. Dagnall, Cllr P. Dixon, Cllr A. Duffield, Cllr L. Evans, Cllr N. Evans, Cllr T. Fishwick, Cllr M. Freeman, Cllr P. Gratrix, Cllr J. Harding, Cllr D. Higgins, Cllr M. Hyman, Cllr C. Hynes, Cllr D. Jarman, Cllr P. Lally, Cllr J. Lamb, Cllr J. Lloyd, Cllr A. Mitchell, Cllr P. Myers, Cllr D. O'Sullivan, Cllr I. Platt, Cllr K. Procter, Cllr J.R. Reilly, Cllr Mrs J. Reilly, Cllr B. Rigby, Cllr T. Ross, Cllr M. Sephton, Cllr B. Sharp, Cllr B. Shaw, Cllr J. Smith, Cllr E.W. Stennett, Cllr S. Taylor, Cllr L. Walsh, Cllr V. Ward, Cllr A. Western, Cllr D. Western, Cllr M. Whetton, Cllr A. Williams, Cllr M. Young and Cllr P. Young

Further Information

For help, advice and information about this meeting please contact:

Ian Cockill, Democratic Services Officer

Tel: 0161 912 1387

Email: ian.cockill@trafford.gov.uk

This Supplementary was issued on **Monday, 15 September 2014** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH

TRAFFORD COUNCIL

Report to: Council
Date: 17 September 2014
Report for: Decision
Report of: Chief Executive

Report Title

Report of the Independent Remuneration Panel

Summary

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Panel was convened to make recommendations to the Council in relation to amendments to the Scheme of Members' allowances.

The recommendations of the Panel are attached at Appendix 1 for consideration by the Council.

Recommendation(s)

1. The Council is asked to consider the recommendations of the Panel as set out in the report at Appendix 1.
2. That the Director of Legal and Democratic Services be authorised to make any revisions to Part 6 of the Constitution (Members Allowances Scheme) as a consequence of the decisions of the Council.

Contact person for access to background papers and further information:

Name: Peter Forrester
Extension: 1815

Background Papers:

Agenda, reports and minutes of meetings of IRP held on 13th March, 16th June and 9th September 2014.

Implications

Relationship to Policy Framework/Corporate Priorities	N/A
Financial	The recommendations in the report if agreed would result in annual savings of £35,528.
Legal Implications:	The Council is required to request an Independent Remuneration Panel to make recommendations about allowances for Members.
Equality/Diversity Implications	None

Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Safety Implications	None

Report

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Panel was convened to make recommendations to the Council in relation to amendments to the Scheme of Members' allowances.

The independent panel comprised:

- Mr. Ralph Rudden, Voluntary Sector (Chairman)
- Sir Bill Moorcroft, Trafford College; and
- Mr Chris Fletcher, Greater Manchester Chamber of Commerce

The report of the Panel is contained at Appendix 1 and recommends the following:

Greater Manchester Combined Authority Allowance

- a) That a Special Responsibility Allowance of £9,385 is paid to the Leader in respect of their appointment to the Greater Manchester Combined Authority (GMCA) and the workload associated with this role.
- b) That the Council agree that the restriction in section 4 (1) of the scheme that any second Special Responsibility Allowance (SRA) is paid at the rate of 50% be not applied made in relation to this allowance.
- c) That this allowance be backdated to the 1 April 2014.

Lead Members and Shadow Lead Members

- d) That an allowance of £7,621 be paid to the Lead Member for Safeguarding and to the Lead Member for Trust Development
- e) That an allowance of £1,556 be paid to the Shadow Lead Member for Safeguarding and to the Shadow Lead Member for Trust Development.
- f) That these allowances be backdated to the 11 June 2014.

Scrutiny Topic Group Chairmen

- g) That the Allowance for the role of Scrutiny Topic Group Chairman be removed from the Members Allowances Scheme.

Neighbourhood Forum Chairmen

- h) That the allowance for Neighbourhood Forum Chairman be removed from the Members Allowances Scheme

Regulation 33 Visits

- i) That the Allowance for Regulation 33 visits be increased to £600 (£50 per visit)

Administrative Issues

- j) That the scheme be amended to reflect changes arising from the end of the local government pension scheme for Members (section 14) and from the Localism Act which abolishes the power to withhold allowances (section 9).

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**REPORT OF INDEPENDENT REMUNERATION PANEL TO THE
CHIEF EXECUTIVE OF TRAFFORD COUNCIL**

**RECOMMENDATIONS IN RELATION TO AMENDMENTS TO THE MEMBERS'
ALLOWANCES SCHEME**

1 Introduction

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Panel has met on three occasions to consider amendments to the Scheme of Members' allowances to make recommendations to the Council. The Panel met on 13th March, 16th June and 9th September 2014.

This report summarises the issues considered by the Panel and their recommendations.

The independent panel comprises of:

- Mr. Ralph Rudden, Voluntary Sector (Chairman)
- Sir Bill Moorcroft, Trafford College; and
- Mr Chris Fletcher, Greater Manchester Chamber of Commerce

The Panel had been called in March to consider the level of allowances paid to the Leader of the Council in relation to the duties and responsibilities of the role. All Group Leaders had met and had agreed that this was necessary as allowances paid in Trafford were lower than other Councils in Greater Manchester and elsewhere in the Country and that this could be a significant barrier to people becoming Councillors or aspiring to leadership roles.

The IRP was asked to consider whether they would carry out the review and make recommendations to the Council. The Panel agreed that a review was overdue as the last major review of the scheme had been completed in 2007.

The Panel also agreed that whilst the primary focus was on the Leadership allowance, they also felt that the review should cover other allowances.

The Panel agreed that it would consider the following:

1. To advise the Council on what would be the appropriate level of Special Responsibility Allowances for the Leader of the Council, Executive Members, Lead Members, Group Leaders and Shadow Executive and Lead Members having regard to the:
 - expectations and responsibilities of the respective roles; and
 - allowances paid to these members compared with other Local Authorities with similar responsibilities as Trafford Council.

2. To advise the Council on what would be the appropriate level of Basic Allowance for all Members having regard to the:
 - expectations and responsibilities of the role: and
 - allowances paid to members compared with other Local Authorities with similar responsibilities as Trafford Council.

The Panel also agreed that they would consider the allowances for Regulation 33 visits, Standards Committee and Neighbourhood Forums.

In order to support the IRP it was agreed that the Chief Executive should commission Declan Hall to act as an independent person to provide research and advice to enable the Panel to prepare its conclusions and recommendations. Mr Hall had carried out reviews for other Councils in Greater Manchester previously.

The Panel met again on 9 September 2014 when they considered a range of material to support their review. This included the following:

- (a) A presentation from Declan Hall on the Allowances Regulations and his findings and views resulting from his work.
- (b) Benchmarking on allowances paid by AGMA and “nearest neighbour” comparator Authorities.
- (c) Potential options to change the allowances scheme
- (d) Briefing notes on various issues including Regulation 33 visits, the work of the Standards Committee and Neighbourhood forums.

2. The Panel’s Findings

1. Members Allowances Scheme

The Panel have considered the detailed presentations and background work from Declan Hall and their previous discussions about the responsibilities of Members.

The benchmarking work had highlighted that

- The Leader’s Allowance in Trafford is the lowest in Greater Manchester and the second lowest in the wider benchmarking group.
- The Basic Allowance is significantly below the mean for the benchmarking group and Declan Hall advised that it is the lowest of all Metropolitan Councils
- The allowances for Deputy Leader, Cabinet, Committee Chairmen and Opposition Leader are at or above the mean for the benchmarking group.
- That the percentage of Members in receipt of a Special Responsibility Allowance (SRA) is higher than other Councils.

Mr Hall had prepared four different models to highlight how the Allowances Scheme could be amended in line with the scope of the review. Three of the options suggested significant changes to the current scheme and the fourth offered more limited changes and addressed the issues around the allowance to the Leader and the new roles of Lead Members and their Shadow Opposition Members.

The Panel considered the budget provision for Members Allowances prior to their detailed discussions. The Panel felt that the financial consequences of any amendments should not be greater than those associated with the existing scheme and, if possible, produce a saving.

The Panel considered the Allowances in light of this information and previous discussions. They felt that the current priority was to address the issues around the Leader's allowance and the work of the Lead Members and their Shadows. They noted that the current allowances for the Deputy Leader, Opposition Leader, Executive and Chairmanship roles were at, or above, the mean and therefore they did not feel that this was an area to focus on.

The Panel highlighted the fact that the Basic Allowance was significantly lower than others and indicated that this is something that they would like to reconsider at some point in the future. They did comment that as there were a high number of SRA payments this did to a degree, compensate for a low Basic Allowance and meant that payments were more directly related to tasks performed.

In considering the allowance for the Leader, the Panel were advised of the significant additional responsibilities that the Leader had taken on since the last major review of the scheme in 2007. The work associated with the Greater Manchester Combined Authority had resulted in a significant increase in work for the leader. This included being a member of a number of bodies associated with the Combined Authority such as:

- AGMA Executive Board
- Enterprise Zone Board
- GMCA Executive Board
- GMCA Standards Committee
- Greater Manchester Local Enterprise Partnership
- Greater Manchester Police and Crime Panel
- Manchester Growth Company
- North West European Programmes Local Management Committee
- North West Regional Leaders Board
- Skills and Employment Partnership Strategy Board
- Workforce Advisory Board

It was also acknowledged that the Leader of the Council takes on a Greater Manchester lead role and that the current Leader is acting as the lead for Skills, Employment and Worklessness, a significant portfolio that forms a key part of further discussions for devolution from central Government in existing and future Growth Deals. Declan Hall advised that other Councils had recognised this in their allowances scheme.

The Panel considered this and the overall Allowance paid to the Leader in relation to other Greater Manchester Councils. They also considered the fact that the Leader also has a portfolio for Reshaping Trafford but did not consider it appropriate to include any specific allowance in relation to this role.

The Panel felt that the work on the Combined Authority was a significant additional responsibility and that an allowance for this should be included in the scheme. They felt that this allowance should be set at £9,385.

They also considered the Allowances that should be paid to the Lead Members for Safeguarding and Trust Development. The Panel considered that the allowance for the role should be set at the same level of a Chairman of Scrutiny Committee at £7621. The Opposition Members should be paid an allowance of £1,556.

2. Special Responsibility Allowances for Scrutiny Topic Group Chairmen

The Panel noted that the role of Scrutiny Topic Group Chairmen had been abolished and therefore recommend that these roles be deleted from the Members Allowances Scheme.

3. Special Responsibility Allowances for Standards Committee

As part of the overall review of the Allowances Scheme, the Panel considered the work and responsibilities for the Chairman and Co-opted Members of the Standards Committee. The Panel were informed that the Standards Committee was expected to meet on four occasions per year. However, if there were referrals to the Committee about Councillor behaviour, then this workload could increase significantly. In the period since the IRP review in September 2012, there had been no referrals and the Committee had met on three occasions.

The Panel discussed the matter and recognised that the workload of the Standards Committee was driven by what happens locally. Whilst at the present time, there was little activity; this could change at any point. The Panel felt that no changes should be made to the allowances for the Standards Committee at this time.

4. Neighbourhood Forums

The Panel reviewed the payments for the role of Chairman of the Neighbourhood Forums. The Members Allowances Scheme currently provides for a payment of £1556 for Neighbourhood Forum Chairmen who Chair 7 Forum Meetings.

The Panel noted that the activity of Neighbourhood Forums was relatively limited with only three meetings taking place in the 2013/14 municipal year.

The Panel felt that given the limited number of meetings, that the allowance should be discontinued.

5. Regulation 33 Visits

The Members Allowances Scheme contains provision for the payment of Social Services Visits of £420. This equates to 12 visits at £35 each. In 2013/14, the Council paid £2,275 in allowances for 65 visits.

Recent changes in requirements mean that there will be more work for people making visits.

The Panel was requested to consider the matter in light of the need to increase the pool and the workload. The Panel considered papers on the workload attached to

such visits and recommend that the allowance should be amended to £600 (i.e. £50 per visit).

3. Summary of Recommendations

The Panel makes the following recommendations to amend the existing Scheme of Members' Allowances for Trafford Borough Council.

Greater Manchester Combined Authority Allowance

- a) That a Special Responsibility Allowance of £9,385 is paid to the Leader in respect of their appointment to the Greater Manchester Combined Authority (GMCA) and the workload associated with this role.
- b) That the Council agree that the restriction in section 4 (1) of the scheme that any second Special Responsibility Allowance (SRA) is paid at the rate of 50% be not applied in relation to this allowance.
- c) That this allowance be backdated to the 1 April 2014.

Lead Members and Shadow Lead Members

- d) That an allowance of £7,621 be paid to the Lead Member for Safeguarding and to the Lead Member for Trust Development
- e) That an allowance of £1,556 be paid to the Shadow Lead Member for Safeguarding and to the Shadow Lead Member for Trust Development.
- f) That these allowances be backdated to the 11 June 2014.

Scrutiny Topic Group Chairmen

- g) That the Allowance for the role of Scrutiny Topic Group Chairman be removed from the Members's Allowances Scheme.

Neighbourhood Forum Chairmen

- h) That the allowance for Neighbourhood Forum Chairman be removed from the Member's Allowances Scheme

Regulation 33 Visits

- i) That the Allowance for Regulation 33 visits be increased to £600 (£50 per visit)

Administrative Issues

- j) That the scheme be amended to reflect changes arising from the end of the local government pension scheme for Members (section 14) and from the Localism Act which abolishes the power to withhold allowances (section 9).

4. Financial Consequences

In making these recommendations, the Panel considered the financial consequences of their recommendations.

Savings as a result of changes to the Scheme or Council decisions

	£
Changes to the Executive – reduced by two	(25,408)
Shadow Executive – reduced by two	(5,078)
Scrutiny Topic Group Chairmen – abolition of role	(22,864)
Neighbourhood Forum Chairmen – abolition of allowance	(10,892)
Total Savings	(64,242)

Cost of Recommendations

	£
Combined Authority Allowance	9,385
Lead Members for Safeguarding and Trust Development	15,242
Shadow Lead Members	3,112
Regulation 33 Visits (additional costs)	975
Total costs	28,714

	£
Net Savings	(35,528)

5. Future Reviews

The Panel acknowledged that the level of Basic Allowance is low compared to other Councils but did not feel that they were able to progress this at this time given the current financial climate. However, they suggest that the Council reconvene the Panel at a time that they consider such a review to be appropriate.

6. Declarations

The Panel Members declared the following potential conflicts of interest, all of which are personal:

- Ralph Rudden is a member of the Trafford Partnership Executive of which four elected Councillors are Members
- Mr Chris Fletcher is Chair of the Trafford Economic Growth Board which has Councillor Hyman as a member
- Sir Bill Moorcroft is Principal of Trafford College of which one Councillor is on the Board

Ralph Rudden (Chairman)

Sir Bill Moorcroft

Chris Fletcher

Panel Members - September 2014

TRAFFORD COUNCIL

Report to: Council
Date: 17 September 2014
Report for: Decision
Report of: Director of Legal and Democratic Services

Report Title

CONSTITUTIONAL MATTERS

Summary

The report sets out changes to the Constitution as a result of new Regulations relating to openness of Local Government decision making.

Recommendation(s)

That the changes to the constitution as set out in the report be approved.

Contact person for access to background papers and further information:

Name: Peter Forrester
Extension: 1815

Background Papers: *None*

Background Information

Relationship to Corporate Priorities	The changes relate to enhanced transparency in decision making and are in line with all of the Council's priorities
Financial	None
Legal Implications	The changes outlined in the report are required to ensure that the Constitution is in line with changed statutory regulations.
Equality/Diversity Implications	None
Sustainability Implications	None
Resource Implications	None
Risk Management Implications	None
Health and Safety Implications	None

1.0 Background

1.1 On the 6th August 2014 the Openness of Local Government Bodies Regulations 2014 came into force. The regulations provide that whilst a meeting of a local authority is open to the public any person attending is to be permitted to report on the meeting. The regulations further provide that a person attending a local authority meeting for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so. Further, any person who attends a local authority meeting for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities. Publication and dissemination may take place at the time of the meeting or occur after the meeting.

1.2 "Reporting" is defined in the regulations as:

- (a) filming, photographing or making an audio recording of proceedings at a meeting;
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present

1.3. There is no requirement for a local authority to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

1.4. However, should a person cause a disturbance at a meeting whilst reporting on them, for example by:

- moving to areas outside the areas designated for the public without the consent of the Chairman,
- making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; or
- asking for people to repeat statements for the purposes of recording

then the provisions within the Council's Rules of Procedure allowing the public and Members to be removed from a meeting for causing a disturbance shall apply.

1.5. It is accordingly recommended that Rule of Procedure 22, which deals with the recording of meetings, is replaced by the following:

22. MEDIA

22.1 The Council will make reasonable facilities available for the reporting of the proceedings of any meeting. Any reporting of discussions of items covered by Section 10 of the Access to Information procedure rules is prohibited.

(1) While a meeting of the Council, Executive, a Committee or Sub Committee is open to the public, any person attending is permitted to report on the meeting by filming, photographing or making an audio recording of proceedings at the meeting. They may also use any other means for enabling persons not present to see or hear proceedings at such a meeting as it takes place or later and may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

(2) Should a person cause a disturbance at a meeting whilst reporting on the proceedings, for example by:

- moving to areas outside the areas designated for the public without the consent of the Chairman,
- making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; or
- asking for people to repeat statements for the purposes of recording

then the provisions of rule 21 (disturbance by the public) shall apply.

(3) Nothing in this rule shall allow any person to report on any part of a meeting, without the consent of the meeting, whilst the public is excluded to allow it to debate confidential or exempt matters.

1.6 Council is recommended to agree the amendments to the constitution described in this report.

1.7 The Regulations also set out requirements to publish officer decisions. The Regulations require that certain categories of decision need to be published such as decisions relating to

- The award of contracts above specified levels
- compulsory purchase orders
- disposal of and/or provision of allotment land and green spaces
- award of discretionary rate relief
- opening hours of local libraries
- holding of car boot sales or markets on council land.
- Granting of permissions or licences
- Decisions which affect the rights of an individual

1.8 Guidance on the requirements is being updated and decisions will be published on the Council's website.

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