



Borough of Telford and Wrekin

Governance Committee

Wednesday 12 July 2023

Monitoring Officer and Governance Update

Cabinet Member:	Cllr Nathan England - Cabinet Member: Finance, Customer Service & Governance
Lead Director:	Anthea Lowe - Director: Policy & Governance
Service Area:	Policy & Governance
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Wards Affected:	Not Applicable
Key Decision:	Not Key Decision
Forward Plan:	Not applicable
Report considered by:	Not applicable

1.0 Recommendations for decision/noting:

1.1 It is recommended that the Governance Committee:-

- a. Notes the Terms of Reference for the Governance Committee attached at Appendix A to this report;
- b. Recommends Full Council delegates authority to the Governance Committee to approve its own Terms of Reference;
- c. Notes the Terms of Reference for the Audit Committee attached at Appendix B to this report;
- d. Recommends Full Council delegates authority to the Audit Committee to approve its own Terms of Reference;
- e. Recommends Full Council approves the Members' Allowance Scheme attached at Appendix C to this report;
- f. Notes the work undertaken to date in respect of Member Induction;

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- g. Notes the details relating to the new Councillor Connect webpages;
- h. Notes the work undertaken by the Council's Scrutiny Committees during the period 2022/23;
- i. Notes the forthcoming changes in respect of electoral administration;
- j. Agrees to delay the return of the Independent Remuneration Panel until January 2025; and
- k. Recommends Full Council delegates authority to the Governance Committee to establish an IRP to commence work in January 2025.

2.0 Purpose of Report

- 2.1 The purpose of this report is to provide Members with an update on a number of governance-related matters and changes affecting Committees.

3.0 Proposals

- 3.1 The Governance Committee is newly formed for the 2023 – 2027 administrative term. It is responsible for undertaking the functions of the following Committees/Groups that were in place prior to May 2023:-

- Council Constitution Committee;
- Standards Committee; and
- Member Development Steering Group

- 3.2 The creation of the Governance Committee helps to bring some synergies between the subject matters being considered and provides a framework in which to ensure a more thorough and robust oversight of Governance across the Council.

- 3.3 Whilst Full Council typically delegates authority to each Committee to determine its own Terms of Reference, as a newly-constituted Committee, it is appropriate for full Council to have sight of the terms of reference. Attached at **Appendix A** are the Terms of Reference which are to be considered by the Governance Committee at its meeting on 12 July 2023. In the event that changes are made at that meeting, these will be notified verbally to full Council. Council is asked to approve these Terms of Reference and delegate authority to the Governance Committee to agree its own Terms of Reference moving forward.

- 3.4 Attached at **Appendix B** are the Terms of Reference for the Audit Committee. It has previously been the case that these are reported to Full Council for approval. It is proposed that delegations are granted by full Council to the Audit Committee to determine its own Terms of Reference – this brings it in line with the Council's other committees. Council is asked to approve these Terms of Reference and confirm delegated authority to the Audit Committee to approve its own Terms of Reference moving forward.

Members' Allowance Scheme

- 3.5 Some Members will recall that the Independent Remuneration Panel (IRP) reported to Council in September 2019 to make recommendations relating to Member Allowances. Those at that meeting may remember that the IRP commented on the fact that allowances had not been reviewed since 2010 and that, since that time, due to there being no increases applied since 2010, the real value of those allowances had fallen by 20%.
- 3.6 In recent times, the work of the Planning Committee and the Licensing Committee has increased as has the complex nature of the committees' work. The work of the Chairs of the committee goes beyond chairing the meeting working with officers. Whilst the role of these Vice Chairs is recognised by title, it is unusual, compared to other authorities, for these roles not to be recognised as part of the scheme of allowances by the Council. The role of the Vice Chair is to deputise for the Chair during periods of illness', holiday or being unable to attend meetings along with providing leadership to the rest of the committee and support to the chair of the meeting. The Vice Chairs are required to undertake a significant amount of work, including liaising with officers on the exercise of call-in procedures, the organising of a sub-Committee to hear appeals and similar. Additionally, both of these positions carry quasi-judicial responsibilities which differs from the other Committees of the Council.
- 3.7 It is proposed that both of these roles should now attract a Special Responsibility Allowance in recognition of the responsibility that falls to these roles. It is proposed that the Vice Chair of Planning should be given an allowance commensurate with the Chair of Governance Committee (£4,341) and the Vice Chair of Licensing Committee should be given an allowance commensurate with the Chair of Appeals Committee (£3,160). It is proposed that these Special Responsibility Allowances should be backdated to Annual Council on 25 May to reflect the position in relation to all other allowances.
- 3.8 Following the creation of two member roles to be part of the Fostering and Adoption Panel (FAP) in 2021, it is recommended that this is reduced to one member role to support that Panel. The saving will be £4,112.
- 3.9 At the time that the Members' Allowance Scheme was agreed, the political constitution of the Council differed. This led to there being a disparity in the Special Responsibility Allowances applicable to the role of Group Leaders of opposition groups. At that time, one of the opposition groups had a membership that was around 100% more than the membership of the other political group. Since the election in May 2023, the difference between the group memberships of the opposition groups has reduced; one group having 8 Members and the other having 6. There is now a distinct inequity between the allowances awarded to these roles with one receiving around £7,500 more than the other. It is proposed that, to bring some equity to the allowances these roles attract, the total Group Leader allowances for opposition groups of more than 4 should be combined then divided based upon membership of those groups. This is set out below:-

£13,023 + £4,851 = Total of £17,874

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£17,874/14 = £1,276 per member of group. Taking into account rounding, this will lead to an allowance of £10,208 being paid to the Conservative Group Leader and an allowance of £7,656 being paid to the Liberal Democrat Group Leader.

- 3.10 To give effect to this moving forward, the wording of the Members' Allowance Scheme has been updated to propose the following in respect of Group Leaders:-

The total allowance payable to Opposition Group Leaders (with groups of 4 or more Members) is £17,874. This should be divided equitably between those Group Leaders based upon the total number of members in each group.

This change, if agreed, would take effect from the date of the full Council meeting.

- 3.11 The effect of the Local Authorities (Members' Allowances) (England) Regulations means that applying any sort of indexation to allowances can only occur for a period of four years. An increase equivalent to staff pay awards was first applied in May 2020. A period of 4 years from this date expires in May 2024. Therefore, whilst the same provision has been applied from 2023, this will be the last time such an increase can apply without a further report from the IRP.

- 3.12 Despite this, recognising the financial uncertainty across the country and the impact on council finances at the moment, Council is asked to agree that it will delay inviting the IRP to return to the Council until January 2025, and delegate authority to the Governance Committee to establish an IRP to start work in January 2025.

- 3.13 The current Members' Allowance Scheme makes provision for a Carer's Allowance to be paid to support those with caring responsibilities to attend to their council duties. Recent national research undertaken by the Local Government Association has indicated that, due to the application of the legislation regarding allowances and how they are reported, there is a disinclination to claim such allowances. This is because the legislation requires payments made to be reported under the category "allowances" rather than broken down. It has been found that this disproportionately impacts upon female councillors. It has also been found that some allowance schemes limit what can be claimed for. Currently, the Telford & Wrekin Scheme does provide for a Children's Carer's Allowance and a Dependent Carer's Allowance but gives no indication as to the type of duties such claims can be made for.

- 3.14 The current allowance scheme also states that the maximum hourly rate for these Carer's Allowances should be set at the level of the living wage. The Council prides itself on being a Real Living Wage Employer and, this being the case, it is counterintuitive to use the Living Wage as the benchmark for those supporting councillors to undertake their duties.

- 3.15 It is proposed that the Members' Allowance Scheme is updated to include an appendix which sets out the duties for which a carer can claim an allowance. It is also proposed that the scheme is updated to allow the maximum hourly rate to be set at the Real Living Wage.

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- 3.16 Whilst there have been no concerns around the use of the Carer's Allowances, it is considered to be best practice that the scheme makes it clear that such allowances are only payable to a carer over the age of 18 and they must not be a member of the relevant councillor's household.
- 3.17 Whilst it is a legal requirement to report a "total expenses payable" figure in respect of Member Allowances, Council is asked to agree that, where any Member claims a Carer's Allowance an explanation be added to the reported figures to make clear what element of the sums claimed relates to carer's allowance.
- 3.18 Attached at **Appendix C** is the updated Members' Allowance Scheme setting out the changes referred to in paragraphs 3.5 to 3.15 of this report. This includes an annex to the scheme setting out the duties for which a carer's allowance can be claimed.

Member Training and Development

- 3.19 Members will be aware that, following the elections in May 2023, there are 19 newly-elected Members. This makes up 35% of the membership. From 5 May 2023, there has been an intensive induction programme in place to support new, and returning, members. This has seen the delivery of several information sessions and training sessions, held both face to face and remotely. These sessions have included:-

- 2 x Essential Registration sessions
- Welcome to Telford & Wrekin event
- Let's talk Member Support
- Data Management 101
- The only way is ethics: Code of Conduct Training
- Directorate Showcase Fayre
- Mastering the art of Scrutineering
- 2 x Planning Committee Training
- Audit and Finance Training

- 3.20 The Democracy Team seeks feedback on all training sessions and, to date, the feedback for all sessions has been either good or excellent.

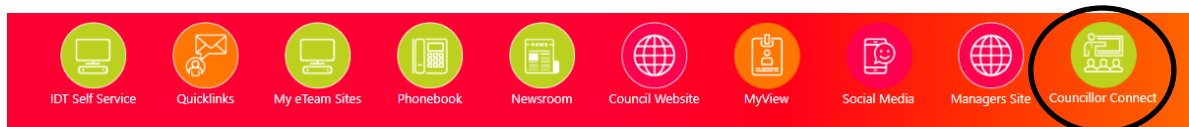
- 3.21 Throughout the forthcoming months, further training will be provided. This includes, but is not limited to:-

- Personal Safety Training provided by the LGA
- Exploitation and Vulnerability provided by West Mercia Police
- Everything Speaks
- Audit Committee Training
- Licensing Committee Training
- How to be an Effective Chair
- Scrutiny Chair Training provided by the Centre for Governance and Scrutiny
- Public Speaking and Effective Communication
- Media and Social Media Training

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Finance Training
Outside Bodies
Health & Wellbeing Board

- 3.22 An exciting development in terms of Member Support is the creation of the Councillor Connect webpages. Created and produced by the Democratic Services team in connection with a small cross-party Member group, this is an online one stop shop for Members providing access to a wide range of information, tools and systems. It can support Members in accessing online learning, booking training, finding contact details for officers, finding policy and process document and much more. It can be accessed via a dedicated tile at the bottom of the home screen on the Council's intranet, as shown below:-



Scrutiny

- 3.23 Whilst a full Scrutiny Report will be presented to Council at a later date, some of the scrutiny work carried out in the last municipal year includes:-

Business Support Programme
Housing Improvement Programme
Medium Term Financial Plan
Educational Attainment 2020 to 2022
10 by 10
Belonging Strategy
Highways Update
Trading Standards Overview
Safer Stronger Communities
Youth Climate Summit
Plastic Free Update
Active Travel & Electric Vehicles Update
Shropshire Good Food Partnership
Hospital Discharge and Intermediate Care
Integrated Care Partnership Update
Winter Plan & Urgent and Emergency Care Improvement
Phlebotomy Service
Ockenden Review

The above list is not definitive and additional scrutiny work took place during the last municipal year.

- 3.24 The initial Scrutiny Work Programme for 2023 – 2025 was approved by Scrutiny Management Board in May 2023. There are a number of items coming up in the work programme, including:

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Educational Attainment and Outcomes
Care Leavers Offer
Recruitment in Fostering
The Cost of Living
Pride in our High Streets
Equality and Diversity Strategy
Elections Review
Social Value in Contracts
Corporate Catering and net zero
Biodiversity Net Gain
River Sewage
Virtual Wards
The Better Care Fund

Elections Update

3.25 Members will be aware that there were some legislative changes introduced in 2023 which meant that those electors voting at polling stations were required to provide approved identification before being given a ballot paper.

3.26 Further changes are due to be implemented which, in brief, comprise the following:-

- A requirement to provide ID when applying for a postal vote;
- A requirement to provide ID when applying to vote by proxy;
- A reduction in the number of people one can act as proxy (only 4 and only 2 of these can be 'domestic electors');
- Replacement of the current 5 year postal vote date of birth and signature refresh with a requirement to make a full new postal vote application every 3 years;
- The introduction of a new online portal to apply for a postal vote and / or proxy vote

3.27 Members will also be aware of the changes to parliamentary constituency boundaries introduced through the Boundary Review Commission for England – it is anticipated that these new boundaries will be in place for the next general election.

4.0 Council Priorities

4.1 This report links to the all of the Council's priorities.

5.0 Financial Implications

5.1 The changes to the Members Allowances Scheme as outlined in this report will be met from existing budgets which total £919k for 2023/24. Costs associated with members training and development will be met from exiting resources.

6.0 Legal and HR Implications

- 6.1 The Council has the power to undertake the activities set out in the report.
- 6.2 Members Allowances are governed by The Local Authorities (Members' Allowances) (England) Regulations 2003. The proposals in the report comply with Regulations.
- 6.3 In respect of the amalgamation of the former Standards and Constitution Committees and the Member Development Steering Group, in to the new Governance Committee, the Council has the power to choose the way in which its Committees are organised.
- 6.4 Full Council may also delegate (as it has already done to many Committees) to Governance and Audit Committees respectively the power to set their own Terms of Reference.

7.0 Ward Implications

- 7.1 Whilst there are no ward implications directly relating to this report, it should be noted that the parliamentary boundary changes will impact upon a small number of electors where their constituencies have changed between Telford constituency and Wrekin constituency. This is outside of the Council's control as the boundary review is one commissioned by Government, undertaken by the national Boundary Commission for England and imposed by the passing of legislation.

8.0 Health, Social and Economic Implications

- 8.1 The changes mentioned in this report in relation to postal votes and proxy votes are considered more likely to adversely affect those of mature years and those with a lower household income. These changes have been imposed by government and are outside the control of the Council. As with the earlier changes relating to voting in person, the Council will carry out communications to help ensure that those affected are aware of the changes.

9.0 Equality and Diversity Implications

- 9.1 As set out above, the changes in respect of postal and proxy votes are more likely to adversely affect those of mature years. In addition, those with mobility issues are more likely to utilise postal and proxy votes and they will be affected by the changes. The Council will undertake a communications campaign to ensure those affected are aware of the changes – this will include communicating with relevant support groups and community groups to help reach those most likely to be affected.

11.0 Climate Change and Environmental Implications

- 11.1 There are no climate change and environmental implications directly relating to this report.

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12.0 Background Papers

N/A

13.0 Appendices

- A Terms of Reference Governance Committee
- B Terms of Reference Audit Committee
- C Members' Allowance Scheme

14.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	03/07/2023	03/07/2023	RP
Finance	03/07/2023	04/07/2023	MLB