

CORPORATE RESOURCES OVERVIEW AND SCRUTINY

CARLISLE
CITY COUNCIL



COMMITTEE www.carlisle.gov.uk

Committee Report

Public

Date of
Meeting:

10 April 2003

Title: INDEPENDENT REMUNERATION PANEL -
REPLACEMENT PANEL MEMBER

Report of: The Head of Finance

Report
reference: FS1/03

Summary:

The Independent Remuneration Panel have determined the length of tenure for each panel member, and have agreed that one panel member will 'resign' each year to achieve a rolling replacement programme which will ensure that there is some continuity and experience retained by the panel. The first panel Member to resign is Mr Bill Swarbrick in July 2003, and the Council therefore needs to take steps to replace him.

Recommendations:

The Committee are asked to recommend to Council on 29th April:

- i. The Terms of Reference for the Panel as set out in Appendix C
- ii. The proposed appointment process as set out in Paragraph 2 of this report.
- iii. That future appointments to the panel follow the same procedure as set out in Paragraph 2, and that the process be delegated to the Head of Member Support and Employee Services (who under the new

structure will take responsibility for administering the IRP), but with the final appointment being subject to approval by full Council.

Contact Officer: Angela Brown

Ext: 7280

CITY OF CARLISLE

To: The Chairman and Members of FS1/03

The Corporate Resources Overview & Scrutiny Committee

10 April 2003

INDEPENDENT REMUNERATION PANEL –

REPLACEMENT PANEL MEMBER

1. INTRODUCTION

1. The Council's Independent Remuneration Panel (IRP) was established in early 2001/02 as required by the Local Government Act 2000, to advise on and recommend a new scheme of allowances for Members.
2. The IRP themselves have determined the length of tenure for each panel member, and have agreed that one panel member will 'resign' each year to achieve a rolling replacement programme which will ensure that there is some continuity /experience retained by the panel. The first panel Member to resign is Mr Bill Swarbrick in July 2003, and the Council therefore needs to take steps to replace him.
3. For background information, the following is attached:

Appendix A - An extract from the DETR Guidance on Members Allowances in England with respect to the establishment of IRP's.

Appendix B – Current Panel details

Appendix C – Terms of Reference of the Panel (NB. This has been updated from that originally approved by the Council as necessary)

Appendix D – Councillors 'Job Descriptions'

2 PROPOSED APPOINTMENT PROCESS

1. Attached at Appendix E is a vacancy notification, which it is intended to put into the local Cumberland News paper. In addition it is intended to invite expressions of interest from other stakeholders such as the voluntary sector and the local business community.
2. The process would briefly involve:
 - o Applications would be returned to the Head of Finance who would then submit them to the IRP for consideration.
 - o The IRP would make a recommendation to Council on 17th July for approval.

2. RECOMMENDATIONS

1. The Committee are asked to recommend to Council on 29th April:
 - i. The Terms of Reference for the Panel as set out in Appendix C
 - ii. The proposed appointment process as set out in Paragraph 2 of the report.
 - iii. That future appointments to the panel follow the same procedure as set out in Paragraph 2, and that the process be delegated to the Head of Member Support and Employee Services (who under the new structure will take responsibility for administering the IRP), but with the final appointment being subject to approval by full Council.

ANGELA BROWN

Head of Finance

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Contact Officer: Angela Brown Ext: 7280

Financial Services

Carlisle City Council

03 March 2003

AB/CH/FS1-03

APPENDIX A

EXTRACT FROM DETR

GUIDANCE ON MEMBERS' ALLOWANCES FOR

LOCAL AUTHORITIES IN ENGLAND

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THE INDEPENDENT REMUNERATION PANEL

1. The 2001 Regulations provide for local authorities to establish and maintain an independent remuneration panel. The purpose of this panel is to make recommendations to the authority, or authorities in the case of a joint panel, about the allowances to be paid to elected members. In the case of a panel established by the Association of London Government (ALG), such a panel will make recommendations about the allowances to be paid to elected members in London borough councils. Independent remuneration panels will make recommendations about the level of basic allowance for all members, a recommendation about the special responsibilities for which a special responsibility allowance should be paid and the levels of these allowances, and a recommendation about childcare and dependent carers' allowance and the level of this allowance.
2. Any further reference to "the panel" will include a joint panel or a panel established by the ALG. Any further reference to "the appointing authority" will include appointing authorities in circumstances where a panel has been appointed by two or more local authorities, or, for a panel established by the ALG, to the London borough councils to whom that panel is making recommendations.

Setting Up an Independent Remuneration Panel

3. Under the 2001 Regulations a local authority is required to establish and maintain an independent remuneration panel. The regulations come into force on 4 May 2001 and from that date local authorities will be under a duty to have regard to the recommendations of an independent remuneration panel when paying allowances.
 4. A local authority may wish to begin the process of establishing the panel and making appointments to it in advance of this date.
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5. From 4 May 2001 any decision of the local authority to amend a scheme of allowances, to revoke and replace such a scheme with a new one, and to make a new annual scheme must be taken having regard to the recommendations of an independent remuneration panel. The function of agreeing and adopting a scheme is a function of the whole council, whether an authority is operating executive arrangements or alternative arrangements.
 6. The 2001 Regulations provide that, notwithstanding regulation 7(1) of the 1991 Regulations, a local authority may revoke and replace a scheme in the following circumstances:
 - o When attendance allowance has been included in a scheme but is no longer payable
 - o When a local authority is adopting a new constitution
 - o When a local authority changes the form of executive including its executive arrangements
 - o When a local authority is moving from executive arrangements to alternative arrangements or vice versa
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1. Before adopting executive arrangements or alternative arrangements a local authority will need to have made a scheme of allowances tailored to those arrangements. A council should ensure that where this requires revoking and replacing an existing scheme, the independent remuneration panel is established in good time to consider the issues and to make recommendations.
 2. Where a local authority has anticipated the adoption of a new constitution in their scheme of allowances the council may consider it is not necessary to amend, or revoke and replace the scheme. In such cases the scheme can continue until it requires amendment or replacement. The council will

need, however, under the 2001 Regulations, to begin the process of establishing and appointing a panel from 4 May 2001, if a panel is not already in place.

3. Two or more local authorities are able under the 2001 Regulations to establish and maintain a joint independent remuneration panel to advise them on their schemes.
4. Such a panel may make separate recommendations to the appointing authorities. Local authorities should consider whether establishing such a joint panel would be an appropriate and cost effective arrangement in their local circumstances. In particular, where councils are considering a joint panel they will need to ensure that it would command public confidence in the areas of the local authorities concerned.
5. The 2001 Regulations also provide for the ALG to establish and maintain an independent remuneration panel to make recommendations to London borough councils on their allowances schemes. Where the ALG has established such a panel to make recommendations to London borough councils, and where a particular London borough council chooses to have regard to these recommendations, it is not required to establish its own panel (or joint panel), although it may do so if it so chooses.

Appointment of the Panel

6. The 2001 Regulations require that independent remuneration panels have at least three members.
7. A local authority will need to consider the appropriate size for its panel to discharge its functions effectively given the particular local circumstances. Councils should avoid unduly large panels which would be unable to be an effective and publicly accountable source of clear recommendations.
8. The members of the independent remuneration panel cannot be elected members of any local authority. Anyone who would be disqualified from being an elected member of a local authority (see section 80 of the Local Government act 1972) is also disqualified from being a member of an independent panel.
9. The 2001 Regulations do not specify how a local authority may go about finding members of its remuneration panel. A local authority will need to consider carefully and plan its appointments process having regard to this guidance and the need to ensure that this process commands public confidence throughout all the communities in the local authority's area.
10. The council should adopt an appointments process which it considers is best able to result in the membership of its independent remuneration panel being truly independent, well qualified to discharge the functions of the panel and representative of the diversity of the communities in the local authority's area.
11. Local authorities may wish to advertise for candidates in local papers or may wish to ask particular stakeholders, eg the voluntary sector or the local business community, if they wish to put forward candidates. Councils may consider it best to use a combination of advertising and inviting the putting forward of candidates. In all cases the local authority will need to ensure that its appointment process is open to public scrutiny.
12. A local authority should give very serious consideration not only to ensuring the independence of its independent remuneration panel but also the public perception of this independence. To maintain the credibility of its panel a local authority will need to consider the extent to which some, if not all, of its panel members are recognisable members of the local community. Political appointments, and appointments which are made through friendship or any other personal association of any members of the council, should always be avoided.
13. Local Authorities should consider very carefully the extent of any candidate's connections to a political party and whether these are such as to risk the effective discharge of the panel's functions were the candidate to be appointed.
14. In appointing its panel, a local authority should consider candidates' knowledge of local government

- and the way it works although lack of familiarity with the functions of councils should not be a bar to appointment.
15. The local authority will need to consider whether to appoint one member of the independent remuneration panel as chair, or whether to allow the panel itself to decide which of its members will act as chair.
 16. The local authority will need to consider the term of office of members of the panel. The panel will be required to make recommendations to the council whenever the council decides to, within the limits of the law, either revoke or amend its current scheme. The panel may become more effective as its knowledge and understanding of members' allowances is increased.

 17. Accordingly, local authorities may wish to consider appointing members of the panel for a term of office of several years, perhaps 3-5 years. Local authorities may also wish to consider phasing appointments to ensure that there is always one member of the panel who has some experience. Transitionally, on setting up the independent remuneration panel this would need different periods of office. This could be achieved by differing lengths of appointment. A local authority will also need to consider the relationship between appointment dates and the electoral cycle and the benefits of continuity in the panel's membership.
 18. Local authorities will wish to ensure that the terms and conditions of appointment of members of the independent remuneration panel include provision for circumstances where the local authority may wish to remove a discredited member from the panel. For example, a member of the panel may become discredited due to being found guilty of a criminal offence. The local authority will wish to ensure that this provision to change panel members is not itself abused for political or vexatious ends.
 19. The time commitment of members of the panel will vary but it is likely that members will need to meet on a number of occasions when determining their recommendations for a new scheme. Local authorities will need to consider the likely time commitment they expect and should make this clear to candidates before appointments are made.
 20. The 2001 Regulations provide that the local authority is able to pay allowances to panel members. These allowances are a matter for the local authority to determine. The local authority should tell prospective panel members about these allowances before they are appointed.
 21. The local authority should provide the panel with appropriate administrative support.

APPENDIX B

CARLISLE CITY COUNCIL
INDEPENDENT REMUNERATION PANEL

PANEL DETAILS

1. Panel Members – 2002/03

- i. Colin Johnston, former Chairman of Trustees of National Union of Railways
- ii. Keith Sutton, Editor, Cumberland News
- iii. Bill Swarbrick, former Chief Executive, Cumbria County Council
- iv. Professor David Vaughan, Principal, Cumbria College of Art and Design

Panel Adviser

Vic Hewitt, Director, North West Local Employers Organisation.

Council Support

Angela Brown – Head of Finance

David Williams – Head of Member Support and Employee Services

2. Chairman

The Panel will determine its own Chairman annually. The Chairman for the year 2002/03 is Mr B Swarbrick. The Chairman for 2003/04 will be determined at the next meeting of the Panel.

3. Length of Tenure

Each Panel Member will be appointed for a term of between 3 and 5 years. The Panel have determined a rolling tenure as follows:

Resigns

W Swarbrick July 2003

D Vaughan April 2004

C Johnston April 2005

K Sutton April 2006

4. Payment to Panel Members

A flat rate payment of £50 per formal Panel Meeting will be payable to Panel Members to cover all expenses.

5. Convening the Panel

The Panel will be requested to convene as and when issues arise concerning Members allowances that requires the Panels input.

APPENDIX C

CARLISLE CITY COUNCIL

INDEPENDENT REMUNERATION PANEL

TERMS OF REFERENCE

1. To consider relevant information and statutory guidance relating to schemes for the payment of Members' Allowances and in particular:
 - o To make recommendations to the authority as to the amount of basic allowance which should be payable to its elected members
 - o To make recommendations to the authority about the roles and responsibilities for which a special responsibility allowance should be payable and as to the amount of each such allowance
 - o To make recommendations as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
 - o To consider when ODPM guidance has been issued and, if legislation permits, whether members allowances should be pensionable
 - o To consider what other allowances should be paid
 - o To make such other recommendations as it considers necessary, including in respect of the filling of any vacancy on the panel.
1. To propose a scheme of allowances for Carlisle City Council that ensures that members receive realistic recompense for the time they spend on Council activities and encourages Members not to be deterred from seeking election to the Council by financial considerations.
2. The proposed scheme should fully recognise the roles, duties and responsibilities of members in managing the City Council. In particular the panel should take account of:
 - o the roles, duties and responsibilities of Members, both as decision makers and as community representatives
 - o the additional duties and responsibilities which apply to Leading Members (e.g. Leader, Deputy Leader Portfolio holders, Chairs of Overview and Scrutiny, Chairs of Regulatory Committees, Opposition Group Leader)

The current Job Descriptions setting out the role and duties of Members is attached.

1. When proposing any revision to the scheme of members allowances the Panel should consider how (and to what extent) the current scheme for the payment of Members Allowances requires revision to reflect any changed roles and responsibilities of any new political management structure introduced.
2. In addition, the panel should take into account the following:
 - o the scheme should be easy to understand and administer
 - o the proposed scheme should recognise the difficult financial pressures on local authorities (although not with a view of constraining the panel to a particular overall budget).

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APPENDIX D

DUTIES OF THE LEADER OF THE COUNCIL

Remit:

- To provide clear political leadership for the Council, relating to all Members, citizens, staff and stakeholders.
- To act as the Council spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.
- To lead the development of local and regional policies which fulfil the Council's corporate policy objectives as stated in the Best Value Performance Plan.
- To lead on the Council's effective decision-making processes and supporting administration.
- To lead the budget making processes of the Council, closely linked to performance management.
- To lead the Council's public participation activities, encouraging local people to take part in the Authority's decision making processes.
- To lead on all regional affairs.
- To Chair all Executive meetings.
- To represent the City at local, regional and national levels, acting as ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide quality services to residents.

DUTIES OF THE DEPUTY LEADER OF THE COUNCIL

Remit:

- Deputising for the Leader of the Council in his/her absence.
- Chairing Executive meetings in the absence of the Leader of the Council.
- Acting as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- Holding and leading on any Portfolio which the Council may allocate.

DUTIES OF EXECUTIVE COUNCILLORS

Remit:

All Executive Members have collective responsibility to:

- Ensure that the Council meets its agreed corporate objectives, as set out in the Best Value Performance Plan.
- Ensure that the Council continues to improve performance in all services, consistent with Best Value principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews, together with all Best Value Review Action Plans.

- Facilitate and encourage public participation in the Council's activities by effectively engaging local residents, businesses and other key stakeholders in the Authority's decision-making processes. This includes overseeing the publication of consultation papers on key issues and appropriate public consultation.
- Consider budget priorities within the overall policy and budgetary framework agreed by the Council.
- Consider action on the delivery of Council services and the discharge of the Council's functions within the overall policy and budgetary framework agreed by the Council. This includes the formation of partnerships and contacts with outside bodies to secure joined up service delivery.
- Consult with Scrutiny Committees on matters relating to the development and formulation of policy.
- Consult with Area Committees and local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.
- Ensure that good industrial relations are supported and promoted, through appropriate and effective consultation with trades union representatives.
- Oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.
- Recommend research, study or the collection of information relating to policy issues or service delivery.

DUTIES AND RESPONSIBILITIES OF INDIVIDUAL PORTFOLIO HOLDERS

PRINCIPAL DUTIES

1. To provide pro-active political leadership for the designated function/service of the Council set out in the allocated Portfolio.
2. To initiate and promote policies and programmes in respect of the allocated Portfolio both within the Council and externally.
3. To present and consult on the Council's policies in respect of the allocated Portfolio with the public, both directly and through appropriate media.
4. To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.
5. To make recommendations about the implementation of policies within the allocated Portfolio.
6. To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.
7. To consult with and report as required to the Executive Committee and the Scrutiny Committee in respect of the Portfolio.
8. To commission and consider reports/briefs from appropriate officers as required for the efficient discharge of the Portfolio Holder's duties/responsibilities.

9. To keep abreast of national best practice/new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision.
10. To consider and act on performance data and reports from the Executive Committee and the Scrutiny Committee.
11. To contribute to the corporate development of the Council's policies and objectives through active engagement of the Executive Committee.
12. To work closely with the relevant senior officers of the Council to help ensure the efficient management of the authority and to uphold high standards of performance and conduct and in enabling Officers to exercise any powers delegated to them.
13. To attend meetings of the Scrutiny Committee as and when required.

DUTIES OF SCRUTINY COMMITTEE MEMBERS

Remit:

All Members of Scrutiny Committees will have collective responsibility to:

- Scrutinise Executive decisions, to assess how these contribute to effective service delivery and help to achieve the Council's Best Value Performance Plan and whether they are in accordance with the agreed budgetary and policy framework.
- Review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.
- Monitor how the Council is meeting its agreed corporate objectives, as set out in the Best Value Performance Plan.
- Facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses outside agencies and other key stakeholders, in the Authority's decision making processes and recommend policy initiatives and changes.
- Check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.
- Undertake Best Value reviews of the Council's services and make recommendations which positively contribute to improving service delivery.
- Work to a specific workplan, as agreed by Full Council, for each municipal year.

Report all findings of the Committee and recommendations for action to both the Executive and full Council on a regular basis.

DUTIES OF CHAIRS OF COMMITTEES, PANELS AND WORKING GROUPS

Remit:

- To enable the smooth and orderly conduct of business within the Standing Order and Terms of Reference of the Council.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or working Group to the full Council and to present, where appropriate, recommendations to the Council.
- To ensure that there is proper consideration of any item.
- To ensure, where appropriate, that the views of co-opted Members (if any) are brought to the attention of Council.
- To liaise with Officers in formulating Agendas and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangement.
- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.

DUTIES OF NON-EXECUTIVE COUNCILLORS

MAIN PURPOSE

- To represent their electors and the people of Carlisle by acting as effective advocates, campaigners and representatives.

- To promote the economic, social and environmental well-being of their electorate and the City as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.

KEY DUTIES ON THE CITY COUNCIL

- To attend full Council and its committees as necessary and contribute effectively.
- To undertake other official duties or act as representatives of the City Council on outside bodies to which they have been appointed.
- To decide in setting priorities and participate in agreeing and setting a budget and the Council's policy framework.
- To take decisions in respect of those matters reserved to the full Council or in respect of executive functions which are not in accordance with the policy and budgetary framework.
- To monitor performance against targets in all areas of the Council's direct and indirect activity.
- To ensure that best value services are provided to local people.
- To ensure that the Council acts in co-operation and collaboration with other agencies to the benefit of people.
- To promote and represent the City Council in the local community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the City.
- To Chair Committees, Panels, Working Groups and other meetings as required.
- To ensure they are sufficiently informed as to scrutinise the executive and to question and hold the executive to account.

KEY DUTIES WITHIN THE COMMUNITY

- To promote the economic, social and environmental well-being of the community, having regard to the effects on other communities and the City as a whole.
- To find ways of effectively and regularly communicating with their constituents.
- To be a leader and advocate for their local community, find ways by which constituents can raise issues of importance, or personal concern and to take the appropriate action.
- To explore new ways, between elections, of being accountable to the constituents.
- To work in partnership with their communities.
- To work in partnership with other agencies.
- To actively campaign for measures that will secure strong safer communities.
- To act as the pivot by which various funding streams can be brought together for the benefit of the community.

- To campaign or make representations on behalf of communities of interest.
- To liaise with other levels of government, agencies or bodies which influence the well-being of their constituency.

AB/CH/FS1-03

APPENDIX E

VACANCY NOTIFICATION

CARLISLE CITY COUNCIL

INDEPENDENT REMUNERATION PANEL

The City Council has established an Independent Remuneration Panel to advise it on the level of remuneration to be paid to Councillors, in accordance with The Local Authorities (Members Allowances) (England) Regulations 2001. The Panel consists of 4 Independent Members plus 1 Advisor.

The Council now wishes to appoint 1 Independent Member to serve on the Panel to replace an existing Panel Member, whose term of office is ending in April 2003.

Applications are therefore invited from persons to serve as an Independent Member of the Independent Remuneration Panel. Whilst no particular qualifications are required, current serving local authority Officers and Members (whether on County or District Councils) will not be appointed, nor will any person currently actively engaged in politics.

No salary is payable, but the Council will pay a flat rate of £50 per formal Panel meeting attended to cover all expenses. Meetings will normally be held in the civic Centre, Carlisle and it is not anticipated that more than 4 meetings a year will be required.

All applications will be considered by the existing Independent Remuneration Panel, who will then make a recommendation to the full Council who will approve the appointment.

There is no prescribed form of application. Expressions of interest preferably indicating what applicants feel they will be able to contribute to the work of the Independent Remuneration Panel should be addressed to A Brown, Head of Finance, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG, to be received no later than 31 March 2003, together with the name and address of two persons who can be contacted for a reference.

Further details on the Terms of Reference of the Panel and the main provisions of the scheme are available from the above named officer.

A Brown Civic Centre

Head of Finance Carlisle

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