

Council



Listening Learning Leading

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Date: 10 May 2017

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Summons to attend the annual meeting of Council

to be held on

THURSDAY 18 MAY 2017 AT 6.00 PM

at

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD**

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MARGARET REED
Head of Legal and Democratic Services

Note: Please remember to sign the attendance register.

Agenda

Map

A map showing the location of Howbery Park is attached, as is a plan showing the location of the Fountain Conference Centre on the Howbery Park site.

1 Election of chairman

To elect a chairman of Council for the municipal year 2017/18.

2 Appointment of vice-chairman

To appoint a vice-chairman of Council for the municipal year 2017/18.

3 Apologies for absence

To record apologies for absence.

4 Minutes (Pages 6 - 9)

To adopt and sign as a correct record the Council minutes of the meeting held on 20 April 2017 (**attached**).

5 Declarations of disclosable pecuniary interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

6 Urgent business and chairman's announcements

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

7 Public participation

To receive any questions or statements from members of the public that have registered to speak on items on the agenda.

8 Appointments to committees, panels and joint committees for 2017/18 (Pages 10 - 15)

To consider the report of the head of legal and democratic services on the appointment to those committees required to be politically balanced together with the Community Grants Panel, Licensing Acts Committee and joint committees and to authorise any consequential changes to the constitution (**attached**).

9 Councillors' allowances scheme (Pages 16 - 32)

To consider the report of the head of legal and democratic services and the recommendations of the Joint Independent Remuneration Panel on a revised councillors' allowances scheme to run from 1 April 2017 (**attached**).

10 Review of the council's constitution (Pages 33 - 35)

To consider the report of the head of legal and democratic services and monitoring officer on proposed amendments to the council's constitution (**attached**).

11 Extension of term of office of independent persons for code of conduct matters (Pages 36 - 37)

To consider the report of the head of legal and democratic services and monitoring officer on an extension to the term of office of one of the council's independent persons (**attached**).

12 Report of the leader of the council

To receive any updates from the leader of the council.

MARGARET REED

Head of Legal and Democratic Services



Birmingham airport


B4009 Watlington
M40 J6

A4074 Oxford


A4130 Didcot




Sat Nav: OX10 8BA

Brightwell

A4130

WANTAGE ROAD

A4130

CASTLE STREET

Wallingford

HITHERCROFT RD

Centre for Ecology
& Hydrology
South Oxfordshire
District Council

BENSON LANE

THE STREET

Crowmarsh
Gifford

River Thames


READING ROAD

A4130

A329

WALLINGFORD ROAD

A4074 Reading

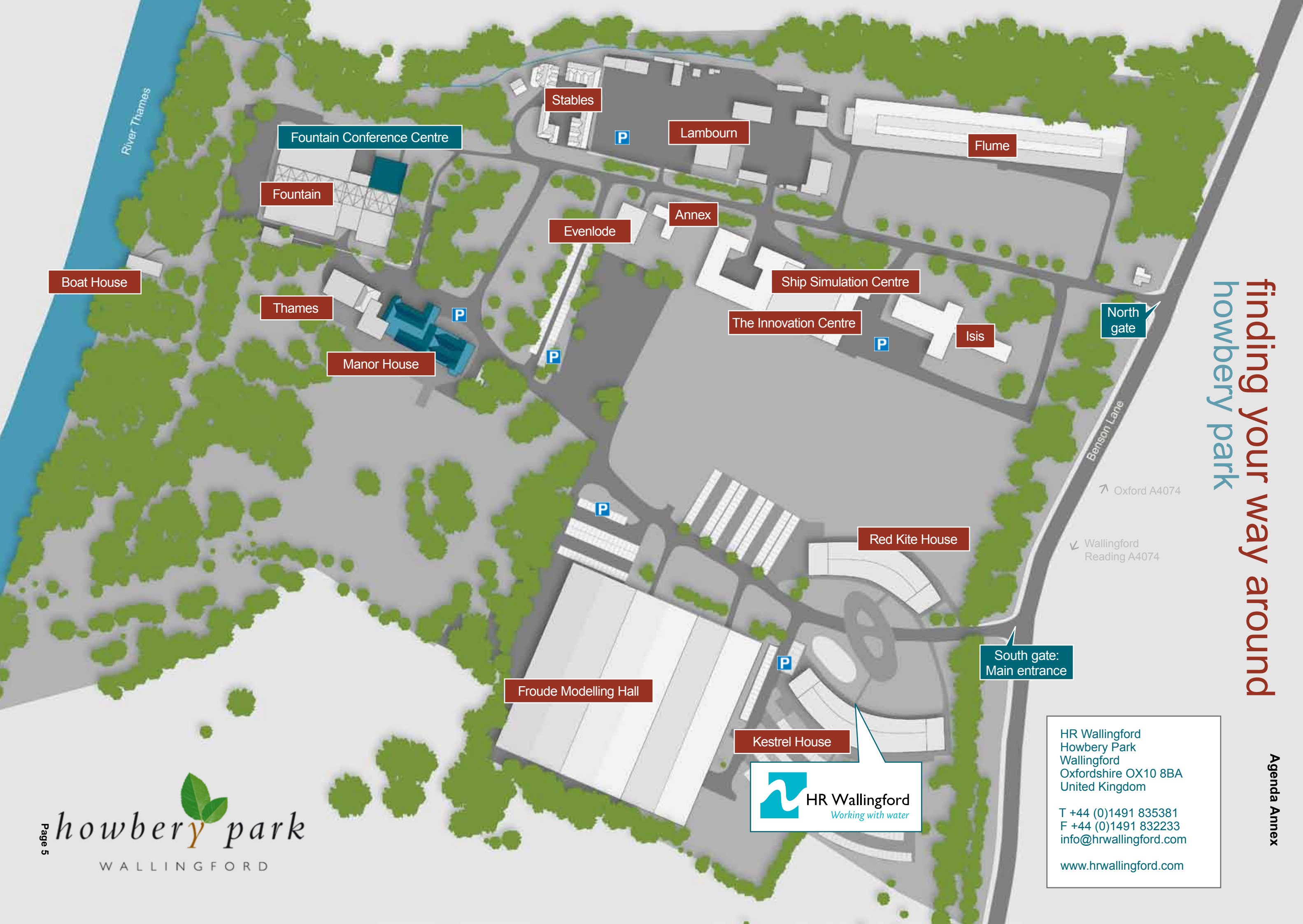

A4130 Henley
M40 J4 

London Heathrow


Agenda Annex

finding your way around howbery park

Agenda Annex



Minutes

OF A MEETING OF

Council



Listening Learning Leading

HELD AT 6.00 PM ON THURSDAY 20 APRIL 2017

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD**

Present

Paul Harrison (Chairman), Anna Badcock, Charles Bailey, Joan Bland, Felix Bloomfield, Kevin Bulmer, Nigel Champken-Woods, John Cotton, Margaret Davies, Anthony Dearlove, David Dodds, Stefan Gawrysiak, Elizabeth Gillespie, Tony Harbour, Lorraine Hillier, Elaine Hornsby, Sue Lawson, Lynn Lloyd, Imran Lokhon, Jeannette Matelot, Jane Murphy, Toby Newman, David Nimmo-Smith, Richard Pullen, Robert Simister, Alan Thompson, David Turner, John Walsh and Ian White

Apologies:

Apologies for absence were submitted on behalf of Margaret Turner, Will Hall, Stephen Harrod and Bill Service

Officers Steven Corrigan and Mark Stone

David Hill, Chief Executive, and Margaret Reed, Head of Legal and Democratic Services, had submitted apologies for absence.

68 Minutes

RESOLVED: to approve the minutes of the meetings held on 16 February and 10 March 2017 as correct records and agree that the Chairman sign them as such.

69 Declarations of disclosable pecuniary interest

None.

70 Urgent business and chairman's announcements

The Chairman provided housekeeping information.

71 Public participation

There was no public participation for this meeting.

72 Petitions

None.

73 Report of the leader of the council

The leader of the council reported that, in accordance with the Council decision taken at its meeting on 10 March, the unitary bid 'A New Council for a Better Oxfordshire' had been submitted to the Secretary of State. In light of the recent announcement to hold a General Election on 8 June a decision on the bid would be delayed until the summer.

74 Questions on notice

No questions had been submitted from councillors in accordance with Council procedure rule 33.

75 Motions on notice

No motions had been submitted from councillors in accordance with Council procedure rule 38.

76 Exclusion of the public

RESOLVED:

To exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

77 Appointment of political assistants

Council considered the report of the chief executive, in his capacity as head of paid service, on the appointment of political assistants.

Council was reminded that in 2016, as part of the budget setting process, it had made provision for a political assistant for the Conservative Group. An appointment was subsequently made to the post in September 2016 without a specific report explaining the principles and consequences.

The report set out that under section 9 of the Local Government and Housing Act 1989, a local authority may appoint up to three assistants for political groups, subject to specific conditions including their remuneration. Where the number of groups entitled to a political assistant exceeds the legislative provisions Council must determine to which group(s) the political assistant should be allocated. The key features of this statutory provision are as follows:

- the appointment is described as being “for the purpose of providing assistance, in the discharge of any of their functions as members of a relevant authority, to the members of any political group to which members of the authority belong”;
- a council may have a maximum of three such posts at any given time, but appointments can only be made if posts are allocated to all of the groups who qualify (for South Oxfordshire two posts could be created at this time);
- the posts are fixed term and run until the Annual Meeting following an election (i.e. approximately four years).

A council cannot make an appointment to a post allocated to any political group unless it has also allocated a post to all of the political groups entitled to a post. A political group does not have to take up the offer. The appointment of a political assistant is dependent on Council passing a resolution in support of the principle of appointing political assistants.

The report advised that the council did not follow the correct administrative processes in appointing a political assistant for the Conservative Group in 2016. To address this Council was invited to reconsider the issue in accordance with the above process with a recommendation to authorise the appointment of political assistants which in turn would regularise the appointment of the current Conservative Group political assistant. Attached to the report was a draft of the proposed job description for the post.

In response to questions officers provided the following responses:

- Whilst the council had not followed the correct administrative processes it had not recruited or employed an officer illegally. Budget provision had been provided, a recruitment process followed and the postholder provided with full employment rights. External legal advice supported this view.
- Internal audit were aware of the issue and had been involved with the legal advice. The matter would be brought to the attention of the external auditor.
- A political assistant is a local government officer, employed exclusively to support a local political group in its day-to-day council duties. Political Assistants are ‘politically restricted’ in accordance with the Local Government and Housing Act 1989, meaning they are not allowed to voice their political opinion in public, nor publicly canvass for a particular political party, although they are allowed to convey their political opinion and advice to the group they support.
- As officers employed by the council, political assistants, could attend conferences which supported their role.

A number of councillors expressed the view that public funds should not be used to fund political assistant posts. The funds could have been used in other areas for example to employ Police Community Support Officers. However, the majority of councillors supported the recommendation. It was unfortunate that the original decision was not taken in accordance with legislative provisions. However, in agreeing the recommendations Council would regularise both the decision taken in February 2016 to employ a political assistant and the status of the current postholder.

RESOLVED: to:

1. authorise the appointment of political assistants to support the political groups within the council;
2. allocate a post each to the Conservative and Opposition Forum Groups;
3. authorise the head of legal and democratic services to amend the council's constitution as set out in paragraph 8 of the chief executive's report to Council on 20 April 2017.

The meeting closed at 6.30pm

Chairman

Council report

Report of Head of Legal and Democratic Services

Author: Susan Harbour

Tel: 01235 422525

E-mail: susan.harbour@southandvale.gov.uk

To: COUNCIL

DATE: 18 May 2017

Appointments to committees, panels and joint committees 2017/18

Recommendations

That Council:

1. appoints the committees and panels for the 2017/18 year, allocates seats to each political group and appoints councillors and substitutes to sit on them in accordance with paragraphs 8-13 of this report and as set out in the schedule circulated at the meeting;
2. appoints chairmen and vice-chairmen as set out in the schedule circulated at the meeting;
3. appoints councillors and substitutes to the Community Grants Panel, in accordance with paragraphs 14-15 of this report and as set out in the schedule circulated at the meeting.;
4. appoints councillors to the Licensing Acts Committee in accordance with paragraphs 16-18 of this report and as set out in the schedule circulated at the meeting;
5. appoints a representative and a substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
6. appoints a representative and an observer substitute on the Thames Valley Police and Crime Panel;
7. authorises the head of legal and democratic services to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader;
8. authorises the head of legal and democratic services to amend the constitution as necessary to reflect the arrangements set out in this report.

Purpose of report

1. This report invites Council to agree appointments to those committees required to be politically balanced together with the Community Grants Panel and the Licensing Acts Committee. It also invites Council to make appointments to joint bodies.

Background

2. The Council is required by the Local Government and Housing Act 1989 to appoint committees, review the political balance and to appoint councillors to the committees annually.
3. In summary the Council has a duty to ensure the following principles are adhered to:
 - (i) not all seats are allocated to the same political group
 - (ii) a majority group should get the majority of seats on each committee
 - (iii) the seats allocated to groups on a committee reflect the membership of the Council as a whole
 - (iv) the allocation of the total number of seats on all committees reflects the membership as a whole.
4. Ordinary committees are those that have decision-making powers but excluding the Licensing Acts Committee.

Strategic Objectives

5. This report supports the council's corporate plan in that it ensures the council manages its business effectively. It is also in line with the council's requirement to review the political complexion of committees and other bodies, having regard to the Local Government and Housing Act 1989.

Political balance

6. The number of seats held by the various political groups is currently as follows:

Conservative	32	(88.88%)
Opposition Forum Group	2	(5.55%)
Non-group councillor	1	(2.78%)
Vacancy	1	(2.78%)

7. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members. Paul Harrison is not a member of any political group and is, therefore, designated as a non-group councillor.

Composition of committees

8. The ordinary committees and panels that are required to be politically balanced both individually, and overall, are set out below.

Committee	Members	Comments
South Scrutiny Committee	9	
Joint Scrutiny Committee	5	10 in total with Vale of White Horse District Council
Joint Audit and Governance Committee	4	8 in total with Vale of White Horse District Council
Planning Committee	11	
General Licensing Committee	12	
Community Governance and Electoral Issues Committee	6	
Appeals Panel (NNDR and Housing)	5	
Joint Staff Committee	3	6 in total with Vale of White Horse District Council
Corporate Services Joint Scrutiny Committee	2	10 in total with Hart, Mendip and Vale of White Horse district councils and Havant Borough Council
Totals	57	

- The membership of the General Licensing Committee and the Licensing Acts Committee are the same, although they are two separate entities. This allows for a sufficiently large, well trained pool of councillors from which to draw the Taxi Licensing and Licensing Panels, and avoids confusion as to which members are on which committee. These committees may appoint the same, or different chairmen and vice chairmen.
 - The co-chairs of the Joint Scrutiny committee should be the same as the chairs of the district Scrutiny committees to eliminate potential conflict around the call in arrangements and work programmes.
9. The terms of reference of the council's committees and panels are set out in the constitution.
10. The political balance calculation and the entitlements to seats on committees are set out in the tables below. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. Some adjustments must be made to ensure that the overall percentage of seats is correctly apportioned.

Group	Group members	Total of council	Total number of committee seats
Conservative	32	88.88%	51
Opposition Forum Group	2	5.55%	3
Non group councillor	1	2.78%	0*
Vacancy	1	2.78%	0
TOTAL	368	99.99%	54 (+3)**

*no automatic right to a seat

Committee	Total number of seats	Conservative	Opposition Forum Group
Scrutiny	9	8	0
Planning	11	10	1
General Licensing Committee	12	11	1
Appeals Panel	5	4	0
Joint Scrutiny	5	4	0
Joint Audit and Governance	4	4	0
Community Governance and Electoral Issues Committee	6	5	0
Joint Staff Committee	3	3	0
Corporate Services Joint Scrutiny Committee	2	2	0
Total	57	51	2 (+1)**

** Four seats remain vacant – one each on the Appeals Panel, the Scrutiny Committee, the Joint Scrutiny Committee and the Community Governance and Electoral Issues Committee. To obtain balance across the committees and overall, the Opposition Forum Group must gain a seat. Council needs to allocate these seats.

11. If the Council wishes to allocate any seats not in accordance with the political balance requirements it can only do so if no councillor votes against the proposal.

12. At the special meeting held on 10 March 2017 Council supported the establishment of a joint committee to develop detailed proposals for the role, powers, format, scale and responsibilities of the Area Executive Boards proposed as part of the unitary council proposal. Council authorised the head of legal and democratic services, in consultation with the leader and the chief executive, to agree the terms of reference of the joint committee and to make this council's appointments to the joint committee. These decisions will be implemented if the Secretary of State supports the proposal for a new unitary council for Oxfordshire.

Substitutes

13. Each political group is entitled to the same number of preferred substitutes as the number of ordinary seats it holds on a committee or panel, and up to a maximum of three preferred substitutes where it has fewer than three members on a committee or panel. All substitutes for regulatory committees must have met the relevant training requirement, regardless of whether they are preferred or other substitutes.

Community Grants Panel

14. There are a maximum of nine seats (balanced politically) on the Community Grants Panel. This panel is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this panel to be politically balanced alone, 8 seats are allocated to the Conservatives and 1 seat to be allocated by Council.
15. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Licensing Acts Committees

16. The Licensing Acts Committee is a statutory committee and is not required to be included in the calculation of political balance. The whole committee meets rarely to deal with licensing and gambling policy matters but a membership of 12 provides a pool of councillors from which panels of three can be drawn to deal with hearings relating to premises licence applications and reviews, and gambling matters.
17. Council has previously agreed to appoint a committee in accordance with the political balance of the Council. The membership will mirror the membership of the General Licensing Committee and will, therefore, be politically balanced but will not in itself contribute to the total political balance of the council's committees.
18. As a statutory committee with a specified membership substitutes may not be appointed.

Eligibility to Sit on Committees and Panels.

- Any member of the council may be appointed to any committee with the following exceptions and caveats:
- No member of Cabinet may sit on any Scrutiny Committee;
- No member of Cabinet may sit on the Joint Audit and Governance Committee;
- No member of Cabinet may sit on the Planning Committee;

- No member of Cabinet may sit on the Community Grants Panel;
- The Chairman or Vice Chairman of Council may not be the Chairman or Vice Chairman of any committee or panel;
- No Cabinet member may be the Chairman or Vice Chairman of any committee or panel;
- Most panels meet during the daytime, and only members who have some daytime availability should be selected for these panels. This includes General Licensing Committee and Licensing Acts Committee, which do most of their work through daytime panels.

Appointments

19. Officers have invited group leaders to submit the names of councillors they wish to sit on each of the above bodies. A table of nominations will be circulated at the meeting.

Joint Health Overview and Scrutiny Committee

20. Council is invited to appoint a representative and a named substitute to the Oxfordshire Joint Health Overview and Scrutiny Committee.

Thames Valley Police and Crime Panel

21. Council is invited to appoint a representative to the Thames Valley Police and Crime Panel. The constitution of the panel does not provide for formally appointed substitutes but Council may appoint one in an observer capacity.

Financial implications

22. There are no direct financial implications.

Legal implications

23. These are set out in the body of the report.

Conclusion

24. In deciding the committees and panels it wishes to establish for the 2017/18 year, Council is required to allocate seats to political groups in the same proportion as they hold on the council as a whole. Against that background, Council is invited to establish the committees and panels set out in the table in paragraph 8 of this report and to appoint councillors to them. Council is also invited to appoint councillors to the Community Grants Panel and the Licensing Acts Committee and to appoint representatives to the Oxfordshire Joint Health Overview and Scrutiny Committee and the Thames Valley Police and Crime Panel. If all committee and panel seats and substitute places are not filled at the meeting, Council is invited to delegate authority to the head of legal and democratic services to make appointments in accordance with the wishes of the relevant group leader. Council is also invited to delegate authority to the head of legal and democratic services to amend the constitution as necessary.

Background Papers: None

Report of Head of Legal and Democratic Services

Author: Nicola Meurer

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E-mail: nicola.meurer@southandvale.gov.uk

To: COUNCIL

DATE: 18 May 2017

Councillors' allowances scheme

Recommendations

That Council:

1. considers the recommendations of the Joint Independent Remuneration Panel;
2. authorises the head of legal and democratic services to finalise a councillors' allowances scheme based on the decision in 1 and to make any consequential amendments to the constitution;
3. agrees that the revised scheme should apply from 1 April 2017 but that any reductions will take effect from 19 May 2017;
4. thanks the members of the Independent Remuneration Panel for their work in reviewing the councillors' allowance scheme.

Purpose of Report

1. To consider the report and the recommendations of the Joint Independent Remuneration Panel (the panel) on a revised councillors' allowances scheme and to agree a scheme of allowances to run from 1 April 2017.

Background

2. The Local Government Act 2000 and Local Government (Members Allowances) (England) Regulations 2003 require the council to appoint an independent remuneration panel to review its councillors' allowances scheme and make recommendations on the level of allowances to be paid. Council is responsible for setting the scheme of allowances having regard to the panel's recommendations.

3. At its meeting in May 2016 Council agreed to establish a joint independent remuneration panel with Vale of White Horse District Council to carry out reviews of the councillors' allowances schemes at both councils.
4. At that meeting Council authorised the head of legal and democratic services to make appointments to the panel. Four members were appointed as panel members including Mark Palmer, Development Director, South East Employers who acted as chairman and provided a training programme for panel members. Officers from democratic services provided administrative support.

Panel report

5. The recommendations of the panel, which met three times during January 2017, are set out in the attached report at appendix 1. The report details the reasons and rationale for the recommendations made by the panel. The recommended allowances are summarised below:

	CURRENT ALLOWANCES £	2017/2018 RECOMMENDATIONS £	RATIONALE & METHODOLOGY
Basic Allowance	4,644	4,633	
Leader of The Council	18,423	18,532	4 x Basic Allowance
Deputy Leader	-	12,973	70% of Leader
Cabinet Members	8,597	9,266	50% of Leader
Chairman of Council	4,913	4,633	25% of Leader
Vice Chairman of Council	1,228	1,390	30% of Chairman of Council
Chairman of Scrutiny Committee	2,070	2,780	15% of Leader
Vice Chairman of Scrutiny Committee	No allowance	No allowance	
Chairman of Planning Committee	4,913	5,560	30% of Leader
Vice Chairman of Planning Committee	No allowance	2,780	50% of Chairman of Planning Committee
Chairman of Audit and Governance Committee	1,228	1,390	7.5% of Leader
Leader of Main Opposition Group	1,228	1,853¹	10% of Leader
Chairman of General Licensing Committee	2,071	1,853	10% of Leader

¹ ** Allowance payable subject to the Political Group having at least 15% of the total Council Members (South Oxfordshire District Council 5 group members)

Chairman of Licensing Acts Committee	518	Allowance withdrawn	
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6. Council is required to approve a councillors' allowance scheme to comply with The Local Authorities (Members' Allowances) (England) Regulations 2003. The options are:-
- (i) to accept the recommendations of the Independent Remuneration Panel
 - (ii) to reject all or some of the recommendations of the Independent Remuneration Panel and agree alternative allowances if in any cases it does not consider them appropriate.
7. If Council agrees to implement a scheme from 1 April 2017 any increase in allowances will be backdated but it is recommended that any reductions should take effect from 19 May 2017.

Financial Implications

8. The 2017/18 budget includes £166,232 provision for councillors' basic allowances and £96,584 for special responsibility allowances. If all the recommendations within the report, totalling £276,128, are implemented this will result in an additional cost of £13,312. For the 2017/18 financial year the increased costs will be met from underspends and/or contingency. Officers will submit an essential growth bid to cover the increased costs during the 2018/19 budget setting process.

Legal Implications

9. Under the Local Government (Members Allowances) (England) Regulations 2003, local authorities are required to have Independent Remuneration Panels for the purpose of reviewing their schemes of councillors' allowances. Council is required to have regard to the recommendations of the panel when making or revising a scheme of allowances. However it does not have to accept the recommendations if it does not consider them appropriate.

Conclusion

10. The Independent Remuneration Panel has undertaken a review of the councillors' allowances scheme. Council is requested to consider the recommendations set out in the report and agree a scheme of allowances to run from 1 April 2017 with any reductions taking effect from 19 May 2017.



**A Review of Members' Allowances for
Vale of White Horse and South Oxfordshire District
Councils**

Report of the Independent Remuneration Panel

18th, 25th & 26th January 2017

**2 CROWN WALK, JEWRY STREET,
WINCHESTER
HANTS,
SO23 8BB**

1. Introduction

The Independent Remuneration Panel was convened to undertake a full review of Members' Allowances. The review was undertaken and the Panel convened in accordance with The Local Authorities (Members Allowances) (England) Regulations (SI 1021) (2003 Regulations).

The Panel met on 18th, 25th and 26th January 2017 and membership of the panel was:-

David Whittingham – Chief Executive, Oxford Brookes University and local resident
Ian Snowden- local resident
Keith Brooks- local resident
Mark Palmer, Development Director, South East Employers (Panel Chairman)

A questionnaire was sent out by Survey Monkey to all Members of both Councils prior to the review and the Panel interviewed 21 District Council Members and 1 Officer. Fourteen of the 36 South Oxfordshire District Council Members completed the questionnaire, a 39% response rate. Fourteen of the 38 Vale of White Horse District Council Members completed the questionnaire, a 37% response rate. A comprehensive analysis of the two questionnaires are attached as **Appendix 1 and 2**.

The Panel would like to thank the Members who completed the questionnaire as well as the Members and the Officers we interviewed during the process. We have taken account of the views expressed to us by those Members and would like to thank them for their assistance in this review.

Additionally the Panel was assisted and supported throughout by Steven Corrigan (Democratic Services Manager) and Nicola Meurer (Democratic Services Officer). We would also like to thank these officers for their help and support.

Other information at our disposal included the current Scheme of Members' Allowances in both Councils and key member role profiles.

We also had the benefit of the Members' Allowance Survey for District and Borough Councils in the South East published by South East Employers in September 2016. The Survey has been used to support benchmarking and for this purpose we have used the Oxford district and city Councils as the benchmark group

Comprehensive details of the allowances in these Councils are attached as **Appendix 3**.

2. Terms of Reference

The Panel terms of reference were as agreed by both Councils **“To carry out reviews of the councillor’ allowances schemes at both councils and make recommendations on any changes to the schemes to the relevant Council”**.

This included a full review, to make recommendations as to the level of the Basic Allowance and of Special Responsibility Allowances for the year 2017/2018 and beyond for a maximum 4 year period. The review also included the Dependents’ Carers’ Allowance and the scheme for travelling and subsistence.

3. The Deliberations of the Panel

A key role of the Panel is to recommend a scheme of allowances which recognises both Members’ responsibilities and workloads. However, the Panel was mindful of the Council’s continued financial constraints when making its recommendations.

To develop a structured approach in determining allowances the Panel has used transparent formula and methodology for calculating the Basic Allowance and the Special Responsibility Allowances.

4. Basic Allowance

The present level of Basic Allowance at both Councils is £4,644. South Oxfordshire District Council Basic Allowance was brought to the same level as that of the Vale of White Horse District Council in May 2015.

The Panel when reviewing previous reports and recommendations could find no structured and coherent formula for calculating the Basic Allowance and was of the view that a structured formula for calculating the Basic Allowance will provide a foundation to allow a future Panel to better determine the allowance and also provide a transparent formula for how the Basic Allowance was arrived at.

In determining a formula, the Panel chose median hourly earnings for the South East of England area as a place of residence. This information is published by the Office for National Statistics each December as part of its National Statistics of Hours and Earnings (NOMIS) and in December 2016 this was **£14.85 per hour**.

The results of the Members’ Allowances questionnaire and subsequent interviews conducted as part of the review identified that 10 hours per week for the Front Line Councillor role for both Councils was appropriate. The Panel therefore chose **10 hours** to support the calculation of the Basic Allowance.

The Panel also looked at the level of the Public Service Discount (PSD). The PSD is the element of a Member’s activity that should be given on a purely voluntary basis. The

questionnaire responses had varying differences ranging from 10% to 50%. The average across the South East region is 35-50%. The Panel was of the view that a level of **40%** should represent the level of recommended “Public Service Discount”. This was also the current level of PSD and the Panel heard no substantive views that warranted a change to this level

Based on these figures the level of Basic Allowance for Members of both Councils can be calculated as 10 hours x 52 weeks x £14.85 per hour - 40% Public Service Discount which gives an annual Basic Allowance of **£4,633**.

The questionnaire responses and subsequent interviews did not lead the Panel to support any significant increase in the level of Basic Allowance. The result of the questionnaire responses was that the majority of Members who responded in both Councils felt that the current level of Basic Allowance was appropriate. The benchmark comparative group of councils across Oxfordshire had very similar Basic Allowances and the current Basic Allowance was comparable with similar district and borough councils across the South East of England, £4,611.

Benchmark Councils- Basic Allowance (September 2016)

Council	Basic Allowances
Oxford City Council	£4,809
South Oxfordshire DC	£4,644
Vale of White Horse DC	£4,644
West Oxfordshire DC	£4,500
Cherwell DC	£4,152
Average	£4,536

RECOMMENDATION: The Basic Allowance for Members of Vale of White Horse and South Oxfordshire District Councils for the year 2017/2018 should be £4,633 subject to any future indexation.

5. Special Responsibility Allowances

This report for ease of reference sets out on page 11 the current allowances and **the level of allowances the IRP recommends for 2017/18. All the SRAs with the exception of the Leader of the Council and Vice Chairmen are calculated as a percentage of the Leaders Allowance.**

In determining which roles merit an SRA (Special Responsibility Allowance) the Panel was cognisant of the 2006 Statutory Guidance (May 2006, paragraphs 70 and 73) that states:

“SRAs may be paid to those members of the council who have significant additional responsibilities over and above the generally accepted duties of a councillor. These special responsibilities must be related to the discharge of the authority’s functions.”

When considering all the current roles that receive an SRA the Panel was of the view that all the roles with the exception of Vice Chairman of Scrutiny and Chairman of Licensing Acts Committee continue to involve a **“significant additional responsibility”** that will lead them to continue to attract an SRA.

Leader of the Council

In arriving at an indicative SRA for the Leaders allowance, the Panel has used a methodology that is specifically mentioned in the 2006 Statutory Guidance, namely the factor approach. This multiplies the Basic Allowance by an accepted factor to arrive at the recommended Leader’s SRA. Benchmarking shows that the average SRA for a South East Council Leader is just over three and a half times the Basic Allowance. The interviews and questionnaire responses demonstrated to the Panel that the Leaders’ across the two councils had a significant workload in accordance with the ‘strong leader model of governance’. The Panel are therefore proposing a factor of 4 times the Basic Allowance for the Leader of the Council. **4 x £4,633 = £18,532.**

RECOMMENDATION: The panel recommends that the SRA for the Leader of the Council should be a multiple of 4x the Basic Allowance, £18,532.

The following SRAs referred to are where the Panel are making recommendations that lead to a change to the amount payable to the existing allowances. The Panel also makes a recommendation to withdraw two allowances.

Deputy Leader

The strong leader model of governance (2007 Local Government Act) requires all Councils that adopt this model to have the role of Deputy Leader as a defined role as part of the councils’ cabinet/executive. However, in respect of member SRAs there is no requirement to differentiate between the SRA paid to a Deputy and the other Cabinet Portfolio Holders. Benchmarking shows that across district councils in the South East

there is only a marginal difference between the average SRA paid to Deputy Leaders and other Portfolio Holders.

The analysis of the questionnaires and interview response feedback did support the view that the role of Deputy Leader had greater responsibilities and a higher level of impact than other Cabinet Members. Currently only the Vale of White Horse DC pays an SRA for the role of Deputy Leader, this currently equates to around 73% of the current Leader's allowance.

Although the Panel recognised the value of the role of Deputy Leader it was of the view that the SRA should be no more than 70% of the Leader's allowance. Even at 70% this was still the highest as a percentage of the Leader's allowance across all South East district/borough councils. The closest figure was 67% in West Oxfordshire District Council with norm around 50-60%.

Based on 70% of the proposed Leaders allowance this will equate to an SRA of £12,973. This is the fifth highest SRA for a Deputy Leader across the South East:

Council	Deputy Leader SRA (£'s)	% of Leaders Allowance
Dartford BC	16,714	50
Basingstoke BC	15,117	66
Winchester CC	14,709	65
West Oxfordshire DC	13,500	67
South Oxfordshire District Council	12,973	70
Vale of White Horse DC	12,973	70

RECOMMENDATION: The Panel recommends that the SRA for Deputy Leader be at 70% of the proposed SRA for Leader, £12,973.

Cabinet Members

The Panel was of the view that like the role of Deputy Leader the Cabinet Member role had a high level of responsibility particularly with the approach to delegated decision making responsibility in both councils.

The importance of the role was reinforced during interviews and within the questionnaire responses. Across the vast majority of South East district and borough councils Portfolio Holders were receiving an SRA of between 40-60% of the leader's allowance. The highest being £12,000 in Wycombe DC and the lowest £2,808 in Eastbourne BC.

RECOMMENDATION: The Panel recommends that the SRA for Cabinet Members be at 50% of the proposed Leaders allowance, £9,266

Chairman and Vice Chairman of the Council

The Panel continues to recognise the importance of the role of Chairman and Vice Chairman of the Council particularly in promoting the role of the Councils and acting as an ambassador for the Councils.

RECOMMENDATION: The Panel recommends that the SRA for the Chairman of the Council be at 25% of the proposed Leader's allowance, £4,633. The Panel recommends that the SRA for Vice Chairman of the Council be at 30% of the Chairman's allowance, £1,390.

Chairman and Vice Chairman of Scrutiny

The current SRA for Chairman of Scrutiny reflects the fact that in both Councils the role of scrutiny is still working towards meeting its full potential. The Panel did hear that the Councils were committed to further developing the overview and scrutiny function during 2017/18. The current SRAs for Chairman of Scrutiny £2,071 (SODC) and £2,420 (VoWH)) are the lowest across the Oxfordshire district and City Councils and are also very low across comparable councils across the South East, in fact within the lower quartile of councils.

However, at this stage the Panel saw no current information both in respect of the interview responses and through the questionnaire analysis to justify a significant increase to the allowance.

In respect of the Vice Chairman, the Panel was of the view that this role was not properly defined or developed enough to justify an SRA.

RECOMMENDATION: The Panel recommends that the SRA for Chairman of Scrutiny be at 15% of the proposed Leader's Allowance, £2,780. The Panel recommends that the SRA for Vice Chairman of Scrutiny be withdrawn. The Panel would like to review the SRA for Chairman of Scrutiny in two years to determine if the overview and scrutiny function has developed within this period; and whether this will justify any increase to the allowance of both Chairman and Vice Chairman of Scrutiny.

Chairman and Vice Chairman of Planning

The interviews and questionnaire analysis supported the Panel view that the role of Chairman and Vice Chairman of Planning were both roles that had a high workload, around 21 meetings per annum and a significant external impact. The Panel was therefore of the view that the Chairman allowance should be increased.

RECOMMENDATION: The Panel recommends that the SRA for Chairman of Planning should be 30% of the proposed Leader's allowance, £5,560 and the SRA for Vice Chairman of Planning should be 50% of the Chairman's allowance, £2,780.

Chairman of Audit and Governance

The Panel was of the view that the Audit and Governance Committee continues to be an active committee with a degree of internal impact. The Panel recommends that the allowance be at 7.5% of the proposed Leader's Allowance.

RECOMMENDATION: The Panel recommends that the SRA for Chairman of Audit and Standards should be 7.5% of the proposed Leader's Allowance, £1,390.

Leader of Main Opposition Group

The role of opposition group leader is an important role to support local democracy and local democratic accountability. The opposition group leader also has to manage and develop the political group so that it can undertake the roles and responsibilities of a main opposition group.

The Panel was of the view that the Leader of the Main Opposition Group should receive a dedicated allowance based on a percentage of the Leader's allowance to be consistent with the calculation of all other SRAs below Leader.

The Panel was also of the view that the Main Opposition Group Leader did have significant responsibilities. However, the size of the group is important in terms of the workload and impact, the larger the group the more significant the role.

The Panel was therefore of the view that the SRA for Main Opposition Group Leader should only be awarded to a group that had **15%** of total Council Members. This will equate to 6 Group Members in Vale of White Horse District Council and 5 Members in South Oxfordshire District Council.

RECOMMENDATION: The Panel recommends that the SRA for Main Opposition Group Leader should be 10% of the proposed Leader's allowance, £1,853. The SRA will only be paid if the Group has at least 15% of total Council Members and will only be paid to the largest opposition group.

Chairman of General Licensing Committee and Chairman of Licensing Acts Committee

The Panel was of the view that the Chairman of General Licensing Committee still undertook a role of *significant responsibility* to justify an SRA. However; the Panel was informed that the number of meetings had reduced. The Panel also heard that the committee composition, members and Chairman for the Licensing Acts Committee was the same as the General Licensing Committee and this negated the need to have a separate SRA.

RECOMMENDATION: The Panel recommends that the SRA for Chairman of the General Licensing Committee be at 10% of the proposed Leaders Allowance, £1,853. The panel was of the view that the SRA for Chairman of the Licensing Acts Committee be withdrawn.

Currently Vale of White Horse District Council has 15 roles that are eligible to receive an SRA across 38 Members (39% of Members) and South Oxfordshire District Council has 16 roles that are eligible to receive an SRA across 36 Members (44% of Members).

Good practice referred to in the Members Allowances Regulations is that no more than 50% of roles should receive an SRA. Both Councils currently comply with the good practice referred to in the Members Allowances Regulations.

RECOMMENDATION: The SRAs for 2017/18 to be in accordance with those listed on page 11 of the report

6. Dependants' Carers' Allowance

Currently both Councils offer a Dependants' Carers' Allowance (DCA) at a rate linked to the Minimum Wage although take up has always been low. The Local Government Act 2000 explicitly clarifies the right of local authorities to pay a DCA, which members can claim to assist them with the costs of care for their dependants while undertaking approved Council duties.

The Panel was of the view that the Dependants' Carers' Allowance was important and should continue to be recommended. The Panel was also of the view that there were different types of care required ranging from basic care e.g. babysitting to very specialist care for adults and children. The actual cost of this care differed significantly therefore the Panel recommend that there should be two distinct classifications of supported care, basic and specialist care.

The allowances should only be paid for activities that fall within the schedule of Member Approved Duties and will include the travel time undertaken to be able discharge the approved duties and an additional fifteen minutes for handover.

RECOMMENDATION: In respect of basic care the Panel recommends that the Dependants' Carers' Allowance should be reimbursed to a maximum of £8.45 per hour upon production of receipts. This rate will be linked to the National Living Wage determined by the Living Wage Foundation and reviewed on an annual basis.

In respect of more specialist care this should be reimbursed at the actual cost upon production of receipts. In the case of reimbursement for specialist care, medical evidence that this type of care is required must also be provided.

7. Travel and Subsistence

The Council currently pays mileage allowances based on the HMRC rates.

RECOMMENDATION: The Panel recommends that the Council continue to adopt the HMRC rates for calculating reimbursement of Members mileage.

Any subsistence payments should be in accordance with those paid to Officers of the Council.

8. Index Linking

The index linking of the Basic Allowance is in most council's now linked to annual staff pay increases.

The Panel is of the view that any future index linking of the Basic Allowance and the Special Responsibility Allowances be at the rate of increase in staff salaries.

RECOMMENDATION: The Panel recommends that any index linkage agreed by the Council should be in line with staff salary increases for a maximum of four years from 2017/2018 to 2021/2022.

9. The One SRA Only Rule

The 2003 Members' Allowances Regulations do not limit the number of SRAs an individual Member can receive. Nevertheless, it is common and established good practice in most council's to have a '*One SRA Only Rule*' set out in their allowances scheme. The Panel was pleased to see that the Councillors' Allowances Scheme in both councils includes the '*One SRA Only Rule*'

10. Implementation of Recommendations

As permitted by the 2003 Members' Allowances Regulations (paragraph 10.6) it is recommended that the new Members' Allowances as set out in this report be implemented from April 2017

**Mark Palmer
Chairman of the Independent Remuneration Panel
February 2017**

	CURRENT ALLOWANCES £		2017/2018 RECOMMENDATIONS £	RATIONALE & METHODOLOGY
	Vale	South		
Basic Allowance	4,644 (38 councillors)	4,644 (36 councillors)	4,633	
Leader of The Council	18,151	18,423	18,532	4 x Basic Allowance
Deputy Leader	13,311	No allowance	12,973	70% of Leader
Cabinet Members	8,470	8,597	9,266	50% of Leader
Chairman of Council	4,840	4,913	4,633	25% of Leader
Vice Chairman of Council	1,210	1,228	1,390	30% of Chairman of Council
Chairman of Scrutiny Committee	2,420	2,071	2,780	15% of Leader
Vice Chairman of Scrutiny Committee	1,210	No allowance	Allowance withdrawn	
Chairman of Planning Committee	4,840	4,913	5,560	30% of Leader
Vice Chairman of Planning Committee	2,420	No allowance	2,780	50% of Chairman of Planning Committee
Chairman of Audit and Governance Committee	1,210	1,228	1,390	7.5% of Leader
Leader of Main Opposition Group	1,210	1,228	1,853 **	10% of Leader
Chairman of General Licensing Committee	No allowance	2,071	1,853	10% of Leader
Chairman of Licensing Acts Committee	No allowance	518	Allowance withdrawn	

**** Allowance payable subject to the Political Group having at least 15% of the total Council Members (Vale of White Horse District Council 6 group members, South Oxfordshire District Council 5 group members)**

Summary of Recommendations:-

- a) **The appropriate levels of Basic Allowance and Special Responsibility Allowances for 2017 / 2018 are as set out on page 9 of the report.**
- b) **The Dependants' Carers' Allowance should be re-prioritised as basic and specialist care**
- c) **The SRA for Leader of the Major Opposition Group will only be payable if the Group has at least 15% of the total Members of the Council.**
- d) **The SRA for Vice Chairman of Scrutiny be withdrawn**
- e) **The SRA for Chairman of the Licensing Acts Committee be withdrawn**
- f) **Index linking for the Allowances should be at the same rate as that applied to staff salaries for the year 2017 / 2018 for a maximum of four years.**

**MEMBERS AND OFFICERS OF VALE OF WHITE HORSE DISTRICT COUNCIL &
SOUTH OXFORDSHIRE DISTRICT COUNCIL INTERVIEWED BY THE INDEPENDENT
REMUNERATION PANEL 18TH, 25TH & 26TH JANUARY 2017 (IN ORDER OF
INTERVIEWS)**

David Hill	Chief Executive. Vale of White Horse and South Oxfordshire District Councils
Councillor John Cotton	Leader. South Oxfordshire District Council
Councillor Matthew Barber	Leader. Vale of White Horse District Council
Councillor Elizabeth Gillespie	Cabinet Member for Development, Building Control, Housing and Grants. South Oxfordshire District Council
Councillor Eric Batts	Cabinet Member for Legal and Democratic, Community Safety, HR, IT and Technical Services. Vale of White Horse District Council
Councillor Mike Badcock	Council Chairman. Vale of White Horse District Council
Councillor Reg Waite	Council Vice Chairman. Vale of White Horse District Council
Councillor Paul Harrison	Council Chairman. South Oxfordshire District Council
Councillor Richard Pullen	Chairman of Scrutiny Committee and Co-Chairman of Joint Scrutiny. South Oxfordshire District Council
Councillor Debby Hallett	Leader of Opposition. Chairman of Scrutiny Committee and Co-Chairman of Joint Scrutiny. Vale of white Horse District Council
Councillor Toby Newman	Vice Chairman. South Oxfordshire District Council
Councillor Jane Murphy	Deputy Leader. South Oxfordshire District Council

Councillor Roger Cox	Deputy Leader. Vale of White Horse District Council
Councillor Charlotte Dickson	Chairman of General Licensing and Licensing Accts Committees. Vale of White Horse District Council
Councillor David Dodds	Chairman of General Licensing and Licensing Acts Committee. South Oxfordshire District Council
Councillor Felix Bloomfield	Chairman of Planning Committee. South Oxfordshire District Council
Councillor Toby Newman	Vice Chairman of Planning Committee. South Oxfordshire District Council
Councillor Sandy Lovatt	Chairman of Planning Committee. Vale of White Horse District Council
Councillor Janet Shelley	Vice Chairman of Planning Committee. Vale of White Horse District Council.
Councillor Simon Howell (phone interview)	Co-Chairman of Joint Audit and Governance Committee
Councillor Monica Lovatt	Vale of White Horse District Council
Councillor Nigel Champken Woods	South Oxfordshire District Council
Councillor Bob Johnston	Vale of White Horse District Council

Report of Head of Legal and Democratic Services and Monitoring Officer

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To: COUNCIL

DATE: 18 May 2017

Review of the council's constitution

Recommendations

That Council:

1. agrees to include a three minute restriction on the length of each public question or statement at the Scrutiny, Joint Audit and Governance, General Licensing, Licensing Acts and Joint Staff Committee;
2. agrees that at special meetings questions and statements from members of the public must relate to the item due to be discussed;
3. to amend delegation 1.1 (c)(iii) and 1.6 to the head of planning as set out in paragraphs 8, 9 and 11 of this report;
4. to include the delegation to the relevant head of service in respect of ward councillor budgets in the council's constitution (paragraph 12 of this report);
5. authorises the head of legal and democratic services to update the constitution to reflect any changes in staff responsibilities;
6. authorises the head of legal and democratic services to make any minor or consequential amendments to the constitution for consistency and to reflect the councils' style guide.

Purpose of Report

1. To consider proposed amendments to the council's constitution.

Strategic Objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

Background

3. A full constitution review was undertaken and a revised constitution agreed by Council at its meeting in December 2016 in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. This report addresses matters of clarification and consistency and new issues that have arisen since then.

Public speaking

4. At its meeting in December 2016 Council agreed to include provision for members of the public to ask a question, make a statement or present a petition for a period of 15 minutes at Council, Cabinet and committee meetings (with regulatory committees having their own rules). Council agreed that each question or statement should be restricted to three minutes with no provision for a supplementary question. In drafting the revised constitution this provision was not included in the rules for Scrutiny, Joint Audit and Governance, General Licensing, Licensing Acts and Joint Staff Committee. Officers recommend that this oversight is addressed to provide consistency across the committees. Specific rules for Planning Committee and the committees dealing with grant applications will not be altered.

Public involvement at special committee meetings

5. Under the Council procedure rules there is no provision for members of the public to ask a question or make a statement at a special meeting which does not relate to the item due to be discussed at that meeting. Officers recommend that this provision is extended to all committees to protect the special status of a meeting called for a specific purpose.

Head of planning delegations

Delegation 1.1 (c) (iii)

6. At its meeting in August 2016 Council agreed a delegation (1.1(c)(iii)) refer 'large scale major' applications to the Planning Committee where the officer recommendation is for approval as set out below:
 - The application is recommended for approval and falls into the category of a 'large scale major' application (defined as 200 or more dwellings, or where the site is 2 hectares or more in size).
7. Whilst applications of 200 dwellings or more are relatively few in number, as a rural district the council receives a significantly higher number of applications that exceed the 2 hectare threshold. As a result an increasingly large number of relatively uncontroversial applications are being referred to the Planning Committee. The Joint Constitution Review Group considered examples of planning applications which were referred to committee where the relevant parish had no objection and there was no other reason to refer them to the committee.

8. The Joint Constitution Review Group agreed to support the removal of the reference to a site area threshold noting that any objection from the relevant parish council would result in the referral of the application to committee.
9. The Joint Constitution Review Group also noted that on strategic sites (such as Great Western Park) the council quite regularly receives reserved matters applications for several hundred dwellings that are uncontroversial. The Joint Constitution Review Group supported a proposal to caveat the referral of 200 unit schemes to where they involve an outline or full application (rather than reserved matters where the principle has been agreed) noting that any objection from the relevant parish council would result in the referral of the application to committee.
10. With rising major application caseloads these changes are considered essential to ensure manageable agendas.

Delegation 1.6

11. The wording of this delegation requires updating to reflect the latest legislation. It currently refers to the GPDO 1995 and should refer to 2015 and the wording should refer to notifications rather than applications.

Ward councillor budgets

12. At its meeting on 6 April Cabinet considered a report on a proposal to provide £5,000 for each district councillor to award grants to community projects that benefit their ward. Cabinet agreed to authorise the relevant head of service to award grants up to £5,000 in accordance with the decision of the ward councillor. Council is asked to agree the inclusion of this delegation in the council's constitution.

Financial Implications

25. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

Legal Implications

26. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

Conclusion

27. This report sets out proposals to amend the constitution. Officers and the The Joint Constitution Review Group recommend Council to approve the proposed changes for implementation from 22 May 2017.

Background Papers

None

Report of Head of Legal and Democratic Services and Monitoring Officer

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To: COUNCIL

DATE: 18 May 2017

Extension of term of office of independent person for code of conduct matters

Recommendation:

That Council authorises the Monitoring Officer to extend the term of office of George Green, one of the council's independent person for code of conduct matters, to 30 September 2019.

Purpose of Report

1. This report asks Council to authorise the Monitoring Officer to extend the term of office of George Green, one of the council's independent persons for code of conduct matters, to 30 September 2019.

Strategic Objectives

2. High standards of conduct underpin all the council's work and the achievement of all its strategic objectives.

Background

3. The Localism Act 2011 created a new category of independent person who the Monitoring Officer must consult at various stages of the process when dealing with allegations of misconduct by district or parish councillors.

4. At its meeting on 19 July 2012, Council appointed Mr George Green as one of the council's independent persons until 30 June 2017. At its meeting on 12 May 2016, Council appointed Mr Chris Smith as one of the council's independent persons until 30 September 2019.
5. These appointments were made following an advertisement, application and interview process and with a positive vote by a majority of councillors as required by the Localism Act. The Localism Act does not prescribe a time limit on the terms of office of independent persons and these are therefore within the discretion of the council.
6. It would be open to the council to carry out a fresh recruitment process at this time or to reappoint George Green for a further term to coincide with the term of office of Chris Smith. Since their appointment, both independent persons have attended training, carried out their roles diligently and gained experience from which the council can benefit for a further period. The Monitoring Officer therefore recommends an extension of the term of office of George Green until 30 September 2019 so that a joint recruitment exercise can be carried out at that time.
7. George Green has confirmed his agreement to the proposed extension of his term of office.

Financial Implications

8. The cost of implementing the code of conduct arrangements, training independent persons and meeting their expenses is met from existing budgets.

Legal Implications

9. The legal implications are set out in the body of the report.

Risks

10. None.

Other Implications

11. None.

Conclusion

12. This report recommends Council to authorise the Monitoring Officer to extend the term of office of George Green, one of the council's independent persons for code of conduct matters, to 30 September 2019.

Background Papers

- Report to and minutes of the Council meeting on 19 July 2012
- Report to and minutes of the Council meeting on 12 May 2016