

CABINET

9 May 2022

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 9 May 2022 at 6:30pm.

Committee Members present: Councillors D.B. Oliver (Leader), S.M. Prochak (MBE) (Deputy Leader), C.A. Bayliss, T.J.C. Byrne, K.P. Dixon, K.M. Field and H.L. Timpe and J. Vine-Hall (remote).

Other Members present: Councillors J. Barnes (remote), Mrs V. Cook (remote), P.C. Courtel, B.J. Drayson, A.E. Ganly (remote), C.A. Madeley (remote), Maynard (remote) and P.N. Osborne (remote).

Advisory Officers present: Chief Executive, Deputy Chief Executive and Democratic Services Manager.

Also Present: 16 members of the public via the live webcast.

Publication Date: 11 May 2022

The decisions made under PART II will come into force on 18 May 2022 unless they have been subject to the call-in procedure.

CB21/100. MINUTES

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 28 March 2022 as a correct record of the proceedings.

CB21/101. APOLOGIES FOR ABSENCE

(2)

There were no apologies for absence.

CB21/102. DISCLOSURE OF INTERESTS

(5)

There were no declarations of interest made.

PART I – RECOMMENDATIONS TO COUNCIL – not subject to call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules.

CB21/103. REVIEW OF THE CONSTITUTION - REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE

(6)

Cabinet received and considered Minute OSC21/60 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 25 April 2022 regarding the review of the Constitution and recommendations of the Constitution Review Steering Group. The Steering Group was established in January 2021, had met frequently during 2021 and made a total of nine recommendations.

The cross-party Group had worked well together and undertaken a very thorough review by comparing the Council's Constitution against other models as well as neighbouring authorities and other good practice. The scope of the work undertaken by the Steering Group was shown at Appendix 1 to the report. It was noted that Parts 3, Responsibility for Functions and 8, Delegations to Officers were still to be completed and would follow later this year.

Attached at Appendix 2 to the report was a full list of all the main proposals which were either a deviation to current custom and practice and represented a change to the way the Council currently operated, or new provisions which were not within the Council's existing Constitution. Those that were considered worthy of special note had been highlighted.

Comparing different models to the Council's Constitution had identified several easy, quick improvements that could be made throughout the document ranging from layout changes, minor clarifications, gender neutral terminology, the use of Chair and Vice-Chair and improved use of plain English; a number of these amendments had been made throughout.

Whilst looking at the various parts of the Constitution that related to the scrutiny function, the Steering Group considered the role of scrutiny and whether it added value to the work of the Council, was as effective as it could be and clearly understood by Members. As a result, there was a proposal from the Centre for Governance and Scrutiny (CfGS) to undertake a scrutiny improvement review, with full details attached at Appendix 3 to the report. The cost of the review would be £4,850+VAT which could be funded from the 2022/23 Member Training Budget.

Cabinet were supportive of all the recommendations, in particular that general awareness training on the Constitution, as this dictated how the Council operated, be offered to all Councillors. It was noted that the Constitution would be reviewed more regularly by each in-coming administration, which was one of the recommendations.

RECOMMENDED: That:

- 1) all proposed amendments to the Council's Constitution highlighted within Appendix 2, and contained within Appendices 2A-2K be approved and adopted;
- 2) the current governance model (executive / scrutiny split with no individual Cabinet Member decision making) be maintained;
- 3) a new stand-alone advisory Human Resources Committee comprising seven Members, to meet twice per year and assigned all functions relating to staffing matters that currently come under the remit of the Licensing and General Purposes Committee be created (the Licensing and General Purposes Committee to remain as currently constituted without HR related functions);

- 4) the Leader of the Council be requested to add Human Resources to their Cabinet Portfolio;
- 5) a review be undertaken by the incoming administration at the start of each new 4-year Council term, within its first year, to consider the decision-making structure and any proposals for change;
- 6) in each “normal” subsequent year following an election year, the Annual Council meeting to receive a report highlighting any changes that have been made to the Constitution in the preceding 12 months, under officer delegations or otherwise;
- 7) the Planning Advisory Services’ latest Probity in Planning Guidance be automatically adopted and incorporated into the Constitution;
- 8) that general awareness / training on the Constitution be offered to all Councillors; and
- 9) the Centre for Governance and Scrutiny be commissioned to undertake a scrutiny improvement review during 2022/23, and be funded from the Member Training Budget, subject to the approval of the Member Development Task Group / Member Training Champion.

CB21/104. **MEMBER TRAINING AND DEVELOPMENT STRATEGY**
(7)

The Council’s Member Training and Development Strategy had been in place since 2007 as part of the Council’s commitment to Member Training and Development. The Strategy set out how the Council developed its elected Members in order to assist both the Council in achieving its aims and priorities in accordance with the Corporate Plan and to assist Members to manage with the increasing demands placed upon them.

The Strategy was reviewed and re-adopted every four years in the year preceding the District Council elections to ensure that the Strategy remained fit for purpose and had taken account of any new or emerging issues. The Member Development Task Group had considered the revised Strategy at its last meeting held on 21 February 2022 and commended its re-adoption to Council.

It was noted that the Strategy had been updated to reflect the following:

- that all Members during their four-year term and staff receive an appropriate level of carbon literacy awareness training to help achieve the Council’s goal of becoming carbon neutral by 2030;
- periodic meetings be held with Committee Chairs and Vice-Chairs to discuss the training needs of their committees to enable the effective discharge of the committee’s functions; and
- training and development opportunities be shared with parish and town councils, at no additional cost to the Council, wherever appropriate.

Members acknowledged the comprehensive training and development offer at the Council which equipped all Members with the skills and knowledge to undertake their roles. The Member Training and Development Champion extended thanks to Councillors and the officer team, in particular Democratic Services for managing the process.

RECOMMENDED: That the revised Member Training and Development Strategy be approved and adopted.

PART II – EXECUTIVE DECISIONS – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 17 May 2022.

CB21/105. **MEMBERS' ALLOWANCE SCHEME 2023-28**
(8)

Consideration was given to the report of the Chief Executive which set out the options for introducing a revised Members' Allowance Scheme to take effect from 2023 when the current scheme expired.

In accordance with the Local Authorities (Members Allowances) (England) Regulations 2003, before the Council made or amends its allowance scheme, the Council must have regard to the recommendations made in relation to it by an Independent Remuneration Panel (IRP). It was noted that whilst there is not a legal requirement to review the allowances every four years, the Council would be unable to implement any indexed increases beyond May 2023.

The report set out two options, either under a review in 2022 to enable a new scheme to be in place from May 2023 for the new Council or delay a review until 2023 to enable the new Council to have more of an input to the scheme to apply to their term of office. The advantages and disadvantages of both options were set out in the report.

In order to take forward either option, officers would need to recruit and appoint a new IRP as the membership of the Council's previous IRP have served on a number of occasions and it was considered appropriate and best practice to recruit new IRP members on a regular basis. The IRP must consist of three or more people and its statutory role was to make recommendations to the Council as to the amount of basic allowance that should be payable to its elected Members; the roles and responsibilities for which a special responsibility allowance should be payable and as to the amount of each such allowance; whether the scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and, if so the amount of this allowance and the means by which it is determined and on other allowances (i.e. travel and subsistence allowance and allowances for attendance at certain meetings and conferences).

The recruitment and appointment of the IRP was an officer process and Member input was not appropriate in the interests of probity. A recruitment pack would be compiled and the role advertised by way of

the website and social media routes. The recruitment process from advertisement to appointment would take between 6 and 8 weeks. The costs associated with the last review were £100 per meeting plus expenses – in total just under £1,000.

In conducting both the recruitment and review processes, the use of on-line face-to-face communication platforms for meetings to reduce unnecessary travel and electronic communication and consultation methods will be encouraged wherever and whenever possible to keep the carbon footprint of the review to a minimum.

Members considered the options within the report and agreed that the review of Members Allowances should take place in 2022 to enable the allowances to be set for the incoming Council 2023-28 (Option 1). Members were supportive of this option, for the following reasons:

- to provide clarity of allowances for candidates standing in the 2023 elections – could be a deciding factor whether to stand or not for some;
- the need to attract candidates from all sectors of society in the 2023 elections;
- important to keep regular incremental increases to avoid larger increases in the future; and
- Members were able to decline allowances or any annual increase on an individual basis at any time.

Whilst not directly related to the review of allowances, it was noted that in terms of attracting new candidates to stand, the availability of hybrid meeting attendance was welcome but that consideration should also be given to the start time of Council meetings.

RESOLVED: That an Independent Remuneration Panel be recruited and convened during 2022 to enable the current administration to set the Members' Allowance Scheme for 2023-28.

(Councillor Prochak wished it to be recorded that she abstained from voting on this matter).

CHAIRMAN

The meeting closed at 7.01pm.