



## Council 29 January 2018

### Change to the Constitution re Members' Allowances Scheme – Leader of the Opposition Allowance

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#### Purpose of report

To propose a change to Article 2 of Part 2 of the Constitution and to provide clarity on the designation of the position of Leader of the Opposition for the purpose of payment of the Special Responsibility Allowance associated with that role.

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#### 1.0 Background

- 1.1 The Members' Allowances Scheme adopted by the Council (contained in Part 6 of the Constitution) provides for a Special Responsibility Allowance (SRA) to be paid to the "Leader of the Opposition Group". Currently, this is £3,683 per year.
- 1.2 While the Leaders of the Political Groups on the Council are formally designated, there is nothing contained within the Allowances Scheme or, indeed, the Council's Constitution, which specifies how the "Opposition Group" is to be designated.
- 1.3 The Allowances Scheme itself cannot be revised without being first considered by the Independent Remuneration Panel (IRP). The Council does not currently have a constituted panel meeting the statutory requirements. It is therefore considered that the Council should define how the "Opposition Group" is designated via Article 2 (Members Allowances) until this can be considered formally as part of the next IRP review of the scheme.

#### 2.0 Issues to consider

- 2.1 The second largest Group by number of elected Members has traditionally been regarded as the "Opposition Group" and its nominated Leader has been paid the Leader of the Opposition Group SRA under the scheme. This could provide an appropriate rationale for defining the Opposition Group and determining the SRA payment in future.
- 2.2 Difficulty with this rationale arises however if there are two or more minority Political Groups on the Council, each with the same number of elected Members, in deciding who should form the Opposition Group. There are two options that could be accommodated under the provisions of the current Allowances scheme:
  - i) Not to designate any Group Leader as "Leader of the Opposition Group" unless they lead a Group which has more elected Members in it than any other minority Group. This would result in no minority Group Leader receiving the SRA in the event of there being two or more minority Groups with equal numbers of elected Members forming the second largest Political Groups. Whilst this might be considered acceptable if there is a significant majority party, it does weaken the democratic accountability of the council. It is also unlikely to be acceptable where the numbers between parties are more evenly spread.
  - ii) To provide for the designated Group Leaders in such circumstances to jointly hold the office of "Leader of the Opposition Group" and divide the SRA between them. This is considered most appropriate where there numbers in the two groups are small compared to the majority group.

2.3 It is recommended that option 2 be adopted as an interim measure until the current Allowances Scheme is next reviewed and a more nuanced approach can be considered.

### **3.0 Equality and Diversity Implications**

3.1 All equality and diversity implications are neutral.

### **4.0 Legal Implications**

4.1 There are no legal implications arising from the proposal.

### **5.0 Risk Management**

5.1 No risks have been identified arising from the proposed course of action. Failure to clarify the position could lead to uncertainty about the payment of the Leader of the Opposition Group SRA should the political make-up of the Council change.

### **6.0 Resource and Financial Implications**

6.1 There are no resources or financial implications arising from the proposal and total expenditure on SRA's would not be affected.

### **7.0 Constitutional Implications**

7.1 Revisions to the Members' Allowances Scheme contained in Part 6 of the Council's Constitution cannot be made without prior consideration by the IRP.

7.2 This report recommends a change to Part 2 of the Constitution.

### **8.0 Implications for our Customers**

8.1 There are no implications identified for our customers.

### **9.0 Corporate Outcomes**

9.1 This report contributes to the Corporate Outcomes of Effective Management by proposing clarification on how the Leader of the Opposition will be defined.

### **10.0 Recommendation**

10.1 The Council is recommended to include the following provision in Article 2.05 (Allowances) of the Constitution:

For the purposes of determining the payment of the Leader of the Opposition Group Special Responsibility Allowance (SRA), the "Opposition Group" shall be defined as follows:

- i) The largest minority Political Group represented on the Council by the number of elected Members within the Group will be deemed to be the "Opposition Group" and the designated Leader of that Political Group shall be paid the SRA.

OR

- ii) Where there are two or more minority Political Groups, with an equal number of elected Members in each, forming the second largest Political Groups on the Council, both shall be deemed to be the "Opposition Group" and the designated Group Leaders of those Groups shall be regarded as jointly holding the office of Leader of the Opposition Group. The payment of the SRA associated with the office of Leader of the Opposition Group shall be divided equally between the Group Leaders jointly holding that office.

*(Reason: To provide clarity for the payment of Special Responsibility Allowances)*

<b>Legal</b>	Power: Local Authorities (Members' Allowances) (England) Regulations 2003				
	Other considerations:				
<b>Background Papers:</b> Members' Allowances Scheme adopted by the Council in July 2015.					
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