

## Report of City Solicitor

## Report to General Purposes Committee

**Date: 7<sup>th</sup> March 2018**

## Subject: Appointments to the Independent Remuneration Panel

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## Summary of main issues

1. In March 2017 this committee made recommendations to full Council with respect to the membership of the Independent Remuneration Panel (IRP).
2. As a result, on 29<sup>th</sup> March full Council approved that Sir Rodney Brooke be re-appointed as Chair of IRP until the end of June 2018, and that Sir Rodney be invited to support a member panel in a future recruitment process to identify new members of the IRP.
3. During the autumn a cross party Elected Member Panel was established, supported by Sir Rodney, with the aim of recruiting new members to the IRP.
4. Following an open recruitment exercise the Member Panel has identified Kevin Emsley, Chris Jelley and Dr Kate Hill as suitable to fulfil the requirements of the IRP member role and fulfil the role of chair.
5. The Member Panel has consciously not made a recommendation as to who should chair the panel, feeling that this should be a matter for the IRP to determine for themselves.

## Recommendations

1. Members are asked to consider the candidates identified by the Member Panel and recommend to full Council that Kevin Emsley, Chris Jelley and Dr Kate Hill be appointed as Members of the Leeds City Council Independent Remuneration Panel for a period of 4 years from the commencement of the new Municipal year.

## **1. Purpose of this report**

- 1.1 The purpose of this report is to ask General Purposes Committee to make recommendations to full Council concerning appointments to the Independent Remuneration Panel.

## **2. Background information**

### **Independent Remuneration Panel**

- 2.1 The authority is required to establish an Independent Remuneration Panel (IRP) to make recommendations to the authority on the Members' Allowances Scheme. The authority has four<sup>1</sup> members currently serving on the panel and has previously designated one of those members, Sir Rodney Brooke, as chair.
- 2.2 Sir Rodney Brooke's term serving on the IRP is to cease in June 2018 and at the request of full Council has supported a Member Panel in the recruitment to vacancies arising on IRP.

## **3. Main issues**

- 3.1 Given the pending vacancies it is now necessary for the Council to make new appointments to the IRP. A cross party Member Panel (Cllr J Lewis – Chair, Cllr M Harland, Cllr P Harrand and Cllr C Campbell) has been established, supported by Sir Rodney Brooke and the Deputy Monitoring Officer, to lead on the recruitment process.

### Guidance - Membership of the Independent Remuneration Panel

- 3.2 Government guidance suggests that authorities consider appointing panel members (no less than three) for terms of office of between 3 and 5 years. There is no prohibition on members of the panel serving longer terms or repeat terms. The main focus of the guidance is to ensure that each panel is, and is perceived to be, independent.
- 3.3 The guidance also provides for the authority to consider whether to appoint a chair for the panel or to let the panel elect its own chair.

### Recruitment Process

- 3.4 Having agreed a role description at its meeting in October, the Member Panel asked for an advert to be placed on the 'Councillors and Democracy' page of the Leeds.gov.uk web site. This appeared from the 30<sup>th</sup> October 2017 to the 17<sup>th</sup> November 2017. Links to the advert were also made via the Leeds City Council 'LinkedIn' profile page (which has 10,687 followers). This attracted in excess of 3,300 impressions, along with 62 clicks on the link, and 8 social actions which includes likes and shares.
- 3.5 In addition efforts were made to contact one of the current IRP Members whose term of office is soon to expire and assess whether or not he wished that consideration be given to extend his term of office from the expiry in June 2018. Despite efforts to contact the individual it has not been possible to ascertain whether or not he wished for his continuation on the IRP to be considered.

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<sup>1</sup> The statutory minimum is three

- 3.6 As a result of the advertisement a number of expressions of Interest were received which the Member Panel considered at their meeting at the end of November.
- 3.7 Following this, informal discussions between the Panel and three candidates took place in December 2017 and early January 2018. As a result of which the Member Panel has identified Kevin Emsley, Chris Jelley and Dr Kate Hill as suitable to fulfil the requirements of the IRP member role and the role of chair. A summary of the current and previous roles for each is presented in the table below.

	<b>Current/Previous Roles - Summary</b>	<b>Member Panel Assessment</b>	
		<b>Applicant meets Criteria for Chair or Member</b>	<b>Ineligibility Criteria</b>
Kevin Emsley	Corporate Finance Lawyer and Chairman of Lupton Fawcett LLP Trustee of the West Yorkshire Playhouse	Yes – both	No Issues
Chris Jelley	Royal College of Pathologists, Member, Lay Governance Group, Examinations Cttee 2005-14 Bradford Teaching Hospitals F.T. Non Executive and Senior Independent Director; Chair Performance Cttee and Member Audit & Remuneration Cttees	Yes – both	No Issues
Dr Kate Hill	Senior Research Fellow in Applied Health at the University of Leeds Trustee and Director of a local cancer research charity, and voluntary Research Manager for the charity. Chair of the Board of Trustees of the Robin Lane Health and Wellbeing Charity (Pudsey). Harewood Parish Councillor	Yes – both	No Issues.

- 3.8 Given the strength of each candidate, and to give further assurance with regard to independence, it is the recommendation of the Member Panel that no individual be identified as chair, but rather, on a meeting by meeting basis, the IRP appoint a chair from amongst the IRP membership.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 A cross party Member Panel has led on the consideration of matters considered by this report, with, in addition, the current Chair of the IRP advising Members as part of the recruitment process.
- 4.1.2 Those individuals identified by the panel have confirmed they would be content to serve as a member of the IRP.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no specific matters relating to equality and diversity or cohesion and integration raised by this report.

### **4.3 Council policies and best council plan**

- 4.3.1 There are no specific matters relating to council policies or the best council plan raised by this report.

### **4.4 Resources and value for money**

- 4.4.1 There are no specific matters relating to resources or value for money raised by this report, the recent recruitment process has not incurred any advertising costs.
- 4.4.2 IRP members do not receive an annual allowance, rather panel members receive a fee per IRP report submitted to the authority. It is proposed that arrangement continue for all IRP members at the rate of £400 per report but with no designated Chair allowance being payable – overall this will result in a small (3.4%) reduction in the costs of convening the IRP (these costs are budgeted for within current resources).

### **4.5 Legal implications, access to information, and call-in**

- 4.5.1 Rules on the constitution of IRP panels were consolidated into one set of regulations (**the Local Authorities (Members' Allowances)(England) Regulations 2003/1021**) in 2003. Part 4 of the Regulations deals with the appointment of independent remuneration panels but is un-prescriptive - beyond requiring that each panel is constituted of a minimum of three members who may be neither members of the relevant authority (whether elected or co-opted) nor disqualified from membership, the regulations set no further requirements.
- 4.5.2 There is government guidance which provides information on application of the regulations by relevant authorities. The main focus of the guidance is to ensure that each panel is, and is perceived to be, independent. It is suggested that authorities consider appointing panel members for terms of office of between 3 and 5 years, but there is no prohibition on their serving longer terms or repeat terms.
- 4.5.3 The guidance suggests that the authority considers whether to appoint a chair for the panel or to let the panel elect its own chair. There is no provision as to the term of office a chair or member should serve or whether they should repeat terms. However there are some restrictions in that a Member of an IRP must not:
- Be an elected Councillor of any Local Authority to whom the Panel makes recommendations
  - Be employed or appointed by Leeds City Council
  - Be a senior employee (in a politically restricted post) of another Local Authority
  - Be the holder of any position within a political party at local, regional or national level
  - Be the subject of a bankruptcy restrictions order or interim order
  - Have been convicted in the last 5 years of an offence with a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine

- Be in debt or in dispute with Leeds City Council
- Be a relative or personal friend of an elected member of Leeds City Council.

4.5.4 The individuals recommended by the Member Panel have confirmed that none of these restrictions apply to them.

4.5.5 New Members of the Panel will be provided with an induction in advance of them commencing their role.

## **4.6 Risk management**

4.6.1 The proposals in the report assist the Council to comply with its legal obligations and take account guidance issued by government.

## **5. Conclusions**

5.1 It is necessary for the Council to consider and resolve appointments to the IRP in advance of terms of office expiring.

## **6. Recommendations**

6.1 Members are asked to consider the candidates identified by the Member Panel and recommend to full Council that Kevin Emsley, Chris Jelley and Dr Kate Hill be appointed as Members of the Leeds City Council Independent Remuneration Panel for a period of four years from the commencement of the new Municipal year.

## **7. Background documents<sup>2</sup>**

7.1 None.

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<sup>2</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.