

A Review of Members' Allowances:

Special Responsibility Allowance for the Community Cohesion (Member) Champion

For

**Barnsley Metropolitan Borough
Council**

A Report

By the

Independent Remuneration Panel

**David Brannan
Diane Brown
Dr Declan Hall
Clive Watkinson
David Winchurch (Chair)**

November 2016

Barnsley Metropolitan Borough Council

Independent Remuneration Panel

A Review of Members' Allowances: SRA for Community Cohesion Champion

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The Regulatory Context

1. The Barnsley MBC Independent Remuneration Panel (or Panel) was convened under *The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)* (the '2003 Regulations'). These regulations require all local authorities to establish and maintain an allowances Panel that must be convened to provide advice on Members' allowances before a Council changes or amends its allowances scheme. All councils are required to 'pay regard' to their Panels' recommendations before setting a new or amended Members' Allowances scheme¹.

Terms of Reference

2. The Panel has been asked to consider as to whether a Special Responsibility Allowance should be paid for the role of Community Cohesion (Member) Champion. This role was established initially on the basis that it would be unremunerated. However, in light of the continuing development of the role the Leader of the Council has requested that consideration be given to whether the role merits a Special Responsibility Allowance (SRA) and if so to provide a further recommendation on the appropriate level.
3. In its deliberations the Panel has been specifically asked to have regard to:
 - The Statutory Guidance issued by the Secretary of State with regard to the payment of allowances and in particular the definition of what is considered to represent additional responsibility.

¹ 2003 Regulations 19 (1)

- The relationship between this new role of Community Cohesion Member Champion and the existing role of Cabinet Spokesperson for Communities and the role of the existing Cabinet Support Member
- The scope of the role, its demands and requirements
- The impact of the role during the period it has been undertaken in practice

The Panel

4. No changes were made to the membership of the Panel since the previous review (see March 2016 Report) and consisted of the following appointees:

- David Brannan: Voluntary Action Barnsley representative
- Diane Brown: lay Member and independent Co-optee on the Council's Audit Committee
- Dr Declan Hall: formerly an academic at the Institute of Local Government, the University of Birmingham, currently a consultant specialising in Member remuneration
- Clive Watkinson: Barnsley & Rotherham Chamber of Commerce representative
- David Winchurch: Independent Chair of the Panel

5. The Panel was supported and assisted by the following Officers:

- Andrew Frosdick: Director of Legal and Governance & Monitoring Officer
- Gill Richards: Democratic Services Officer, South Yorkshire Joint Authorities Governance Unit
- Wendy Brown: Executive Management Support Officer

Process and Methodology

6. The Panel met at the Westgate Council Offices in Barnsley on 5 August 2016 and at the Town Hall on 7 September 2016. As per previous Panel meetings it met in private session to enable the Panel to talk with Members and Officers and to conduct its deliberations in confidence.
7. The Panel continued to take an evidence-based approach and in arriving at its recommendations took into account a wide range of evidence including oral representations from Members, factual briefings by Officers on the role of

Community Cohesion Champion, comparative practice and relevant Council documents relating to the role of Community Cohesion Champion².

Community Cohesion Champion: Context and Role

8. In recent years it was increasingly recognised by both Members and senior management that there was an a growing and sensitive issue with regard to the way in which the Council responded to some of the challenges facing the Borough in relation to changing demographics and its potential impact on community cohesion. While there has not been a significant growth in the numbers of asylum seekers there has been a significant change in the their composition; moving away from families that were resident for a number of years and dispersed across the Borough to one where the majority are now under 24 years of age and concentrated in fewer wards. Moreover, due to quicker decision making regarding the right to remain many are now resident for short periods resulting in a greater change in the people making up the asylum population.
9. Consequently, after consideration by the Council the Leader established the role of Community Cohesion Champion on 9th March 2016, with the post holder formally appointed to the role for the Municipal Year 2015/16 as the current post holder had been undertaking the role on a de facto basis for the previous 12 months. The appointment, as part of the list of appointments to executive roles made by the Leader of the Council, was continued as notified by the Leader at the Annual Meeting in May 2016 for the Municipal Year 2016/17.
10. As part of the formalisation of the appointment a formal role description was also produced that identifies three prime areas of responsibility as follows:
 - I. **Representation**
 - Working with community groups and individuals to identify issue and perspectives
 - Championing community groups interests at Council and in its decision making process
 - Representing interests of specific groups in relation to housing
 - II. **Community Leadership**
 - Championing interests and concerns of community groups vis-a-vis partnership agencies, commissioning activity and area planning
 - Supporting development of plans reflecting needs of specific groups

² See Appendices 1 and 2 for further details.

- Supporting community engagement with specific community groups

III. **Internal Governance, standards and relationships**

- Working collaboratively with the Portfolio Holder and the Support Member for Communities, Area Council Chairs and local Members
- Acting as spokesperson for community cohesion at full Council and informing Council of specific community cohesion concerns

The Panel's deliberations and recommendations

11. It is not for the Panel to comment on the validity of the role of Community Cohesion Champion; that is a function reserved to the Leader and the Council. The principal question for the Panel is whether the workload and responsibility of the post merits an SRA. Does the role carry an additional significance "both in terms of responsibility and real time commitment"³ beyond that carried out by ward Members for which the Basic Allowance is paid?
12. The Panel has always been clear that the Basic Allowance (£10,665) includes such duties as representation, community leadership, internal governance and standards. However, the Community Cohesion Champion brings an additional, Borough-wide, dimension to these roles. The Community Cohesion Champion meets regularly with members of community groups, relevant council officers and partnership bodies in their liaison role. In this way the Community Cohesion Champion acts as the acts as co-coordinator and clearing house for problems to get addressed. It cuts across cultural and local agendas which are not suitable for ward-based approaches.
13. In addition, the intelligence role has become larger than envisaged. This mainly involves identifying problems that previously had not been apparent, e.g., revealing tensions both between different community groups and within community groups. A concrete example quoted was where asylum seekers from the same country and religious background were being housed together. The Community Cohesion Champion identified sectional differences in the apparently same religious affiliation that was causing tensions and an intervention was made to remedy the situation before sectional tensions developed into conflict.
14. The Panel recognises the current post holder brings a personal dimension to the role in that they have an expertise in the area and chooses to dedicate a great deal of time of effort to the role. However, it is equally recognised that regardless of the individual post holder the role of Community Cohesion

³ 2006 Statutory Guidance paragraph 72

Champion entails a set of demands, roles and expectations that can be deemed significant.

15. The Panel then considered whether the Community Cohesion Champion had abated the workload and responsibility of Communities Portfolio Holder and Support Member, which would have implications for their SRAs. In other words, has the workload and responsibility of the Communities remit remained the same with it being shared by more post holders or does it represent an expanding of the remit. The Panel is satisfied that the role and responsibility of the Community Cohesion Champion is in addition to that of the Communities Portfolio Holder and Support Member rather than a wider sharing of those responsibilities. The Community Cohesion Champion is addressing an area that was simply not present to the same extent 6-7 years ago and in turn has identified areas that were not anticipated. As such the Panel is clear that the workload and responsibility carried by the Community Cohesion Champion is significant to merit an SRA.
16. In considering the level of SRA benchmarking was of limited value as it is not a post typically paid elsewhere and where a broadly similar post is in place and remunerated it is not normally constituted on the same basis as in Barnsley; thus making it difficult to draw meaningful comparisons. In Barnsley it is an exceptional role for exceptional circumstances. Moreover, the Panel was satisfied that the remuneration of the Community Cohesion Champion does not contravene the 2006 Statutory Guidance which reminds Panels that it should be careful in making recommendations whereby the majority of Members were in receipt of an SRA. Unlike in a number of comparable Councils less than 50% of Barnsley Members are in receipt of an SRA. If an allowance were to be payable for the Community Cohesion Champion then 48% of Barnsley's Councillors would be in receipt of a special responsibility allowance. So the position would remain consistent with the statutory guidance even if the Community Cohesion Champion is added to the SRA schedule⁴.
17. In considering the appropriate level of SRA for the Community Cohesion Champion the Panel considered it in relation to other remunerated posts on the Council. The Communities Portfolio Holder retains responsibility for this area and the Community Cohesion Champion has no decision making powers. Moreover, the role differs from that of the Communities Support Member, who receives an SRA of £2,966, with the Community Cohesion Champion role being more focused albeit in a broader, outward facing context whereas a Support Member undertakes a more formal corporate role. On the other hand, while the Community Cohesion Champion role is a more fluid and

⁴ In accordance with its public accountability remit the Panel points out that it has not been one way when it comes to adding posts to the SRA schedule. In fact, in the past it has recommended, and the Council accepted, that certain posts be no longer remunerated e.g., Committee Vice-Chairs and Licensing Committee SRAs.

less formal role akin to that of the Overview and Scrutiny Task and Finish Leads who receive an SRA of £2,054, the Community Cohesion Champion role entails a greater complexity in an ongoing and developing context rather than being task and finish. As such the SRA for the Community Cohesion Champion should be pitched between that paid to a Portfolio Support Member and an Overview and Scrutiny Task and Finish Lead Member.

18. In accordance with the 2006 Statutory Guidance and previous methodology followed by the Panel in determining the recommended level of most SRAs the Panel adopted the pro rata approach as set out in the 2006 Statutory Guidance (paragraph 76), i.e., as a percentage of the Leader's SRA (£25,681). On the basis that the Panel views the role of Community Cohesion Champion as falling between that of a Support Member (£2,966) and an Overview and Scrutiny Task and Finish Lead (£2,054) it has arrived at the recommended SRA for the Community Cohesion Champion by setting it at 10% of the Leaders SRA, which equates to £2,568. **The Panel recommends that the Community Cohesion Champion be paid an SRA of £2,568.**
19. It is recognised the Community Cohesion Champion undertakes additional travel across the Borough resulting from holding the post for which they are not specifically reimbursed but the same applies to all remunerated post holders. Thus the recommended SRA of £2,568 is deemed inclusive of all incidental travel within the Borough arising out of the role. Similarly, this does not affect the right of the Community Cohesion Champion to claim travel costs when on approved duties outwith the Borough.
20. In considering when the applicable date of payment of the recommended SRA for the Community Cohesion Champion the Panel points out that the 2003 Regulations [paragraph 10. 96)] prohibit backdating beyond "the beginning of the financial year in which the amendment is made."⁵ This time restriction applies regardless of how long the post holder has been in place. Thus **the Panel further recommends that the SRA is backdated to the start of 2016/17 financial year.**

⁵ 2006 Statutory Guidance paragraph 29

Appendix 1: Meetings with Members and Officers

Members who met with the Panel

Cllr Sir Stephen Houghton	Leader of the Council
Cllr Jenny Platts	Cabinet Member for Communities
Cllr Karen Dyson	Community Cohesion Champion

Officers who briefed the Panel

Wendy Lowder	Interim Executive Director for Communities
Paul Brannan	Head of Community and Safety and Enforcement

Appendix 2: Further evidence and material considered by the Panel

1. New Council Constitutions: Guidance on Regulation for Local Authority Allowances 2003, reissued by Department for Communities & Local Government, 5 May 2006
2. The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 2003 No. 1021)
3. Briefing paper by Andrew Frosdick, Director of Legal and Governance & Monitoring Officer, setting out the background establishment of the post of Community Cohesion Champion and the current context to the role
4. Record of the decision (9 March 2016) by the Leader of the Council establishing the post of Community Cohesion Champion including rationale and brief outline of the role
5. Community Cohesion Champion - Role Description appended to recorded decision by the Leader of the Council in establishing the post
6. Report of the Leader of the Council, Establishing a Community Cohesion (Elected Member) Champion Role, 18 August 2015
7. The current Barnsley MBC Members' Allowances scheme and schemes from all other councils within the SCR CA for benchmarking purposes