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Council

3rd December 2013

**Name of Cabinet Member:**

Councillor Ann Lucas (Leader of the Council)

**Director Approving Submission of the report:**

Executive Director, Resources

**Ward(s) affected:**

Not Applicable

**Title:**

**Report of the Leader on Changes to Cabinet Membership**

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**Is this a key decision?**

No

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**Executive Summary:**

This report sets out details of a decision of the Leader of the Council to appoint an Acting Cabinet Member (Education) on a temporary basis. The report also seeks the approval of Council to make a payment to the Cabinet Member presently relieved of his duties due to illness.

**Recommendations:**

**That the City Council:-**

- (1) **Notes the report of the Leader of Council on the appointment of Councillor Dave Chater as the Acting Cabinet Member (Education).**
- (2) **Approves that Councillor Dave Chater receives a pro rata Special Responsibility Allowance as Acting Cabinet Member (Education) until Councillor Kershaw is able to resume his duties or until the end of the 2013/14 Municipal Year whichever occurs first.**
- (3) **Approves that Councillor David Kershaw receives a sum equivalent to a Cabinet Members Special Responsibility Allowance until such time as Councillor Kershaw returns to office or until the end of the 2013/14 Municipal Year whichever occurs first.**
- (4) **Agrees that should Councillor David Kershaw's absence extend beyond a period of four months, then the Leader is required to consider approving any continued payment of the sum under Recommendations (2) and (3) in consultation with the Chair of Audit and Procurement Committee to ensure they remain appropriate but not to extend beyond the 2014 Annual General Meeting.**

- (5) Agrees that should Councillor Kershaw fail throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority or the executive due to his ill health or subsequent recuperation, he shall continue to be a member of the authority.**

**List of Appendices included:**

None

**Useful background papers:**

None

**Has it or will it be considered by Scrutiny?**

No

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes—3<sup>rd</sup> December 2013

Report title: **Report of the Leader on Changes to Cabinet Membership**

**1. Appointment of Acting Cabinet Member (Education)**

- 1.1 Unfortunately Councillor David Kershaw is currently ill and unable to act as Cabinet Member (Education). It is unlikely that Councillor Kershaw will be able to resume his duty for a period of approximately three to six months.
- 1.2 The Leader has the power to appoint or remove Cabinet Members from office or change the ambit of their portfolios. Where there are changes to Cabinet Member portfolios the Leader is required to report those changes to the next available meeting of the Council. The Leader reports that she has appointed Councillor Dave Chater as Acting Cabinet Member (Education) whilst Councillor Kershaw is relieved of his duties. There will be no more than ten Cabinet Members (including the Leader and Deputy Leader) who will be actively discharging their functions and responsibilities.
- 1.3 Therefore Councillor Chater will also be authorised to execute the following functions pertaining to the Education portfolio and to discharge all other responsibilities of a Cabinet Member:-

Post 16 Education and Training  
Schools  
Early Years  
Libraries  
Adult Education  
Higher and Further (Education (Including Universities))

**2. Options considered and recommended proposal**

- 2.1 In addition the Council is asked to approve the payment to Councillor Kershaw whilst relieved of his duties of an amount equivalent to the Special Responsibility Allowance for Cabinet Members due to the exceptional circumstances involved due to illness and enforced absence. This would in principal align with payments made to employees who are unable to perform their roles due to sickness.
- 2.2 As Councillor Dave Chater will be performing the function of Acting Cabinet Member (Education) it is appropriate that he receives the requisite Special Responsibility Allowance in accordance with the Members Allowances Scheme.
- 2.3 The alternative options would be not to make any payment to either Councillor Kershaw or Chater but it is not considered to be equitable in these circumstances and penalises a Cabinet Member for being absent from office due to illness. Another option would be for the Leader to re-allocate the Cabinet Member portfolio for Education amongst other existing Cabinet Members. However, this is not considered to be a viable option due to their existing workloads as well as the importance and substance of the Education portfolio.
- 2.4 It is considered good governance that should Councillor Kershaw remain of sick and/or is recuperating, then the Leader should evaluate the position and decide whether the proposed payment to him and the Special Responsibility Allowance to Councillor Chater remain proportionate and reasonable. This should be decided in consultation with the Chair of Audit and Procurement Committee.

- 2.5 Should it be the case that Councillor Kershaw fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority or the executive due to his ill health or subsequent recuperation, it is necessary that Council approves that he shall continue to be a member of the authority. Therefore it is deemed prudent and appropriate to obtain that approval within this report.

Therefore the proposals are that:

- (1) The report of the Leader of the Council on the appointment of the Acting Cabinet Member (Education) be noted;
- (2) Councillor Dave Chater receives a pro rata Special Responsibility Allowance as Acting Cabinet Member (Education) until Councillor Kershaw is able to resume his duties or until the end of the 2013/14 Municipal Year whichever occurs first.
- (3) Councillor David Kershaw receives a sum equivalent to a Cabinet Members Special Responsibility Allowance until such time as Councillor Kershaw returns to office or until the end of the 2013/14 Municipal Year whichever occurs first.
- (4) Should Councillor David Kershaw's absence extend beyond a period of four months then the Leader is required to consider approving any continued payment of the sum under Recommendations (2) and (3) in consultation with the Chair of Audit and Procurement Committee to ensure they remain appropriate but not to extend beyond the 2014 Annual General Meeting.
- (5) Should Councillor Kershaw fail throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority or the executive due to his ill health or subsequent recuperation, he shall continue to be a member of the authority.

### **3. Results of consultation undertaken**

- 3.1 Not applicable

### **4. Timetable for implementing this decision**

- 4.1 The appointment of Councillor Dave Chater as Acting Cabinet Member (Education) has taken effect from 13 November 2013. The proposals will enable Councillors Chater and Kershaw to receive their proposed simultaneous payments from this date.

### **5. Comments from Executive Director, Resources**

- 5.1 Financial implications

The payments to Councillors Kershaw and Chater would result in expenditure of £866.83 each per month in addition to their normal basic allowance.

The additional costs will be met from the current budgetary provision held within Members Allowances.

- 5.2 Legal implications

The Leader has power under Section 3.2.5 of the Constitution to make changes to Cabinet Member portfolios. The proposed payment to Councillor Kershaw would be made under the Council's general power of competence under Section 1 of the Localism Act 2011.

Section 1 of the Localism Act 2011 allows the Council to do anything that individuals generally may do. It is considered that this would include a time limited payment where an individual is unable to carry out their duties.

Section 85 of the Local Government Act 1972 provides that if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority or executive, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

### **6.2 How is risk being managed?**

No risk identified.

### **6.3 What is the impact on the organisation?**

### **6.4 Equalities / EIA**

In order to attract a diversity of the Cabinet, the current proposal will aid in attracting a wider pool of future incumbents. This is due to ensuring that where an office holder is absent from office they are not penalised as a result when the situation is beyond their control such as prolonged illness and recuperation in the instance of this report. It will also, in principle, be in alignment with sick pay that employees of the Council receive when they are absent from work.

### **6.5 Implications for (or impact on) the environment**

None

### **6.6 Implications for partner organisations?**

None

## **Report author:**

### **Name and job title:**

Christine Forde, Assistant Director Legal and Democratic Services and Monitoring Officer

### **Directorate:**

Resources

## Public report

**Tel and email contact:**

Tel: 02476 831587

E-mail: [christine.forde@coventry.gov.uk](mailto:christine.forde@coventry.gov.uk)

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Christine Forde	Assistant Director Legal and Democratic Services and Monitoring Officer	Resources	20/11/13	20/11/13
Barry Hastie	Assistant Director Finance	Resources	21/11/13	25/11/13
<b>Names of approvers for submission:</b> (Officers and Elected Members)				
Councillor Philip Townshend	Cabinet Member (Community Safety and Equalities)		21/11/13	22/11/13

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