

**COUNCIL
3 MARCH 2010**

**MEMBERS' ALLOWANCES SCHEME
REPORT OF THE INDEPENDENT REMUNERATION PANEL AND RELATED ISSUES
(Director of Corporate Services – Democratic and Registration Services)**

1 PURPOSE OF DECISION

- 1.1 The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish and maintain an Independent Remuneration Panel which will broadly have the functions of providing the local authority with advice on its scheme, the amounts to be paid and the pensionability of allowances where relevant. Local authorities must have regard to this advice.
- 1.2 The Independent Remuneration Panel appointed by the Council met in September and October 2009 at the Council's invitation, to review the Council's Members' Allowances Scheme as part of the annual review process. The Panel's report and recommendations are appended to this report at Annex A. The Council is asked to consider the Panel's recommendations and to decide whether to make any changes to the current Scheme.
- 1.3 The Council is also asked to consider adding a section to the scheme on Civic Dignitaries Allowances to assist in the transparency of the operation of the payment of allowances to the Mayor and Deputy Mayor.

2 RECOMMENDATION(S)

- 2.1 **That Members consider their response to the recommendations of the Independent Remuneration Panel, as set out in bold in the Panel's report and summarised in paragraph 4.6 of this report.**
- 2.2 **That the revised list of approved conferences, set out in Annex B, is approved for insertion in the Scheme.**
- 2.3 **That the scope of the Civic Dignitaries' Allowance be expanded as defined in paragraph 4.14.**
- 2.4 **That the proposed text, set out in Annex C, in relation to Civic Dignitaries Allowances is approved for insertion in the scheme and that current Civic Dignitaries Allowances be added to Schedule 1 of the Members' Allowances Scheme.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 No comments.

Borough Treasurer

- 3.2 The proposals contained in the report of the Independent Remuneration Panel, together with the alternative approach to travel allowances outside the borough (para 5.6 (xiii)) meet the objective of not increasing the total amount spent on the Members' Allowances Scheme. The increase in the Basic Allowance of £100, together with new allowances for the Chairmen of the Adult Social Care Overview and Scrutiny Panel and the Governance and Audit Committee being met from reduced travel allowances and the reduction in the allowance for Leader of the Opposition Party. There has been a reduction in the overall number of approved conferences resulting in a saving of £1,860.

Equalities Impact Assessment

- 3.3 One of the purposes of reviewing the Members' Allowances Scheme is to ensure that financial considerations are not a barrier to any person entering public office or assuming a particular role on the Council. By the same token the levels of allowances should be such that financial gain is not seen as an incentive for taking up public office.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management issues relevant to this report.

4 SUPPORTING INFORMATION

Statutory Guidance

- 4.1 In all its deliberations the Independent Remuneration Panel has had regard to the Guidance on Consolidated Regulations for Local Authority Allowances published by the Office of the Deputy Prime Minister in July 2003.

Background

- 4.2 The Panel met in July and October 2009 and considered evidence in relation to the effectiveness of the Council's Members' Allowances Scheme. In line with the previous review the Council asked the Panel to undertake a full review of the scheme and the operation of the current scheme within the new legislative context.
- 4.3 In addition the Panel considered a number of specific issues that had arisen:
- Specifying what the Basic Allowance included regarding expenses
 - The new Overview and Scrutiny arrangements
 - The new Governance and Audit Committee
 - Clarification of the Opposition Special Responsibility Allowance (SRA)
 - Whether the travel allowances scheme should include provision for a bicycle and passenger supplement allowance
 - Clarification on the terms and conditions on which the Dependents' Carers' Allowances are claimed

The Panel's Report and Recommendations

- 4.4 The Panel's report, including its findings and recommendations is appended to this report as Annex A. The recommendations are set out in bold in that report. The information reviewed by the Panel, listed in Appendix 2 to the Panel's report, is available from Democratic Services.
- 4.5 At its previous review the Panel recommended that the Basic Allowance, SRAs and Co-Optees' Allowance be indexed on the annual local government pay percentage increase as agreed each April (linked to spinal column point 49 of the National Joint Councils scheme) from the start of April 2008. This was agreed by Council at its meeting on 27 February 2008 and would continue to apply to all allowances for four years unless superceded by new proposals.
- 4.6 The main findings and recommendations of the Panel are:
- (i) Travel Allowances – Within the borough
That reimbursement for travel to approved duties within the borough be restricted to travel by bicycle as detailed in paragraphs 22 and 47 of Annex A.
 - (ii) Travel Allowances – Outside the borough
That reimbursement for travel to approved duties outside the borough be calculated on a capped casual user rate, that the passenger supplement be restricted to 4 and that these must be fellow Councillors and/or Officers in Bracknell or from a neighbouring authority, as detailed in paragraphs 48 to 55 of Annex A.
 - (iii) Basic Allowance
Due to the above that the basic allowance should be increased by £100, to £8,787, per annum as detailed in paragraph 23 of Annex A.
To clarify that this allowance covers *all incidental expenses* not otherwise expressly specified in the Members Allowances Scheme, as detailed in paragraph 24 of Annex A.
 - (iv) Overview and Scrutiny
That there should be no increase to the special responsibility allowance for the Chairman of the Overview and Scrutiny Commission as detailed in paragraph 29 of Annex A.
That the Chairman of Adult Social Care Overview and Scrutiny Panel should be paid a special responsibility allowance at the same level as the other Panel Chairmen, as detailed in paragraph 29 of Annex A.
 - (v) Licensing and Safety Chairman
That there should be no increase to the special responsibility allowance for the Chairman of the Licensing and Safety Committee, as detailed in paragraph 31 of Annex A.

(vi) Licensing Panels

That a special responsibility allowance should not be paid to the Chairmen of Licensing Panels, as detailed in paragraphs 32 to 34 of Annex A.

(vii) Governance and Audit Committee

That a special responsibility allowance should be paid to the Chairman of the Governance and Audit Committee at £2,201 as detailed in paragraphs 35 and 36 of Annex A.

(viii) Planning and Highways Committee

That the special responsibility allowance should be frozen for the Chairman of the Planning and Highways Committee at its current level, as detailed in paragraphs 37 and 38 of Annex A.

(ix) Standards Committee

That there should be no increase to the special responsibility allowance for the Chairman of the Standards Committee, as detailed in paragraphs 42 and 43 of Annex A.

(x) Leader of the Opposition Group

That there should be a decrease in the special responsibility allowance for the Leader of the Opposition, to £11,235 as detailed in paragraphs 39 to 41 of Annex A.

(xi) Co-optees

That there should be no increase to the Co-optees' Allowance, as detailed in paragraphs 44 and 45 of Annex A.

(xii) Non-Statutory Co-optees

That there should be no allowance paid to non-statutory Co-optees, as detailed in paragraph 46 of Annex A.

(xiii) Subsistence

That there should be no changes to the current terms, conditions and rates at which subsistence can be reimbursed, as detailed in paragraph 56 of Annex A.

(xiv) The Dependants' Carers' Allowance

That there should be no changes to the current terms, conditions and rates claimable under the Dependants' Carers' Allowance, as detailed in paragraphs 57 to 59 of Annex A.

(xv) Implementation

That the proposed additional special responsibility allowances for the Chairmen of Adult Social Care Overview and Scrutiny Panel and Governance and Audit Committee be implemented from the start of the municipal year or when the post holder took up their post, whichever is sooner, as detailed in paragraph 60 of Annex A.

All other recommendations be implemented from the date that Council agrees the new Members' Allowances Scheme, but no later than the date of the next Annual Council meeting, as detailed in paragraph 61 of Annex A.

Publicity Arrangements

- 4.7 In accordance with the Regulations a notice was published in the Bracknell Standard which stated that the Council had received recommendations from an Independent Remuneration Panel about its scheme of allowances and describing the main features of the Panel's recommendations. Copies of the report have been available at the Council's offices and via the Council's website.

Approved Conferences

- 4.8 At its meeting on 27 February 2008 Council approved the Independent Remuneration Panel's recommendations in relation to the criteria permitting Members to attend conferences and seminars, what they may claim for such duties in respect of travel and subsistence allowances and assorted associated arrangements. A list of approved conferences was approved for insertion into the Scheme.
- 4.9 To maintain the effectiveness of those recommendations it is necessary to revise the list of approved conferences. A proposed revised list of approved conferences is set out in Annex B.

Civic Dignitaries' Allowances

- 4.10 In order to assist with creating transparency in the payment of allowances to Members it has been the practice of this Council to include details of the Mayor and Deputy Mayor allowances in the annual notice the Council is required to publish. It is also proposed to add the current allowances to Schedule 1 of the Scheme which details all of the allowances paid to Members. In addition it is proposed to include a new section on Civic Dignitaries Allowances in the Members' Allowances Scheme.
- 4.11 The proposed text, at Annex C, is intended to clarify for the public the distinction between the Members' Allowances Scheme itself and the authority under which Civic Dignitaries Allowances are set. The Council is empowered under s3(5) and s 5(4) of the Local Government Act 1972 to pay to the Mayor and Deputy Mayor an allowance which it thinks reasonable for the purposes of meeting the expenses of those offices. The level of allowances was agreed by Council on 3 December 2003 to which the annual index has been applied.
- 4.12 The text also explains that as the allowances are not Special Responsibility Allowances it does not impact upon a Member's eligibility, whilst holding the post of Mayor or Deputy Mayor, to receive a Special Responsibility Allowance for a post they are carrying out at the same time.

- 4.13 The decision taken by Council on 3 December 2003 does not include the ability for Mayors or Deputy Mayors to be reimbursed for travel to formal engagement duties in relation to that role. It is anticipated that if this was amended to permit Mayors and Deputy Mayors to claim for such duties in respect of travel the claims would be negligible as the Council provides a civic car for civic engagements. However there are occasions when the Mayor or Deputy Mayor is required to drive themselves to formal engagement duties and it is considered a reasonable expense to be reimbursed on the same terms as the revised Members' Allowances Scheme.
- 4.14 Should recommendation 2.3 be approved the Civic Dignitaries' Allowances would cover all incidental expenses incurred whilst in office excluding mileage to formal engagement duties both within and outside the borough but otherwise be reimbursed on the same terms as the revised Members' Allowances Scheme.
- 4.15 Although consideration of Civic Dignitaries' Allowances does not fall within the remit of the Independent Remuneration Panel, the Panel was asked as a matter of courtesy, to agree to the inclusion of information relating to these allowances in the Members' Allowances Scheme.

Background Papers

None

Contact for further information

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Annex A – Sixth Report by the Independent Remuneration Panel
Annex B – Revised Approved Conferences List
Annex C – Proposed text relating to Civic Dignitaries' Allowance