

ANNEX 1

A Review

Of

**Members’
Allowances**

Including

**Pensions, Travel and
Subsistence and Co-
optees’ Allowances**

For

**Bracknell Forest
Borough Council**

A Report by the

**Independent
Remuneration
Panel**

November 2003

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Foreword

An Independent Remuneration Panel has produced this report for Bracknell Forest Borough Council. It is the second independent review of allowances; the original review was conducted in winter 2000 to make recommendations to the Authority on the range and levels of remuneration for the Authority's members. It was done as part of the wider modernisation agenda that has now been undertaken throughout the country. The previous report was produced in January 2001 and made recommendations, which the Council broadly accepted. These were revisited and confirmed in November 2001 in preparation for the introduction of new Executive Arrangements. This original review was carried out prior to extensive experience of new roles and responsibilities, which have now been in operation for the past two years.

However, Bracknell Forest Borough Council is required (as are all local authorities) under the new *Local Authorities (Members' Allowance) (England) Regulations 2003*¹ and subsequent amendments to establish and convene an advisory Independent Allowances Review Panel to make recommendations on certain associated allowances (see report below for details) before 31 December 2003. This report contains the Panels' recommendations on these issues. The Council has also tasked the new Panel to review the range and levels of the Basic Allowance and Special Responsibility Allowances in light of experience of the new system of local government.

The original driver behind the first review was to develop a new scheme of allowances for its new Constitution to support the new roles for Members. New roles for Members are predicated on the mandatory requirement throughout England and Wales following the implementation of the provisions of the Local Government Act 2000 that require Councils to adopt an executive model of decision making.

The position that the Panel has had to consider is therefore of Bracknell Forest Borough Council, like all other local authorities in England and Wales, grappling with changes that are no longer distant proposals, but a reality rooted in the experience of the past few years. This means that Members have been required to develop new roles and ways of working. The new roles that Members are being asked to undertake go to the core of what being an elected Member is about.

It must be emphasised however, that it has not been part of the Independent Review Panel's remit to take a view of the philosophy of the Government's approach in legislating for the changes, which Councils like Bracknell Forest Borough Council have made. Nor are we able to take a view on the effectiveness or otherwise of the local arrangements which the Council has put in place in response to national legislation.

What the Panel has done however is to have regard, as it must, to society's

¹ See Statutory Instruments 2003 Nos. 1021, 1022 and 1692 for further details.

and Government's intention that new schemes of remuneration should contribute to vigorous and healthy local democracy. To that end the Panel has been mindful of the view that if local democracy is to prosper then citizens must have choice. Choice means having candidates for Council membership who are able to put themselves forward and who have varied backgrounds and life experiences. It means that the richness and diversity to be found within the Borough should be more closely reflected in the make-up of the Council if it is to serve people with the empathy and understanding that society expects.

The nature of being a Member will also continue to change because society itself is changing. If Councils are to be equipped to provide the future leadership and energy necessary to work towards a better future for the people of Bracknell Forest, being a Member must not be a burdensome chore. Nonetheless, the Panel fully acknowledges that the role should depend to a considerable degree upon a spirit of altruism and volunteering on the part of citizens who are motivated by a sense of the public good. But it should not require unreasonable sacrifices to be made in the private lives of those who decide to stand for election.

If Councils are to do as much as they possibly can to attract high calibre candidates to stand for election, and once elected to provide them with the wherewithal to perform their role, they and the public they serve need to appreciate the financial implications of being an elected Member. For their part those who seek to become Members will need to acknowledge that they become "public property" once elected. Their lives and those of their families change irrevocably.

The Panel has had the benefit of hearing both oral and written evidence. Some of the latter inevitably draws on comparisons from elsewhere. From this evidence the Panel has concluded that being a Member, particularly under the new arrangements, is not simply about dealing with the Council's formal business agenda. Attending meetings and contributing to debate under the media spotlight is only part of the role. It is the work behind the scenes, often at all times of the day and night, which can be equally, if not more, demanding. Members are often required to be the equivalent of anything from social worker to community advocate to senior executive in a multi-million pound public organisation. Roles for which they are uniquely held to account at the local level by their electorate and answerable for the decisions they make. This is a unique degree of accountability within the British system of local governance.

These demands are such that many people who stand for their Council cannot reasonably expect to pursue a career or make progress in their chosen employment in the accepted sense. Whilst they may make that sacrifice knowingly and explicitly the implications need to be understood and acted upon. If they are not then Councils will continue to fail to attract a more diverse cross-section of candidates and local representatives than is currently the case and equality of opportunity will continue to be denied to potential candidates.

The task of the Independent Remuneration Panel has been to recognise this central dilemma and produce a method for arriving at Members' allowances, which is equitable and understandable. This has inevitably required a balance to be struck between the voluntary effort required of Members and the financial sacrifice they have to make in order to fulfil their role properly. The Panel has also attempted to construct its recommendations in such a way that they are transparent, logical, understandable and defensible in public.

Finally we must acknowledge in presenting our findings that there may be an issue about whether the Borough Council will be able to afford our proposals. Whilst we have the greatest sympathy for Councils like Bracknell Forest, which are struggling with limited resources to provide effective services that has not been our prime consideration as a Panel. While the Panel obviously kept an eye on affordability its recommendations are primarily centred on the principle of what is the nature of the roles that Members need to carry out and what the job is worth, without losing sight of the concept of public service.

It has not been the Panel's job to consider the performance of Bracknell Forest Borough Council's elected members individually or collectively. The role of the Panel has been to assess the rate for being an elected Member, representing the diversity of communities that make up Bracknell Forest now and, critically, in the future. The residents of Bracknell Forest deserve capable and competent Members. Whilst the ballot box is the ultimate determinant of their performance the Panels' contribution has to be to ensure that they have the financial recognition to fulfil some of the most demanding roles that exist in public life.

Dr Declan Hall

Independent Remuneration Panel Chair
17 November 2003

SUMMARY OF RECOMMENDATIONS

BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES

Table 1: Summary of Recommendations:

Post	Maximum No of SRAs Suggested	Basic Allowance	Special Responsibility Allowance	Total Allowance per Member	SRA Totals
Basic Allowance					
All Members (42)		£7,500		£7,500	£315,000
Band One					
Leader	1	£7,500	£25,000	£32,500	£25,000
Band Two					
Deputy Leader with Portfolio	1	£7,500	£15,000	£22,500	£15,000
Band Three					
Deputy Leader without Portfolio	NA ²	£7,500	£7,000	£14,500	NA
Executive Members	7	£7,500	£13,750	£21,250	£96,250
Band Four					
Chairman of Planning & Highways	1	£7,500	£9,700	£17,200	£9,700
Leader of Principal Opposition Group	1	£7,500	£9,700	£17,200	£9,700
Band Five					
Executive Member without Portfolio	NA	£7,500	£7,000	£14,500	NA
Band Six					
Chairman of PSC	1	£7,500	£6,250	£13,750	£6,250
Band Seven					
Chairmen of Scrutiny Panels	3	£7,500	£5,000	£12,500	£15,000
Chairman of Licensing and Safety	1	£7,500	£5,000	£12,500	£5,000
Band Eight					
Chairman of Employment	1	£7,500	£1,900	£9,400	£1,900
Champion Councillors	4	£7,500	£1,900	£9,400	£7,600
Band Nine					
Deputy Leader of Opposition	1	£7,500	£1,100	£8,600	£1,100
Vice Chairman of Planning & Highways	1	£7,500	£1,100	£8,600	£1,100
Band Ten					
Vice-Chairman of Licensing & Safety	1	£7,500	£550	£8,050	£550
Sub Totals	23	£315,000			£194,150
Total					£509,150

The Panel also recommends the following:

Incidental Expenses

- I. The evidence received indicated that Members were generally satisfied with the current arrangements and that the cost of 'incidental' expenses such as unremunerated travel and Council-related telephone calls should be deemed to be covered by the Basic Allowance. The Panel also notes that this should not negate the current level of provision and access by elected Members to the support provided by Democratic Services.

² The Panel has included SRAs for these positions lest they are restored, if so the Council will not have to reconvene the Panel. At present they are not payable so cannot be counted as current cost.

Chairmen of the Licensing Panels

- II. While the Panel felt that the Chairmen of the Licensing Panels could reasonably be seen to be on a par with minor Chairmen it found it difficult to make meaningful evaluations on what the role of chairing a licensing panel will mean. It will need to review them once the situation is clarified and it reminds the Council that the regulations specifically permit the back dating of recommendations to the start of any municipal year to account for this type of situation.

Limits on SRAs Payable

- III. As per current practice the Panel also recommends that if a Member holds more than one post they are able to draw one SRA at any one time.

Pensions for Members

- IV. The Panel, based on the information presented to it, supports the principle of pension provision for Members. The Panel felt it would be unfair to 'close the door' to Members by taking a restrictive view. As such, all Members should be eligible to join the LGPS, applied to both their Basic Allowance and SRAs. This recommendation then leaves the Council to decide on issues of affordability and suitability.

Travel Allowances – In-Borough

- V. The Panel decided that the claims-based mileage allowance for approved duties should be maintained for the time being, particularly in lieu of actual experience in similar authorities. The Panel decided that for reasons of equity Members should be treated as on a par with Officers and be able to claim the casual user rate, which for 2003-04 are the following:³

	451-999cc	1000-1199cc	1200cc+
Per mile first 8,500:	36.4p	40.2p	49.9p
Per Mile after 8,500	10.6p	11.3p	12.8p

- VI. The Panel also recommends that where a Member travels by bicycle, motorcycle, or carries passengers to approved duties that they are also paid at the same casual user rate that Officers are able to claim.
- VII. The Panel also recommends that travel allowances for Members attending in-Borough approved duties should also be indexed the same rates that Officers can claim as agreed from time to time by the National Joint Council for Local Government Services.

³ Figures taken from the *National Joint Council for Local Government Services Circular 4/03, Car Allowances – part 3, paragraph 6, 2 April 2003.*

Subsistence – In-Borough

VIII. It is common for many Panels to recommend the discontinuation of subsistence allowances for attending approved duties. The Panel was informed that there was not a great deal of support to retain this allowance. Furthermore, the Panel noted that it is an allowance that is rarely claimed by Members and the Panel felt that it was no longer appropriate. Consequently, the Panel recommends the discontinuation of the Subsistence Allowance for attending approved duties within the Borough.

Travel – Out of Borough

IX. The Panel recommends that Members who attend approved duties for out of Borough business should also be reimbursed at the same rate that Officers can claim for reimbursement of travel. The Panel would also expect that Members travelling out of the Borough on approved duties would travel by the most cost-effective methods that meet the needs of their travel requirements. In particular, the Panel recommends that Members who have to travel by train to out of Borough meetings would be expected to travel standard class unless exceptional circumstances require otherwise. In such a situation, the Panel recommends that travel by first class would be given prior approval by the Director of Corporate Services and/or the Borough Finance Officer. If other types of journeys need to be taken by Members on out of Borough business and the rates recommended above are not practical then the Panel recommends that these modes of travel must receive prior approval from the relevant Director and that receipts are provided for the reimbursement of any claims.

Accommodation and Subsistence – Out of Borough

X. There is occasionally an issue for Members who are required to attend meetings and conferences out of the Borough in that the current limits for meals and accommodation are sometimes insufficient. The Panel recognises this problem but notes that these limits were not applicable if the Council pre-books and pre-pays for meals and accommodations. Nonetheless, the Panel also notes that it is not often practical to make such arrangements in advance. Consequently, the Panel recommends the following in relation to accommodation and subsistence for meetings out of the Borough:

- **That wherever possible Members organise their meals and accommodation through the Council, which pre-books and pre-pays in advance.**
- **Or, that they conform to the same rates that are payable for Officers.**
- **For meals that cannot be pre-booked and paid and are in excess of current rates payable, that reasonable costs are reimbursed on production of receipts up to a limit of £25 per day.**

For Members using Public Transport – All Journeys

- XI. The Panel was informed that most Members do not use public transport to attend meetings but felt that it should make recommendations in relation to public transport to assist the Council for when such an occasion arises. The Panel recommends that where Members use public transport to travel to approved duties that it should be claimed at standard rates and with receipts. However, if there are exceptional circumstances when it is difficult to utilise public transport at standard rates or otherwise then a Member must get prior agreement from the relevant Officer to use other forms of transport, such as taxis or by aeroplanes.

The Dependant Carers Allowance

- XII. The Panel recommends that the DCA continue to be made available to Members with caring responsibilities and with the current restrictions. The Panel further recommends that the current limits on each claim is indexed each year to the annual national local government percentage pay increase.

Co-optees' Allowance

- XIII. The Panel supports the payment of the Co-optees' Allowance for the statutory Co-optees, as it helps remove a potential barrier to public service in a context where the Council may be struggling to find Co-optees when they are legally required. At the same time the payment of such an allowance should not be a motivating factor for candidates to become Co-optees. Moreover, the Panel recognised that it would not impose an undue financial burden on the Council, as there are only a limited number of statutory Co-optees on the Council.
- XIV. The regulations specify that the Co-optees' Allowance must be paid as a specified sum. In determining an appropriate sum, the Panel felt that it should largely be a nominal sum and took the following approach:
- **The statutory Co-optees on Bracknell Borough Council:**
 - If a Chair, paid the same as the Vice Chair of Licensing and Safety Committee = £550
 - If non-Chair = £250
- XV. The Panel further recommends that the Co-optees' Allowance be indexed to the annual local government staff percentage pay increase as agreed in the April of each year.
- XVI. The Panel further recommends that all Co-optees, including the non-statutory appointments should be able to claim travel and subsistence at the same rates as elected Members and under the same conditions.

Confirmation of Implementation and Indexing

XVII. If the Council is minded to accept the Panel recommendations contained within this report (with any amendments) then the Panel recommends that they be should be backdated to 1 May 2003 (for basic allowance) and 21 May 2003 (for SRAs). The exception to this is the implementation of recommendations in relation to travel and subsistence allowances, these recommendations should be implemented from the date of adoption of a new scheme of allowances under the 2003 Members' Allowances Regulations.

XVIII. Furthermore, the Panel recommends and confirms the use of the following index for allowances:

- Basic Allowance and SRAs: increased by the annual local government pay percentage increase as agreed each April (linked to spinal column point 49 of the NJC scheme), to be implemented the following May in that year from the date of the Council AGM commencing in 2004.
- Travel and Subsistence:
 - In-Borough travel: Car, motor cycle and cycle rates indexed to Officer rates
 - Out of Borough subsistence: indexed to Officer rates, unless related to actual cost re-imburement.
 - Out of Borough travel: indexed to Officer rates, unless related to actual cost re-imburement.
- Co-optees Allowance: indexed to annual percentage increase that is applied to Basic Allowance and SRAs.

XIX. The Panel further recommends that as per regulations the indexation recommended by the Panel be utilised from May 2003 for four years, or until the Council requires a further review.

Further Amendments to the Allowances' Scheme

Provision for Suspension of Allowances

XX. The Panel felt that it was equitable for Bracknell Forest Borough Council to be able to take advantage of this power. Thus, **if a Member is suspended from acting as a Councillor or a Member of the Council after being found in breach of the Code of Conduct then the Standards Committee should be empowered to suspend in whole or part the allowances payable to that Member. This provision should also apply to travel and subsistence allowances.**

Independent Remuneration Panel:**Review of Members' Allowances****For****Bracknell Forest Borough Council****Introduction: The Regulatory Context**

1. The following is a synopsis of the proceedings and recommendations made by the Independent Remuneration Panel appointed by Bracknell Forest Borough Council to consider the current Members' allowances scheme and advise the Council on a revised scheme. The Independent Remuneration Panel has been set up and convened under the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) and subsequent amendments, to the regulations (SI 2003/1022 and SI 2003/1692). These regulations replace all previous regulations and *inter alia* require all authorities in England to convene their Panel and make recommendations (before 31 December 2003) on the following:
 - Pensions for Members
 - Travel and Subsistence Allowances
 - Co-optees Allowances
 - An appropriate index for allowances
 - Provision for suspension of allowances under certain circumstance
2. The Council also asked the Panel to make recommendations on the range and levels of other allowances as set out in the terms of reference below.

The Panel

3. Bracknell Forest Borough Council appointed the following to its Independent Remuneration Panel, namely:⁴
 - Dr. Declan Hall, Chair of the Panel, Institute of Local Government, The University of Birmingham, an academic specialising in the field of Members' allowances
 - Neil MacGregor, Independent Financial Advisor and Magistrate in East Berkshire and long term resident of the Borough
 - Robert Picton, former procurement professional, now working as an examinations invigilator and a long term resident of the Borough

⁴ Richard Dean, Finance Director at Hewlett Packard was originally appointed to the Panel but was unable to attend due to work commitments.

4. The Panel had the support of Peter Driver, Democratic Services Manager, who acted as the 'Panellists' Friend', whose role was to take the organisational lead in facilitating the whole process.
5. The Panel would like to record its gratitude to the Members and Officers of Bracknell Forest Borough Council for making themselves available to talk to the Panel. In particular, the Panel and the Authority are indebted to Peter Driver. Peter carried the prime responsibility of organising the Panel and ensuring the work of the Panel was adequately supported and conducted in an efficient and effective fashion by facilitating its requests for information and ensuring that the whole process operated smoothly. The Chair of the Panel accepts all responsibility for the operation of the Panel.

Terms of Reference

6. The Panel was given a terms of reference that reflected the requirements of the new regulations, namely:
 - a) To make recommendations to Bracknell Forest Borough Council as to the amount of Basic Allowance that should be payable to its elected Members.
 - b) To make recommendations to Bracknell Forest Borough Council about the categories of Members who should receive a special responsibility allowance and as to the amount of such an allowance.
 - c) To make recommendations to Bracknell Forest Borough Council on a travel and subsistence allowance and as to the amount of this allowance and how it should be paid.
 - d) To make recommendations to Bracknell Forest Borough Council as to the amount of a Co-optees' Allowance.
 - e) To make recommendations to Bracknell Forest Borough Council as to whether the Authority's Allowances Scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
 - f) To make recommendations to Bracknell Forest Borough Council on whether any allowance should be backdated to the beginning of the municipal year in the event of the scheme being amended.
 - g) To make recommendations to Bracknell Forest Borough Council as to whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run.
 - h) To make recommendations to Bracknell Forest Borough Council as to which Members of Council are to be entitled to pensions in accordance with the scheme made under Section 7 of the Superannuation Act 1972; and as to treating Basic Allowances and Special Responsibility Allowances as amounts in respect of which such pensions are payable regarding the Local Government Pension Scheme (LGPS).
 - i) To act as the Parish Remuneration Panel and to make recommendations via Bracknell Forest Borough Council on an appropriate level of Parish Basic Allowance in lieu of a specific review being requested by a Parish Council within the Borough.

The Panel also added further terms of reference, namely:

- j) To make recommendations to Bracknell Forest Borough Council as to whether the authority's allowances scheme should include provision for the suspension of allowances when a Member is suspended from Council duties.

Methodology

7. The Panel met at Easthampstead House in Bracknell on 6 and 15 October and 13 November 2003. The Panel meetings were held in private session so as to enable the Panel to interview Members and Officers in confidence. The details of the range of elected Members and Officers of the Council that met with the Panel are provided in Appendix One.
8. The Panel's activity fell into four parts:
 - **One:** Review of background information, i.e., the current political structures and composition; briefing by the Panel Chair on the details and implications of the new regulations; review of the previous report and the current allowances scheme; tabling of other relevant information, such as the questionnaire results of Members, the employer contribution to the Local Government Pension Scheme (LGPS), and various rates utilised across the country for public officials claiming travel and subsistence allowances.
 - **Two:** Interviews with Members and Officers of the Council.
 - **Three:** Review of oral and written submissions, questionnaire analysis and examples from other relevant authorities.
 - **Four:** Arriving at recommendations.
9. While the Panel reviewed a wide range of available information, and interviewed a cross-section of Members it also compiled and distributed a questionnaire to all Members. This ensured no Member was denied a voice in the review process. Written submissions were also invited from Members, these were received and noted.
10. Furthermore, the Panel took into account practice elsewhere for bench marking purposes insofar it was able to obtain relevant information. The Panel was also cognisant of the recommendations from the previous review. It is from these processes and deliberations that the Panel has arrived at the recommendations set out in this report.

Principles of the Review

11. Before the Panel arrived at its recommendations it decided that its deliberations should be underpinned by the following principles which have been adapted from the previous review and updated to take into account the new statutory provisions:

- (i) To retain a simplified structure for the Council's Members' Allowances Scheme.
 - (ii) The Basic Allowance should be at a fair value reflecting the time put into the role of front line Councillors while recognising the concept of voluntary or public service.
 - (iii) The SRAs recommended should reflect both responsibility and time commitments of the post holder as well as the level of public exposure.
 - (iv) There should be no more than one SRA payable to post holders, as per current practice.
 - (v) Allowances should be set at a level that seeks to remove barriers to public service as far as possible while not being set at such a level that financial considerations become a motive for seeking local elected office.
12. The Panel took the view that its task was not simply to arrive at a set of figures for Members' Allowances but to make recommendations that were based on a logical construct that was transparent, simple and could be easily understood by both Members and the public. Furthermore, the Panel accepted that there is no definitive answer to Members' allowances as Members serve out of different motivations and come from distinct socio-economic backgrounds. Consequently, the Panel was keen to explore the expectations and ways of working amongst Members of Bracknell Forest Borough Council so that its recommendations went with the grain of working and were suitable for Bracknell Forest Borough Council, rather than utilising a generic approach.
13. The Panel has laid out a synopsis of its deliberations in this report to assist Members and the public to understand its approach. The Panel understands that the Council may be sensitive to the financial implications of its recommendations and the public perception arising out of the recommendations. However, the Panel wants to emphasise that its role has been to take a view on what the roles are worth and what remuneration they deserve. As such, while the Panel's recommendations are not mandatory (except on the issue of pensions) it is hoped that if the Council disagrees with the actual figures recommended that the Council would accept the Panel's logic. The recommendations presented in this report at the present represent the view of the Panel and not the official view of Bracknell Forest Borough Council.

Bracknell Forest Borough Council: Its Functions and the Context of the Review

The Importance of Being a Unitary Authority

14. Bracknell Forest Borough Council is a unitary local authority that emerged as one of the six unitary authorities from the division of the former Berkshire County Council. As a unitary authority it is responsible for the full range of local government services to a population of over 110,000 and is one of the fastest growing areas in the country. The Council is responsible for all of the local government services and community leadership of the Borough and does not share these responsibilities in a way that would occur in a county, where such responsibilities are split between district and county councils. These services include:

- Education
- Social Services
- Housing Services
- Transport
- Planning Services
- Environmental Services
- Leisure Services
- Joint Arrangements, such as strategic planning and Royal Berkshire Fire Authority
- Partnerships, including statutory partnerships with Health, Police and other local agencies and actors in the private and community sectors to deal with issues such as Community Safety, Child Protection and Community Planning

15. As such, the Council's revenue budget is almost £100 million per year with a capital programme of around £12 million per year. The Council also employs approximately 3,500 full time equivalent staff. The Panel felt that the unitary nature of the authority was important in its deliberations on the levels of allowances it recommended.

The Political Context and the Structures of the Council

The Profile of the Membership

16. There are 42 elected Members of the Council. The Council is elected every four years with the next elections being in 2007. Currently the political make up of the Council is:

- Conservative: 34
- Labour: 6
- Liberal Democrat: 1
- Independent: 1

17. All the political groups are registered under the 1989 Local Government Act as groups on the Council and therefore are afforded the rights given to them under said Act, namely proportional representation on all Council committees and access to information. Members spend time attending party group meetings, external party meetings, meetings with Chief Officers as a Group and meetings devoted to the discussion of Council business.

The Democratic Structures

The Executive

18. As per the requirements of the Local Government Act 2000, the Council chose to adopt a Cabinet form of executive with 9 members including the Leader and Deputy Leader. The role of the Executive is to take decisions within the policy and budgetary framework it prepares each year and is approved by the Council. The Conservative Group controls the Executive as a majority administration and each Executive Member has an individual portfolio. Decisions may be taken either collectively or individually, or by Officers under delegated powers. A rolling four-month Forward Plan of proposed key decisions, those that involve more than one ward of the Borough or financial transactions of £400,000 or more, is published once per month. The Executive is the Council's main decision-making body and meets formally once every four weeks, plus a formal four-weekly briefing session and a four-weekly informal deliberative meeting. Thus, the Executive is meeting three out of four weeks.

Overview and Scrutiny

19. The Council also has three standing Scrutiny Panels of 9 elected Members each. As permitted by law, the membership of the Scrutiny Panels is politically proportional to the party strength of the non-executive membership of the Council, with the Chairs and Deputy Chairs being held by the Conservative Group. They are:
- Lifelong Learning
 - Environment
 - Health, Social Care and Housing
20. The work of the Scrutiny Panels is also informed by Scrutiny Sub Groups, which are task and finish sub-groups of the Scrutiny Panels. They are usually made up of 3-4 Members of a particular Scrutiny Panel with the function of exploring a particular issue in more detail. All non-executive Members have the opportunity to serve on at least one of the Scrutiny Panels and associated review groups. The purpose of the Scrutiny Panels is to hold the Executive to account by scrutinising the discharge of the executive functions and making recommendations to the Council or Executive on these functions, to monitor the Council's performance and assist with policy development through scrutiny reviews.

21. There is also the Public Scrutiny Commission, its main function is to co-ordinate overview and scrutiny and set the programme for the three standing Scrutiny Panels. This body also exercises the statutory call-in function whereby decisions of the Executive can be scrutinised by the Public Scrutiny Commission. The relevant Executive Members and Officers can be summoned to give evidence and be cross-examined on a particular decision. The Public Scrutiny Commission can ask for a decision to be amended or reconsidered.

The Regulatory Committees

22. There are also a number of regulatory and quasi-judicial committees that the Council is required to have by law to discharge the regulatory and statutory duties of the Council that the law prevents being a function of the executive. The main regulatory and quasi-judicial committees the Panel considered were:
- (i) The Licensing and Safety Committee, from which four Licensing Panels will be separately formed from April 2004
 - (ii) The Planning and Highways Committee
 - (iii) The Employment Committee

Champion Councillors

23. The Council has also designated certain Members as Council Champions to carry out an enhanced representative role for a particular section of the community. While these roles will be explored in greater depth later on it is noted here that the current sections of the community represented by Champion Councillors are:
- Pensioners
 - Children and Young People
 - Tenants and Leaseholders
 - Voluntary Sector
24. The Panel was informed that all non-executive Members have an opportunity to be on at least one Scrutiny Panel and in most cases a main regulatory committee, with most non-executive Members serving on at least two Committees and/or Panels.

Arriving at the Basic Allowance

25. Before it arrived at recommendations for the Basic Allowance the Panel noted statutory guidance that it must pay regard to. In particular, the Panel noted that the authority's scheme of allowances must include provision for a Basic Allowance that is payable at an equal flat rate to all Members. The statutory guidance on arriving at the Basic Allowances states:

Having established what local Councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, Councillors ought to be remunerated.⁵

26. The underlying approach of the Panel to setting the recommended Basic Allowance was based on the above statutory guidance as published by Office of Deputy Prime Minister (ODPM) and the Inland Revenue (IR), par. 67. As a result, the Panel was under a duty to arrive at answers for the following three variables:⁶

- What time is necessary to fulfil the role of the front line Member?
- What amount of that time should be viewed as given as public service, known as the public service discount (PSD)?
- At what rate should the remunerated hours be paid?

Setting the Basic Allowance – Expected Time Inputs

27. The Panel started its deliberations by discussing the amount of time Members could reasonably be expected to put into non-executive roles. The Panel noted a 1998 DETR study of employed Members showed that on average a Councillor in English metropolitan authorities and in employment put in on average 20 hours per week⁷ (or approximately 2.75 days on a 7.4-hour working day). This latter figure was helpful to the Panel as it provided a benchmark, which employed Members could reasonably be expected to find manageable. This does not create undue expectations on prospective Members and ensures it remains a position that many employed people could consider. The Panel kept this benchmark figure in mind when considering what was seen as appropriate for Bracknell Forest Members to put into their non-executive roles.
28. The Panel was keen to find out what time Members felt was necessary to put in to do the job rather than what Members actually put in. By doing this the Panel wanted to establish a link between the Basic Allowance and the minimum expectation of what a Member should be doing in return as well as test it against national averages for employed Members

⁵ Office of Deputy Prime Minister and Inland Revenue, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, par 67.

⁶ For further details see *Consolidated Guidance* July 2003, pars. 68-69.

⁷ See DETR, *The Impact of Releasing People for Council Duties*, June 1998, p. 31, Table 3/10. It should also be noted that the 20.4 hours average input is for all Councillors, including those with special responsibilities.

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29. The Panel collated the information received from the interviews and questionnaires on what was necessary to do the job of the non-executive Member effectively. The evidence indicated that there was a general expectation that Members need to put in on average 13 hours per week, with a median figure of 15 hours per week on all their duties. This includes attendance at formal meetings, group meetings, meetings with Officers, ward related work, reading, preparation and representation on outside bodies. The Panel translated this expected input as 13 hours per week or 676 hours per year.
30. The Panel noted that the expected time inputs for Bracknell Forest Borough Council Members as indicated by the questionnaire returns was not out of line with other comparator authorities. Moreover, the Panel further noted the figure of 13 hours per week was below the average put in by employed Members in metropolitan authorities. By the Panel utilising 13 hours per week as the expected time input for the Basic Allowance it also shows that it is an input that permits most non-executive Members to have some outside employment and therefore makes the position open to a wider range of candidates.
31. As such, the Panel was content that 13 hours per week average minimum input was a reasonable expectation for Members in return for their Basic Allowance.
32. The Panel also noted that many review panels in metropolitan and unitary authorities had based their minimum expectations on a similar time expectation. The expectation elucidated by this Panel is in the middle of the spectrum that is normally enunciated. However, the Panel felt that it was being realistic in indicating that Members need to put in at least 13 hours per week as they are expected to perform the following roles:
- Attend full Council Meetings.
 - Sit on at least one Scrutiny Panel (and their Task and Finish sub-groups), and/or a Regulatory Committee.
 - Prepare, read and travel for Council-related meetings.
 - Attend to ward and constituent issues and concerns.
 - Often sit on at least one outside body as a representative of the authority.
 - Meeting with other local actors in partnership working.
 - Attend a training event at least twice a year.
33. **Based on evidence received in interview and from the questionnaire (which was checked against experience and national research), the Panel took the view that it was appropriate for a non-executive Member on Bracknell Forest Borough Council to put in at least 13 hours per week on all their duties.** The Panel has equated this to 676 hours or 91.35 days per year (on a 7.4 hour working day). The Panel recognises that many Members have the time and energy to put more time into their front line roles and the time they put in is not necessarily in a normal working day context.

The Voluntary Principle – Or Public Service Ethos

34. The Panel then discussed the voluntary principle, or public service ethic. This is the notion that an important part of being a Councillor is the desire to serve the public and, therefore, not all of what a Councillor does should be remunerated; a portion of a Councillor's time should be given voluntarily. Moreover, the consolidated statutory guidance now requires Panels to recognise this principle when arriving at the recommended Basic Allowance. In other words, an element of front line Members work must be given as *pro bono publico*.
35. The questionnaire respondents felt that on average only 18% of a Member's time should be given as public service for the front line roles, with a median figure of 20%.
36. The Panel also noted that the common practice in many authorities is to apply a voluntary discount of 33 per cent, with the range usually being between 25-50 per cent. The discount recommended by the Association of London Governments report was one third. In other words, this proportion of the time a Councillor is expected to put into their role should not be paid.
37. The Panel is under a statutory obligation to recognise the concept of public service in the Basic Allowance and it also felt that there was no strong case to deviate from the national norm of one third of Members expected time inputs being discounted in arriving at the Basic Allowance. The Panel took this view on the basis that it made the recommendation for the Basic Allowance more transparent and justifiable when compared to practice elsewhere.
38. **Thus the remunerated time for Members in Bracknell Forest Borough Council is 61.2 days per year. This is 91.35 days per year average expected input minus the 33 per cent voluntary discount, which equates to 61.2 days per year.**

The Rate for the Job

39. After establishing a remunerated expected time input the Panel then considered what was an appropriate benchmark to assess a Councillor's worth. In other words, to establish a rate for the job. It was noted that there is a LGA recommended rate, which for 2002 is £122.10⁸ per day. This notional daily figure is based on the mean male non-manual wage. The Panel noted that historically Bracknell Forest Borough Council had also utilised the same benchmark to arrive at a rate for the job, it was also the most common answer in the questionnaire returns, being the median figure, with £130 being the average figure.
40. The Panel felt that there was no strong reason to alter the historical approach in arriving at the rate for the job. Members perform non-manual roles and are

⁸ The most recent date for which figures are available as published in the LGA Alert 55/03, Members Allowances, 19 February 2003.

required to have non-manual skills and the male element was appropriate in terms of promoting equality in the rate for the job. Moreover, the LGA-approved rate is the one most commonly used in other reviews.

41. **Consequently, the Panel took the view that the national mean male non-manual gross daily earnings as approved by the LGA should be utilised. In 2002 this figure was £122.10 per day.**

Calculating the Basic Allowance

42. **Consequently, the Panel first calculated that the Basic Allowance for Members of Bracknell Forest Borough Council should be based on the following formula:**

- 91.35 days minimum annual expected mean input – 30.15 days per year Public Service Discount = 61.2 remunerated days per year.
- 61.2 days per year X £122.10 per day = £7,473

43. The Panel noted the figure of £7,473 per annum as a tentative recommended Basic Allowance. But the Panel further noted that the current Basic Allowance (£7,000) has not been increased since its institution in 2001. The Panel enquired on the local government national percentage pay increase for 2002 and 2003 and was informed that it was 4%⁹ and 3.5% respectively. The Panel applied the local government staff percentage pay increase to the current Basic Allowance. This gave the Panel a figure of £7,535. The Panel was further convinced that the formulaic method and the recommendations of the previous Panels were broadly appropriate.

44. **The Panel decided to split the difference between the two figures, which produced a figure of £7,504. The Panel rounded £7,504 to the nearest £50. Thus the recommended Basic Allowance is £7,500**

The Payment of 'Incidental' Expenses

45. The Panel considered what should be seen as 'incidental' expenses that the Basic Allowance covers. The Panel noted that the statutory guidance¹⁰ on Members' Allowances states:

Basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes.¹¹

46. The Panel discussed whether the increase in the Basic Allowance should be deemed sufficient to cover 'incidental' expenses, such as stationery, telephone calls and postage. The questionnaire returns gave an average cost of

⁹ The pay increase for 2002 was paid in two stages of 3% and 1%.

¹⁰ DETR, *Guidance on Members' Allowances for Local Authorities in England*, paragraph 14, 9 April 2001.

¹¹ DETR, 2003 Consolidated Guidance, par. 10.

'incidental' expenses as £45.21 per month, with a median figure of £25 per month.

47. **The evidence received indicated that Members were generally satisfied with the current arrangements and that the cost of 'incidental' expenses such as unremunerated travel and Council-related telephone calls should be deemed to be covered by the Basic Allowance. The Panel also notes that this should not negate the current level of provision and access by elected Members to the support provided by Democratic Services.**

Arriving at the Special Responsibility Allowances

The Panel's Approach to Recommending SRAs

48. The Panel was under a duty to take cognisance of the following statutory guidance in arriving at recommendations for SRAs:

It does not necessarily follow that a particular responsibility which is vested to a particular member is a significant additional responsibility for which a special responsibility allowance should be paid. Local authorities will need to consider such particular responsibilities very carefully. Whilst such responsibilities may be unique to a particular member it may be that all or most members have some such responsibility to varying degrees. Such duties may not lead to a significant extra workload for any one particular member above another. These sorts of responsibilities should be recognised as a time commitment to council work which is acknowledged within the basic allowance and not responsibilities for which a special responsibility allowance should be recommended.

In addition, any particular local authority will need to look carefully at the nature of its constitution when determining its scheme. New arrangements will mean that there are inevitable changes in the positions of responsibility on the Council, both in terms of number and workload. Some councillors will be spending significantly more of their time on council duties than has ever previously been the case. On the other hand, changes in the traditional committee structure will mean that there are far fewer committees and, as a consequence, fewer councillors engaged as chairs and vice-chairs of numerous committees.¹²

49. The statutory guidance led the Panel to make recommendations on the SRAs with a number of principles in mind, namely:
- i) A position would need to show that it carried *significant additional responsibility* for the post to recommend a SRA.
 - ii) The Panel wanted to explore how the experience of new executive arrangements and roles for Members had impacted on their responsibilities carried.
 - iii) There would have to be a strong case for more than 50 per cent of Members to be in receipt of a SRA.

¹² See 2003 Consolidated Guidance, pars. 70-72.

50. The Panel decided that the Special Responsibility Allowances should be calculated without an explicit voluntary discount built in. This was done for the following reasons:
- It was felt to be unfair to penalise Members twice over for the voluntary element of public service.
 - That by not recognising a PSD in arriving at SRAs it recognised the responsibility carried by many senior roles and not just the time commitment.
51. The Panel took the view that it must pay regard to the statutory regulations, the expectations and experience of the new roles, the interviewees' and questionnaire returns rather than historical precedent. It is a balance of these factors that has led to the recommendations set out below.

Arriving at the Leader's SRA

52. The Panel noted the following statutory guidance from the 2003 regulations (par. 76) before it deliberated on the Leader's SRA.

Having determined which duties should be acknowledged as significant additional responsibilities, the local authority will need to consider the levels of special responsibility allowance which are attached to each post. A good starting point in determining special responsibility allowances may be to agree the allowance which should be attached to the most time consuming post on the Council (this maybe the elected mayor or the leader) and pro rata downwards for the other roles which it has agreed ought to receive an extra allowance. One way of calculating special responsibility allowances may be to take the agreed level of basic allowance and recommend a multiple of this allowance as an appropriate special responsibility allowance for either the elected mayor or the leader.

53. The above statutory guidance led the Panel to consider a number of approaches in arriving at the Leader's recommended SRA. This comparative (or 'triangulation') process was carried out so the Panel could consider the different options and explore both their differences and similarities so that the Panel was confident in arriving at its recommendations.

The Time Based Approach

54. A starting point for the Panel was to consider whether the Leader's role was the equivalent of full time. Once this question was settled it gave the Panel a clear lead in setting the Leader's SRA. If the Leader's role was not expected or needed to be full time then the Panel would be considering a SRA that reflected a part time role and vice versa. It provided a means by which to conceptualise the remuneration package for the Leader. It was made clear to the Panel in both interviews and in the questionnaire returns that Members felt that Bracknell Forest Borough Council needs a Leader that is at least three-quarters of full time equivalent. The Panel felt that was appropriate for a unitary authority the size of Bracknell Forest Borough.

55. In particular, the majority of the interviewees regardless of party felt the role of Leader was full time, with many expressing the view that the role had increased substantially since the previous review, (which is a common experience across England as the second wave of reviews post-2000 Local Government Act have shown). The Panel felt that the previous review had arrived at an appropriate recommended SRA for the time but it became clear the role of Leader has increased since then in light of modernised structures.
56. The Panel took the opportunity to explore how the role of Leader might have altered since the previous review to obtain a sense of whether the time commitment was the equivalent of three quarters time (or the equivalent of 195 days per year). The evidence presented on the Leader's roles was the following:
- Providing political leadership and direction to the authority, officers, group, citizens, stakeholders and partners of the Council.
 - Representing the authority externally (in conjunction with the Mayor of the Council who has a role in representing the authority externally in a civic capacity).
 - Chairing and co-ordinating the Executive and contributing actively to setting the overall direction of Council and community strategies, policies, budget, corporate plans, objectives, priorities and programmes.
 - To provide the stability for the Officers to deliver the policy objectives of the Council.
 - Has a role to play nationally within local government.
57. The Panel took the view (based on evidence received from the questionnaires, interviews and experience elsewhere) that at this present time there **is** a definite and proven case for a Leader to be working at least three quarters of full time in Bracknell Forest Borough Council. Yet, the Panel did receive some further evidence that the role may be more than three-quarters time so it rounded up 195 days per year to 200 days per year as the equivalent time that the Leader could be expected to put into his role. This is not to suggest that the Leader is expected to formally work a 9-5 day in the office because the role does not lend itself to such a prescribed formal structure.
58. One way of arriving at a recommended SRA for the Leader utilising a time-based approach is to start with the assumption that the role of Leader is 200 days per year and pay at the LGA approved day rate (or 200 days per year X £122.10), which produces a recommended SRA of £24,420.
59. Another approach is the one adopted by the Birmingham review that argued if a time-based approach was to be utilised in arriving at the Leader's SRA then the remunerated time should be paid at a higher rate than the Basic Allowance to take into account not simply time (loading) but responsibility as well (weighting). As a result, the Birmingham review argued that utilising the highest decile of male non-manual daily average salary should arrive at the Leader's rate for the job. In 2002, this figure for Great Britain was £202.26 per day (or £1,011.30 divided by five working days). Taking this approach would produce the following recommended SRA for the Leader:
- = 200 paid days at £202.26 per day

- = £40,452

60. The Panel felt the figure of £40,452 was in all likelihood more methodologically pertinent but the Panel was conscious of public perception and affordability and decided that it should be guided by the figure of £24,420 as a starting point for the Leader's recommended SRA.

The Analogy Approach

61. The analogy approach led the Panel to take the view that the Leader could be seen as being on a par with his peers in the wider world. Consequently, it guided the Panel to explore the Leaders' SRA by utilising an analogy. The Panel also noted that it was increasingly common approach to arriving at Leaders' SRAs across the country.

Compared to Leaders of Unitary Authorities - England

62. One obvious comparison is to compare the Leader of Bracknell Forest with the Leaders of other Unitary Authorities across England. The Panel noted that the mean SRA paid to Leaders in English Unitary Authorities as reported at the end of 2002 was £14,707.¹³ However, the Panel noted that this survey was conducted at the end of 2002 and all the Unitary Authorities in England are required to review their allowances under the 2003 regulations, which will substantially alter the results of the IDeA Survey. The Panel was also informed that, unlike Metropolitan Authorities where the range of Leaders' SRAs was more restricted, the range of SRAs paid to Leaders in Unitary Authorities was very wide with a number of small Unitary Authorities that pay comparably small SRAs for Leaders that are expected to have a lesser time commitment than the Leader of Bracknell Forest Borough Council. Moreover, the averages produced by the IDeA survey do not take into account those authorities where Leaders are paid multiple SRAs, such as for being a group leader. The Panel felt that this approach was not particularly fruitful due to the lack of up to date and transparent information.

Compared to Leaders of Other Authorities – CIPFA¹⁴ Near Neighbours

63. Another approach was to compare the Leader of Bracknell Forest Borough Council to Leaders of other Authorities that have been identified by CIPFA as being similar to Bracknell Forest, or its 'near neighbours' as defined by a range of demographic and socio-economic characteristics. These are authorities that could be readily compared to Bracknell Forest Borough Council.

64. The Panel enquired on what was being paid in these authorities as a Leader's SRA. The Panel was able to ascertain these figures on the 2002/03 data that was supplied to it. These figures indicated that Leaders received a SRA that

¹³ See IDeA Survey of Members Allowances, 13 January 2003.

¹⁴ CIPFA – Chartered Institute of Public Financial Accountants

ranged from £9,800 in Swindon to £25,000 in Milton Keynes, with the average approximately £17,000. The Panel felt that the figure paid to the Leader in Milton Keynes (£25,000) was a more appropriate guide than the lower figures, as Milton Keynes was more comparable to Bracknell Forest than Swindon in terms of demographic and economic profiles. Moreover, the Panel was also informed that the Swindon figure did not reflect the fact that Swindon is undertaking a review of allowances under the 2003 regulations and therefore it will almost certainly increase by the end of 2003¹⁵.

Compared to Other Public Roles

65. The questionnaire sent out by the Panel to Bracknell Forest Borough Council's elected Members asked for a comparative public role to that of the Leader. Most of the respondents did not see the role as comparable to that of a particular public role. Rather the majority of the questionnaire respondents compared the Leader to either a Company Chair or Chief Executive of a medium sized company, with some variations around the theme of Managing Director/Manager. If the Panel were to follow this suggested analogy then it would also be leading to recommending a SRA for the Leader at similar levels to that of an MP, approximately £60,000. The Panel received information that indicated that Managing Directors of companies, regardless of size and location, are paid a median of £75,338¹⁶. While the Panel recognised the role of the Leader had increased in size and responsibility it received little evidence that the Leaders' roles and responsibilities merited a SRA as suggested by comparing the Leader to a Managing Director of a medium sized company.

Compared to Chairs of Primary Care Trusts (PCTs)

66. Another analogy that many Panels are starting to develop is the one between Leaders of authorities and Chairs of Primary Care Trusts (PCTs). The reality is that PCTs are very different from local authorities and the Chair of a PCT does not have the degree of public accountability and exposure a Leader has under the new executive arrangements. Nonetheless, it is an analogy that is often drawn because the geographical boundaries of PCTs are usually coterminous with local authorities, as is the case with Bracknell Forest PCT and Bracknell Forest Borough Council. Moreover, Chairs of PCTs have an explicit expected time input and a set of responsibilities that can be measured against that of a Leader, even though Bracknell Forest PCT has a smaller budget, less employees and a more narrow service focus than Bracknell Forest BC.
67. The Panel was informed that the Chair of Bracknell Forest PCT receives an annual allowance of £16,417 for a total expected input of three days per week, whereas the Panel saw the role of the Leader as being closer to four days per week. If the Panel pro-rated the annual allowance paid to the Chair of the Bracknell Forest PCT it would produce a recommended SRA for the Leader of

¹⁵ Information supplied to the Panel by the Chair based on personal knowledge.

¹⁶ Source: Institute of Directors

£21,048 (the PCT Chair's daily rate of £105 per day multiplied by 200 days per year). Again this produced a figure that was within the range produced by comparing the Leader to similar unitary authorities and the time base-based approach.

The Factor Approach

68. In reviewing allowances paid elsewhere as indicated by the IDeA survey the Panel noted that as a general rule the reported average SRAs paid to Leaders is consistently a factor of the Basic Allowance that ranges from approximately 2.8 to 3.3 depending on the type of authority. If the Panel were to follow this approach and use the average factor of three times the Basic Allowance it would produce a recommended SRA in the region of £22,650.
69. The Panel notes that the factor approach is specifically suggested in the statutory consolidated 2003 guidance and that it is an approach utilised in other reviews, such as in the Black Country. This approach also provided another means by which to arrive at a tentative SRA for the Leader and produces at least a bottom line guide of £22,650 for the Leader's recommended SRA.

The Leader's Recommended SRA

70. The Panel has laid out its deliberations in arriving at the Leader's recommended SRA to show that all routes were explored and options considered. More importantly it gave the Panel a range of figures to choose from in recommending a Leader's SRA. The figures produced by the Panel's deliberations were the following:
- Time Based Approach: £24,420
 - Comparative Approach (Similar Unitary Authorities): £25,000
 - Analogy Approach (PCT Chair): £21,048
 - Factor Approach: £22,650
71. From the Panel's perspective the important illustration from a review of the methods utilised (time based, analogy, comparative and factor approaches) produced a consistent set of figures between £21,048 and £25,000. The Panel felt the figures produced by the time-based and comparable authorities approaches were the appropriate guide to arriving at the recommended Leader's SRA.
72. **Consequently, by following the time-based and comparable Unitary Authority methods of arriving at the Leader's SRA the Panel felt that the appropriate SRA for the Leader of Bracknell Forest Borough Council should be £25,000.**

Arriving at Recommendations for Other SRAs

73. As suggested in the 2003 consolidated statutory guidance the Panel arrived at the recommended SRAs for other post holders by relating their roles to that of the Leader. This approach led the Panel to ask: "If the Leaders' time commitment and responsibility can be seen as 100 per cent then what will be the size of the roles of the Deputy Leader and Cabinet Member's compared to

that of the Leader?" It was also an approach that was utilised by the previous Panel and is the most common approach utilised by review panels.

The Deputy Leader

74. At this stage the Panel turned its attention to the position of the Deputy Leader. There was some debate whether the Deputy Leader warranted a differential SRA from that of the other Executive Members. The Panel noted that it was not current practice to award the Deputy Leader a differential SRA from that of other Executive Members and (assuming the Deputy held a portfolio) is currently paid an SRA (£13,000) at 63.4 per cent of the Leader's SRA, currently £20,500. The evidence from the questionnaire gave the following ratios of the Deputy Leader's role to that of the Leader:

- Range: 20%-100%
- Mean: 47%
- Median: 40%
- Current: 63%

75. It was clear that the questionnaire returns on the size of the Deputy Leader's role were based on the premise of the Deputy Leader without a portfolio; the Panel was informed that since May 2003 the Deputy Leader did hold a portfolio. Thus, the Panel took the view that the Deputy Leader's role should be seen as somewhat larger than other Executive Members. It too was a role that had increased but not to the extent of the Leader's role. Yet, modernisation meant the Deputy Leader increasingly supported the Leader and the Panel felt that this needed to be recognised. The evidence presented to the Panel showed that commonly Deputy Leaders are paid between 50-75% of their Leader's SRA. Thus the Deputy Leader is currently paid at the middle of the common spectrum.

76. The Panel noted that the Deputy Leader also has an enhanced role under the new constitution and that there was a substantial time commitment for the role that would more or less preclude normal employment. As a result of this evidence the Panel felt there was a strong case to broadly maintain the current ratio, with some weighting to a slight decrease. The Panel decided to simply round down (to 60 per cent) the current ratio in arriving at the recommended SRA for the Deputy Leader.

77. **Consequently, the Panel broadly maintained the ratio applied by the previous review (63 per cent but rounded down to 60 per cent) to assess the size of the role of the Deputy Leader when compared to that of the Leader. Thus, the recommended SRA for the Deputy Leader is £15,000. (The Leader's recommended SRA of £25,000 multiplied by 60 per cent = £15,000).**

Deputy Leader without Portfolio

78. While this position no longer exists the Panel felt that for completeness and in case the position was restored it should recommend a SRA for the role of Deputy Leader without portfolio. The Panel was not in a position to make informed judgements on what a position might entail but it did note that under the 2002/03 allowances scheme it had been paid at the same level as an Executive Member without portfolio (also a position which does not exist currently but see paragraph 84). The Panel simply decided to apply the national local government pay percentage increase from 2001-2003 (3% +1% + 3.5%) to the current SRA that would be payable.
79. **Consequently, the recommended SRA for the position of Deputy Leader without portfolio is £7,000 (the current SRA of £6,500 + 4% + 3.5% = £6,997, which the Panel rounded up to £7,000). Noting that this position does not exist at present, if the Council was to reintroduce the position and felt this was not an appropriate SRA it would have to ask the Panel to consider it once more in light of actual experience.**

Members of the Executive

80. At present the Executive Members receive an SRA paid at 63.4 per cent of the Leader's SRA (£13,000). Their roles are to take responsibility within the Executive for a portfolio of services or functions and to act as spokespersons and points of contact for Officers. All Portfolio Holders are full voting members of the Executive. Many major decisions are made collectively, which means that all Executive Members, Leader and Deputy Leader are held responsible for Executive decisions. However, the Executive Members now have a large degree of individual executive decision-making power and are also expected now to present their own reports to the Executive. They also have meetings with relevant Officers and the Leader in between formal meetings of the Executive. They also have to research and prepare on their briefs, attend scrutiny and take a lead on such issues as community planning, Best Value, consulting on budgets as well as assisting in drawing up budget and policy proposals.
81. The responses from the questionnaire gave the following ratios as the size of the role of the Executive Members when compared to that of the Leader:
- Range: 20%-75%
 - Mean: 54%
 - Median: 50%
 - Current: 63%
82. The Panel was informed that on average Executive Members are paid 56.6 per cent of their Leaders' SRA in unitary authorities in England (see IDeA Survey 13/01/03) and the common range is between 40-65 per cent. Thus, currently Executive Members in Bracknell Forest are being paid towards the upper end of the spectrum in comparable authorities. The Panel decided to apply a modest decrease to the current ratio of 63 per cent and settle on the middle of the spectrum at 55 per cent as an appropriate guideline. This also closely

reflects the average response from the questionnaire returns. It did this as it felt that the role of Executive Members had also increased proportionally in light of experience of allowances' reviews but not to the extent that the Leader's role had.

83. **Consequently, the recommended SRA for the Executive Members is £13,750 (the Leaders recommended SRA of £25,000 multiplied by 55 per cent = £13,750).**

Executive Member without Portfolio

84. Currently there is no position of Executive Member without portfolio but the current scheme makes provision for it, as it was a position that existed in the past. The Panel felt that for completeness it should make recommendations on this position so that if it were re-instituted the Council would not be required to reconvene the Panel for advice on one position. The Panel noted that presently provision is made to pay a SRA for Executive Member without Portfolio at just over 30 per cent of the Leader's SRA. The Panel felt that 30 per cent was not still appropriate as it had received no evidence that it would be a role that had increased substantially. The Panel simply decided to apply the national local government pay percentage increase from 2001-2003 (3% +1% + 3.5%) to the current SRA that would be payable.

85. **Consequently, the recommended SRA for the position of Executive Member without portfolio is £7,000 (the current SRA of £6,500 + 4% + 3.5% = £6,997, which the Panel rounded up to £7,000).**

Chairman the Planning and Highways Committee

86. The Panel considered next the role of the Chairman of the Planning and Highways Committee. The Panel was informed that the Chairman of the Planning and Highways Committee is a high profile position in Bracknell Forest Borough Council. Planning in particular is an issue that attracts public attention and the Chairman needs to keep abreast of current developments in planning law and regulations. The Planning and Highways Committee is the first and in most cases sole point of reference for planning applications that are in any way contentious. As such, the Committee has a heavy workload in that it meets every four weeks, plus associated site visits. In particular, the Chairman attends briefings with Officers, scheduled at least every four weeks. Consequently, there are three meetings for the Chairman on every four-week cycle.
87. On the other hand, while chairing the Planning Committee entails a substantial workload it has less discretionary responsibility due to the quasi-judicial nature of the Committee. Yet, it is a role that also has enhanced responsibility through the high degree of public scrutiny and it does make decisions that are binding on the Authority. Moreover, the Chairman of the Planning Committee has to handle the public meeting of his or her Committee with a degree of sensitivity. The Panel was informed that even when a planning application is

delegated for decision by Officers, which 86% are, those with between 1-3 objections are delegated to officers but decided only after consultation with the Chairman of Planning and Highways. This involves the Chairman liaising with Members and Officers to obtain the best outcome from the consultation and ensuring that valid objections are given the correct weight in deciding the application.

88. The responses from the questionnaire gave the following ratios as the size of the role of the Chairman of Planning and Highways when compared with that of the role of Leader:

- Range: 10% to 60%
- Mean: 35%
- Median: 33%
- Current: 44%

89. The Panel was informed that commonly Chairs of Planning Committees are paid between 20%-40% of their Leader's SRA. The Panel noted that the questionnaire responses indicated that Members felt the current sizing of the role the Chairman of Planning and Highways was somewhat high, which it is compared to elsewhere. However, the Panel felt that the role had not decreased to the extent indicated by the questionnaire returns.

90. The Panel deemed that the role had not altered greatly since the previous review and decided that it should apply the same national local government percentage pay increase to the SRA for the Chairman of Planning and Highways as it did to the Basic Allowance and Executive Member without portfolio.

91. **Thus, the recommended SRA for the Chairman of the Planning and Highways Committee is £9,700. (The current SRA of £9,000 + 3% + 1% + 3.5% = £9,690, which the Panel rounded up to £9,700). This is the equivalent of 39% of the Leader's SRA.**

Chairman of the Public Scrutiny Commission (PSC)

92. The Panel noted that the Chairman of the Public Scrutiny Commission (PSC) replaces the role of Chairman of the Co-ordination Select Committee. However, the remit of the PSC is larger than the Co-ordination Select Committee. It still co-ordinates the work of the Scrutiny Panels and is responsible for the Call-In function but it now has prime responsibility for the Overview and Scrutiny function. The current allowances scheme pays a SRA for the Chairman of the Co-ordination Select Committee at 25 per cent (or £5,000) of the Leaders' SRA, which is currently £20,500. The responses from the questionnaire gave the following ratios as the size of the role of the Chairman of the PSC when compared with that of the role of Leader:

- Range: 5% to 50%

- Mean: 34%
- Median: 34%
- Current: 25%

93. The Panel did not receive evidence that indicated the size of the role of the Chairman of the PSC was that as shown by the questionnaire returns. However, the Panel was informed that the role has grown to the same degree as that of the Leaders' as the Council has got to grips with the concept of Scrutiny. As a result, the Panel decided that it would maintain the ratio of 25 per cent in arriving at the recommended SRA for the Chairman of the PSC.
94. **Consequently, the recommended SRA for the Chairman of the Public Scrutiny Commission is £6,250 (the Leader's recommended SRA of £25,000 multiplied by 25 per cent = £6,250).**

Chairmen of the Scrutiny Panels

95. The Panel noted that the current sizing of role of the Chairmen of the Scrutiny Panels (or Select Committees as they were then) is at 20.7 per cent ratio of that of the Leader's role as indicated by the current SRA payable, which is £4,250. This Panel heard evidence that the Scrutiny Panels are important in making the new system work by assisting the Executive and the Council in the development of its policy framework by in-depth analysis of policy issues. In particular, the Chairmen of the Scrutiny Panels have been given a new statutory role and standing since the review of the previous Panel. Furthermore, it is a function of the Chairmen of the Scrutiny Panels to take a lead in developing their Panels work programme. They also oversee the progress of the associated task and finish sub-groups that have the function of reviewing and development smaller policy areas to feed into the forward plan and policy proposals of the Executive.
96. The responses from the questionnaire gave the following ratios as the size of the Chairmen of Scrutiny Panels when compared to that of the Leader:
- Range: 10-60%
 - Mean: 25%
 - Median: 25%
 - Current: 20%
97. The Panel heard some evidence that the role of the Scrutiny Panel Chairmen had increased but felt that it was not as much as indicated by the questionnaire returns and no more than the role of the Leader and as such there is not an overwhelming case to increase the current ratio applied to their SRA. The Panel decided that the previous assessment of the role was still broadly appropriate and to simply maintain the current ratio of 20 per cent to assess the size of the Chairmen of the Scrutiny Panels role.
98. **Thus, the recommended SRA for the Chairmen of the Scrutiny Panels is**

£5,000. (The Leaders recommended SRA of £25,000 multiplied by 20 per cent = £5,000).

The Chairman of Licensing and Safety Committee

99. Currently, the Chairman of the Licensing and Safety Committee is paid a SRA that is set at 8.5 per cent (or £1,750) of the Leader's SRA, which is £20,500. The responses from the questionnaires indicate that the Members felt that the current ratio value for the size of the role of the Chairman of the Licensing and Safety Committee is too low. The respondents viewed the size of the role when compared to that of the Leader as follows:

- Range: 5% to 50%
- Mean: 29%
- Median: 30%
- Current: 8.5%

100. The Panel understands that many of the functions of Licensing are delegated to Officers and much of its work is contained within a legislative framework. Yet, chairing this Committee is a role that may well expand in the future as the government has enacted legislation that will transfer the responsibility of local liquor licenses to local authority licensing committees. Indeed, the Panel was informed that the planned transfer date is summer 2004. This will mean that the Licensing and Safety Committee will have to develop policy frameworks for licensing applications and from the summer of 2004, deal with liquor licensing applications. This will mean an enhanced workload for the Chairman, plus the need to keep abreast of the associated statutory and regulatory framework. The Panel was informed as a result of these changes that the role of Chairman of the Licensing and Safety Committee would be a high profile position on a par with the Chairman of the Planning and Highways Committee.

101. The Panel felt that transfer of liquor licensing to the Licensing and Regulatory Committee (and the associated increase in the commitment, responsibilities and profile of the Chair) needed to be recognised in the Chairman's SRA but received no evidence that in the short term will be as high profile as the Chairman of the Planning and Safety Committee. The Panel felt that the Chairman of the Licensing and Safety Committee should be seen as on a par with the Chairmen of the Scrutiny Panels. Consequently, the Panel assessed the role at 20 per cent of the size of the Leader's role at this stage. The Panel recognises that this is relatively a large increase in the SRA for the Chairman of the Licensing and Safety Committee but the Panel felt that it was undervalued as it stood and this anomaly would be even more glaring when the transfer of liquor licensing functions takes place. However, it could not recommend a SRA on a par with the Chairman of Planning and Highways Committee on the limited evidence received at this stage, particularly as it is intended that much of the liquor licensing functions will be handled by four separate Licensing panels of three Members each.

102. **Thus, recommended SRA for the Chairman of the Licensing and Safety Committee is £5,000. (The Leader's recommended SRA of £25,000 multiplied by 20 per cent = £5,000).**

The Chairmen of the Licensing Panels

103. The Panel considered recommending a SRA for the future Chairmen of the Licensing Panels. The Panel was informed that there would be four Licensing Panels to review liquor-licensing applications. They be drawn from the Committee membership and have 3 members each on them. The Chair and Vice Chair of the Licensing and Safety Committee will be heavily involved in this work and the Panel has recognised this through their recommended SRAs. However, the Panel was uncertain of what the real long-term workload of these Panels will be, the situation is still evolving. The exact transfer of functions is still uncertain and the regulatory context not yet settled. **While the Panel felt that the Chairmen of the Licensing Panel could reasonably be seen to be on a par with minor Chairmen it found it difficult to make meaningful evaluations on what the role of chairing a licensing panel will mean. It will need to review them once the situation is clarified and it reminds the Council that the regulations specifically permit the back dating of recommendations to the start of any municipal year to account for this type of situation.**

The Chairman of the Employment Committee

104. Currently the Chairman of the Employment Committee receives a SRA paid at 8.5 per cent of the Leader's SRA. The Panel noted the following responses from the questionnaire returns on the perceived size of the role of the Chairman of the Employment Committee compared to that of the Leader:

- Range: 5% to 40%
- Mean: 16%
- Median: 15%
- Current: 8.5%

105. The Panel received no evidence that the role of chairing the Employment Committee had increased by the levels indicated by the questionnaire returns. The Panel decided that it would apply the national local government percentage pay increase to the current SRA as a means of bringing it up to date.

106. **Thus, recommended SRA for the Chairman of the Employment Committee is £1,900. (The current SRA of £1,750 + 4% + 3.5% = £1,882, which the Panel rounded up to £1,900). This is an SRA equivalent to 7.5 per cent of the Leader's recommended SRA.**

Champion Councillors

107. The Panel noted that currently Champion Councillors receive a nominal SRA

(£500) that is paid at 2.5 per cent of the Leader's SRA, which is £20,500. The following responses from the questionnaire returns on the perceived size of the role of the Champion Councillors compared to that of the Leader are as follows:

- Range: 5% to 100%
- Mean: 24%
- Median: 15%
- Current: 2.5%

108. There was initial debate within the Panel whether the Champion Councillors merited a SRA on the grounds that the role might not entail sufficient extra 'significant' responsibility. However, the Panel did receive extensive evidence that it was a valued role and one that has emerged with a degree of responsibility that was envisaged. They are primarily flag carriers for the community they represent and as such merit a SRA. The Panel heard evidence that the role has developed to the extent that the questionnaire returns indicate and that the Champion Councillors could be seen as being on a par with a minor Chairman.

109. **Thus, recommended SRA for the Champion Councillors is £1,900.**

The Leader of the Opposition Group

110. Currently, the Leader of the Opposition Group receives a SRA that is paid at the same level as Executive Members, which is £13,000. The Panel noted that this is at the upper end of the spectrum compared to practice elsewhere, with the Opposition Leader often receiving between 30-50 per cent of the Leader's SRA. The interviewees recognised that the Opposition Group Leader does have an important role to play such as ensuring an alternative voice is put forward, proposing alternative policies where appropriate and maintaining a vigorous local democracy. Furthermore, the Panel would expect the Leader of the Opposition to have an external representation role, such as the joint lobbying of Ministers when appropriate. The Panel took the view that this position needed to be properly resourced to underpin a robust Opposition however no evidence was given that it should be seen as being on a par with the Executive Members, particularly as the Opposition Group Leader has no executive responsibility.
111. The Panel felt that it could at least be seen as on a par with the Chairman of the Planning and Highways Committee, who has been recommended a SRA paid at £9,700. It was noted that this would represent a significant reduction compared to the current SRA. However, based on the evidence received, there was no objection to this reduction.
112. **Thus, recommended SRA for the Leader of the Opposition Group is £9,700, which is 39 per cent of the Leader's recommended SRA.**

Deputy Leader of the Opposition

113. Currently the Deputy Leader of the Opposition is paid a SRA of £1,000, which is 5 per cent of the Leader's current SRA of £20,500. The Panel heard no evidence that the role had altered dramatically and decided to apply the national local government percentage pay increase to this role.
114. **Thus, recommended SRA for the Deputy Leader of the Opposition Group is £1,100. (The current SRA of £1,000 + 4% + 3.5% = £1,076 which the Panel rounded up to £1,100). This is an SRA equivalent to 11 per cent of the Opposition Leader's recommended SRA.**

Vice-Chairmen – Planning and Highways Committee

115. Presently, the only Vice-Chairman who receives a SRA is that of the Planning and Highways Committee on the grounds that it meets more often than other Committees and Panels and is a high profile issue in Bracknell Forest. The Panel noted that increasingly Vice-Chairmen are not being recommended a SRA by remuneration Panels as a means to keep the number of SRAs payable under 50 per cent of the Council membership as the statutory guidance suggests. Nonetheless, the Panel felt there was a strong case to make an exception for the Vice-Chairman of Planning and Highways for the reasons

outlined above. It also had the most support for a Vice-Chairman's SRA amongst the questionnaire respondents.

116. The Panel noted that the Vice-Chairman of Planning and Highways is currently paid a SRA at 11 per cent of their Chairman's SRA, or £1,000. The Panel also noted that the questionnaire returns that accepted the concept of paying Vice-Chairmen indicated that they should be paid between 25-33 per cent of their Chairman's SRA. However, the Panel received no evidence that the role was this significant and the previous review had got it broadly correct. As such, the Panel decided to apply the national local government percentage pay increase the current SRA.
117. **Thus, recommended SRA for the Vice-Chairman of the Planning and Highways Committee is £1,100. (The current SRA of £1,000 + 4% + 3.5% = £1,076 which the Panel rounded up to £1,100). This is an SRA equivalent to 11 per cent of their Chairman's recommended SRA.**

Vice-Chairman of Licensing and Safety Committee

118. The only other significant area of support from the interviewees and questionnaire respondents was for the Vice Chairman of the Licensing and Safety Committee. The Panel felt that there was a case for this SRA, as Licensing will become a major issue in the coming year. The question for the Panel was at what level? The Panel simply decided that as the Vice-Chairman of Planning and Highways is paid at 11 per cent of their Chairman's recommended SRA then the Vice-Chairman of Licensing and Safety should receive a SRA paid at 11 per cent of their Chairman's SRA of £5,000.
119. **Thus, recommended SRA for the Vice-Chairman of Licensing and Safety Committee is £550. (The Chairman's SRA of £5,000 multiplied by 11% = £550).**

Limits on SRAs Claimed

120. As per current practice the Panel also recommends that if a Member holds more than one post they are able to draw only one SRA at any one time.

Associated Issues

Pensions For Members

121. Government legislation and regulations now provide for the Council to pay pension contributions on allowances to all Members, specifically in relation to the Local Government Pension Scheme (LGPS). The Panel is required to make recommendations on whether all or some Members should be permitted to join the LGPS. It can also recommend whether pensionability should apply to the Basic Allowance, SRAs or both. This is the one binding recommendation that the Panel can make in a negative sense. In other words, if the Panel does not recommend any Members should be able to join the LGPS then the Council cannot alter than recommendation to allow all or some Members to join. However, if the Panel recommends that all Members be permitted to join the LGPS and it should apply to both the Basic Allowance and SRAs then the Council can revise the scope of this recommendation downwards, for instance by limiting it to SRA holders only, or just the Leader as some Panels have recommended. Furthermore, individual Members can decline to join the LGPS if they feel it does not suit them.
122. The Panel noted that the questionnaire returns generally supported the concept of Pensions for Members and that it should apply to both the Basic Allowance and SRAs. The Panel also received evidence from the interviewees that generally echoed the questionnaire returns. The Panel recognises that for most Members' membership of the LGPS will not provide a living pension for their retirement but is designed to compensate for 'damage' that might have been done to their occupational pension by being a Member often due to one or more of the following situations:
- Having to take unpaid leave from work
 - Restricted overtime over working career
 - Lack of normal career progression
123. Moreover, the Panel noted that pensionability could remove a potential barrier to public service. **The Panel, based on the information presented to it, supports the principle of pension provision for Members. The Panel felt it would be unfair to 'close the door' to Members by taking a restrictive view. As such, all Members should be eligible to join the LGPS, applied to both their Basic Allowance and SRAs. This recommendation then leaves the Council to decide on issues of affordability and suitability.**

Travel Allowances – In-Borough

124. Until 1 May 2003 the system of paying travel and subsistence allowances to Members was governed by the 1972 Local Government Act and as such were statutorily claimable allowances up to maximum rates set by the Secretary of State. Under the 2003 regulations travel and subsistence becomes a discretionary allowance and can be paid at the rate the authority decides.

125. The Panel notes that the current system of paying travel and subsistence allowances to Members can be cumbersome and time consuming to administer and operate. The two main issues are:
- Most Members carry out duties that do not attract travel and subsistence allowances, such as ward duties and attending some informal meetings.
 - Because the current scheme is a time consuming process for both Officers and Members, some Members do not claim and therefore incur what can be a substantial personal cost to carry out their authority duties.
126. There were a number of options for the Panel to consider in relation to travel and subsistence allowances; each with its own advantages and disadvantages. The main option was whether the claim-based system should be replaced by a more administratively simple flat rate mileage allowance, or a version thereof.
127. The Panel noted that the questionnaire returns did not favour a lump sum approach for in-authority travel allowances. As a result, the Panel decided that the claims-based mileage allowance for approved duties should be maintained for the time being, particularly in lieu of actual experience in similar authorities. Some Members have some distance to travel to attend formal duties within the Borough, unlike many types of Council; and to switch to a straight flat rate system that pays all Members an equal amount would disadvantage those with the furthest to travel.
128. The Panel took the opportunity to explore at what rates the mileage claims for approved duties should be paid. The Panel noted the current rates, which were originally set by the Secretary of State, are now slightly under what the Officers receive as a casual user rate. The Panel decided for reasons of equity that Members should be treated as on a par with Officers and be able to claim the casual user rate, which for 2003-0-4 are the following:¹⁷
- | | 451-999cc | 1000-1199cc | 1200cc+ |
|-------------------------|-----------|-------------|---------|
| • Per mile first 8,500: | 36.4p | 40.2p | 49.9p |
| • Per Mile after 8,500 | 10.6p | 11.3p | 12.8p |
129. The Panel also recommends that where a Member travels by bicycle, motorcycle, or carries passengers to approved duties that they are also paid at the same casual user rate that Officers are able to claim.
130. The Panel also recommends that travel allowances for Members attending in-Borough approved duties should also be indexed to the same rates that Officers can claim as agreed from time to time by the National Joint Council for Local Government Services.

¹⁷ Figures taken from the *National Joint Council for Local Government Services Circular 4/03, Car Allowances – part 3, paragraph 6, 2 April 2003.*

Subsistence – In-Borough

131. It is common for many Panels to recommend the discontinuation of subsistence allowances for attending approved duties. The Panel was informed that there was not a great deal of support to retain this allowance. Furthermore, the Panel noted that it is an allowance that is rarely claimed by Members and the Panel felt that it was no longer appropriate. **Consequently, the Panel recommends the discontinuation of the Subsistence Allowance for attending approved duties within the Borough.**

Travel – Out of Borough

132. The Panel notes that for travel out of the Borough the context is somewhat different in that it applies to fewer Members. Nevertheless, the Panel felt that it was only appropriate to make recommendations on this issue to assist the Council in determining its policy on travel for attending meetings, conferences and seminars outside the Borough.
133. **The Panel recommends that Members who attend approved duties for out of Borough business should also be reimbursed at the same rate that Officers can claim for reimbursement of travel. The Panel would also expect that Members travelling out of the Borough on approved duties would travel by the most cost-effective methods that meet the needs of their travel requirements. In particular, the Panel recommends that Members who have to travel by train to out of Borough meetings would be expected to travel standard class unless exceptional circumstances require otherwise. In such a situation, the Panel recommends that travel by first class would be given prior approval by the Director of Corporate Services and/or the Borough Finance Officer. If other types of journeys need to be taken by Members on out of Borough business and the rates recommended above are not practical then the Panel recommends that these modes of travel must first get prior approval from the relevant Director and that receipts are provided for the reimbursement of any claims.**

Accommodation and Subsistence – Out of Borough

134. There is occasionally an issue for Members who are required to attend meetings and conferences out of the Borough in that the current limits for meals and accommodation are sometimes insufficient. The Panel recognises this problem but notes that these limits were not applicable if the Council pre-books and pre-pays for meals and accommodations. Nonetheless, the Panel also notes that it is not often practical to make such arrangements in advance. Consequently, the Panel recommends the following in relation to accommodation and subsistence for meetings out of the Borough:
- **That wherever possible the Member organises their meals and accommodation through the Council, which pre-books and pre-pays**

in advance.

- Or, that they conform to the same rates that are payable for Officers.
- For meals that cannot be pre-booked and paid and are in excess of current rates payable, that reasonable costs are reimbursed on production of receipts up to a limit of £25 per day.

For Members using Public Transport – All Journeys

135. The Panel was informed that most Members do not use public transport to attend meetings but felt that it should make recommendations in relation to public transport to assist the Council for when such an occasion arises. **The Panel recommends that where Members use public transport to travel to approved duties that it should be claimed at standard rates and with receipts. However, if there are exceptional circumstances when it is difficult to utilise public transport at standard rates or otherwise then a Member must get prior agreement from the relevant Officer to use other forms of transport, such as taxis or by aeroplanes.**

The Dependant Carers Allowance

136. The Local Government Act 2000 explicitly clarifies the right of local authorities to pay a Dependent Carer's Allowance (DCA), which Members can claim for care for their dependants while on approved Council duties. It is an allowance that is explicitly designed to enable a wider range of candidates to stand for and remain on the Council. The Panel noted that currently Bracknell Forest Borough Council does pay a DCA, on the provision of receipts up to a maximum of £50 for any particular approved duty. Moreover, it is becoming an increasingly common practice for local authorities to make this allowance available to Members with caring responsibilities. The questionnaire evidence generally supported the continuation of this allowance, as did the interviewees.
137. **Thus, the Panel recommends that the DCA continue to be made available to Members with caring responsibilities and with the current restrictions. The Panel further recommends that the current limits on each claim is indexed each year to the annual national local government percentage pay increase each year.**

Co-optees' Allowance

138. The 2003 regulations now permit the payment of a Co-optees' Allowance to people appointed to the Councils' committees and working groups as co-opted non-elected members. Bracknell Forest Borough Council's uses of Co-optees are as follows:
- Standards Committee: 2 statutory Co-optees, including the Chairman
 - Public Scrutiny Commission (PSC): 4 statutory Co-optees, namely:- 2 church representatives and 2 parent governor representatives
 - Lifelong Learning Scrutiny Panel: 7, including the 4 Co-optees on the PSC and 3 non-statutory representatives from the teachers' associations

- Health, Social Care and Housing Scrutiny Panel: 1 non-statutory representative from the Tenants Panel.
139. The questionnaire returns generally supported the concept of a Co-optee's Allowance, a view that was supported by the interviewees. The Panel supports the payment of the Co-optees' Allowance for the statutory Co-optees, as it helps remove a potential barrier to public service in a context where the Council may be struggling to find Co-optees when they are legally required. At the same time the payment of such an allowance should not be a motivating factor for candidates to become Co-optees. Moreover, the Panel recognised that it would not impose an undue financial burden on the Council, as there are only a limited number of Co-optees on the Council.
140. The regulations specify that the Co-optees' Allowance must be paid as a specified sum. In determining an appropriate sum, the Panel felt that it should largely be a nominal sum and took the following approach:
- **The statutory Co-optees on Bracknell Borough Council:**
 - If a Chair, paid the same as the Vice Chair of Licensing and Safety Committee = £550
 - If non-Chair = £250
141. **The Panel further recommends that the Co-optees' Allowance be indexed to the annual local government staff percentage pay increase as agreed in the April of each year.**
142. **The Panel further recommends that all Co-optees, including the non-statutory appointments should be able to claim travel and subsistence at the same rates as elected Members and under the same conditions.**

Confirmation of Implementation and Indexing

143. If the Council is minded to accept the Panel recommendations contained within this report (with any amendments) then the Panel recommends that they should be backdated 1 May 2003 (for basic allowance) and 21 May 2003 (for SRAs). The exception to this is the implementation of recommendations in relation to travel and subsistence allowances, these recommendations should be implemented from the date of adoption of a new scheme of allowances under the 2003 Members' Allowances Regulations.
144. Furthermore, the Panel recommends and confirms the use of the following index for allowances:
- Basic Allowance and SRAs: increased by the annual local government pay percentage increase as agreed each April (linked to spinal column point 49 of the NJC scheme), to be implemented the following May in that year from the date of the Council AGM commencing in 2004.
 - Travel and Subsistence:

- In-Borough travel: Car, motor cycle and cycle rates indexed to Officer rates
- Out of Borough subsistence: indexed to Officer rates, unless related to actual cost re-imburement.
- Out of Borough travel: indexed to Officer rates, unless related to actual cost re-imburement.
- Co-optees Allowance: indexed to annual percentage increase that is applied to Basic Allowance and SRAs.

145. The Panel further recommends that as per regulations the indexation recommended by the Panel be utilised from May 2003 for four years, or until the Council requires a further review.

Further Amendments to the Allowances' Scheme

Provision for Suspension of Allowances

146. The 2003 Members' Allowances Regulations (Part 3 10. (7) (a-c) allow for authorities to make provision for the withdrawal of allowances where a Member has been wholly or partially suspended because of a breach of the Code of Conduct. Authorities are now able to make provision for the repayment of any allowance that has been paid in respect of a period when a Member was suspended, or had ceased to be a Member.

147. The Panel felt that it was equitable for Bracknell Forest Borough Council to be able to take advantage of this power if a situation described above occurs. Thus, **if a Member is suspended from acting as a Councillor or a Member of the Council after being found in breach of the Code of Conduct then the Standards Committee should be empowered to suspend in whole or part the allowances payable to that Member. This provision should also apply to travel and subsistence allowances.**

APPENDIX 1

Members and Officers Interviewed by the Panel

Councillor Paul Bettison – Leader of the Council
Councillor Dale Birch – Deputy Leader of the Council
Councillor Mrs Anne Shillcock – Leader of the Labour Group
Councillor Mike Beadsley – Deputy :Leader of the Labour Group
Councillor Alan Ward – Executive Member for Education (telephone interview)
Councillor Gareth Barnard – Executive Member for Social & Health Care Services and Housing
Councillor Michael Sargeant – Chairman of Public Scrutiny Commission
Councillor Mrs Gill Birch – Chairman of Lifelong Learning Scrutiny Panel
Councillor David Worrall – Chairman of Planning & Highways Committee
Councillor Alan Kendall – Chairman of Licensing and Safety Committee
Councillor Mrs Jacqui Ryder – Voluntary Sector Champion
Councillor Miss Anne Haydon – Children & Young People's Champion
Councillor Ray Earwicker – Councillor (Liberal Democrat)
Councillor Chas Baily – Councillor (Conservative)
Councillor Langdon Jones – Councillor (Labour)

Officers

Timothy Wheadon – Chief Executive
Tony Madden – Borough Personnel Manager

APPENDIX 2

Information Received by the Panel

Statutory Guidance from ODPM – Guidance on Consolidated Regulations for Local Authority Allowances July 2003

Information Pack setting out information on:-

- Local Context
- Democratic Structure
- Organisational Structure
- Source and allocation of funds
- Role of the Borough Councillor in Bracknell Forest
- Terms of Reference for the Panel
- Payment of Councillors/the current allowances scheme
- Comparative data from other authorities and other sources
- Summary of Members' questionnaire responses
- Summary of members travel and subsistence claims 2002/03
- List of co-optees and summary of their expenses arrangements
- Councillors pensions – report from Borough Personnel Manager
Briefing note from the Dr Hall
LGPC Circular 136
- Briefing notes from Dr Hall on
 - Travel and Subsistence
 - Co-optees Allowance
 - Dependant Carers' Allowance

Report to Strategy & Policy Committee 7 November 2001 on previous review of Members' Allowances

Presentations

- (a) Dr Declan Hall – Reviewing Members' Allowances – issues to Consider
- (b) Timothy Wheadon, Chief Executive – Review of Members' Allowances

Further information

List of Appointments to Committees

List of appointments to outside bodies

Terms of reference of committees

Terms of reference of overview and scrutiny bodies

Article 10 of the Constitution - the role of Champions

Information on local government pay awards since 2001

Information on level of delegation of decisions on planning applications

Written submissions received from:-

Mr A R Davies – a local resident (correspondence)

Chairman of Planning & Highways Committee

Chairman of Public Scrutiny Commission

Leader of the Labour Group