

HAMBLETON DISTRICT COUNCIL

Report To: Council
13 December 2011

From: Assistant Director

Subject: MEMBERS' ALLOWANCES SCHEME

All Wards
Scrutiny Committees

1.0 PURPOSE AND BACKGROUND:

- 1.1 The report attached at Annex A sets out the Independent Remuneration Panel's recommendations for a range of basic and special responsibility allowances (SRA's) for Elected Members of Hambleton District Council.
- 1.2 Acts and regulations provide the statutory backdrop for the provision of allowances for Elected Members.
- 1.3 The 2003 Regulations require each Authority to decide its scheme and the amounts to be paid under the scheme. Councils are required to establish and maintain an Independent Remuneration Panel to provide advice on its scheme and amounts to be paid, amongst other things. Local Authorities must have regard to this advice.
- 1.4 A new Remuneration Panel was appointed in 2009 for a term of four years and comprises:-
- Michael Holdford
 - Pat Martin
 - Ian Woods

2.0 DECISIONS SOUGHT

- 2.1 To approve the findings of the Independent Remuneration Panel in relation to the level of allowances payable to Members for the 2012/13 Financial Year.

3.0 ISSUES

- 3.1 Following consideration of a report on Members' Allowances at a meeting of Council held on 22 February 2011 a recommendation was moved as follows "That Members' Allowances remain at their current level for the next 4 years in consideration of the financial pressures facing Hambleton District Council".
- 3.2 The Panel was mindful of the Council's decision to freeze the allowances scheme for the term of the Council as set out in paragraph 3.1. Its recommendations have not resulted in any increases and are therefore in line with the Council resolution. The proposals set out at paragraph 3.5 include some suggested reductions to the scheme which relate to payments that the Panel feel should not be maintained.
- 3.3 The Panel met on four occasions:
- 21 March 2011
 - 2 August 2011
 - 1 September 2011
 - 8 November 2011

3.4 In its deliberations the panel wished to maintain two principles:

- a) a reasonable basic allowance
- b) a weighting scheme for Special Responsibility Allowances (SRA's)

3.5 The proposed scheme shown at Annex B attempts to maintain a balance of this whilst utilising available resources. The proposed changes are as follows and will result in a possible saving of £3000:

- Withdrawal of the allowance paid to Minority Party Leaders
- Withdrawal of the allowance paid to the Vice Chair of Council
- Fixing the dependant carers allowance in line with the national minimum wage
- Proposed joint panel with Richmondshire District Council

3.6 The Panel will be meeting in September 2012 with the view to reviewing the scheme again.

4.0 CONCLUSIONS

4.1 The Independent Remuneration Panel has undertaken a comprehensive review of the current scheme and is satisfied that it has followed a rigorous process.

4.2 The Panel has worked within the fixed budget and has given serious consideration to the suggestions made by Members. The Panel has agreed with the majority of the suggestions.

4.3 The Panel consider its conclusions are based on sound research within a political context and will stand up to public scrutiny.

5.0 FINANCIAL IMPLICATIONS

5.1 The cost of this proposal will be funded within existing budgetary provision.

6.0 LEGAL IMPLICATIONS

6.1 The Local Authorities (Members' Allowances) (England) require the Council to establish and maintain and have regard to recommendations of the Independent Remuneration Panel.

7.0 RISK IMPLICATIONS

7.1 There are no risk management issues relevant to this report.

8.0 RECOMMENDATIONS

8.1 It is recommended that Council:-

- a) approve the basic and special responsibility allowances as recommended and detailed in Annex B; and
- b) adopts the allowances with effect from 1 April 2012.

CALLUM McKEON

Background papers: None
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Report of Independent Remuneration Panel

Allowances for Members of Hambleton District Council

Purpose of the Report

1. The purpose of the report is to recommend a range of allowances for Elected Members of Hambleton District Council as part of a Scheme of Allowances.

Background

2. We have been asked to make recommendations to the District Council about a range of allowances for Elected Members of the District Council. The basis of our appointment and work is contained in guidance issued by the Office of the Deputy Prime Minister and the Inland Revenue in 2003.

Our Work

3. We have sought to provide a robust, evidence-based piece of work on which to base our recommendations, however the Panel were mindful of the decision of the Council for Members' Allowances to remain at their current level for the next 4 years in consideration of the financial pressures facing Hambleton District Council. In addition, we have gathered evidence from neighbouring Authorities (especially like Councils), from meeting Elected Members and from information provided to us about the role of Members. Our thanks go to those who have contributed to the exercise.
4. The Panel felt strongly that it would be difficult to ignore the wider economic climate and the general heightened awareness of allowances paid to those holding public office. Nevertheless, we have recognised the responsibilities and roles undertaken by members of the District Council.
5. We appreciate that Elected Members can and do approach their roles and responsibilities very differently. However, we have attempted to identify a 'base-line' for what a Member without special responsibilities might be expected to do as well as attempting to determine the additional impact of holding positions of special responsibility.
6. To understand what is expected of members we have interviewed a number of Councillors and have reviewed the evidence previously considered by the Panel some time ago.

Basic Allowances

7. The Panel used as a starting point, existing allowances paid to Members of the District Council and to Members in other Authorities. Basic Allowances range from £3551.00 to £4297.00 per annum.
8. The guidance from ODPM/Inland Revenue emphasises the 'importance that some elements of the work of Members continues to be voluntary – that some hours are not remunerated'. However the guidance acknowledges that steps need to be made to ensure that financial loss is not suffered by Elected Members and that people are encouraged to stand as prospective Councillors.

9. The Panel also considered the 'LGA daily rate', which is purely advisory and how it would inform our deliberation. The LGA rate is currently £149.34 per day. We recognised that the Council in May this year had full elections and that a number of new Members had been elected. This had some impact on the workload of Members. We anticipate that over time workloads will stabilise, we will need to keep this under review.
10. After careful consideration, we recommend retaining the existing basic allowance of £4297.00 we feel this reasonably reflects the 'basic' responsibilities of Members and a voluntary contribution on the part of those Members. We will keep this position under review and come back to it next year.

Special Responsibility Allowances (SRA's)

11. A range of special responsibility allowances are currently paid across the District Council and we had reviewed these.
12. We considered that the current Special responsibility Allowances are still valid.
13. The Panel feels that it would be appropriate to continue link all SRA's to the basic allowance we are supporting that Members are only eligible to claim one SRA.

Leader and Deputy Leader of the Council

14. The Council is a multi-million pound business and a significant employer impacting on the lives of residents of the District. The Leader and Deputy Leader of the Council are the key Elected Members in moving the Authority forward.
15. SRA for Leader and Deputies of Councils in Authorities were reviewed we recommended that these allowances in this Authority remain at £16114.00 per annum and £7519.00 per annum respectively.

Cabinet

17. The Cabinet comprises 6 Members (a recent reduction from 7) including the Leader and Deputy Leader. We recognise that cabinet roles are still developing and cover a broad range of areas.

Scrutiny Committees

18. We recognised a broad range of work undertaken by the Scrutiny Committees and we noted their responsibilities.

Regulatory Committees

19. The Council has a number of Regulatory Committees, Standards and Planning were the two themes which came across in our investigations where there appeared to be a case for singling them out for further investigation. We noted the future of Standards is currently under debate nationally. We did however recognise that work in relation to the Local Standards Framework was still ongoing and the role of independent members in Chairing these meetings. We consider that no changes are proposed at the present time but this will be reviewed when legislation is enacted.

20. For all Regulatory Committees we would recommend annual SRA's as detailed in the schedule.

Other Committees

21. We recommend that the SRA's for these Chairs should remain in line with their responsibilities.

Vice-Chairman

22. We noted that allowances were not paid to these positions and that no evidence was presented to the panel to consider any changes. We recognised that currently the Vice Chairman of the Council receives an allowance however from the comparative information received this is not common practice and we propose that this allowance is withdrawn.

Minority Party

23. We noted the current allowance for minority party leaders and following interviews with opposition members we consider that this allowance should be withdrawn the panel would reconsider this if a minority group of 5 or more Members was formed.

Other Allowances and Issues

24. We considered a range of other issues and recommend that the existing provisions should be rolled forward. Additionally mileage claims should be submitted on a regular basis (monthly) unless prior agreement has been made with Democratic Services

Dependent Carers' Allowances

25. We have reviewed the current allowance and consider that this should be paid at the current rate set for the national minimum wage (£6.08), subject to a maximum of 10 hours per week (receipts to be provided).

Co-optees' Allowance

26. We recognise that occasionally members of the public are co-opted and make a valuable contribution to the work of Committees, the current allowance was considered appropriate.

Shared Services

27. Whilst undertaking this task the Panel recognised the work undertaken in relation to shared services and felt that a joint panel with Richmondshire District Council would be an appropriate way to move forward. The joint panel would still produce two separate schemes but it would give a greater pool of panel members to enable the panel to progress its work.

28. We recommend that all these allowances should be effective from 1 April 2012

Conclusion

29. We thank the District Council for the opportunity to be involved in the setting of allowances. We recognise that our recommendations may not be universally welcomed, however we have not come to our recommendations lightly and we hope that they are considered positively by the District Council.



MEMBERS' ALLOWANCES SCHEME

1.0 INTRODUCTION:

- 1.1 This Scheme has been adopted for the purposes of the Local Authorities (Members' Allowances)(England) Regulations 2003 ("the Regulations").
- 1.2 The Scheme shall continue in force until amended or revoked by the Council.
- 1.3 The Scheme will apply to all Members of the Council.
- 1.4 All Allowances shall be payable for the period from 1 April 2012 until 31 March 2013 unless specified otherwise.
- 1.5 A Member may by notice in writing to the Chief Executive elect to forego his/her entitlement or any part of his/her entitlement to Allowances.

2.0 BASIC ALLOWANCES:

- 2.1 A Basic Allowance as set out in the Annex to this Scheme as amended from time to time in accordance with Section 7 of the Scheme shall be payable to each elected Member of the Council. The Allowance shall be the same for each elected Member.
- 2.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office as Member subsists bears to the number of days in that year.
- 2.3 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of the Basic Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Standards Committee.

3.0 SPECIAL RESPONSIBILITY ALLOWANCE:

- 3.1 The Special Responsibility Allowances set out in the Annex to this Scheme as amended from time to time in accordance with Section 7 of the Scheme shall be payable to the following elected Members in addition to the Basic Allowance:-

Leader
Deputy Leader
Chairman of Council
Minority Party Leader (only applicable to a group of 5 or more Members)
Chairman of the Audit and Governance Committee
Chairman of Standards Committee
Chairman of Planning Committee
Chairman of Scrutiny Committees
Chairman of Licensing and Environmental Protection Committee
Cabinet Member

- 3.2 A "Minority Party Leader" is a leader of a political group which is not the controlling group as defined in Regulation 5(2) of the Regulations.
- 3.3 Where a Member does not have throughout the whole of the year any special responsibilities as entitle him/her to a Special Responsibility Allowance, his/her entitlement shall be to payment of such part of the Special Responsibility Allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.
- 3.4 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of the Special Responsibility Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Standards Committee.

4.0 DEPENDANT' CARER'S ALLOWANCE:

- 4.1 The Dependant Carer's Allowance set out in the Annex to this Scheme as amended from time to time by Section 7 of the Scheme shall be payable to all elected Members in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in respect of:-
- (a) the attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council, or of any body to which the Council makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
 - (b) the attendance at any other meeting, the holding of which is authorised by the Council, or a Committee or Sub-Committee of the Council or a Joint Committee of the Council and one or more Local Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee, provided that:-
 - (i) where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
 - (ii) if the Council is not so divided, it is a meeting to which at least two Members of the Council have been invited;
 - (c) the attendance at a meeting of any association of Authorities of which the Council is a member;
 - (d) the attendance at a meeting of the Executive or a meeting of any of its Committees;
 - (e) the performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
 - (f) attendance at:-
 - (i) meetings of Parish Councils;
 - (ii) meetings of a public nature where attendance is of value in carrying out the Members' community role;
 - (iii) meetings with constituents;

where the meeting is within the Members' Ward, undertaken as part of the Members' duties and the expenses are not reimbursed from some other source;

- (g) attendance at any meeting arranged by any other body on which the Member represents the Council where that other body is not reimbursing the Member.

4.2 For the purposes of this Section, "Authority" means an Authority of any description specified in sub-paragraphs (a) to (c) of Regulation 3(1) of the Regulations.

5.0 TRAVELLING, SUBSISTENCE AND ACCOMMODATION ALLOWANCE:

5.1 The Travelling, Subsistence and Accommodation Allowance set out in the Annex of this Scheme as amended from time to time by Section 7 of the Scheme shall be payable to all Members in respect of:-

- (a) the attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council, or of any other body to which the Council makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the Council, or a Committee or Sub-Committee of the Council, or a Joint Committee of the Council and one or more Local Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:-
 - (i) where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
 - (ii) if the Council is not so divided, it is a meeting to which at least two Members of the Council have been invited;
- (c) the attendance at a meeting of any association of Authorities of which the Council is a member;
- (d) the attendance at a meeting of the Executive or a meeting of any of its Committees;
- (e) the performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
- (f) attendance at:-
 - (i) meetings of Parish Councils;
 - (ii) meetings of a public nature where attendance is of value in carrying out the Members' community role;
 - (iii) meetings with constituents;

where the meeting is within the Members' Ward, undertaken as part of the Members' duties and the expenses are not reimbursed from some other source;

- (g) attendance at any meeting arranged by any other body on which the Member represents the Council where that other body is not reimbursing the Member.

5.2 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, any Travelling, Subsistence and Accommodation Allowance payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Standards Committee.

5.3 For the purposes of this Section a Member of a Committee or Sub-Committee of the Council is to be treated as a Member of the Council.

6.0 CO-OPTEEES' ALLOWANCE:

6.1 A Co-optees' Allowance as set out in the Annex to this Scheme as amended from time to time in accordance with Section 7 of the Scheme shall be payable to those non-elected Members of a Council Committee or Sub-Committee.

6.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be to payment of such part of the Co-optees' Allowance as bears to the whole the same proportion as the number of days during which his term of office as Member subsists bears to the number of days in that year.

6.3 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of the Co-optees' Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Standards Committee.

7.0 ADJUSTMENT OF ALLOWANCES:

7.1 Subject to 7.2, all Allowances shall be adjusted with effect from each 1 April for the following year in line with the NJC Conditions of Service Award for the year commencing on that 1 April.

7.2 All Travelling, Subsistence and Accommodation Allowances shall be adjusted from time to time to ensure that they are the same as the equivalent allowance for officers of the Council.

8.0 PENSIONS:

8.1 All elected Members of the Council are entitled to pensions in accordance with the North Yorkshire Superannuation Scheme ("the Pension Scheme").

8.2 Both Basic Allowance and Special Responsibility Allowance are to be treated as amounts in respect of which pensions are payable in accordance with the Pension Scheme.

9.0 CLAIMS AND PAYMENTS:

9.1 Claims for payment of Allowances shall be made in writing within one month of the date on which entitlement to the Allowances arises.

9.2 Payment for Basic, Special Responsibility and Co-optees' Allowances shall be made in equal monthly instalments on the 25th day of the relevant month.

9.3 Dependant Carer's Allowance and Travelling, Subsistence and Accommodation Allowance will be paid within one month of receipt of a valid claim.

- 9.4 Where payment of any Allowance has already been made in respect of any period during which the Member concerned is:-
- (a) suspended or partially suspended from his responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
 - (b) ceases to be a Member of the Council; or
 - (c) is in any other way not entitled to receive the Allowance in respect of that period such part of the Allowance as relates to any such period shall be repaid to the Council.
- 9.5 Where a Member is also a member of another Authority that Member shall not receive Allowances under this Scheme if he/she is receiving an Allowance from the other Authority in respect of the same duties.

ATTENDANCE ALLOWANCES 2012/13

	Quantum	Payment £
Basic	N/A	4,297
Leader	3.75	16,114
Deputy Leader - without Delegation Responsibility	1.75	7,519
- with Delegation Responsibility	2.25	9,670
Chairman of Council	0.75	3,222
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,075
Chairman of Planning Committee	1	4,297
Chairman of Standards Committee	0.50	2,148
Chairman of Audit and Governance Committee	0.25	1,075
Chairmen of Scrutiny Committees	0.75	3,222
Chairman of Licensing and Environmental Protection Committee	0.25	1,075
Cabinet Member - without Delegation Responsibility	1.25	5,372
- with Delegation Responsibility	1.75	7,519
Dependant Carer's Allowance	-	7.00 per hour or actual costs if lower. Change to set at national minimum wage (currently £6.08) A maximum of 10 hours per week
Co-optees' Allowance	-	233

All Members will receive the Basic Allowance. Those with special responsibilities will receive the Allowances indicated in addition to the Basic Allowance. The Special Responsibility Allowance will be the Basic Allowance multiplied by the Quantum indicated for that Special Responsibility Allowance.

Delegation Responsibility means functions delegated to the Cabinet Member under the Council's Constitution.

No Member can receive more than one Special Responsibility Allowance.

SUBSISTENCE RATES

	£
Breakfast	7.07
Lunch	9.75
Tea (absence after 6.30pm)	3.83
Dinner (absence after 8.30pm)	12.08

Notes: Tea or Dinner may be claimed but not both
The Allowance is irrespective of the actual cost of the meal.

ACCOMMODATION RATES

	£
Other	Up to £78
Major Cities	Up to £101
London	Up to £134
Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

Note: Where not included in the accommodation charge, the cost of all meals will be reimbursed up to £20 per meal upon production of receipts. In the absence of receipts, Subsistence Rates will apply.

TRAVEL RATES**Travel by Member's own private motor vehicle**

Car mileage rate per mile:

Not exceeding 999cc	45p
1000cc – 1199cc	45p
1200cc and above	45p

Motorcycle rate per mile	24.0p
Bicycle rate per mile	20.0p

Carriage of Passengers to whom a Travelling Allowance would otherwise be Payable

In respect of each passenger not exceeding four, an additional 3.0p a mile for the first passenger and 2.0p a mile for the second and subsequent passengers.