SUPPLEMENTARY AGENDA NO.1

thanet district council

MEETING OF THE COUNCIL

Thursday, 10th May, 2018

7.00 pm

Council Chamber Thanet District Council Margate

www.thanet.gov.uk 01843 577000



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 Date:
 8 May 2018

 Ask For:
 James Clapson

 Direct Dial:
 (01843) 577200

Email: james.clapson@thanet.gov.uk



You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Council Offices, Cecil Street, Margate, Kent on Thursday, 10 May 2018 at 7.00 pm for the purpose of transacting the business mentioned below.

Director of Corporate Governance

Tittoly Homes

To: The Members of Thanet District Council

FIRE ALARM PROCEDURES: If the fire alarm is activated, please vacate the offices via the stairs either through the security door to the left of the Chairman or opposite the lifts in the foyer. Please do not use the lifts. Please assemble in Hawley Square on the green. Officers will assist you and advise when it is deemed safe to return to the Chamber.

SUPPLEMENTARY AGENDA NO 1

<u>Item</u> No

- 9. CONSTITUTION OF COMMITTEES, POLITICAL BALANCE, APPOINTMENTS TO COMMITTEES, PANELS AND BOARDS (Pages 3 16)
- 11. **MEMBERS ALLOWANCES SCHEME 2018/19** (Pages 17 32)

CHANGES TO COMMITTEES, PANELS AND BOARDS – 2018/19

Annual Council 10 May 2018

Report Author Nick Hughes, Committee Services Manager

Portfolio Holder Cabinet Member for Corporate Governance and Coastal

Development

Status For Decision

Classification: Unrestricted

Key Decision No

Executive Summary:

The report allows Council to agree on number and size of the Committees, Panels and Boards for the forthcoming municipal year and then subsequently the proportionality of the Council. The report then goes on address the allocation of seats on those bodies to political Groups. Finally the report also then allows the Council to elect Chairman and Vice Chairmen to Committees for the 2018/19 municipal year.

Summary of Recommendation(s):

- 4.7 That Members agree the number of committees for the Council year 2018/19 and the number of members serving on each committee as shown in table 1.
- 5.10.1 That Council agrees one of the options outlined at paragraphs 5.4 5.6 to achieve proportionality.
- 5.10.2 Council also agrees the tables 4, 5 and 6.
- 6.5 To note the corresponding group nominations to Committees, Panels and Boards for 2018/19 as per paragraphs 5.10.1 and 5.10.2 of this report. (The names of those Councillors so nominated will be presented at the meeting)
- 7.7 That Council makes the following Appointments of Chairmen and Vice-Chairmen of Committees, Panels and Boards for 2018/19:
 - a) Chairman and Vice-Chairman of the Planning Committee
 - b) Chairman and Vice-Chairman of the Licensing Board
 - c) Chairman and Vice-Chairman of Finance, Budget & Performance Scrutiny Panel
 - d) Chairman and Vice-Chairman of Executive, Policy & Community Safety Scrutiny Panel
 - d) Chairman and Vice-Chairman of the Governance and Audit Committee
 - e) Vice-Chairman of the Joint Transportation Board
 - f) That Dr Jonathan Sexton and Mrs Janet Bacon (subject to them being re-appointed as Independent Members) be appointed as Chairman and

Vice-Chairman respectively of the Standards Committee and the Constitutional Review Working Party.

CORPORATE IM	PLICATIONS				
Financial and	There are no direct financial implications from this report. However	er			
Value for	nembers allowances included in the annual budget are based on the				
Money	existing structure and any increase in size or number of committees would				
	require approval of the resulting increase in the budget.				
Legal	The composition and allocation of membership of committees has been	The composition and allocation of membership of committees has been			
	pased on the relevant legislative requirements.				
Corporate	There are no direct Corporate Implications				
Equalities Act 2010 & Public Sector Equality Duty		to ne on of id le n,			
	Foster good relations between people who share a protected x				

CORPORATE PRIORITIES (tick	
those relevant) ✓	
A clean and welcoming	
Environment	
Promoting inward investment and	
job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick	
those relevant) ✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	1

1.0 Introduction

1.1 This report seeks agreement of the number and sizes of Committees, Panels and Boards for the forthcoming Municipal Year. It then goes on to address the issue of political proportionality and the allocation of seats on those bodies to political Groups.

2.0 Political Balance

2.1 The current political balance of the Council is shown in the table below:

Political Group	No. of Cllrs
Conservative	21
Independent & UKIP Group	14
Thanet Independent Councillors	14
Labour	6
Independent	1

3.0 Number, Size and Terms of Reference of Committees

3.1 It is for Council to decide the number and sizes of committees. The Leader of the Council has requested that Democratic Services include an additional Scrutiny Panel and that the number of Councillors on both panels is reduced. This proposal is outlined at paragraph 4.0 below.

4.0 Changing to two Overview and Scrutiny Panels

4.1 The Leader has requested that Democratic Services alter the structure of the Scrutiny function so that it is performed by two Overview and Scrutiny Panels, rather than one. Therefore Democratic Services have created a proposal for the following two panels:

Panel 1 (Finance, Budget & Performance Scrutiny Panel)

would deal with:

Budget Monitoring

Performance Monitoring

Scrutiny Reviews

Petitions (asking to review or rescind matters)

Budget Framework items

Panel 2 (Executive, Policy & Community Safety Scrutiny Panel) would deal with:

Community Safety Work

Policy Development

Call-Ins

Review of the Forward Plan

Petitions (requesting new services/actions)

Policy Framework items (i.e local plan)

- 4.2 These two panels would meet seven times each per year and all work currently undertaken by working parties or sub-committees of the current panel would be undertaken by one of the two panels. The current level of resources would not allow Democratic Services to create any further sub-committees from these two panels.
- 4.3 Once created at this meeting, the two panels would meet to discuss their detailed terms of reference and then the necessary changes to the constitution would then be considered by the Constitutional Review Working Party and Standards Committee before the finalised terms of reference were agreed by Council at its meeting on 12 July.

- 4.4 Any cabinet decisions made by individual cabinet members between 10 May and the Council meeting on the 12 July or at the Cabinet meeting on the 14 June would be subject to Call-in by Panel 2, utilising the Call-in rules. In addition any scrutiny needed under the current policy framework rules would be carried out by Panel 2 and any scrutiny needed under the current budget framework rules would be carried out by Panel 1 during this interim period (10 May-12 July).
- 4.5 This change together with the remaining Committees is outlined at table 1 below:

Table 1

Committee	Number of Members
Planning Committee	15
Licensing Board	15
Finance, Budget & Performance Scrutiny Panel	8 or 11†
Executive, Policy & Community Safety Scrutiny Panel	8 or 11†
Governance and Audit Committee	14
General Purposes Committee	10
Boundary and Electoral Arrangements Working Party	8
Constitutional Review Working Party	5 (+2 independent)
Joint Transportation Board*	7 (+1 parish)
Standards Committee**	8 (+ 4 independent, + 3 parish)

^{*}NOTE Under section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 proportionality applies to this body but not towards the total number of seats.

- † The final number of the members will be agreed at section 5.0 of this report.
- 4.6 Though the Constitutional Review Working Party is bound by proportionality in respect of elected Members, Council agreed in May 2008 that two independent members would be appointed to the Committee. That practice has continued for every Municipal Year since then.

4.7 Recommendation

That Members agree the number of committees for the Council year 2018/19 and the number of members serving on each committee as shown in table 1.

5.0 Political Proportionality

^{**} With the introduction of Localism Act 2011, the Standards Committee has now become a politically balanced committee. However, under section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 proportionality applies to this body but not towards the total number of seats. Council agreed in July 2012 that four independent members would be appointed to the committee (under 27(4) (a) and (b) of the Localism Act 2011), one of whom would act as Chairman. That practice has continued for every Municipal Year since then.

- 5.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political Groups in accordance with the size of each group on the Council as a whole and in accordance with the following principles which should be observed as far as is reasonably practicable:
- a) That not all seats on the same committee are allocated to the same political group;
 - b) That the majority of the seats on a committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
 - c) That, subject to a) and b) above, the number of seats on committees allocated to each political group bears the same proportion of the total of all the seats on committees:
 - d) That, subject to a), b) and c) above, the number of seats on a committee allocated to each political group bears the same proportion to the number of all seats on that committee.
- 5.2 For the purposes of political balance a Group is required to have at least two members and to have been formally constituted as a political group before the meeting.
- 5.3 Democratic Services have contacted the four group Leaders and consensus has not been achieved, therefore two options are being presented to this meeting. These are outlined at paragraphs 5.4 and 5.5. However if Members wished to propose an alternative they can do under option 3 at paragraph 5.6, however compliance with the proportionality rules would need to be verified by officers, prior to it being adopted.

5.4 Option 1

5.4.1 That a seat is deleted from the Licensing Board and that the Labour Group loses that seat. That the Overview and Panel be deleted and replaced by two Scrutiny Panels, these each consisting of eight seats, divided as follows: Conservatives three seats, Independent & UKIP group two seats, Thanet Independent Councillors group two seats and the Labour group one seat. That one seat is added to the Governance and Audit Committee and that seat is given to the Conservative Group.

5.5 Option 2

5.5.1 That the Overview and Panel be deleted and replaced by two Scrutiny Panels, these each consisting of 11 seats, divided as follows: Conservatives four seats, Independent & UKIP group three seats, Thanet Independent Councillors group three seats and the Labour group one seat. That one seat is added to the Governance and Audit Committee and that seat is given to the Conservative Group.

5.6 Option 3

5.6.1 That another solution that achieves proportionality is agreed. Note that if an alternative proposal is developed during the meeting, compliance with the proportionality rules would need to be verified by officers.

5.7 The tables below show the change to numbers serving on Committees as a result of these proposals:

Table 2

Committees Option 1	Tota I	Conservative Group	Independent & UKIP Group	Thanet Independent Councillors	Labour Group
Planning Committee	15	6	3	4	2
Licensing Board	15	5	4	4	1
Finance, Budget & Performance Scrutiny Panel	8	3	2	2	1
Executive, Policy & Community Safety Scrutiny Panel	8	3	2	2	1
Gov. and Audit	15	6	4	4	1
General Purposes	10	4	3	2	1
B&EA Working Party	8	3	2	2	1
CRWP	5	2	1	1	1
Totals	83	32	21	21	9

Table 3

Committees Option 2	Tota I	Conservative Group	Independent & UKIP Group	Thanet Independent Councillors	Labour Group
Planning Committee	15	6	3	4	2
Licensing Board	15	5	4	4	2
Finance, Budget & Performance Scrutiny Panel	11	4	3	3	1
Executive, Policy & Community Safety Scrutiny Panel	11	4	3	3	1
Gov. and Audit	15	6	4	4	1
General Purposes	10	4	3	2	1
B&EA Working Party	8	3	2	2	1
CRWP	5	2	1	1	1
Totals	90	32	23	23	10

5.8 The overall political balance calculation for the proposal shown above is available at Annexes 1 and 2.

5.9 Joint Transportation Board and Standards Committee

- 5.9.1 Both Section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 mean that proportionality applies to the Standards Committee, but the Standards Committee does not count towards the total number of seats when dealing with overall political proportionality, hence why they are presented here.
- 5.9.2 However the Council is asked to waive the political proportionality of Standards Committee to allow for both independent Members and Parish Council's to sit on the Committee.

Table 4

	Total	Conservative Group	Independent & UKIP Group	Thanet Independent Councillors Group	Labour Group	Independent Members	Parish/ Town Council
Standards Committee	15	3	2	2	1	4**	3
Standards Assessment Sub-Committee	3	*		*	0	At least 1	*
Standards Hearing Sub-Committee	3	*		*	0	At least 1	*

NOTE*; the remaining two members would be either Thanet District Council Members from those groups that are entitled to seats on the Standards Committee, Town/Parish Council members or further independent members, on a case by case basis. In the case of complaint against a Town or Parish Councillor at least one of the panel would be a Town or Parish Council representative.

- 5.9.3 The rest of the proportionality calculations shown below at tables four and five must also be agreed.
- 5.9.4 The Joint Transportation Board consists of seven Councillors from Thanet District Council and the seven Councillors from Kent County Council that represent County divisions within Thanet. In addition, although proportionality applies to the Joint Transportation Board, the Council has also agreed that there be one Parish representative serving on the Board. Under section 15 (5) of Part III and schedule 1 of the Local Government Housing Act 1989 proportionality applies to the seven seats appointed by Thanet District Council on the Joint Transportation Board but these seats do not count towards the total number of seats by which overall proportionality is calculated.
- 5.9.5 The allocation of Thanet District Council seats on the Joint Transportation Board are shown in the table below:

Table 5

^{**} Currently there are only two Independent Members in post.

	TDC	Conservative	Ind &	Thanet	Labour	Parish/
	Members	Group	UKIP	Independent	Group	Town
			Group	Cllrs Group		Council
Joint	7	3	2	2	0	1
Transportation						
Board						

- 5.9.6 The Council is also a member of the East Kent Services Committee; therefore it is necessary to appoint Councillors to the committee.
- 5.9.7 Council agreed in February 2015 to the proposal that two executive Councillors and two substitute Executive Councillors should serve on the East-Kent Services Committee, as shown in table below:

Table 6

	Total (from Thanet)	Conservative Group	Ind & UKIP Group	Thanet Independent Clirs Group	Labour Group
East Kent Joint Arrangements Committee	2 plus two substitutes	2 Executive members and 2 Substitute Executive members	2	2	0

5.10 Recommendation

- 5.10.1 That Council agrees one of the options outlined at paragraphs 5.4 5.6 to achieve proportionality.
- 5.10.2 Council also agrees the tables 4, 5 and 6.

6.0 Nominations of Members to serve on Committees

- 6.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.
- 6.2 Group nominations to Committees, Panels and Boards and will be circulated to Members separately at the meeting.
- 6.3 The independent membership of committees is as follows:
- 6.3.1 Standards Committee: On 11 May 2017 Annual Council appointed Dr. Jonathan Sexton and Mrs Janet Bacon as independent members to the Standards Committee up to this Annual Council meeting. It is expected that they will be reappointed at this Annual Council meeting.
- 6.3.2 Standards Assessment Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.

- 5.3.3 Standards Hearing Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.
- 6.3.4 The Constitutional Review Working Party; independent member(s) will be drawn from the independent members of the Standards Committee.
- 6.4 Town/Parish Councils are entitled to have three representatives on the Standards Committee and one representative on the Joint Transportation Board. The Town/Parish nominations to Committees are made by the Thanet Association of Parish Councils and are made in November each year.

6.5 Recommendation

To note the corresponding group nominations to Committees, Panels and Boards for 2018/19 as per paragraphs 5.10.1 and 5.10.2 of this report. (The names of those Councillors so nominated will be presented at the meeting)

7.0 Appointment of Chairmen and Vice-Chairmen of Committees, Panels and Boards 2018/19

- 7.1 The constitution of the Council states that:
 - a) The Chairmen and Vice-Chairmen of Committees shall be appointed by Council at its Annual Meeting with the exception of General Purposes Committee, which elects its own Chairman;
 - b) All Sub-Committees, Advisory Groups and Working Parties shall elect their Chairmen and Vice-Chairmen at their first meeting after the Annual Council Meeting.
- 7.2 By convention, in Thanet the majority Group is entitled to the first nomination of the chairmanship and vice- chairmanship of Committees, Panels and Boards. Any nominations received will be presented at the meeting.
- 7.3 Council agreed on 12 July 2012 that the Chairman and Vice-Chairman of the Standards Committee are to be independent members and to date the Council has made and confirmed appointment to these offices at the Annual Meeting from the Independent Members of the Standards Committee.
- 7.4 Under the Council's Joint Transportation Board agreement with Kent County Council, for 2018/19 a Member of Kent County Council will chair the JTB and a Thanet District Councillor will act as vice-chairman. These roles are alternated annually.
- 7.5 The Council's constitution states that the Chairman and Vice-Chairman of any Overview and Scrutiny Panel shall not both be from the same political Group. In addition if there is more than one Scrutiny Panel then they cannot all be chaired by the same political Group.
- 7.6 The Council decided during 2008 that one of the two independent members of the Standards Committee would act as Chairman of the Constitutional Review Working Party and another independent member would act as Vice-Chairman. It has maintained that practice every Municipal Year since then.

7.7 Recommendation

That Council makes the following Appointments of Chairmen and Vice-Chairmen of Committees, Panels and Boards for 2018/19:

- a) Chairman and Vice-Chairman of the Planning Committee
- b) Chairman and Vice-Chairman of the Licensing Board
- c) Chairman and Vice-Chairman of Finance, Budget & Performance Scrutiny Panel
- d) Chairman and Vice-Chairman of Scrutiny Executive, Policy & Community Safety Scrutiny Panel
- d) Chairman and Vice-Chairman of the Governance and Audit Committee
- e) Vice-Chairman of the Joint Transportation Board
- f) That Dr Jonathan Sexton and Mrs Janet Bacon (subject to them being re-appointed as Independent Members) be appointed as Chairman and Vice-Chairman respectively of the Standards Committee and the Constitutional Review Working Party.

Contact Officer:	Nick Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

Annex 1	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 1
Annex 2	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 2

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance and Monitoring Officer

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Annex
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Agenda Item 9

Option 1	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
Overall Council	56	21	14	14	6	1
Groups only	55	21	14	14	6	0
	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
Planning Committee	15	6	3	4	2	
	100.00%	40.00%	20.00%	26.67%	13.33%	
Licensing Board	14	5	4	4	1	
	100.00%	35.71%	28.57%	28.57%	7.14%	
Finance, Budget & Performance Scrutiny Panel	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
Executive, Policy & Community Safety Scrutiny Panel	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
Governance & Audit	15	6	4	4	1	
	100.00%	40.00%	26.67%	26.67%	6.67%	
General Purposes	10	4	3	2	1	
	100.00%	40.00%	30.00%	20.00%	10.00%	
BEAWP	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
CRWP	5	2	1	1	1	
	100.00%	40.00%	20.00%	20.00%	20.00%	
Totals allocated	83	32	21	21	9	
	100.00%	38.55%	25.30%	25.30%	10.84%	
Totals entitlement	83	31.69	21.13	21.13	9.05	
Difference from entitlement no.		0.31	-0.13	-0.13	-0.05	
Difference from entitlement %		0.3724	-0.1533	-0.1533	-0.0657	

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Option 2

Overall Council	56	21	14	14	6	1
Groups only	55	21	14	14	6	0
	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
Planning Committee	15	6	3	4	2	
	100.00%	40.00%	20.00%	26.67%	13.33%	
Licensing Board	15	5	4	4	2	
	100.00%	33.33%	26.67%	26.67%	13.33%	
Finance, Budget & Performance Scrutiny Panel	11	4	3	3	1	
	100.00%	36.36%	27.27%	27.27%	9.09%	
Executive, Policy & Community Safety Scrutiny Panel	11	4	3	3	1	
	100.00%	36.36%	27.27%	27.27%	9.09%	
Governance & Audit	15	6	4	4	1	
	100.00%	40.00%	26.67%	26.67%	6.67%	
General Purposes	10	4	3	2	1	
	100.00%	40.00%	30.00%	20.00%	10.00%	
BEAWP	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
CRWP	5	2	1	1	1	
	100.00%	40.00%	20.00%	20.00%	20.00%	
Totals allocated	90	34	23	23	10	
	100.00%	37.78%	25.56%	25.56%	11.11%	
Totals entitlement	90	34.36	22.91	22.91	9.82	
Difference from entitlement no.		-0.36	0.09	0.09	0.18	
Difference from entitlement %		-0.4040	0.1010	0.1010	0.2020	
			<u> </u>		<u> </u>	

Independent and

UKIP

Members

Conservative

Thanet Independent

Councillors

Labour

Non-Groups

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MEMBERS ALLOWANCES SCHEME 2018/19

Council **10 May 2018**

Report Author Nicholas Hughes – Committee Services Manager

Portfolio Holder Cabinet Member for Corporate Governance and Coastal

Development

Status For Decision

Classification: Unrestricted

Key Decision No

Ward: All Wards

Executive Summary:

Democratic Services have been asked by the Leader of the Council to amend the Council's allowances scheme by making a number of changes to the allowances scheme including;

- a) Amending the names of the "Group Leader of largest opposition group" and "Deputy Group Leader of largest opposition group" Special Responsibility Allowances (SRA's)
- b) Distributing the savings made by the deletion of a shadow cabinet post across the opposition group leaders, opposition deputy group leaders and opposition spokespersons roles.
- c) Amending the SRA's for the Overview and Scrutiny Panel chairman and Vice-Chairman.

Recommendation(s):

1) To amend the names of the following SRA's:

"Deputy Group Leader of largest opposition group" to be known as "Opposition leader of a group with 10 or more members"

"Group Leader of largest opposition group" to be known as "Deputy Opposition leader of a group with 10 or more members"

2) To increase the rates of the following Special Responsibility Allowances to those set out below:

Opposition leader of a group with 10 or more members £2,881
Deputy opposition leader of a group with 10 or more members £1,431
Opposition Spokesperson £1,431

- 3) To amend the scheme so there are two Chairman of Scrutiny Panel with an SRA of £3,995 and two Vice-Chairman of a Scrutiny Panel with an SRA of £1,608.
- 4) To refer the revised scheme to the East Kent Joint Independent Remuneration Panel for them consider and report back to the Council.

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CORP	OKAIL		CAI	IUNS

Financial and If Members agree the draft scheme of Members allowances as outlined at

Value for annex 1 to this report, then there will be no direct financial implications as Money a result of this report. The changes being proposed within the report can be funded with no additional cost to the scheme previously agreed in February 2018. Council will have to identify savings to other budgets if they wish to make any changes to the proposals that result in additional expenditure. The Council is required to have regard to the recommendations of EKJIRP Legal in making a scheme of allowances. The Council is required to have regard to the recommendations of EKJIRP in making a scheme of allowances. Section 18 of the Local Government and Housing Act 1989 permits the Secretary of State, by regulations, to make a scheme providing for the payment of a basic allowance, an attendance allowance and a special responsibility allowance to members of a local authority. Section 100 of the Local Government Act 2000 permits the Secretary of State, by regulations, to provide for travelling and subsistence allowances for members of local authorities, allowances for attending conferences and meetings and reimbursement of expenses. In exercise of these powers the Secretary of State has made the Local Authorities (Members' Allowances) (England) Regulations 2003. The Regulations require the council to make a scheme before the beginning of each year for the payment of basic allowance. The scheme must also make provision for the authority's approach to special responsibility allowance, dependants' carers' allowance, travelling and subsistence allowance and co-optees' allowance. The scheme may also provide for other matters of the kind dealt with in the proposed scheme. The recommendations if approved would mean the majority of the members of council would receive a special responsibility allowance. The Government guidance on allowances says that where this is the case. 'Local authorities will wish to consider very carefully the additional roles of members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a special responsibility allowance.' When considering the scheme, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). This consideration should be supported by a proportionate level of equality analysis. **Corporate** The level of allowances may be seen as both impacting on the public's perception of the Council and a factor in making public services as a Councillor attractive to a broad range of potential candidates. **Equalities Act** Members are reminded of the requirement, under the Public Sector 2010 & Public Equality Duty (section 149 of the Equality Act 2010) to have due regard to **Sector** the aims of the Duty at the time the decision is taken. The aims of the Duty **Equality Duty** are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act. (ii) advance equality of opportunity

between people who share a protected characteristic and people who do

not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

Please indicate which aim is relevant to the report.	
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	√
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
Foster good relations between people who share a protected	
characteristic and people who do not share it.	

Although it does not directly relate to protected groups, the draft scheme contains the ability to pay a dependent carers allowance to Councillors. This contributes to aims 1 and 2 of the Equality Act as it removes barriers to Councillors standing who have relatives that may be in need of dependent care.

CORPORATE PRIORITIES (tick	
those relevant)√	
A clean and welcoming	
Environment	
Promoting inward investment and	
job creation	
Supporting neighbourhoods	

CORPORATE	VALUES	(tick	
those relevant)√			
Delivering value	for money		
Supporting the W	/orkforce		✓
Promoting open	communica	tions	

1.0 Introduction and Background

- 1.1 As a result of the change in administration a number of new roles were introduced and agreed at the last Council meeting. At that last meeting it was also agreed that a proposal regarding utilizing the savings from the deleted shadow cabinet post would be brought to this meeting.
- 1.2 In addition the Leader has also asked Democratic Services to make a number of amendments to the scheme.
- 2.0 Amending the names of the opposition group leaders and opposition deputy group leaders Special Responsibility Allowances (SRA's)
- 2.1 Democratic Services have been asked by the Leader of the Council to amend the names of the SRA's for Group Leader of largest opposition group and Deputy Group Leader of largest opposition group. It is suggested that these are amended as follows:
 - "Deputy Group Leader of largest opposition group" to be known as "Opposition leader of a group with 10 or more members"
 - "Group Leader of largest opposition group" to be known as "Deputy Opposition leader of a group with 10 or more members"
- 2.2 For clarity, the report author will refer to these new SRA names in the rest of this report to avoid confusion.

3.0 Opposition Councillor Positions and Special Responsibility Allowances

- 3.1 The Leader after discussion with the Group Leaders of the two biggest opposition parties, has asked Democratic Services to distribute the savings from the deleted shadow cabinet role (now known as an opposition spokesperson role) across the Opposition leader of a group with 10 or more members, Deputy Opposition leader of a group with 10 or more members and opposition spokespersons roles. By making these changes and combining them with the changes made at the last Council meeting it makes the scheme cost neutral from that one agreed at the February Council meeting.
- 3.2 Therefore the following changes have been made. There was a saving of £2,304 from the deleted shadow cabinet post and this has been added to the remaining saving of £490 from the funds left over after the introduction of assistant portfolio holder positions (deleted portfolio holder post £7990 total cost of assistant portfolio holder posts £7500) making a total to be re-distributed of £2794.
- 3.3 Across the ten opposition positions two Opposition leader of a group with 10 or more members, two Deputy Opposition leaders of a group with 10 or more members and six opposition spokespersons roles this results in an increase of £279 per role. The new rates for each role are now as follows:

Opposition leader of a group with 10 or more members	£2,881
Deputy opposition leader of a group with 10 or more members	£1,431
Opposition Spokesperson	£1,431

3.4 These changes are shown at Annex 1 to this report.

4.0 Changes to the Special Responsibility Allowances regarding the Overview and Scrutiny Panel

- 4.1 Elsewhere on this agenda there is a proposal to add an additional Scrutiny Panel. If agreed this would necessitate an addition of new SRA for the Chairman and Vice-Chairman of that panel.
- 4.2 It has been suggested by the Leader after discussions with the Leaders of the two largest opposition groups that an additional SRA for Chairman of a Scrutiny Panel and one for Vice-Chairman of a Scrutiny Panel be created but the rates for these roles halved. Therefore there will now be two Chairman of a Scrutiny Panel SRA's and two Vice-Chairman of a Scrutiny Panel SRA's each receiving £3,995 and £1,608 respectively.
- 4.3 These changes are shown at Annex 1 to this report.
- 4.4 Doubling the number of these SRA's, but halving the amount received will result in no overall increase in the budget for the allowances scheme.

5.0 Options

- 5.1 To agree the changes to the scheme as explained in paragraph 2.0 above and as shown in annex 1 to the report.
- 5.2 To make alternative changes to the scheme, however Council will have to identify savings to other budgets if they wish to make any changes to the proposals that result in additional expenditure.
- 5.3 To keep the scheme as it currently is.

6.0 Next Steps

6.1 It is for Council to agree the Members' Allowances Scheme. However the scheme and any amendments made would need to be the subject of consultation with the East Kent Joint Independent Remuneration Panel. The Remuneration Panel can then make recommendations back to Council, any recommendations will then be considered by Council at a future meeting.

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

Annex 1	2018/19 Draft Scheme of Members Allowances

Background Papers

Title	Details of where to access copy	
None	N/A	

Corporate Consultation

Finance	Matthew Sanham, Financial Services Manager
Legal	Tim Howes, Director of Corporate Governance and Monitoring Officer



Draft Members' Allowances Scheme

Members' Allowances Scheme 2018/2019

Introduction

- 1.1 This scheme is made in exercise of the powers conferred by The Local Authorities (Members' Allowances) (England) Regulations 2003 and of all other enabling powers, the Council having had regard to the recommendations made to it by an independent remuneration panel.
- 1.2 This scheme shall take effect on and from the 1 April 2018 and shall remain effective for the purposes of the determination and payment of any allowances to Members until it is next reviewed by Council.
- 1.3 Where a Member of the Council is also a Member of another authority, that Member may not receive allowances from more than one authority in respect of the same duties.
- 1.4 This scheme shall be construed in accordance with the meanings contained within the above Regulations.

Basic Allowance

1.5 The annual entitlement to Basic Allowance for each Member is the amount detailed in **Schedule 1**.

Special Responsibility Allowance

- 1.6 The annual entitlement to a Special Responsibility Allowance for each Member having a special responsibility is the relevant amount in relation to that responsibility detailed in **Schedule 1**.
- 1.7 Where a Member would otherwise be entitled to claim more than one Special Responsibility Allowance only one shall be payable, normally the higher unless the member gives notice in writing to the Democratic Services and Scrutiny Manager that he or she wishes to receive the lower.
- 1.8 Where Members of the Council are divided into at least two political groups and a majority belong to the same political group a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group.

Dependants' Carers' Allowance

- 1.9 Members are entitled to claim Dependants' Carers' Allowance for expenses necessarily incurred in arranging care on account of any 'Approved Duty'. The current allowance is included in **Schedule 1**.
- 1.10 The definition of a dependant for the purpose of payment of this allowance is that used in S57A (3) of the Employment Rights Act 1996. This is a spouse or partner, a child, a parent, a person who lives in the same household but who is not an employee, tenant, lodger or boarder.

- 1.11 Additionally the secondary carer must not be a member of the claimant's immediate family i.e. spouse or partner, other children of the Member or the Member's spouse or any member of the Member's family who lives at the same address as the Member. Nor can it be an employee, tenant, lodger or boarder who lives at that address.
- 1.12 Payment of Dependants' Carers' Allowances will be on the production of invoices and is limited to no more than one hundred hours per quarter. [Note: To avoid excess administration in processing claims, these should be submitted on a quarterly basis.]

Travelling and Motor Mileage Allowances

- 1.13 Members will be reimbursed car mileage only from their home to place of duty and return in respect of attendance at Approved Duties, or as the Council's representative, in accordance with the rates set out in **Schedule 1**.
- 1.14 If a Member visits the vicinity of the place of duty for some other purpose and then goes directly to the approved duty, a claim should not be made.
- 1.15 Subject to paragraph 1.16 below, for journeys outside the District, car mileage reimbursement will be capped at the cost of an equivalent journey by public transport (meaning the standard open rail fare together with reasonable taxi/bus fares, parking charges and underground fares incurred, or which would have been incurred if the Member had travelled by public transport). If, however, the costs of an equivalent journey by public transport equals or exceeds car mileage costs, full mileage costs will be reimbursed.
- 1.16 Notwithstanding that the cost of car mileage reimbursement would exceed the cost of an equivalent journey by public transport, a Member will nevertheless be entitled to claim mileage for out of district travel:-
 - (i) If he or she car shares with either an officer or one or more members, any of whom would have been entitled to make a mileage claim had they travelled independently; or
 - (ii) If the Committee Services Manager agrees in writing that the meeting, seminar, conference, event, presentation, service or other approved duty that necessitated the journey was not reasonably practical to make by public transport due to any or a combination of the following factors:-
 - the distance from the members home to the nearest railway station:
 - the location of the meeting;
 - the start or finish time of the meeting;
 - the amount of luggage to be taken; and
 - the overall journey time on public transport compared to travel by car.
- 1.17 The written agreement of the Committee Services Manager under paragraph 1.16 above should normally be sought in advance of the intended journey but in exceptional circumstances may be obtained subsequently. In addition, where it is likely that a Member will be travelling to the same destination one more than one occasion, the Committee Services Manager shall be entitled to give the Member his agreement in writing to all such journeys.

1.18 Travelling and motor mileage allowances may be payable for attendance at any official meetings of the Council to which members of more than one party are invited to attend and also for representation on those bodies included in **Schedule 2.**

Subsistence

1.19 Payment of subsistence allowances in connection with any approved duty shall be in accordance with the provisions, including the maximum amounts payable, set out in **Schedule 1**.

Explanation of "Approved Duty"

- 1.20 Approved Duties comprise the following:-
- a) a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee of such a body;
- b) any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that
 - i) where the authority 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 authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- c) a meeting of any association of authorities of which the authority is a member.
- d) the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of or in connection with the discharge of the functions of the Council or any of its committees or sub committees. [Attendances at meetings of the bodies listed in Schedule 2 have been approved.]
- e) There is also a general duty permitting the Leader or nominated deputy to represent the Council at formal meetings not specified elsewhere, with other authorities, official bodies or agencies for the purposes of any function of the Council, but excluding meetings organised by private individuals or commercial organisations.
- 1.21 Scrutiny Panel Members attending meetings of the Cabinet are entitled to claim travelling allowance and any Member speaking on an issue relevant to their Ward at a meeting of the Cabinet with the consent of the Leader or in accordance with Council rules is also entitled to claim travelling allowance.
- 1.22 If any Overview or Scrutiny Panel requires a Member of the Cabinet to attend before it in relation to matters within that Member's remit, then that Member is entitled to claim travelling expenses.
- 1.23 Where Cabinet Members attend non-executive meetings to observe only this is not deemed to be an approved duty and travelling expenses will not be paid.
- 1.24 Where any Member attends any Committee to speak on an item with the

- Chairman's consent, this attendance will be an approved duty for payment of travelling expenses.
- 1.25 Members are entitled to claim travelling expenses for Committee briefings and for all Partnership meetings or Chairman and Vice-Chairman meetings with the Lead Officer and these meetings are therefore approved duties.
- 1.26 This Scheme does not allow for travelling expenses to be paid to individual Members arranging meetings with officers as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties.
- 1.27 For any other ad hoc briefings e.g. on major developments, Members from all political groups with in excess of 5 Members will need to be invited to these briefings in order for travelling allowances to be paid.
- 1.28 No allowance shall be payable if such payment would be contrary to provision made by or under any enactment.
- 1.29 Members who attend committee meetings of which they are not a member (under Council Procedure Rule 20(1)) shall be entitled to claim travelling expenses.
- 1.30 Co-opted and Independent members shall be treated as Members of the Council for the purposes of Approved Duties.

Renunciation

1.31 A Member may, by notice in writing given to the Democratic Services and Scrutiny Manager, elect to forego any part of his/her entitlement to an allowance under this scheme.

Part Year Entitlements

- 1.32 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to Basic and Special Responsibility Allowances where in the course of the year
 - The Scheme is amended; or
 - That Member becomes, or ceases to be, a Member, or
 - He/she accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable
- 1.33 If an amendment, or amendments, to this scheme change(s) the amount of the Basic Allowance or a Special Responsibility Allowance to which a Member is entitled, then for each period in a particular year during which the relevant amounts are applicable, the entitlement to such allowance(s) shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.
- 1.34 Where the term of office of a Member begins or ends at any time other than at the beginning or end of a year, the entitlement of that Member to a Basic Allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant period.

1.35 Where both:

- this Scheme is amended as described in sub-paragraph 1.32; and
- the term of office of a Member begins and/or ends as described in paragraph 1.33; then
- the entitlement of any such Member to a basic allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant periods.
- 1.36 Where a Member has during part of, but not throughout, a year such special responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlement shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.
- 1.37 Where this scheme is amended as mentioned in paragraph 1.32 and a Member has during part, but does not have throughout the whole, of any period mentioned in paragraph 1.33 any such special responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlements shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.

Repayment and Withholding of Allowances

1.38 Where payment of any Basic Allowance or Special Responsibility Allowance has already been made after a Member, ceases to be a Member of the Council or is in any other way not entitled to receive any such allowance in respect of that period, the Council may require that such part of the allowance as relates to any such period be repaid.

Payments and Claims

- 1.40 Allowances will be paid in instalments of one-twelfth of the amounts specified in this scheme by BACS transfer on the 19th of the month, one month in arrears.
- 1.41 Where a payment of one-twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Member receiving more than the amount to which, by virtue of paragraph 1.33, he/she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he/she is entitled.
- 1.42 Claims for Dependants' Carers' Allowances, Travel and Subsistence Allowances and Co-optee's Allowance (if applicable) shall be made within three months from the date on which an entitlement arises.
- 1.43 Nothing in the above paragraph shall prevent the Council from making a payment where an allowance is not claimed within that period.

Pensions

1.44 In accordance with the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, no Member of Thanet District Council is entitled to be a member of the Local Government Pension Scheme after 11 May 2015.

With effect from the 1st day of April 2018 pursuant to a resolution of the Thanet District Council passed on the 8 February 2018.

SCHEDULE 1

MEMBERS' ALLOWANCES SCHEME - 2018/2019

Basic Allowance

£4,570 each Member x 56 = £255,920

Special Responsibility Allowances

Position	Number	Allowance	Possible maximum expenditure			
		£	~			
Executive						
Leader	1	18,082	18,082			
Deputy Leader	1	10,776	10,776			
Cabinet Portfolio Holder	3	7,990	23,970			
Assistant Portfolio Holder	5	1500	7500			
Non-Executive						
Chairman of Council	1	2,188	2,188			
Vice Chairman of Council	1	1,530	1,530			
Group Leader of largest opposition group Opposition leader of a group with more than 10 members	2	2,602 2,881	5,204 <u>5,762</u>			
Deputy Group Leader of largest opposition group Deputy opposition leader of a group with more than 10 members	2	1,152 1,431	2,304 <u>2,862</u>			
Opposition Spokesperson	6	1,152 <u>1,431</u>	9,216 10,890			
Overview and Scrutiny Committee Panel Chairman	1 2	7,990 3,995	7,990			
Overview and Scrutiny Committee Panel Vice- Chairman	1 2	<u>1,608</u> 3,216	3,216			
Planning Committee Chairman	1	5,204	5,204			
Planning Committee Vice- Chairman	1	1,216	1,216			
Licensing Committee Chairman	1	3,216	3,216			
Licensing Committee Vice-Chairman	1	805	805			

Position	Number	Allowance	Possible maximum expenditure
		£	£
Governance and Audit Committee - Chairman	1	5,204	5,204
Governance and Audit Committee – Vice-Chairman	1	1,216	1,216
Standards Committee - Chairman	1	1,216	1,216
Standards Committee – Vice-Chairman	1	400	400
Standards Committee – other Independent Member	2	250	500
"Independent Person"	1	250	250
Substitute "Independent Person"	1	100	100
JTB Chairman	1	1,216	1,216
TOTAL SRAs only			110,215 <u>113,005</u>

Total basic + SRAs = $\frac{£366,135}{£368,925}$

(1) Co-optees and "independent" Members shall be treated as Members of Thanet District Council for this purpose.

Dependants' Carers' Allowances

An allowance for any approved duty of £7.83 per hour *(or the national living wage whichever is higher)* subject to the conditions set out in paragraph 4 of the 'Members' Allowances Scheme'.

Motor Mileage Allowance

Payable in accordance with the Mileage rates as set out in the TDC staff travel plan:

For the duration of this scheme the rates are as follows:

- (i) For journeys within the District (casual user rate)
 - 21.69 pence per mile
- (ii) In exceptional circumstances and provided approval of the Democratic Services and Scrutiny Manager is obtained prior to the journey (see paragraph 1.16 of the Scheme) for journeys outside the District (essential user rate)
 - 45 pence per mile*
- (iii) Journeys by rail outside the District

standard open class rail fare

(iv) Cycling Allowance (HMRC Guidance)

20.4p per mile

* Normally for journeys outside of the district the equivalent of a standard open class rail will be paid.

Subsistence Allowances

Subsistence allowances will be payable to Members who are prevented by their official duties from taking a meal at their home, or place of work where they normally take their meals, and thereby incur additional expenditure. A Member will be required to submit receipts in order for reimbursement to be made.

Overnight Accommodation

Members who are required to make overnight stays in the performance of their official duties should, whenever possible, pre-book accommodation of an appropriate standard and obtain approval from the Head of Legal and Democratic Services. Arrangements should be made for an invoice to be submitted directly to the Council. If this is not possible, a detailed VAT receipt MUST be obtained to substantiate the claim.

Out of Pocket Expenses

Expenses are claimable if a Member is required to stay away from home overnight. They cover such items as newspapers and personal telephone calls.

Allowances payable as at 01/04/2018

	Subsistence Allowance (£)	
Subsistence	Breakfast	7.36
	Lunch	10.17
	Tea	4.03
	Evening	12.59
	Meal	
Out of pocket expenses	Per night	5.73
	Per week	22.90

SCHEDULE 2

DUTIES WHICH ARE APPROVED FOR THE PURPOSE OF CLAIMING TRAVELLING & SUBSISTENCE

Representation on the following bodies

Action with Communities in Rural Kent (T)

Age UK: Thanet (T)

British Ports Association (TS)

British Destinations (AGM, Annual Conference and Executive meetings) (TS)

Campaign to Protect Rural England (T)

Canterbury Festival (T)

Citizens' Advice Bureau, Thanet (T)

Community Safety Partnership (T)

Domestic Violence Forum (T)

East Kent Housing Board (T)

East Kent Housing Area Board (T)

East Kent Opportunities Ltd

East Kent Relate (T)

East Kent Spatial Development Company

Kent and Medway Independent Persons Forum (T)

Kent International Airport Consultative Committee (T)

Kent Police and Crime Panel (T)

Local Government Association Coastal Special Interest Group (TS)

Local Government Association Strategic Aviation Specialist Interest Group

Local Government Association District Council's Network (TS)

Local Government Association (General Assembly) (TS)

Local Government Association (Rural Commission) (TS)

Margate Town Partnership (T)

Millmead Children's Centre Partnership

Multiple Sclerosis Society (T)

Parking and Traffic Regulation Outside London (Adjudication Joint Committee) (T)

Powell Cotton Museum and Quex House (T)

River Stour (Kent) Internal Drainage Board (T)

Sandwich and Pegwell Bay National Nature Reserve Steering Group (T)

South East England Councils (SEEC) (TS)

Supporting People in Kent Commissioning Body (T)

Thanet Countryside Trust (T)

Thanet Harbour Users' Groups (T)

Thanet Quality Bus Partnership (T)

Thanet Rural Regeneration Group (T)

Thanet Sports Network (T)

Thanet Volunteer Bureau (T)

The Friends of Margate Cemetery Trust (T)

Trust for Thanet Archaeology (T)

Tourism South East (T)

Your Leisure Thanet Sub-Group (T)

Youth Advisory Group (T)

- (TS) Travel and Subsistence allowance may be claimed.
- (T) Travel allowance only may be claimed.