

MEETING OF THE COUNCIL



SUPPLEMENTARY AGENDA

Thursday, 15th July, 2010

7.00 pm

**Council Chamber
Thanet District Council
Margate**

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01843 577000**

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Date: 7 July 2010
Our ref:
Ask For: Anona Somasundaram
Direct Dial: (01843) 577046
Email: anona.somasundaram@thanet.gov.uk



You are hereby summoned to attend the meeting of the Thanet District Council to be held in Council Chamber, Cecil Street, Margate, Kent the on Thursday, 15 July 2010 at 7.00 pm for the purpose of transacting the business mentioned below.

A handwritten signature in black ink, appearing to read "G. Bach".

Democratic Services Manager

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.

S U P P L E M E N T A R Y A G E N D A

Item
No

Subject

- 10. **RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE DELEGATIONS** (Pages 1 - 12)

- 18. **ADOPTION OF REVISED POLITICAL MANAGEMENT ARRANGEMENTS** (Pages 13 - 16)

- 21. **MEMBERS ALLOWANCES SCHEME: REVIEW FOR 2010/11** (Pages 17 - 40)

EXECUTIVE PORTFOLIOS AND EXECUTIVE DELEGATIONS - 2010/11

To: **Council - 15 July 2010**

By: **Head of Legal & Democratic Services**

Classification: **Unrestricted**

Wards Affected: **N/A**

Summary: **To note the composition of the Cabinet for the municipal year 2010/11 and the allocation of Cabinet portfolio responsibilities as determined by the Cabinet Leader**

To note the composition of the Shadow Cabinet for the municipal year 2000/11 as notified by the Labour Group Leader

To note the powers delegated to individual Cabinet Members for municipal year 2010,

For Information

1.0 Report

- 1.1 The Council elected a new Cabinet Leader and Deputy Leader at the annual meeting of Council on 13 May 2010. In accordance with the Councils' Constitution, the Cabinet Leader then notified Council of three further Cabinet appointments and of the portfolio responsibilities that each Cabinet Member would carry.
- 1.2 The Cabinet Leader also advised Council that Cabinet portfolio responsibilities would be subject to further refinement in order to accommodate the reduction in the Cabinet to five members and that Council would be notified of the outcome at the next meeting of Council.
- 1.3 Council also recognised that the Labour Group had appointed a Shadow Cabinet of six members in the expectation that the new Cabinet Leader would reduce the Cabinet to this size. Therefore, Council agreed to permit a Shadow Cabinet of six Members until the next meeting of Council when the Shadow Cabinet would be required to reduce to five members. In this regard, Members will recall that in 2008 the Council decided that the Shadow Cabinet should mirror the Cabinet, that is to say it would correspond in number and shadow 'whole' Cabinet portfolios.
- 1.4 The Cabinet portfolios and revised portfolio responsibilities are set out in **Annex 1** attached.
- 1.5 The Labour Group Leader will notify Council of the members of the Shadow Cabinet at the meeting

1.6 Details of the scope of portfolios and specific delegated powers are attached as **Annex 2**

2.0 Corporate Implications

2.1 Financial

2.1.1 None.

2.2 Legal

2.2.1 The Cabinet Leader determines the size of the Cabinet and the allocation of portfolio responsibilities to them. In addition, Cabinet must approve the Scheme of Delegations to individual Cabinet Portfolio Holders.

2.3 Corporate

2.3.1 Cabinet & Shadow Cabinet portfolios are generally aligned in a way which mirrors themes or combinations of themes in the Corporate Plan, to aid delivery of that plan.

2.4 Equity and Equalities

2.4.1 There are no equalities issues in this paper.

3.0 Recommendations

3.1 That the report be noted.

4.0 Decision Making Process

4.1 The Cabinet Leader determines the size and portfolio responsibilities of the Cabinet. Council notes the portfolio and shadow portfolio holders

Contact Officer: Harvey Patterson, Head of Legal and Democratic Services ext. 7005
Reporting to: Richard Samuel, Chief Executive.

Annex List

<i>Annex 1</i>	<i>Portfolios and Portfolio Holders, Shadow Portfolio Holders</i>
<i>Annex 2</i>	<i>Cabinet Scheme of Delegations</i>

Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Agenda Item 10 Annex 1

Cabinet Portfolio and Portfolio Holder	Responsibility for Corporate Plan theme	Operational accountability (functional alignment)	Shadow Cabinet Portfolio Holder
<p>Leader of the Council</p> <p>Finance & Corporate Services</p> <p>Councillor Robert Bayford</p>	<p>MODERN COUNCIL</p>	<p>Finance including revenue and capital for general fund and HRA; Budgets preparation and monitoring; human resources and organisational development; health and safety; corporate governance and risk management; service planning and best value performance planning; performance management in conjunction with service portfolio holders; Ramsgate marina.</p>	<p>TBA</p>
<p>Deputy Leader of the Council</p> <p>Environmental Services</p> <p>Councillor Martin Wise</p>	<p>KEEPING THANET BEAUTIFUL</p>	<p>Environmental management and cleaning; waste collection and recycling; cemeteries and crematoria; parks and open spaces; public toilets; leisure and recreation including theatres; management of the partnership with Thanet Leisureforce Limited; children's play areas and spaces; foreshore and coastal management; tourism, cultural development; parking and residual highway matters.</p>	<p>TBA</p>
<p>Regeneration and Economic Development</p> <p>Councillor Roger Latchford</p>	<p>THANET'S ECONOMY</p>	<p>Strategic planning policy; regeneration and economic development; asset management; Port of Ramsgate; Margate Renewal Partnership.</p>	<p>TBA</p>

<p>Customer Services and Business Transformation</p> <p>Regulatory Services</p> <p>Councillor Simon Moores</p>	<p>MODERN COUNCIL</p>	<p>Service improvement and transformation information and communications technology; e-government; information, records and data management and strategy; housing and Council tax benefits, building control; estate management; development control; planning enforcement; conservation of historic built environment;</p>	<p>TBA</p>
<p>Community Services</p> <p>Councillor Chris Wells</p>	<p>SAFER NEIGHBOURHOODS, DECENT QUALITY HOUSING and HEALTHY COMMUNITIES</p>	<p>Landlord services; homelessness and housing needs; private sector housing; housing strategy; environmental health; neighbourhood renewal; community safety and CCTV; community development; licensing & land charges</p>	<p>TBA</p>

Section 3. Responsibility for Executive Functions

A. General Delegations to all Portfolio Holders

In addition to acting collectively in the Cabinet, each Cabinet Member will have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which he or she is accountable and the promoting and improving of the Council's profile and public perception.

In accordance with the Secretary of State's guidance, Cabinet Members should amongst other things:

- (i) ensure that they have sufficient time to focus on broad strategic issues (para 4.21 of the Guidance); and
- (ii) seek advice from relevant officers before taking a decision within his or her own delegated authority; where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is a doubt about legal powers (para 4.44 of the Guidance).

Any matter within a Cabinet Member's delegated powers may be referred by him or her to Cabinet for decision.

To regularly review the effectiveness of policies and the performance of services for which the portfolio holder is responsible and make recommendations for continuous improvement to the Cabinet.

To monitor and review capital and revenue budgets in area of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.

To liaise and work with other portfolio holders on cross cutting areas of responsibility and make recommendations to Cabinet as appropriate. [Note: Any matter relating to more than one portfolio area must be referred by the portfolio holders to Cabinet for decision.]

To annually review fees and charges where these are relevant to the responsibility areas and recommend changes in line with the Council's agreed budget strategy.

To make or agree recommendations to Cabinet in relation to new policy areas.

To consider and agree service plans for services for which responsible and regularly review these with appropriate officers to ensure agreed actions are taken.

To be accountable to the Cabinet for the implementation of agreed priorities and final recommendations from the Corporate Plan, Service Plans and reviews and to consider and act on reports received from officers monitoring progress. To authorise the making of applications for planning permission for proposed development relating to the Member's portfolio area.

To agree bids for additional funding, expenditure, variations to expenditure and the letting of contracts for works, goods and services, in accordance with the Council's Contract Standing Orders, in support of individual projects within the

Cabinet Member's portfolio area, provided such expenditure is within the overall project budget.

In any case where a matter is urgent and a decision cannot reasonably await the next meeting of the Cabinet and the relevant portfolio holder does not have a general or specific delegated power, the relevant portfolio holder may nevertheless make a decision on behalf of the Cabinet subject (except in the case of the Leader) to prior consultation with the Leader and subject to the decision being reported to Cabinet as soon as practicable. [Note: in the case of a key decision the Access to Information Procedure Rules must still be complied with.]

B. Portfolio – Leader of the Council

As Cabinet Leader

Scope of Portfolio:

To lead and co-ordinate the Cabinet on all major

- Policy developments
- Projects
- Resourcing issues and
- Community development initiatives

Specific Delegated Powers:

To deal with matters relating to official, courtesy, foreign or general hospitality and related activities of Members within an approved budget.

To approve and lead arrangements for external partnerships

To act as the Council's lead Member on the development of the Thanet Local Strategic Partnership.

To approve the appointment of Council Members to sit on external Partnership Boards related to regeneration and to monitor their performance in accordance with approved guidance.

To take any necessary executive decisions in respect of the Offshore Windfarm Development, Pleasurama, Margate Renewal Board and the Development of Port of Ramsgate Governance.

To nominate a Cabinet Member to act on his or her behalf on a specific project.

To appoint Members to fill vacancies on the approved list of outside bodies and consider and approve additional appointments to the list.

To exercise any specific delegated power of any Cabinet Member.

As Portfolio Holder for Finance and Corporate Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Finance including revenue and capital for general fund and HRA budgets preparation and monitoring
2. Human resources and organisational development
3. Health and safety
4. Corporate governance and risk management
5. Service planning and best value performance planning
6. Performance management in conjunction with service portfolio holders
7. Ramsgate Marina

Specific Delegated Powers:

To approve the write off of debts over £10,000.

B. Deputy Leader of the Council

To act on behalf of the Leader when he or she is absent or unable to act. To work under the Leader's direction on Cabinet Co-ordination and ensure resolution of any inter portfolio issues.

C. Portfolio – Regeneration and Economic Development

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Strategic planning policy
2. Regeneration and economic development
3. Asset management
4. Port of Ramsgate
5. Margate Renewal Partnership

Specific Delegated Powers:

To receive and to agree a quarterly financial overview on the use of external and Council funding in respect of regeneration projects championed by the Council, and by partners, provided such financial statements shall indicate expenditure in line with available secured funding.

To keep under review the Council's land and property requirements through chairing the Asset Management Strategy Group.

To approve detailed terms for the acquisition, disposal or management of

property and interests therein within the context of the Council's Asset Management Strategy and the current Asset Management Plan.

To agree such actions as necessary to take full advantage of Assisted Area Status.

To foster and develop relationships with inward investors, representatives of the business community and organised labour.

To approve initiatives for the promotion of all forms of business and commercial investment in the district.

To form, maintain and review annually a business strategy for Ramsgate Harbour and any other harbours which at any time come within the Council's control, with a view to ensuring the efficient and effective operation and marketing of the harbours.

To represent the Council in sub-regional and regional areas in respect of the development of planning policy.

D. Portfolio – Community Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Landlord services
2. Homelessness and housing needs
3. Private sector housing
4. Housing strategy
5. Environmental health
6. Neighbourhood renewal
7. Community safety and CCTV
8. Community development
9. Licensing & Land Charges
10. The Corporate Plan Themes SAFER NEIGHBOURHOODS, DECENT QUALITY HOUSING and HEALTHY COMMUNITIES

Specific Delegated Powers:

To approve financial contributions to the development of new affordable housing from Section 106 reserves

To approve proposals for new social housing developments delivered through the planning system.

To make decisions regarding in all aspects concerning the administration of the Right to Buy including agreeing to waivers of repayment of discount in Right to Buy cases where the property is re-sold within 3 years of purchase.

To approve the purchase or sale of additional shares or equity in shared ownership properties.

To approve the declaration surplus to requirements of property held within the Housing Revenue Account.

To approve proposals on the arrangements for the management and supervision of all Council owned housing stocks, including repairs, maintenance, improvements, transfers and arrangements for tenant involvement, following appropriate consultation with residents as required by the Housing Acts.

To approve the making of demolition and probation orders.

To approve the making of CPOs and other measures to deal with empty properties in private ownership.

To determine appeals in respect of applications for re-housing, the allocation of housing or matters arising from the enforcement of the Council's conditions of tenancy including the termination of probationary tenancies.

E. Portfolio –Environmental Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on

1. Environmental management and cleaning
2. Waste collection and recycling
3. Cemeteries and crematoria, parks and open spaces and public toilets
4. Leisure and recreation including theatres
5. Management of the partnership with Thanet Leisureforce Limited
6. Children's' play areas and spaces
7. Foreshore and coastal management
8. Tourism
9. Cultural development
10. Parking and residual highway matters
11. The Corporate Plan theme *KEEPING THANET BEAUTIFUL*

Specific Delegated Powers:

To approve following public consultation, all parking orders, taxi rank locations, street management schemes and resident parking schemes.

To confirm any action in respect of temporary road closures authorised by the Town Police Clauses Act 1847.

To consider recommendations from Scrutiny and the Joint Transportation Board on traffic management and transportation matters and make decisions thereon.

Approving bids for programme funding and the provision of support to partner organisations in their bids for funding within the scope of the portfolio.

Approving partnership arrangements for the delivery of services within the scope of the portfolio through the development of Service Level Agreements and making such corrections to relationships as are necessary to ensure that the Council maximises opportunities.

F. Portfolio – Customer Services, Business Transformation and Regulatory Services

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Service improvement and transformation
2. Information and communications technology
3. E-government
4. Information, records and data management and strategy
5. Housing and Council tax benefits
6. Building Control
7. Estate management
8. Development control
9. Planning Enforcement
10. Conservation of historic built environment
11. The Corporate Plan theme *MODERN COUNCIL*

Specific Delegated Powers

To approve bids for programme level funding and the provision of support to partner organisations in their bids for funding.

To authorise detailed terms for the acquisition, sale, letting and granting of licences and leases in connection with Council land and property.

To authorise the granting of easements, release of covenants, surrenders of leases, assignments or amendments of any terms of approved leases.

To approve strategies and proposals to take full advantage of Assisted Area Status.

To receive, liaise and foster relationships with inward investors, representatives of the business community and organised labour.

To approve strategies and initiatives in which the Council can promote and encourage all forms of business and commercial investment in the District.

On the recommendation of the Director and the Director of Finance and Corporate Services to authorise leisure boating rates and discounts to the published tariffs

To be responsible for the valuation, maintenance, repair and operation of all Council property in accordance with the Asset Management Strategy

To authorise the granting of easements, release of covenants, surrenders of leases, assignments or amendments of any terms of approved leases

In the absence or unavailability of the Deputy Leader represent the Council in sub-regional or regional areas in respect of planning policy.

To decide on matters brought forward by officers for decision in relation to the following matters:

- Information and Records Management
- ICT
- To oversee improvements to and integration of customer response including customer service standards and learning from complaints.

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Adoption of Revised Political Management Arrangements

To: **Council – 15 July 2010**

By: **Harvey Patterson, Monitoring Officer**

Classification: **Unrestricted**

Summary: To consider the available options and steps to be taken in order to adopt new political management arrangements

For Decision

1.0 Background

1.1 By virtue of Part 3 and Section 64 of the Local Government & Public Involvement in Health Act 2007 ('the 2007 Act') the Council is required to consult on and adopt one of the two political governance models prescribed by the Act, namely the 'Leader and Cabinet Executive' model and the 'Mayor and Cabinet Executive' model. Although the new government is committed to allowing local authorities to return to the pre Local Government Act 2000 committee system, this will require primary legislation and does not affect the timetable for the implementation of the 2007 Act reforms.

1.2 The Leader and Cabinet Executive model under the 2007 Act differs slightly from what that Act calls the "old style" Leader and Cabinet model (under the LGA 2000). The main differences are:

- (i) Under the "old style" arrangements a Leader could be "strong" or "weak". With a "strong" Leader the Cabinet is appointed by the Leader. With a "weak" Leader the Cabinet is appointed by the full Council. Under the 2007 Act the Cabinet must be appointed by the Leader. TDC currently appoints the Leader and Deputy Leader and the Cabinet Leader then appoints the Cabinet
- (ii) Under the "old style" arrangements it was possible for the Constitution to make provision with respect to the allocation of executive functions amongst the Cabinet – that is to say the Constitution could specify the terms of reference and portfolios of the Leader, the Cabinet collectively and individual Cabinet Members. Under the 2007 Act the Cabinet Leader will decide these matters, i.e. the position will be the same for a Leader as for a directly elected Mayor. In practice this means that in future the Leader will determine the portfolio allocation of executive functions without the input of full Council.
- (iii) Under the "old style" arrangements the Constitution "may include provision with respect to...the election and term of office of the executive leader" – that is to say, the Leader's term of office is for the full Council to decide when approving the Constitution. Under the 2007 Act the Leader's term of office (in the case of a Council operating whole-council elections) will be four years.

1.3 In the Mayor and Cabinet Executive model the Mayor is directly elected for four years, appoints the Cabinet and determines their portfolios. He or she cannot be removed from office by the Council.

- 1.4 In fact, the TDC Constitution is already very close to the 'strong' Leader and Cabinet Executive model in that the Leader determines the size of the Cabinet within the prescribed legal limits, appoints members to the Cabinet (other than the Deputy Leader), determines the allocation of portfolio responsibilities between members of the Cabinet and determines which executive functions may be discharged by individual Cabinet members.

Implementation Time Scale and Requirements

- 2.1 The Council must consult the public and other interested persons for a minimum 12 week period before drawing up proposals for a change in its political governance arrangements. In drawing up its proposals the Council will have regard to the responses to the public consultation as well as the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Councils functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 2.2 The Council must then resolve by not later than **31 December 2010** which of the two available governance models it proposes to adopt and the Council must pass this resolution at an Extraordinary General Meeting specifically convened for this purpose. The new governance arrangements will then come into force on the third day following 'a relevant election' - for Thanet the whole Council elections in May 2011 will be a relevant election.
- 2.3 Given that there must first be a minimum three months consultation period before the Council publishes a proposal, that the proposal must include an adoption timetable (and may include a proposal to hold a referendum) and given also the requirement to complete the process and adopt the preferred model by 31 December 2010, it is recommended that Council begins the process by expressing a 'pre-consultation preference' for one of the two available models which can then form the basis of public/interested person consultation exercise.

3.0 Constitution Review Working Party - 17 June 2010

- 3.1 The Constitution Review Working Party considered these issue on 17 June 2010. Given the high degree of alignment between the Thanet Constitution and the Leader and Cabinet Executive model, the Working Party recommended this as the Councils pre-consultation preference. The Working Party also considered that in addition to public consultation, the Party Group Leaders should be formally consulted on the options.

4.0 Standards Committee - 29 June 2010

- 4.1 In summary the Standards Committee endorsed the approach of the Constitution Review Working Party, namely that the Councils' pre-consultation preference should be the Leader and Cabinet Executive model and that the Party Group Leaders should be consulted on the options. Members also questioned the wisdom of a system which would give substantial executive power to a retiring Cabinet Leader during the period beginning on the date of normal retirement of councillors to the date of the annual meeting of Council following a local government election. The Head of Legal & Democratic Services advised that the intention of the legislation was to place the Cabinet Leader in the same position as the Chairman of the Council, who currently remained in office over an election period to the date of the annual meeting of Council, regardless of whether they were standing for office again.

5.0 Consultation Approach - Corporate Management Team - 29 June 2010

5.1 On 29 June 2010 Corporate Management Team considered the manner in which the public and interested persons would be consulted. It would be essential that any consultation exercise was informative as well as balanced and neutral between the two options. It also had to represent a reasonable test of public opinion as well as value for money. It was agreed that a web based consultation exercise would be developed as this could largely be delivered from within existing budgets.

6.0 Corporate Implications

6.1 Financial

6.1.1 If consultation costs cannot be met from within existing budgets, Corporate Management Team will be asked to identify the necessary resources.

6.2 Legal

6.21 As set out in the report

6.3 Corporate

6.3.1 Research indicates that Councils with strong Leader and Cabinet Executive arrangements tend to be higher performing than Councils with weak Leader and Cabinet Executive arrangements. As both the proposed models are "strong leader" models, either has the capacity to support the 'Modern Council' Corporate Plan theme.

6.4 Equity and Equalities

6.4.1 None Specific

7.0 Recommendation(s)

7.1 That the report be received and noted

7.2 That the recommendations of the Constitution Review Working Party and the Standards Committee be adopted, namely that the Council expresses a pre-consultation preference for the adoption of Leader and Cabinet Executive political management arrangements.

7.3 That the public and interested persons be now consulted on the available options for a period of not less than twelve weeks.

7.4 That the party Group Leaders be also consulted on the available options

7.5 That the consultation responses be considered at an Extraordinary General Meeting of the Council convened not later than 31 December 2010 at which proposals for the future political management arrangements of the Council will be drawn up considered and adopted having regard to the consultation responses as well as the extent to which the proposed arrangements would be likely to assist in securing continuous improvement in the way in which the Councils functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

8.0 Decision Making Process

8.1 The recommendations of the Constitution Review Committee are considered by the Standards Committee who make final recommendations to Council. Council must first consult the public before drawing up proposals and adopting them at an Extraordinary General Meeting.

Contact Officer: *Harvey Patterson, Head of Legal & Democratic Services*
Reporting to: *Richard Samuel, Chief Executive*

Annex List

None

Background Papers

Title

No background papers

Details of where to access copy

MEMBERS' ALLOWANCES SCHEME - 2010/11

To: **Council - 15 July 2010**

By: **Head of Legal & Democratic Services**

Classification: **Unrestricted**

Wards Affected: **N/A**

Summary: To consider the recommendations of the East Kent Joint Independent Remuneration Panel and to make a Scheme of Allowances for the period from the date of the Annual Meeting of Council to 31 March 2011.

For Decision

1.0 Introduction and Background

- 1.1 At the Council meeting on 25 February 2010 Members considered a report on a Scheme of Allowances for 2010/11. The report recommended that future schemes of allowances be based on the Council's financial year and also proposed that Members identify a number of potential savings in respect of Member expenditure in order to meet the spending restraints assumed in the 2010/11 Budget. Council agreed that future schemes should be based on the Council's financial year and that the saving options identified in the report be formally referred to each group leader for consideration. Council also requested that a report on the agreed position be submitted to the next meeting of the Council. (Minute 135/2010 refers).
- 1.2 At the Council meeting on 22 April 2010, Members received and noted a report from the Head of Legal Services informing member that the Conservative Group intended to present its own proposals on a Scheme of Allowances for 2010/11 to the Annual Meeting of Council.
- 1.3 At the Annual Meeting of Council on 13 May 2010, Council considered the proposals of the Conservative Group and made a provisional Scheme of Allowances for 2010/11 pending consultation with the East Kent Joint Independent Remuneration Panel (EKJIRP). The provisional Scheme made by Council is attached as **Annexe 1**. In summary, the Conservative Group proposed that there be no increase in the basic allowance or special responsibility allowances in 2010/11. In addition, the newly elected Cabinet Leader decided to reduce the size of the Cabinet from seven to five members (inclusive of the Leader and Deputy Leader) thereby, coincidentally, reducing the number of Cabinet and Shadow Cabinet special responsibility allowances. However, Council also recognised that the Labour Group had had insufficient time to respond to this decision and agreed to permit the Labour Group to appoint a Shadow Cabinet of seven members for one cycle of meetings only.

2.0 Recommendations of EKJIRP

- 2.1 EKJIRP considered the provisional Scheme of Allowances on the 24 June 2010 and their recommendations to the Council are contained in the minutes of the meeting attached as **Annexe 2**.
- 2.2 Reference is made to the comparison Table at **Annexe 3** which illustrates the recommendations of the Panel alongside the provisional Scheme made by Council at the annual meeting. The recommendations of the Panel represent an average increase in the basic allowance and special responsibility allowances of 6.8%. This is largely explained by the decision of the Council to decline to implement the recommendations of the EKJIRP quadrennial review of allowances in 2008 (for 2009/10) and to base the provisional Scheme for 2010/11 on the 2009/10 Scheme. In this regard, Members are reminded that the approved budget for 2010/11 presumes an in year savings of £23,340 in democratic costs. Consequently, if the recommendations of EKJIRP are to be implemented in full it will be necessary to identify overall balancing savings of £43,772.
- 2.3 There are also four specific recommendations of EKJIRP which should be noted:-

Licensing Panel

EKJIRP does not consider the Licensing Panel to be a 'major' Committee and considers that the SRA for the Chairman and Vice Chairman should be reduced by approximately 60% to £1,301 and £300 respectively. No rationale is advanced for this recommendation beyond the general aim of harmonising allowances across the East Kent City and District Councils.

Licensing Sub-Committee

EKJIRP recommends that the 'attendance allowance' SRA currently paid to Members of the Licensing Panel if appointed to sit on a Licensing Sub-Committee be withdrawn with immediate effect. The reasons given at the meeting of the Panel but not recorded in the minutes, is that this allowance is unlawful.

Lead Members

EKJIRP does not consider that what they describe as Deputy Cabinet Members/Lead Members (if any are appointed) should receive an allowance. Again, no rationale accompanied this recommendation beyond the harmonisation principle referred to above. Although not in the minutes, the Panel conceded that to date they had not received any representations about the succession planning and/or political development benefits of a Deputy Cabinet Member or Lead Member system.

Dependant Carer's Allowance

The Panel recommends that the cap that the Council places on claims under this head (currently £100 per quarter) is removed. The rationale for this recommendation is that this allowance is compensatory in nature.

3.0 Advice of the Head of Legal & Democratic Services

- 3.1 So far as the Licensing Panel is concerned, EKJIRP made a similar recommendation in 2009/10 which the Council did not endorse. Given the lack of any justification for this recommendation (then or now) other than the harmonisation principle, it is recommended that the Special Responsibility Allowances for the Chairman and Vice Chairman of the

Licensing Panel for 2010/11 remain as per the provisional Scheme i.e. at the amounts set in the 2009/10 Scheme.

- 3.2 Turning to the Licensing Sub Committee 'attendance allowance', EKJIRP are quite right to point out that the Allowances Regulations do not permit the payment of a Special Responsibility Allowance calculated on a per meeting basis. In fact attendance allowances were abolished in 2001 to eliminate a perceived 'attendance culture'. However the enactment of the Licensing Act 2003 and the need to establish ad-hoc three member Licensing Sub Committees, often at short notice, to determine applications for a premises licence when objections had been received raised the question as to how Members might be compensated for performing these duties. A number of Councils increased the SRA of their Licensing Committee Chairman and Vice Chairman only to find that they were not always available at short notice for meetings which often took place during office hours. Others granted a modest SRA to all of the members of their Licensing Committee only to find that some Members were never available, but still were entitled to receive the SRA. Another approach was to award an SRA to all members of the Licensing Committee payable only when a member had sat on a minimum number of Licensing Sub Committees. Many Councils Thanet included, sought to introduce a per meeting lump sum payment for sitting on a Licensing Sub Committee as by far the fairest way of compensating Members for the work undertaken. Unfortunately, this approach appears to contravene Regulation 5(2) (a) of the Members Allowances Regulations 2003 (as amended) which requires any Scheme to specify the total amount payable to a member for undertaking special responsibilities. Clearly this is not possible where Members are appointed on a per meeting basis subject to availability.
- 3.3 So far as Deputy Cabinet Members/Lead Members are concerned, the Cabinet Leader may decide to appoint these at his discretion (although Deputy Cabinet Members would be treated as members of the Cabinet, and therefore not be eligible to sit on the Scrutiny Panel). However, it is for the Council to decide whether or not any such should receive an SRA and if so, to determine the amount.
- 3.4 Finally, so far as the Dependant Carer's Allowance is concerned, although entirely compensatory in nature, the Council is entitled to set prudent limits for budget management reasons. As there is no evidence that the cap of £100 per quarter has prevented any Members from attending Council, Cabinet or Committee meetings, it is recommended that the cap is maintained.

4.0 Corporate Implications

4.1 Financial

- 4.1.1 There will be a need to identify and agree savings of £23,340 in the Democratic Services budget in financial year 2010/11. This savings target will increase to £43,772 if the recommendations of the Panel are adopted.

4.2 Legal

- 4.2.1 The Council is required to have regard to the recommendations of EKJIRP in making a Scheme of Allowances for 2010/11. In addition, the Council must publish a notice in a local newspaper describing the principal recommendations of the Panel and the key features of the Scheme made by the Council. Any Scheme made can and should take effect from the date of the Annual Meeting of Council on 13 May 2010 to 31 March 2011.

4.3 Corporate

4.3.1 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.

4.4 Equity and Equalities

4.4.1 There are no equalities issues in this paper.

5.0 Recommendations

5.1 That the per-meeting attendance allowance paid to members of the Licensing Panel for being appointed to a Licensing Sub-Committee ceases to be a feature any Scheme of Allowances made by the Council.

5.2 That subject to the decisions of Council in relation to recommendations 5.1 above, the provisional Scheme of Allowances set out in Annexe 1 of the officer's report be confirmed to take effect for the period commencing on the date of the annual meeting of Council in 2010 to the 31 March 2011.

5.3 That the Head of Legal & Democratic Services be authorised to give notice of the making of a Scheme of Allowances for 2010/11 in a local newspaper.

5.4 That the East Kent Joint Independent Remuneration Panel be thanked for their consideration of the Council's Provisional Scheme of Allowances and for their recommendations.

5.5 That the East Kent Joint Independent Remuneration Panel be asked to meet in the Autumn to consider a Scheme of Allowances for financial year 2011/12 and that Members be notified of the date(s) of any such meetings in time to make submission thereto .

6.0 Decision Making Process

6.1 Should Council amend executive delegations or the structure of Committees in a way which has an impact on entitlement to Special responsibility Allowances, it may be necessary to review the scheme of Members' Allowances.

6.2 Any in-year change to the Scheme would need to be reported to the East-Kent Joint Independent Remuneration Panel for comment before it could be implemented.

Contact Officer: Harvey Patterson, Head of Legal and Democratic Services ext. 7005
Reporting to: Richard Samuel, Chief Executive.

Annex List

1	<i>Provisional Scheme of Allowances for 2010/11</i>
2	<i>Minutes of the Meeting of EKJIRP held on 24 June 2010.</i>
3	<i>Comparison Table</i>

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager

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Draft/Members' Allowances Scheme 2010/2011

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 13 May 2010 and shall remain effective for the purposes of the determination and payment of any allowances to Members until the 31 March 2011 (unless revoked or amended).
- 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 For journeys outside the District the second-class rail fare is paid (irrespective of whether the Member chooses to use a car), together with taxi fares, parking charges and underground fares incurred.
- 1.16 Where it is impracticable for a Member to travel by train because the venue is difficult to get to within the time allowed, or extra passengers/luggage have to be taken, car mileage may be allowed at the appropriate rate specified in Schedule 1, provided approval from the Democratic Services and Scrutiny Manager for this exception is obtained.
- 1.17 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

- 1.18 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"

- 1.19 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.
- 1.20 Scrutiny Panel Members attending meetings of the Cabinet and the Non-Executive Functions Committee 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.

- 1.21 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.
- 1.22 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.
- 1.23 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.
- 1.24 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.
- 1.25 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.
- 1.26 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.
- 1.27 No allowance shall be payable if such payment would be contrary to provision made by or under any enactment.
- 1.28 Members who attend committee meetings of which they are not a member (under Council Procedure Rule 24(1)) shall be entitled to claim travelling expenses.
- 1.29 Co-opted and Independent members shall be treated as Members of the Council for the purposes of Approved Duties.

Renunciation

- 1.30 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

- 1.31 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
- 1.32 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.
- 1.33 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.

- 1.34 Where both:
- this Scheme is amended as described in sub-paragraph 9.2; and
 - the term of office of a Member begins and/or ends as described in paragraph 9.3; 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.
- 1.35 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.
- 1.36 Where this scheme is amended as mentioned in paragraph 9.2 and a Member has during part, but does not have throughout the whole, of any period mentioned in paragraph 9.3 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

- 1.37 Where payment of any Basic Allowance or Special Responsibility Allowance has already been made in respect of any period during which the Member concerned is suspended or partially suspended from their responsibilities or duties as 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.
- 1.38 Where a Member is suspended or partially suspended from their responsibilities or duties as a Member, the part of Basic Allowance and/or Special Responsibility Allowance in respect of the period of suspension may be withheld by the Council as may any travelling or subsistence allowance in respect of such responsibilities or duties (and, for the avoidance of doubt, any of the same may be withheld if a Member ceases to be a Member of the Council or is in any other way not entitled to receive any such allowance).

Payments and Claims

- 1.39 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.
- 1.40 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 9, 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.
- 1.41 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.
- 1.42 Nothing in the above paragraph shall prevent the Council from making a payment where an allowance is not claimed within that period.

Pensions

- 1.43 It is hereby provided, the Independent Remuneration Panel having recommended that all Members of the Council should be eligible for pensions, that:-
- (a) As from 1st May 2003, all Members of the Council are to be entitled to pensions in

accordance with a scheme made under Section 7 of the Superannuation Act 1972; and

- (b) Both Basic Allowance and Special Responsibility Allowance shall be treated as amounts in respect of which such pensions are payable in accordance with a scheme made under Section 7 of the said Act of 1972.

With effect from the 1st day of April 2008 pursuant to a resolution of the Thanet District Council passed on the 8 May 2008.

MEMBERS' ALLOWANCES SCHEME – 2010/2011

Basic Allowance

£4,360 each Member

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	5	7,990	39,950
Non-Executive			
Chairman of Council	1	2,188	2,188
Vice Chairman of Council	1	1,530	1,530
Opposition Group Leader	1	5,204	5,204
Opposition Deputy Group Leader	1	2,304	2,304
Shadow Cabinet	5	2,304	11,520
Overview and Scrutiny Committee Chairman	1	7,990	7,990
Overview and Scrutiny Committee Vice-Chairman	1	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
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	279	279

Position	Number	Allowance £	Possible maximum expenditure £
Standards Committee – other Independent Member	2	139	278
JTB Chairman	1	1,216	1,216
TOTAL			366,773

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

Attendance Allowance – Licensing Sub-Committee

All Members of the Licensing Board are entitled to claim an allowance of £15.50 per case for attendance at meetings of the Licensing Sub-Committee. This payment is outside the scope of the rules relating to Special Responsibility Allowances and as such, the Chairman and Vice-Chairman are entitled to claim this allowance.

Dependants' Carers' Allowances

An allowance for any approved duty of £5.56 per hour subject to the conditions set out in paragraph 4 of the 'Members' Allowances Scheme'.

Motor Mileage Allowance

Payable in accordance with the rates published annually by the National Joint Council restricted to category 2 vehicles.

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

(i) For journeys within the District (casual user rate)

up to 999 cc	42.9p per mile
over 999 cc	46.9p per mile

(ii) In exceptional circumstances and provided approval of the Democratic Services and Scrutiny Manager is obtained prior to the journey (see paragraph 5.4 of the Scheme) for journeys outside the District (essential user rate)

up to 999 cc	34.0 p per mile
over 999 cc	36.9 p per mile

(i) Journeys by rail outside the District

Second class rail fare

(ii) Cycling Allowance (HMRC Guidance)

20.4p per mile

* **Note** - Council has frozen these rates at 2008/9 levels but the 'in district' mileage allowance still exceeds HMRC published rates.

Subsistence Allowances

Actual expenditure only will be reimbursed subject to maximum subsistence allowances which will be paid for day and overnight stays as follows. All receipts should be produced to enable the Council to reclaim VAT where appropriate.

Day Subsistence

- (i) Breakfast allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11.00am) - £6.01
- (ii) Lunch allowance (more than 4 hours away from normal place of residence or, where the authority permits, a lesser period, including the lunchtime between 12 noon and 2.00pm) - £8.31
- (iii) Tea allowance (more than 4 hours away from normal place of residence or, where the authority permits a lesser period, including the period 3.00pm to 6.00pm - £3.28; and
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence, or where the authority permits, a lesser period, ending after 7.00pm) - £10.29.

Where main meals (i.e. breakfast, lunch or dinner but not tea) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full in place of the entitlement to subsistence allowance.

Overnight Subsistence

Overnight subsistence rates be set at a “reasonable amount to cover accommodation and full board, not to exceed the English Tourist Board’s three-star rating (or equivalent); exceptions to this limit only being permitted with the prior approval of the Council’s Chief Executive, section 151 officer or monitoring officer”.

Note: Any rate determined above is deemed to cover a continuous period of absence of 24 hours.

The subsistence allowances above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

Council may choose whether or not to increase these allowances and by how much. Some Councils do not set specific limits for overnight subsistence, but instead require that any such expenses be “reasonable”. Council also has the option to require overnight subsistence costs to be reasonable. If that approach were taken, some tests of reasonableness would need to be applied.

Note: Any rate determined above is deemed to cover a continuous period of absence of 24 hours.

Note: For hotel accommodation, the Council can obtain discounted rates from certain hotel chains. Councillors should contact the Council’s Democratic Services Team or telephone extension 7590 who will make the booking on their behalf.

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

Representation on the following bodies

Age Concern, Margate (T)
Age Concern, Ramsgate (T)
Airport Consultation Committee(T)

British Ports Association (TS)
British Resorts Association (AGM, Annual Conference and Executive meetings) (TS)
Canterbury Festival (T)
Citizens' Advice Bureau, Thanet (T)
Concorde Youth Centre (T)
Council for the Protection of Rural England (T)
East Kent Local Strategic Partnership
East Kent Primary Care Trust (T)
East Kent Opportunities Ltd
East Kent Relate (T)
Friends of Margate Cemetery (T)
LGA (Rural Commission) (TS)
LGA (Tourism and Leisure Conference) (TS)

Margate Safer Stronger Communities Fund Board (T)
Margate Town Partnership (T)
Multiple Sclerosis Society (T)
National Yacht Harbours Association (AGM) (TS)
Orbit South (Was Thanet Community Housing Association) (T)
Powell Cotton Museum and Quex House (T)
River Stour (Kent) Internal Drainage Board (T)
Sandwich Bay Reserve Management Committee (T)
South East Employers (TS)
South East England Regional Assembly (TS)
South East England Regional Chamber (Executive Committee meetings) (TS)
South East England Councils (SEEC) Spatial Development Company (T)
Sure Start Board (T)
Thanet Archaeological Trust (T)
Thanet Care and Repair Agency (T)
Thanet Community Safety Partnership (T)
Thanet Community Transport Association (T)
Thanet Countryside Trust (T)

Thanet Harbour Users' Groups (T)
Thanet Leisureforce Board (T)
Thanet Sports Network (T)
Thanet Volunteer Bureau (T)
The Alliance (Coalfield Communities Campaign) (TS)
Traffic Parking Tribunal (T)
Turner Centre Steering Group (T)

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

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Agenda Item 21

Annex 2

Minutes of the meeting of the **EAST KENT JOINT INDEPENDENT REMUNERATION PANEL** Committee held at Thanet District Council on Thursday 24 June 2010 at 10.00 am.

Present:

Chairman: Mr K London

Independent Members: Mr M Barry
Mrs A Longden
Mrs K Sabin-Dawson

Officers: Democratic Services and Scrutiny Manager (Thanet District Council)
Democratic Support Officer (Dover District Council)

An apology for absence was received from Mr F McGurran.

* MINUTES

The Minutes of the meetings held on 2 September 2009 were approved as a correct record and signed by the Chairman.

* ELECTION OF CHAIRMAN

It was proposed by Mrs A Longden, duly seconded and

RESOLVED: That Mr K London be appointed Chairman for the municipal year 2010/11.

* THANET DISTRICT COUNCIL MEMBERS ALLOWANCE SCHEME

The Democratic Services and Scrutiny Manager presented the draft Members' Allowances Scheme 2010/11 to the Panel for its consideration. The scheme was unchanged from the previous year but as Thanet District Council had rejected the recommendations of the Panel's Quadrennial Review in 2009.

The Panel discussed the underlying reasons for its recommended allowance and came to the consensus view that while the current economic situation might affect the scheme of allowances adopted by an authority it did not affect the recommendations of the Panel. The levels of allowances were based on calculating an appropriate remuneration for the duties undertaken by District Councillors as part

of their ward work and any positions they were appointed too. The Panel had sought to seek a convergence in the level of allowances paid at all four East Kent authorities for the same duties and it was felt that changing the Thanet District Council scheme in isolation would undermine this aspiration.

The Panel revisited the issue of Deputy Cabinet Members/Lead Members in the light of the other quadrennial reviews conducted and the consensus view remained that without further evidence there was no need to change to its original recommendation.

Councillor M Harrison met with the Panel to discuss the role and remuneration of the position of Scrutiny Committee Chairman in light of changes to the role since the Panel interviewed Councillor R Bayford in 2008.

RESOLVED: That it be recommended to Thanet District Council that the following levels of remuneration be adopted as part of its Members' Allowance Scheme:

- (a) That the Basic Allowance be paid at £4,656.00 per annum for the municipal year 2010/11.
- (b) That a Special Responsibility Allowance for the Chairman of the Council be paid at £2,188.00 per annum for the municipal year 2010/11.
- (c) That a Special Responsibility Allowance for the Vice-Chairman of the Council be paid at £1,530.00 per annum for the municipal year 2010/11.
- (d) That the Special Responsibility Allowance for the Leader of the Council be paid at £19,325.00 per annum for the municipal year 2010/11.
- (e) That the Special Responsibility Allowance for the Deputy Leader of the Council be paid at £11,516.00 per annum for the municipal year 2010/11.

- (f) That the Special Responsibility Allowance for the Cabinet be paid at £8,538.00 per annum for the municipal year 2010/11.
- (g) That no Special Responsibility Allowance be paid to Deputy Cabinet / Lead Members.
- (h) That the Special Responsibility Allowance for the Leader of the Main Opposition Group with a membership of 10 or more members be paid at £5,563.00 per annum for the municipal year 2010/11.
- (i) That the Special Responsibility Allowance for the Leader of an Opposition Group with a membership of 5 to 9 members be paid at £300.00 per annum for the municipal year 2010/11.
- (j) That no Special Responsibility Allowance be paid to the Leader of an Opposition Group with a membership of fewer than 5 members.
- (k) That the Special Responsibility Allowance for the Deputy Leader of the Shadow Cabinet be paid at £2,465.00 per annum for the municipal year 2010/11.
- (l) That the Special Responsibility Allowance for the Shadow Cabinet be paid at £2,465.00 per annum for the municipal year 2010/11.
- (m) That the Special Responsibility Allowance for the Chairman of Overview and Scrutiny Committee be paid at £8,190.00 per annum for the municipal year 2010/11.
- (n) That the Planning Committee and the Governance & Audit Committee be considered Major Committee's for the purpose of Chairman and Vice-Chairman remuneration.
- (o) That with the exception of the Overview and Scrutiny Committee and those committees designated as Major

Committee's in recommendation (n), all other committees be considered to be Minor Committee's for the purpose of Chairman and Vice-Chairman remuneration.

- (p) That the Special Responsibility Allowance for the Chairman of a Major Committee be paid at £5,563.00 per annum for the municipal year 2010/11.
- (q) That the Special Responsibility Allowance for the Chairman of a Minor Committee be paid at £1,301.00 per annum for the municipal year 2010/11.
- (r) That the Special Responsibility Allowance for the Vice-Chairman of an Overview and Scrutiny Committee be paid at £3,216.00 per annum for the municipal year 2010/11.
- (s) That the Special Responsibility Allowance for the Vice-Chairman of a Major Committee be paid at £1,301.00 per annum for the municipal year 2010/11.
- (t) That the Special Responsibility Allowance for the Vice-Chairman of a Minor Committee be paid at £300.00 per annum for the municipal year 2010/11.
- (u) That the Special Responsibility Allowance for an Independent Member of the Standards Committee be weighted as that of a Vice-Chairman of a Standards Committee and therefore be paid at £300.00 per annum for the municipal year 2009/10.
- (v) That the Special Responsibility Allowance for a member of the Licensing Committee (with the exception of the Chairman and Vice-Chairman) be withdrawn with immediate effect.
- (w) That the Dependant Carers Allowance for the municipal year 2010/11 be £6.00 per hour, or the hourly national minimum wage whichever is the higher, and thereafter index linked to

the Retail Price Index increase for a period up to and including the municipal year 2012/13.

- (x) That the limit on the number of hours that the Dependant Carers Allowance be may be claimed of one hundred hours per quarter be removed as it is in the view of the Panel discriminatory to those Members affected who are legitimately undertaking the business of the authority.
- (y) That the current travel and subsistence allowance scheme be continued with index linking in line with changes in Officer's allowances where appropriate.
- (z) That the 3-month time limit set for submitting travel and subsistence claims be endorsed subject to the appropriate officer having discretion to waive this rule in exceptional conditions.
- (aa) That the Local Government Pension Scheme should continue to be made available to Members to join should they so wish to do so.
- (bb) That all Special Responsibility Allowances be index linked to the annual officer pay increase for a period up to and including the municipal year 2012/13.

The meeting ended at 11.30 am.

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Agenda Item 21 Annex 3

Comparison Table - Allowances 2010-11

Basic Allowance

Amount agreed by Council £4,360	Total Cost £244,160	Amount recommended by EKJIRP £4,656	Total Cost £260,736
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Special Responsibility Allowances

Position	No.	Allowance agreed by Council £	Total Cost	Allowance recommended by EKJIRP £	Total Cost
Executive					
Leader	1	18,082	18,082	19,325	19,325
Deputy Leader	1	10,776	10,776	11,516	11,516
Cabinet Portfolio Holder	3	7,990	23,970	8,538	25,614
Non-Executive					
Chairman of Council	1	2,188	2,188	2,188	2,188
Vice Chairman of Council	1	1,530	1,530	1,530	1,530
Opposition Group Leader (10+ members)	1	5,204	5,204	5,563	5,563
Opposition Deputy Group Leader	1	2,304	2,304	2,465	2,465
Shadow Cabinet	3	2,304	6,912	2,465	7,395
Overview and Scrutiny Committee Chairman	1	7,990	7,990	8,190	8,190
Overview and Scrutiny Committee Vice-Chairman	1	3,216	3,216	3,216	3,216
Planning Committee Chairman	1	5,204	5,204	5,563	5,563
Planning Committee Vice-Chairman	1	1,216	1,216	1,301	1,301
Licensing Panel Chairman	1	3,216	3,216	1,301	1,301

Position	No.	Allowance agreed by Council £	Total Cost	Allowance recommended by EKJIRP £	Total Cost
Licensing Panel Vice-Chairman	1	805	805	300	300
Governance and Audit Committee - Chairman	1	5,204	5,204	5,563	5,563
Governance and Audit Committee – Vice-Chairman	1	1,216	1,216	1,301	1,301
Standards Committee - Chairman	1	1,216	1,216	1,301	1,301
Standards Committee – Vice-Chairman	1	279	279	300	300
Standards Committee – other Independent Member	2	139	278	300	600
JTB Chairman	1	1,216	1,216	1,301	1,301
TOTAL inclusive of Basic Allowance			£346,137		£366,569