

MEMBERS ALLOWANCES SCHEME 2017/18

Council	12 April 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 the additional and removal of some special responsibility allowances. In addition the report also proposes amendments to the special responsibility allowances to address the parity of seats between opposition groups.

Recommendation(s):

- 1) To agree the deletion of one Cabinet SRA and one Shadow Cabinet SRA
- 2) To agree the introduction of five SRA's for Portfolio assistants to be paid at a rate of £1500 each.
- 3) To amend the scheme so there are two opposition group leaders with an SRA of £2,602 each, two deputy opposition group leaders with an SRA of £1,152 each and 6 Shadow Cabinet positions with a SRA of £1,152 each.
- 4) To change the name of the SRA's "opposition group leader" and "deputy opposition group leader" to "group leader of largest opposition group" and "deputy group leader of largest opposition group".
- 5) To change the name of the "shadow cabinet" SRA to "opposition spokesperson".
- 6) To refer the scheme to the East Kent Joint Independent Remuneration Panel for them consider and report back to the Council.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>If Members agree the draft scheme of Members allowances as outlined at annex 1 to this report, then there will be no direct financial implications as a result of this report.</p> <p>The changes being proposed within the report can be funded with no additional cost to the scheme previously agreed in February 2018.</p> <p>Council will have to identify savings to other budgets if they wish to make any changes to the proposals that result in additional expenditure.</p>
Legal	The Council is required to have regard to the recommendations of EKJIRP

	<p>in making a scheme of allowances.</p> <p>The Council is required to have regard to the recommendations of EKJIRP in making a scheme of allowances.</p> <p>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.</p> <p>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.</p> <p>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.</p>								
Corporate	<p>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.</p>								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the 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.</p> <p>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.</p> <table border="1" data-bbox="432 1688 1402 1928"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>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</p>	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.	
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	✓								
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	to Councillors standing who have relatives that may be in need of dependent care.
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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	

1.0 Introduction and Background

- 1.1 As a result of the change in administration the Leader of the Council has introduced a number of new roles and has asked Democratic Services to amend the current allowances scheme to provide Special Responsibility Allowances to these roles.

2.0 Introduction of Portfolio Assistants

- 2.1 The Leader has introduced five new roles of Portfolio Assistants. These roles have been allocated a Special Responsibility Allowance (SRA) of £1500 each. One Cabinet SRA and one shadow Cabinet SRA have been removed at the request of the Leader. These five new roles have been funded by the removal of the Cabinet and Shadow Cabinet SRA's.

3.0 Opposition Councillor Positions and Special Responsibility Allowances

- 3.1 The second largest group by number of elected members has traditionally been considered as the "opposition group" and its leader as the "leader of the opposition" and has been paid the opposition group leader SRA.
- 3.2 The current situation is now that there are two political groups on the Council, each with the same number of seats. This poses a problem as the existing scheme only has the correct number of SRA's for one majority opposition group, not two.
- 3.3 There are three options to resolve this issue, the first being that one of the two biggest opposition groups defers to the other group and that group takes all of the SRA's available for opposition groups and the other takes nothing (this could be done either through agreement or the drawing of lots). The second option would be to share the existing SRA's available (Opposition Group Leader, Opposition Deputy Group Leader and Shadow Cabinet Members) between the two biggest opposition groups. At the time of writing this report neither of these options has been agreed with the two biggest opposition groups.
- 3.4 The third option would be to double the number of SRA's available for the two biggest majority groups. There is insufficient budget to simply double the number of SRA's specifically designed for opposition Councillors (Opposition Group Leader, Opposition Deputy Group Leader and Shadow Cabinet Member) whilst retaining the same level of SRA's. It is therefore proposed, to double the number of SRA's for Opposition Group Leaders, Opposition Deputy Group Leaders and Shadow Cabinet Members whilst halving the level of SRA for these positions. This will result in there being two opposition group leaders with an SRA of £2,602, two deputy opposition group leaders with an SRA of £1,152 and 6 Shadow Cabinet positions with a SRA of £1,152 each.
- 3.5 As a result of these changes a small number of consequential changes to the scheme would also be needed. These being:

- i) To change the name of the SRA's "opposition group leader" and "deputy opposition group leader" to "group leader of largest opposition group" and "deputy group leader of largest opposition group". This clarifies for future reference that these SRA's are aimed at the largest opposition groups.
- ii) To change the name of the "shadow cabinet" SRA to "opposition spokesperson".

3.6 This third option is outlined at Annex 1 to this report.

4.0 Options

4.1 It is suggested to agree the deletion of one Cabinet SRA and one Shadow Cabinet SRA and to introduce five SRA's for Portfolio Assistants.

4.2 In addition it is also suggested to amend the scheme so there are two opposition group leaders with an SRA of £2,602 each, two deputy opposition group leaders with an SRA of £1,152 each and 6 Shadow Cabinet positions with a SRA of £1,152 each, this represents the third option outlined at paragraph 3.4 - 3.5.

4.3 If members wished to follow either of the other two options outlined at paragraph 3.3 then they should not agree to amend the current scheme in this way as both options would be able to be accommodated without any changes.

5.0 Next Steps

5.1 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.

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Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

Annex 1	2018/19 Draft Scheme of Members Allowances
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

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