

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.

CORPORATE IMPLICATIONS

Financial and	If Members agree the draft scheme of Members allowances as outlined at
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<p>Value for Money</p>	<p>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>
<p>Legal</p>	<p>The Council is required to have regard to the recommendations of EKJIRP 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>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, <i>'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.'</i></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>
<p>Corporate</p>	<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>
<p>Equalities Act 2010 & Public Sector Equality Duty</p>	<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</p>

	<p>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"> <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>	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.	
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	<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 to Councillors standing who have relatives that may be in need of dependent care.</p>								

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 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.

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