

MEMBERS ALLOWANCES SCHEME 2021/22 REVIEW BY EKJIRP

Council	25 March 2021
Report Author	Nicholas Hughes – Committee Services Manager
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

This report is provided to allow the Council to consider the recommendations from the East Kent Joint Independent Remuneration Panel (EKJIRP) regarding the 2021/22 Members allowances scheme for TDC.

Recommendation(s):

To consider the recommendations of the EKJIRP:

RESOLVED: That the recommendations of the East Kent Joint Independent Remuneration Panel for Thanet District Council are as follows:

- a. That the levels of allowances as set out in Annex 1 of the report on the Members' Allowances Scheme 2021-22 be adopted.
- b. That in respect of the Dependant Carers' Allowance, the Panel would support a move to actual cost reimbursement instead of a reimbursement based on an hourly component using the National Living Wage. The Panel did not support a cap on the amount payable if such a scheme was introduced.

Corporate Implications

Financial and Value for Money

The cost of scheme of allowances as set out in Annex 1 of the report can be accommodated from existing approved budgets.

If Members agree to recommendation b) from the EKJIRP there is a risk of a financial impact upon the Council's budgets. This is due to the lack of claims under the current arrangements with which to calculate accurate financial estimates. This may mean there would be budgetary pressures on the Members expenses budget, which in extremis could run into tens of thousands of pounds, however the likelihood of this level of spend is remote. The budget

for cllr expenses currently stands at £1,710 per annum and is for all cllr expenses such as mileage and subsistence, not solely dependent carers allowance.

Legal

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.

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 2010 & Public Sector Equality Duty

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.

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.

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

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 This report is provided to allow the Council to consider the recommendations from the East Kent Joint Independent Remuneration Panel (EKJIRP) regarding the 2021/22 Members allowances scheme for TDC.

2.0 Review of the 2021/22 scheme

2.1 The EKJIRP reviewed the 2021/22 Allowances scheme as agreed by TDC at their meeting on 24 February. They made the following two recommendations:

RESOLVED: That the recommendations of the East Kent Joint Independent Remuneration Panel for Thanet District Council are as follows:

- a. That the levels of allowances as set out in Annex 1 of the report on the Members' Allowances Scheme 2021-22 be adopted.
- b. That in respect of the Dependant Carers' Allowance, the Panel would support a move to actual cost reimbursement instead of a reimbursement based on an hourly component using the National Living Wage. The Panel did not support a cap on the amount payable if such a scheme was introduced.

2.2 Members may wish to consider the changes to the scheme suggested at recommendation b) above. There have been no claims for dependents carers allowance made by Councillors in the current Council term (since May 2019), so it is difficult to assess the true impact of such a proposed change. The full financial implications of such a change are outlined in the financial implications section of this report.

2.3 The full scheme is attached to the report at Annex 1. If Members do agree to recommendation b) from the EKJIRP, the scheme as at Annex 1 will be amended to reflect that change. This change does not need to be re-referred to EKJIRP.

3.0 Options

3.1 Council can choose to accept the recommendations of the EKJIRP or not.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Tim Howes, Director of Corporate Governance and Monitoring Officer

Annex List

Annex 1: 2021/22 Draft Scheme of Members Allowances.

Background Papers

There are no background papers with this report.

Corporate Consultation

Finance: Matthew Sanham Financial Services Manager

Legal: Estelle Culligan, Director of Law and Governance and Deputy Monitoring Officer