

# **AMENDMENTS TO THE MEMBERS ALLOWANCES SCHEME 2021/22**

Council	<b>15 July 2021</b>
Report Author	<b>Nicholas Hughes – Committee Services Manager</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>
Ward:	<b>All Wards</b>

## **Executive Summary:**

This report is provided to allow the Council to agree amendments to members allowances scheme for the 2021/22 financial year as a result of the Leader of the Council increasing the number of Cabinet members and Shadow Cabinet members.

Once the scheme is agreed it will be forwarded to the East Kent Joint Independent Remuneration Panel (EKJIRP) for them to comment on. These comments will then be considered by Council at a future meeting.

## **Recommendation(s):**

To add one additional Cabinet member special responsibility allowance and one additional shadow Cabinet member special responsibility allowance to the scheme of members allowances and to refer the scheme to EKJIRP for them to consider, with any amendments being reported back to Council.

## **Corporate Implications**

### **Financial and Value for Money**

The approval of additional members allowances for an extra Portfolio Holder and Opposition Spokesperson will cost approximately £10,850. This can be met in full from existing budgets.

If Members agree to increase the rates or number of Members' Allowances or to more than that set out in the report, additional budget or commensurate savings would need to be identified within the 2021/22 budget to cover this increase.

### **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 On 4 June 2021 the newly elected Leader of the Council revised her Cabinet portfolios and increased their number by one. As a result of the additional Cabinet member, there was also an increase in the number of Shadow Cabinet members as they must mirror each other.
- 1.2 This report is provided to allow the Council to agree the necessary amendments to members allowances scheme for the 2021/22 financial year to reflect these changes.

## 2.0 Required Changes

- 2.1 The changes required to allow for all Cabinet and Shadow Cabinet members to have an allowance is show in the table below:

<b>Current Allowances</b>			
<b>Position</b>	<b>Number</b>	<b>Allowance (£)</b>	<b>Possible maximum expenditure (£)</b>
Portfolio Holder	3	7,990	23,970
Opposition Spokesperson	3	2,862	8,586
<b>Proposed Allowances</b>			
Portfolio Holder	4	7,990	31,960
Opposition Spokesperson	4	2,862	11,448

- 2.2 These changes result in additional expenditure of £10,852. There is sufficient capacity within the budget to allow for this increase without needing to amend the budget.

## 3.0 Options

- 3.1 Council can choose;
- To add one additional Cabinet member special responsibility allowance and one additional shadow Cabinet member special responsibility allowance to the scheme of members allowances and to refer the scheme to EKJIRP for them to consider, with any amendments being reported back to Council.
  - Not to change the scheme, however this would leave a Cabinet member and a Shadow Cabinet member without an allowance for their work. This is not recommended.

## **4.0 Next Steps**

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

Contact Officer: Nick Hughes, Committee Services Manager  
Reporting to: Estelle Culligan (Director of Law and Democracy)

### **Annex List**

None

### **Background Papers**

There are no background papers with this report.

### **Corporate Consultation**

**Finance:** Chris Blundell (Director of Finance)

**Legal:** Estelle Culligan (Director of Law and Democracy)