

MEMBERS ALLOWANCES SCHEME 2023/24

Council	23 February 2023
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 agree the members allowances scheme for the 2023/24 financial year.

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

Recommendation(s):

To adopt the proposed 2023/24 Members allowances scheme as set out at annex 1 to this report and to refer the scheme to EKJIRP for them to consider.

Any recommendations from the EKJIRP altering the proposed scheme will be reported back to Council for consideration.

If no recommendations are received from the EKJIRP, Council delegates the authority to approve the final scheme to the S.151 Officer.

Corporate Implications

Financial and Value for Money

If Members agree to the 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.

If Members agree to increase the rate of Members' Allowances to more than that set out in the report, additional budget or commensurate savings would need to be identified within the 2023/24 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 This paper gives Council the opportunity to adopt a Members' Allowances Scheme for the 2023/24 financial year.

2.0 Basic Allowance

- 2.1 Whilst it proposed to retain the current level of basic allowance for members, the list below details a history of the basic allowance over the last ten years with effect from 1 April:

2023/24: £4,570
2022/23: £4,570
2021/22: £4,570
2020/21: £4,570
2019/20: £4,570
2018/19: £4,570
2017/18: £4,570
2016/17: £4,570
2015/16: £4,570
2014/15: £4,570
2013/14: £4,570
2012/13*: £4,570
2012/13: £4,360
2011/12: £4,360

*allowance increased on 12/7/2012

**Proposed basic allowance

- 2.2 The scheme states that the amount payable for dependent carers allowance is paid at the rate of £8.91 or the national living wage, whichever is the higher. The national living wage will rise to £10.42 from 1 April 2023, therefore the scheme has been amended to reflect this change.

- 2.3 The full scheme is attached to the report at Annex 1.

3.0 Options

- 3.1 Council can choose;
- a) To adopt the proposed 2023/24 Members' Allowances Scheme as set out at annex 1 to this report and to refer the scheme to EKJIRP to consider, with any amendments being reported back to Council.
 - b) To propose an alternative scheme of allowances for 2023/24 and to refer that scheme to EKJIRP to consider, with any amendments being reported back to Council.

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. If no recommendations are received from the EKJIRP, the Council is asked to delegate the authority to approve the final scheme to the S.151 Officer

Contact Officer: Nick Hughes, Committee Services Manager
Reporting to: Sameera Khan, Interim Head of Legal and Monitoring Officer

Annex List

Annex 1: 2023/24 Draft Scheme of Members Allowances.

Background Papers

There are no background papers with this report.

Corporate Consultation

Finance: Chris Blundell (Acting Deputy Chief Executive)

Legal: Sameera Khan, Interim Head of Legal and Monitoring Officer