

CHANGES TO THE COUNCILLORS ALLOWANCES SCHEME 2024/25

Extraordinary Council 9 May 2024

By Nick Hughes, Committee Services Manager

Cabinet Portfolio Member Cllr Yates, Cabinet Member for Corporate Services

Ward: All

Purpose of the Report

This report asks Council to amend the Councillors Allowances Scheme to include an additional Cabinet Portfolio Holder and an additional Opposition Spokesperson to the Special Responsibility Allowances Scheme. This is due to the appointment of Cllr K Bright as Cabinet Member for Parking.

Recommendation(s):

1. To adopt the proposed 2024/25 Members allowances scheme as set out at annex 1 to this report and to refer the scheme to the East Kent Joint Independent Remuneration Panel (EKJIRP) for them to consider.
2. To note that any recommendations from the EKJIRP altering the proposed scheme will be reported back to Council for consideration.
3. If no recommendations are received from the EKJIRP, to agree to delegate authority to approve the final scheme to the S.151 Officer.

1. Summary of Reasons

- 1.1 If no changes are made to the Councillor Allowances Scheme after the creation of a new Cabinet Portfolio then there would be an insufficient number of Cabinet and opposition spokesperson Special Responsibility Allowances for the number of Cabinet Members and opposition spokespersons. As a result these two roles would not be paid.
- 1.2 In addition any changes to the scheme need to be the subject of consultation with the East Kent Joint Independent Remuneration Panel (EKJIRP). The Remuneration Panel can then make recommendations back to Council.

2. Background

- 2.1 The 2024/25 Councillor scheme of allowances was agreed at the 22 February Council meeting, this was referred to the EKJIRP who made no recommendations and therefore the S.151 officer signed off the scheme using his delegated authority via an officer decision notice.

3. Relevant Issues

- 3.1 Democratic Services have been informed by the Leader of the Council that he will be making Cllr K Bright a Cabinet member with a portfolio of Parking from the date of the Annual meeting of Council.
- 3.2 Currently there are only four Cabinet Portfolio Holder special responsibility allowances (SRA). In the event that Council agrees to the additional allowances, then the allowances scheme would need to be amended to increase the number of Cabinet Portfolio Holder SRAs and consequently the number of opposition spokespersons both by one.
- 3.3 An additional Cabinet Portfolio SRA is £9,306 and an opposition spokesperson SRA is £3,278. Adding these amounts to the total means the allowances scheme would increase by £12,584 taking the total cost to £448,019. This would be additional expenditure.
- 3.4 If amendments to the scheme are agreed it will be forwarded to the East Kent Joint Independent Remuneration Panel for them to comment on. Any recommendations will then be considered by Council at a future meeting, if no recommendations are made by the EKJIRP, the Council's S.151 officer will finalise the scheme via an Officer decision notice.

4. Alternative Options

- 4.1 Alternative One- No amendments are made to the scheme.
 - 4.1.1 If additional SRAs are not created then the Council will be in a situation where some Cabinet members and opposition spokespersons receive an allowance and some not. This is not recommended.
- 4.2 Alternative Two - A lower allowance per SRA
 - 4.2.1 Instead of introducing another full cost SRA for the Cabinet Portfolio Holder and opposition spokesperson it could be possible to combine the current four Cabinet Portfolio Holder SRA's and divide that total by five, giving a lower SR to each of the five Cabinet members, this would give an SRA of £7,445 each. The same calculation for the opposition spokespersons roles would give an SRA of £2,620. This would keep the changes inside the current budget. It is not recommended to do this as this would take the SRA of a Cabinet Member down to below that of the Overview and Scrutiny Chair and would also reduce the Opposition Spokespersons SRA, given that the EKJIRP have only recently agreed with the Council increasing SRA's after a long period of no increases, it is unlikely that they would support such a change.

5. Consultation

5.1 There is no statutory or public law duty to consult in respect of this decision.

6. Corporate Implications

6.1 Finance and Resources

6.1.1 The proposed increase in cost of special responsibilities allowances can be funded by transferring budgets that are not fully utilised elsewhere across the organisation. The section 151 authority has delegated authority to approve such budget virements (transfers) up to a value of £20,000 and subject to Cabinet's approval can arrange for budgets to be adjusted accordingly.

6.2 Legal and Constitutional

6.2.1 The Council is required to have regard to the recommendations of EKJIRP in making a scheme of allowances.

6.2.2 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.

6.2.3 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.

6.2.4 When considering the scheme, the Council must have due regard to its duty under equalities legislation. The report demonstrates that the necessary regard has been given to equalities in relation to this matter.

6.3 Council Policies and Priorities

6.3.1 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.

This report relates to the following corporate priorities: -

- To work efficiently for you

6.4 Risk

6.4.1 The only significant risk is that the Council does not refer any amended scheme to the EKJIRP. This would mean that the scheme would be invalid, however there is no indication that the Council would do such a thing and indeed has not done so when considering amendments to the scheme in the past.

6.5 Climate Change and Biodiversity

6.5.1 There are no climate change or biodiversity impacts of this report.

7. Equality, Equity and Diversity Implications

7.1 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.

7.2 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.

7.3 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.

8. Crime and Disorder Implications and Community impact

8.1 The meeting is under a duty to consider crime and disorder implications, however there is no crime and disorder impact arising from this report.

Subject History

[Councillor Allowances 2024/25 Council Report](#)
[Decision notice approving the 2024/25 Councillor Allowances Scheme](#)

Appendices

Annex 1 - Amended scheme of Allowances 2024/25

Background Papers

None

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Report Sign Off**Legal** Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)**Finance** Chris Blundell (Director of Corporate Services)