

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	25 January 2022
Subject:	Scheme of Members Allowances
Report of:	Head of Democratic Services
Corporate Lead:	Borough Solicitor
Number of Appendices:	One

Executive Summary:

The Council's current Scheme of Allowances expires on 31 March 2022. In determining a new scheme of allowances, the Council must have regard to the recommendations of its Independent Remuneration Panel. The Council can determine a scheme effective from one to four years but, having determined its scheme, it cannot make any changes to it without considering the recommendations of its Independent Remuneration Panel.

Recommendation:

The Council is asked to determine the scheme of allowances to take effect on 1 April 2022 until 31 March 2023 having regard to the recommendations of the Independent Remuneration Panel as set out at Appendix 1.

Reasons for Recommendation:

To enable the Council to put into place a scheme of allowances prior to the expiry of the current scheme.

Resource Implications:

The Panel is recommending a change to the Dependant Carers Allowance and, whilst it is difficult to quantify the cost of increasing the Dependant Carers Allowance as it is dependent on demand, a provision of £3,000 has been added to the 2022/23 budget.

Legal Implications:

The Local Authorities (Members' Allowances) (England) Regulations 2003, require authorities to establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to the authority about the allowances to be paid to Councillors.

Independent Remuneration Panels will make recommendations which must include the level of basic allowance for all Councillors, the level of SRAs, and to whom they should be paid, and on whether dependants' carers' allowance, travelling and subsistence allowances and co-optees' allowance should be paid and the levels of these allowances. Schemes must be made by 31 March for implementation in the forthcoming financial year. A scheme may be amended at any time, following consideration of the Independent Remuneration Panel's recommendations, but may only be revoked with effect from the beginning of a year, except in the case where a Council has begun to operate:

- (a) executive arrangements, where they are being operated in place of existing alternative arrangements;
- (b) alternative arrangements, where they are being operated in place of existing executive arrangements; or

- (c) different executive arrangements which involve an executive which takes a different form.

The 2003 Regulations place certain duties on local authorities in connection with publicising the recommendations made by their Independent Remuneration Panel, their scheme of allowances and the actual allowances paid to Councillors in any given year.

The Regulations require that, as soon as reasonably practicable after receiving a report from its Panel which sets out the Panel's recommendations, a local authority must ensure that copies of the report are available for inspection at its principal office at all reasonable hours. A local authority must also, as soon as reasonably practicable after it receives the report, publish a Notice in its area which:

- states that the authority has received recommendations from an Independent Remuneration Panel about its scheme of allowances.
- states that copies of the report detailing the Panel's recommendations are available for inspection at the principal office of the authority at all reasonable hours.
- states the address of the principal office.
- describes the main features of the Panel's recommendations, including the amounts of allowances the Panel has recommended should be payable to Councillors.

The 2003 Regulations also require that members of the public may take copies of the Panel's report on payment of such reasonable fee as the local authority may determine.

In respect of the local authority's scheme of allowances, the Regulations require that, as soon as reasonably practicable after determining a scheme of allowances, a local authority must ensure that copies of the scheme are available for inspection at its principal office at all reasonable hours. A local authority must also, as soon as reasonably practicable after determining the scheme, publish a Notice in its area which:

- states that the authority has adopted a scheme of allowances and the period for which the scheme has effect.
- states that copies of the scheme are available for inspection at its principal office at all reasonable hours.
- states the address of the principal office.
- describes the main features of the scheme, including the amounts of allowances payable to Councillors under the scheme.
- states that, in determining the scheme, the authority had regard to the recommendations of an Independent Remuneration Panel.
- describes the main features of the Panel's recommendations, including the amounts of allowances the Panel had recommended should be payable to its Councillors.
- describes any responsibilities or duties in the scheme which would merit the payment of a SRA and travelling and subsistence allowance.

The final publicity requirement in the Regulations is that, as soon as reasonably practicable after the end of a year to which a scheme relates, a local authority must make arrangements for the publication in its area of the total sum paid by it to each Member in respect of basic, special responsibility, travelling and subsistence, co-optees' and dependants' carers' allowances.

All these publicity requirements are statutory minimum requirements. However, the guidance on the Regulations from the then Office of the Deputy Prime Minister also states that a local authority should publicise more widely the report from its Panel, its scheme of allowances and the sums paid to each Member. This should include, where possible, publishing this information on the authority's website and in the Council's own newspaper (where they have one).

Risk Management Implications:

If the Council does not adopt a scheme of allowances prior to the expiry of the current arrangements it will be unable to pay any allowances.

Performance Management Follow-up:

Once a new Scheme is agreed, action will be taken to implement the scheme with effect from 1 April 2022 and to comply with the publicity requirements.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 The Council's Independent Remuneration Panel currently consists of three members. Following the resignation of one member of the Panel this year, a recruitment drive will be undertaken in the New Year with the aim of establishing a Panel of five members in order to improve resilience and ensure continuity. All of the members of the Panel live within the Borough and undertake various voluntary roles in support of the Borough.

2.0 SCHEME OF MEMBERS ALLOWANCES 2022/23

2.1 The report of the Council's Independent Remuneration Panel, setting out its recommendation for the 2022/23 scheme of allowances, is attached at Appendix 1.

2.2 Accordingly, the Council's existing scheme expires on 31 March 2022 and, before making a new scheme, the Council must have regard to the recommendations of its Independent Remuneration Panel.

2.3 The Council is asked to determine a scheme of allowances having regard to the recommendation of the Panel.

3.0 OTHER OPTIONS CONSIDERED

3.1 Not applicable.

4.0 CONSULTATION

4.1 As set out in the Independent Remuneration Panel's report.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Not applicable.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Not applicable.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Not applicable.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 Not applicable.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 Not applicable.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Council Report considered in April 2002 - Basic allowance of £6,500 per annum increasing by £1,300 on an annual basis over a four-year period up to £10,400.

Council Report considered in February 2004 - Basic allowance of £9,100 effective from 7 May 2004 increasing to £10,400 on 7 May 2005.

Council Report considered in May 2008 - Basic allowance of £9,000 (three years).

Council Report considered in March 2011 - Basic allowance of £7,200 (four years).

Council Reports considered in April 2015, January 2016, January 2017, January 2018, January 2019 - Basic allowance of £7,200.

January 2020 and January 2021 – Basic allowance of £7,350

Background Papers: None.

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Appendices: 1. Report of the Independent Remuneration Panel.