

**REPORT OF THE INDEPENDENT PANEL  
APPOINTED TO MAKE RECOMMENDATIONS  
ON THE SCHEME OF MEMBERS'  
ALLOWANCES AT BRECKLAND COUNCIL**

**November 2009**

## **1. BACKGROUND**

- 1.1 Breckland Council has appointed an Independent Remuneration Panel to consider and recommend a scheme of allowances that complies with the requirements of the Local Government and Housing Act 1989, the Local Government Act 2000 and associated regulations.
- 1.2 This is third Panel appointed, reporting in the second year of its three year term. Membership is as follows:

Andrew Egerton-Smith (Chairman)  
Paul Findlay  
Diane Foster  
Jeff Prosser

- 1.3 The Panel has been supported by Ian Vargeson, Member Services Manager.
- 1.4 The Panel has looked at all areas within its remit under the regulations, which asks that recommendations be made to the Council:
- On the amount of basic allowance that should be payable to its elected members
  - About the responsibilities or duties which should lead to the payment of a special responsibility allowance and the amount of such an allowance
  - About the duties for which a travelling and subsistence allowance can be paid and the amount of this allowance
  - As to the amount of any co-optees' allowance
  - As to whether the authority's scheme should include an allowance for the expense of arranging for dependant and child care, the amount of such allowance and the means by which it is determined
  - On whether any allowance should be backdated to the beginning of the financial year in the event of a scheme being amended
  - As to whether annual adjustments of allowance levels may be made by reference to an index and, if so, how long such a measure should run
  - On allowances for town and parish councils
  - As to which members are to be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972.
  - As to treating basic and special responsibility allowances as amounts in respect of which such pensions are payable
- 1.5 The findings of the Panel on matters relating to pensions are binding upon the Council. Otherwise, the Council must have regard to the Panel's recommendations before agreeing a scheme.

## **2. DOCUMENTATION, EVIDENCE AND ACKNOWLEDGEMENTS**

- 2.1 The Panel met on two occasions, in October and November, and took account of the following documentation:

- Guidance from the Department for Communities and Local Government on the application of the local authority allowances regulations
  - The Panel's previous report
  - Details of the existing scheme of allowances and comments made by the Council when adopting it
  - Comparative information from other local authorities
  - A list of the "approved duties" for which travel and subsistence may be claimed
  - Members' Job Descriptions
  - Council developments and performance information
- 2.2 The Panel interviewed Mr William Nunn, Leader of the Council and is grateful to him for responding to the invitation and the information which he provided.

### **3. CONTEXT OF THE REVIEW**

#### **Current Scheme**

- 3.1 The current scheme of allowances, which runs from 1<sup>st</sup> January – 31<sup>st</sup> December, 2009, is based upon the recommendations contained in the November 2008 report of the Panel. The scheme set allowances for one year only, superseding an "index-linked" three year scheme.

#### **Further Developments**

##### General

- 3.2 The Panel is familiar with the culture of Breckland and has previously made it clear what is expected in terms of performance in recognition of the levels of allowance recommended. In reaching its conclusions, the Panel took note of the following developments:
- **Member Training and Development.** The Panel last year acknowledged the work that had gone into achieving Elected Member Development Charter status and notes that, having since confirmed its commitment to maintaining the standard, the Council is now actively seeking the higher level "Charter Plus" mark.
  - **Local Government Review.** The introduction of a unitary system of local government for Norfolk is now unlikely, at least within the timetable originally envisaged. The Panel notes Breckland's belief that changing circumstances require a different approach and that shared services with other authorities is the way forward; and that a political and management restructure has already been put in place with this approach in mind.
  - **Comprehensive Area Assessment.** The Comprehensive Performance Assessment regime has been replaced by Comprehensive Area Assessment. The emphasis under the new system moves away from

performance by function to focus on joint working in the delivery of priorities, community strategies and how the quality of people's lives has improved. CAA will consider how partnerships are working to address challenges facing communities, highlighting best practice and also identifying any barriers to improvement. The new regime has communities, and the role of councillors as community leaders, at its heart.

- **Community Call for Action.** A feature of the enhanced community role of councils and councillors under the Local Government and Involvement in Public Health Act 2007 is the Community Call for Action, whereby any member may raise any matter through the Scrutiny process which is of individual concern, or has been brought to his or her attention by the people he or she represents. A protocol has been adopted for this.
- **Community Fora and Task Forces.** A public meeting in response to a request from the Thetford Society resulted in the formation of the Thetford Forum and a Thetford Task Force, to address immediate concerns raised. The principle has now been adopted for the Attleborough area and the intention is to extend this to the other Breckland towns and their hinterlands.
- **Finances and the Council's Culture.** The Panel's understanding is that the Council is generally budgeting for no growth and is anticipating cuts in public expenditure. Breckland's approach is to provide good value, high quality and innovative services for its residents. The Council tax remains the lowest for a district council in England and high levels of customer satisfaction are evident from consultation. The Council's culture remains very much an entrepreneurial one, embracing shared services and partnerships. Since the Panel's last review, the Council has entered into an agreement with Capita Symonds for the provision of planning and building control services. The Anglia Revenues and Benefits Partnership, and its trading company, continue to prosper and, in the right conditions, are respectively looking to expand and seek new business.
- **Public Interest in Members' Allowances.** The furore generated by publicity earlier in the year regarding expenses claimed by Members of Parliament had a knock-on effect for local authorities. Breckland received several enquiries and requests under the Freedom of Information Act, from concerned residents and the media. Although there is no comparison between local authority and parliamentary expenses, and there has never been any suggestion of abuse of the Breckland scheme, the information requested involved a considerable amount of detailed work, going back as far as ten years, in order to confirm to enquirers the Council's clean bill of health on this score. More recently, there has been local publicity on the subject of "twin hatting" (members of both district and county councils, their ability to perform both duties adequately and whether receipt of two sets of allowances can be justified). The Panel makes no comment on this for the reason that the subject is outside its clearly defined remit.

## Overview and Scrutiny

- 3.3 The authority continues to look at the Overview and Scrutiny function and how best to make use of the powers available to it, having recently changed the current regime. There is now an Overview and Scrutiny Commission, with a flourishing work programme and a Community Call for Action protocol.
- 3.4 The three set development review panels have been replaced by task and finish groups which are less formal and are drawn together for specific projects. This is provided for in the scheme of allowances by having three group chairmen and it was envisaged that the three appointed would chair all of these groups. This year has seen a proliferation of the task and finish groups, which (apart from the Local Development Framework group) generally have a limited life, by definition and different chairmen are being appointed to deal with these. The Council will need to decide if it wishes to limit chairmanship to three people nominated for the year, who would receive the set annual allowance, or whether it will permit additional chairman, who would be paid at the appropriate "session" rate.

## **4. GENERAL PRINCIPLES AND OBSERVATIONS**

- 4.1 The Panel confirms its wish to work with the Council to achieve satisfactory outcomes, taking account of the authority's entrepreneurial culture and position on Council tax, customer satisfaction and the desire to improve upon its Comprehensive Area Assessment rating.
- 4.2 There is a wish among members, confirmed by William Nunn to the Panel, for measurement of councillors' performance in relation to their basic and, where applicable, special responsibility allowances. Although the regulations do not provide for performance related pay for members, the Panel remains of the view that receipt of allowances should be dependent upon compliance with performance measures and commitment to member development and training.
- 4.3 In 2003, a scheme of allowances was introduced that increased existing rates substantially and beyond those payable in most comparable authorities. In addition to acknowledging the culture of the authority, the justification for this was that the higher allowances would be instrumental in attracting more prospective and able candidates. In considering rates of allowances for other authorities, including those currently applicable in all Norfolk districts, it is apparent that Breckland allowances are still above average. At the same time, Breckland has maintained the lowest Council tax and good rates of public satisfaction with its services.
- 4.4 In reaching its conclusions, the Panel has taken note of Government advice that an element of time given by Members should be considered to be voluntary.
- 4.5 Taking account of comparators and the current economic situation (including the likely impact upon staff pay), the Panel started from the point of recommending that the basic pay be unchanged for another year, with special responsibility allowances (except where workloads had changed) also being held back. The

situation should be reviewed in a year's time, but meanwhile the new scheme should apply only to the next calendar year. Another reason for this recommendation was the prospect of changes in ways of working currently under discussion, when joint arrangements, or the scheme operating at any partner authority, would need to be taken into consideration. When interviewed, Mr Nunn agreed that such an approach would be reasonable in all the circumstances.

- 4.6 It follows that index-linking (which in current terms would be likely to result in reduced allowances when applied) would not at present be a feature of the scheme. There are in any event doubts as to the reliability of index-linking as a basis for the calculation of allowances, given the variety of indices available and the different results that they show. Furthermore, an agreed formula, left for two or three years, loses sight of percentages used for staff salary settlements.

## **5. BASIC ALLOWANCE**

- 5.1 "The basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes." (Government Guidance on Consolidated Regulations for Local Authority Allowances).
- 5.2 The Panel believes that using the basic allowance as a "building block", as previously, is the best way to construct a scheme..
- 5.3 Holding the existing basic at £5,200 for another year is still considered by the Panel to be a reasonable recompense when compared to the basic allowance payable by other authorities in the region.

## **6. SPECIAL RESPONSIBILITY ALLOWANCES**

- 6.1 Before finalising its recommendations on special responsibility allowances, the Panel met with William Nunn, Leader of the Council. As well as Mr Nunn's thoughts on members' roles generally, the Panel was particularly interested in his views on the work levels of each area of special responsibility and how, if at all, these had changed. The Panel had specifically flagged from last year's scheme the Chairmen of the Audit, Standards, Licensing and Development Control Committees for consideration and, having heard from Mr Nunn, agreed that there was no reason at this stage, in terms of changing workload, for any adjustment.
- 6.2 Mr Nunn did raise the possibility of creating a differential between the special responsibility allowance paid to Executive Members and that paid for the Deputy Leader (an annual appointment, like his own, under the Council's Constitution). The justification for this was that the Deputy Leader (currently paid as an Executive Member at the same rate) was taking the lead in various aspects of the Council's work on his behalf. Whilst accepting that this was the case, the Panel determined from discussion with Mr Nunn that the energy shown by his deputy in this regard was through his personality rather than any

change to the job description. Special responsibility allowances related to the post and not the individual post holder's capacity and enthusiasm and, unless the role had changed, this was consistent with the treatment of other Executive Members who led on the work of their respective portfolios.

- 6.3 The Panel agrees that the gearing of the different levels of special responsibility allowance are appropriate and the detailed figures recommended are as set out in Appendix 'A' to the report.

## **7. CO-OPTED MEMBERS AND SPECIALIST ADVISERS**

### **General**

- 7.1 Regulations now permit provision within schemes of allowances for payments to co-opted members. Whereas the basic allowance for elected members is intended to acknowledge their wider duties, payments to co-optees are designed to cover the costs of attendances at meetings and conferences. Government guidance says that an element of the contribution of co-opted members, like that of elected councillors, should be considered to be voluntary.

### **Audit Committee**

- 7.2 The Committee remains of the view that the current fee of £200 per meeting should continue to apply to specialist advisers enlisted by the Committee, to cover the cost of a session and preparation for it.

### **Standards Committee**

- 7.3 Changes introduced last year in recognition of the enhanced duties of independent members adequately reflect the commitment now required and, in line with the general principles of this review, should remain at the present level.

## **8. CHILDCARE AND CARERS' ALLOWANCES**

- 8.1 The Panel was concerned that a reasonable rate should be paid for child or other care as necessary, so as not to preclude service on those grounds. To make absolutely sure that no member suffers financially in this respect, the Panel is recommending another modest increase this year, from £5.75 per hour with a maximum of £25 per session to an hourly rate of £7, with a £30 maximum *normally* applying (taking account of the Council's comments on this last year).
- 8.2 As far as specialist care is concerned, this can vary in scope and nature and it should be left to the Council to pay an appropriate rate upon application to ensure reasonable costs are reimbursed, rather than trying to set a standard rate.

## **9. TRAVEL AND SUBSISTENCE**

- 9.1 The Panel has looked at the current list of “approved duties”, ie those activities in respect of which travel and subsistence may be paid.
- 9.2 Following last year’s consolidation, no further changes to the list of approved duties are recommended.
- 9.3 Rates should remain at the same level as those set for staff under the National Conditions of Service, with the addition that reasonable expenses incurred in subsistence at conferences, supported by receipts, should be paid.

## **10. TOWN AND PARISH COUNCILS**

- 10.1 Town and Parish Councils may now make payments to their members, but where they decide to do so, they must have regard to the recommendations of the Independent Remuneration Panel for the district. No formal requests for a recommendation on specific payments have been received. There has been the odd enquiry as to what the regulations say about the basic parish allowance that may be paid, either to the chairman or all members of the Council, but none within the last year. It is therefore proposed that any future requests from Town and Parish Councils are referred to the Panel on receipt and considered on their merits.

## **11. PENSIONS**

- 11.1 Panels may make recommendations on the eligibility of councillors to join the Local Government Pension Scheme. The Panel must recommend whether some or all elected members should be eligible and whether basic or special responsibility allowances, or both, should be pensionable. These recommendations are binding on the Council; the authority can only offer membership of the Pension Scheme to those who have been recommended
- 11.2 Having considered this part of its remit, the Panel remains of the same view as previous Panels and is recommending that no members are given access to the Local Government Pension Scheme. This view appears to be widely shared among local authority panels. The Panel strongly believes that payments made through the Scheme of Allowances should not be considered a wage or salary and that the considerable extra expense that could be involved in making member positions pensionable should not be imposed upon local tax payers.

## **12. SUMMARY OF RECOMMENDATIONS ON THE NEW SCHEME OF ALLOWANCES TO TAKE EFFECT ON 1<sup>ST</sup> JANUARY, 2010**

- 12.1 The new scheme be effective until 31<sup>st</sup> December, 2010.**
- 12.2 Payments over this period be set at the rates shown in Appendix A to the Report for:**
- **The Basic Allowance**
  - **Special Responsibility Allowances for the positions indicated**
  - **Specialist Advisers to the Audit Committee, where required**
  - **Co-opted Independent and Parish Council representative members of the Standards Committee**
  - **Occasional chairing of meetings as indicated**
  - **Child Care and Dependant Carers**
- 12.3 Travel and subsistence be payable for those “approved duties” shown at Appendix B to the Report.**
- 12.4 Travel and subsistence to be payable at the same rates as those applicable to officers under the National Conditions of Service, with the exception that reasonable expenses incurred at conferences, supported by receipts, should be paid.**
- 12.5 No scheme be made for Town and Parish Councils, requests for the payment of allowances to be referred to the Independent Remuneration Panel as received.**
- 12.6 No members be admitted to the Local Government Pension Scheme and no allowances paid to members to be considered pensionable.**
- 12.7 The Council to have the right to withdraw allowances from a fully or partially suspended councillor and to require the repayment of any allowances paid during the period of suspension, such provision to be applicable to all allowances except those for dependant carers.**

**BRECKLAND COUNCIL'S INDEPENDENT REMUNERATION PANEL:**  
**REPORT ON SCHEME OF ALLOWANCES FOR 2010**

**APPENDIX 'A'**

**RECOMMENDED ALLOWANCES**

The following allowances (with the exception of the child care rates, all figures being the same as for last year) have been recommended for the year commencing 1<sup>st</sup> January, 2010:

An annual basic allowance of £5,200, payable to all 54 members

Special responsibility allowances (a maximum of one claimable per member) payable to the holders of the following positions at the annual rates indicated:

Leader	£20,800
Deputy Leader	£11,050
Executive Members x 6	£11,050
Chairmen –	
Overview & Scrutiny Commission	£10,814
Development Control	£10,814
Licensing	£7,800
Audit	£5,200
General Purposes	£5,200
Standards	£5,200
Council	£2,600
Appeals	£2,600
Scrutiny Task & Finish Groups x 3	£2,600
Licensing Sub-Committees	£235 per meeting chaired
Standards Sub-Committees	£115 per meeting chaired
Leader of Main Opposition Group	£2,600
Leader of other political groups with more than 10 members	£1,850
Executive Support Members	£1,850
Co-opted Standards Committee Members	£900
Specialist advisers to Audit Committee	£200 per session

Rate per session for persons taking meetings in Chairman's absence:

Overview & Scrutiny	£235
Development Control	£235
General Purposes	£115
Standards	£115
Council	£58
Appeals	£58
Scrutiny Task & Finish Groups	£58

A childcare allowance of £7 per hour (normally subject to a maximum £30 per authorised duty)

Specialist dependant care – to be considered upon application

Travel and subsistence at current nationally agreed rates for staff

No allowances to be paid to any suspended councillor

There is an option for members not to claim allowances, in part or in full

**BRECKLAND COUNCIL'S INDEPENDENT REMUNERATION PANEL:  
REPORT ON SCHEME OF ALLOWANCES FOR 2010**

**APPENDIX 'B'**

**MEMBERS' TRAVELLING AND SUBSISTENCE ALLOWANCES:  
APPROVED DUTIES**

- Council Meetings
- Committee/Cabinet Meetings (for members of Committee)
- Ward Representatives attending Committee as such
- Official Committee site visits
- Members attending Committee as proposer of motion referred by Council
- Members attending Committee at the request of the Chairman
- Members attending Committee to report back on the proceedings of an outside body
- Tender opening
- Local Authority Association meetings
- Representation on outside bodies (where travel or subsistence is not paid by that body)
- Executives' meetings with officers
- Party leaders' meetings with officers
- Joint Executive/Group Leader meetings called by the officers
- Conferences where representing, or with the authorisation of, the Council
- Overnight allowance for members attending conferences
- Ombudsman interviews
- Members attending Committees or working groups where invited or allowed to speak
- Attendance of Chairman of Cabinet at any authorised meeting
- Attendance at Portfolio meetings
- Attendance of Members at any official meetings called by officers or an Executive Member with officers
- Attendance of Overview and Scrutiny Commission Chairman, Executive and Executive Support Members at Scrutiny Task and Finish Groups
- Attendance at Overview and Scrutiny Commission by members who have referred items to the Commission which are on the agenda under consideration
- Authorised training and development
- Required attendance at public inquiries
- Attendance of Executive Support Members at Executive meetings
- Attendance of a member at Town or Parish Council meetings within the ward he or she represents, in the capacity of ward representative
- Mileage incurred by the Chairman or Vice-Chairman on civic duties