



**Report of the
Independent Remuneration Panel
Appointed to make recommendations
On the scheme of
Members' allowances at Breckland Council**

November 2011

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 the fourth panel appointed reporting in the first year of its three year term. Membership is as follows:

- Andrew Egerton-Smith (Chairman)
- Diane Foster
- Jeff Prosser
- Ian Vargeson
- Alistair Skipper

1.3 The Panel has been supported by Rory Ringer, Democratic Services Team Leader, and Teresa Smith, Committee Services Officer.

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, on 18th October and 10th November 2011, and took account of the following documentation:

- The Panel's previous report (December 2010)
- Details of existing scheme of allowances and comments made by the Council when adopting it
- Comparative information from other local authorities
- Member attendance at Committees
- Member Development and Training
- Motor Car Allowance rates

2.2 The Panel interviewed Mr William Nunn, Leader of the Council, and Mr Ian Sherwood, Chairman of the Member Developments Panel and Chairman of the Licensing Committee on 10th November 2011 and is grateful to them for the information which they provided.

3. CONTEXT OF THE REVIEW

Current Scheme

3.1 The current scheme of allowances, which runs from 1st January – 31st December 2011, is based upon the recommendations contained in the December 2010 report of the Panel. The scheme set allowances for one year only, rather than extending the index-linked scheme, given the economic uncertainty at this time.

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 key developments during the past year:

- **Joint Shared Management Structure** – Breckland Council and South Holland Council's have committed to and implemented a joint management structure across the two authorities, with effect from 1st April 2011.

The Panel were informed of talks currently taking place with Great Yarmouth Borough Council concerning the possibilities of a further shared management arrangement. This would make Breckland Council the first in the country to share its senior management across three councils.

- **Financial Situation** – The Council has continued to achieve the financial cuts required by the Government Comprehensive spending review, and are proud of the fact that this has been achieved without affecting front line services.

There is a continual financial pressure on the Council to achieve budgetary savings.

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 commitment to the shared management structure with South Holland District Council.

4.2 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 into account comparators and the current economic situation (including the impact upon staff pay), the Panel started from the point of recommending that the basic allowance be unchanged for another year, with special responsibility allowances (except where workloads had changed) also held back.

4.6 Based on research with neighbouring local authorities, it was recommended that the allowances run alongside the financial year to assist with budgets, and also to bring them into line with the approach of most other councils in the area. Therefore the scheme would apply from 1st January 2012 until 31st March 2013.

4.7 The Panel was pleased that the level of attendances had increased, but were still disappointed to see that some were under the recommended 75% attendance level. The Panels preference, as previously stated, would be for allowances to be dependent upon reasonable take-up of relevant training, but accepts that it is not possible to apply such a condition to payment. Mr Nunn acknowledged the Panel's concern, and was also pleased to see the attendances had increased and would continue to encourage Members to attend meetings and re-emphasise the importance of attending Full Council.

4.8 The Panel were informed by Mr Nunn on how the role of the Elected Councillor is changing due to the Shared Management changes, and in particular a cultural change in the way councillors work. Councillors can no longer 'pop in' to see an Officer, and are required to plan ahead and diarise meetings with Officers.

4.9 Mr Nunn informed the Panel of the ongoing discussions concerning the possibility of a Shared Management arrangement across a third authority.

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 and the current economic climate.

6. SPECIAL RESPONSIBILITY ALLOWANCES

- 6.1 Before finalising its recommendations on Special Responsibility Allowances, the Panel met with William Nunn, Leader of the Council on 10th November 2011. 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 the role of Chairman of Licensing Committee.
- 6.2 With regard to the role of Chairman of Licensing Committee, the Panel noted that this role had substantially decreased in recent years. The Committee had only met on 4 occasions during the past two years. In view of the perceived decreasing workload, the Panel recommend that this should be reflected by a responsibility allowance of £2600.
- 6.3 The Panel have noted the comments received from the Chairman of Licensing informing the Panel of how the role will be changing over the next year due to legislation. The Panel agreed to review the role of the Chairman of Licensing retrospectively when it next reviews the scheme.
- 6.4 The Panel agrees that the gearing of the different levels of special responsibility allowance are still appropriate and the detailed figures recommended are set out in Appendix ‘A’ to the report.

7. CO-OPTED MEMBERS AND SPECIALIST ADVISERS

Background

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 voluntary.

Audit Committee

7.2 The Committee remains of the view that a 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 The Panel decided that the current level of remuneration towards the duties of independent Members adequately reflects 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 is happy that these allowances meet the current requirements and it is therefore recommended that these allowances remain unchanged for this 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 looked at the current list of "approved duties" (i.e. those activities in respect of which travel and subsistence may be paid) and agreed that no further changes are recommended.

9.2 The Panel were encouraged to see that member training was well attended and consider this to be important in empowering Councillors in their role as district councillors. It was brought to their attention that the current travelling allowance for training purposes for both members and officers is 15.1p per mile.

9.3 Having considered comparative data from other local authorities, the Panel recommends that the training mileage rate is abolished and the agreed National Joint Council Car Allowances rates are paid to Members attending training.

9.4 Whilst it is not in the Panel's remit to consider the allowances paid to Officers, they are minded that this allowance is the same for both Members and Officers, and therefore would recommend maintaining this link.

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

- 12.1 During their meetings and deliberations, the Independent Remuneration Panel has been mindful of the financial restraints affecting the Council and the public sector as a whole. Despite these, the authority has continued to perform very well, maintaining the lowest Council Tax in the country and with good levels of public satisfaction with local service provision.
- 12.2 Given these financial uncertainties and the changes Breckland Council is likely to face in subsequent years, the Panel was mindful to only recommend the scheme for the period 1st January 2012 to 31st March 2013 to bring this into line with the financial year. Likewise, it was agreed that the Basic and Special Responsibility Allowances (with the exception of Chairman of Licensing) would remain unchanged. It is also recommended that there are no changes to the Carer's allowances, Co-opted Members and Specialist Advisers allowances.
- 12.3 The Travel and subsistence rates would remain unchanged (with the exception of Training mileage allowance). The Panel felt that Training Allowance was unjustifiably low, especially when Members are encouraged to attend training sessions and should therefore be abolished.
- 12.4 The Panel felt that the responsibilities of the Chairman of Licensing had significantly diminished and the £5,200 allowance should be reduced to £2,600.
- 12.5 Whilst it is recognised that these recommendations, if adopted by the Council, may realise some efficiency savings to the authority overall, the Panel is confident that they do accurately reflect the level of work undertaken in those areas on comparison to other roles.

13. RECOMMENDATIONS

Accordingly, the Panel's recommendations are as follows:

- 13.1 The new scheme be effective from 1st January 2012 until 31st March 2013.
- 13.2 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
- Childcare and Dependent Carers

- 13.3 Travel and subsistence be payable for those “approved duties” shown at Appendix B to the report.
- 13.4 Travel and subsistence to be payable at the same rates as those applicable to officers under the National Conditions of Service, supported by receipts should be paid.
- 13.5 The Training Mileage rate is abolished, and the National Conditions of Service rates apply to those members that attend training events.
- 13.6 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.
- 13.7 No members be admitted to the Local Government Pension Scheme and no allowances paid to members to be considered pensionable.
- 13.8 The Council to have the right to withdraw allowances from a fully or partially suspended councillor and to require the payment 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 2012/13

RECOMMENDED ALLOWANCES

The following allowances (with the exception of the Chairman of Licensing) remain unchanged, for the period 1st January 2012 - 31st March 2013.

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	£13,650
Executive Members x6	£11,050
Chairmen	
- Overview & Scrutiny Commission	£10,814
- Development Control	£10,814
- Licensing	£2,600 (2011 - £5,200)
- Audit	£5,200
- General Purposes	£5,200
- Standards	£5,200
- Council	£2,600
- Appeals	£2,600
- Scrutiny Task & Finish Groups	£115 per meeting chaired
- 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 Panels	£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 2012/13

MEMBERS' TRAVELLING AND SUBSISTENCE ALLOWANCES:
APPROVED DUTIES

The approved duties are:

- 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.