

By: Fiona Leathers – Chairman of the Independent Remuneration Panel

To: County Council – 22 July 2010

Subject: Annual Report of the Independent Remuneration Panel

Summary: The County Council is invited to formally receive the annual report of the Independent Remuneration Panel and determine the Panel's recommendations in relation to additional role descriptions, the dependent carers' allowance and the Special Responsibility Allowances (SRAs) for Opposition Members.

Unrestricted

Background

1. Under the Local Authorities (Members' Allowances) (England) Regulations 2003, every relevant local authority is required to review its Members' Allowances Scheme at least once every four years. In doing so, local authorities are required to establish and maintain an Independent Remuneration Panel, whose function is to provide the local authority with advice and recommendations on its scheme, the amounts to be paid and whether such allowances should be pensionable.

2. Local authorities must include in their scheme of allowances a basic allowance, payable to all Members, and may include provision for the payment of special responsibility allowances and a dependents' carers' allowance. In addition, the 2003 Regulations allow the inclusion of a travel and subsistence allowance and a co-optees' allowance, within the allowances scheme.

The work of the Independent Remuneration Panel

3. The Council's Independent Remuneration Panel comprises three independent members appointed by the County Council. The current Panel members are:

Mrs Fiona Leathers (Chairman)

Mrs Linda Frampton

Mrs Elizabeth Tullberg

4. At its meeting on 25 June 2009, the County Council considered and approved the recommendations of the Independent Remuneration Panel with regard to the current scheme of Members' Allowances (see **Appendix 1**), which will remain in force until the County Council Elections in May 2013, unless amended by the County Council in the meantime.

5. However, the Independent Remuneration Panel has continued to meet during the previous 12 months and now wishes to make further recommendations to the County Council for revisions to the scheme.

Role Descriptions

6. Working alongside the Standards Committee, the Panel has played a key role in the introduction and development of the Members' Annual reports. The decision of the County Council in June 2009 to introduce a role description for all Members, on the Panel's recommendation, has helped KCC to achieve the 'virtuous circle' of Member Responsibility - Member Activity- Member Accountability, by strengthening the value of the Annual reports, as members of the public can now assess the performance of their local Member against their key roles, thus increasing accountability. This was the cornerstone of KCC being shortlisted for an LGC Award in 2010 in the Standards and Ethics category.

7. During the last year, the Panel has been working on a number of additional role descriptions; one for each position of special responsibility within the Members' Allowances Scheme. All Members have been given an opportunity to comment on the proposed additional role descriptions and a number of very helpful amendments have been made in response to this consultation exercise. The proposed new role descriptions are attached (see **Appendix 2**) and are recommended to the County Council for adoption.

Dependent Carers' Allowances

8. In June 2009, the County Council agreed that the revised Members' Allowances Scheme would continue to include provision for the payment of dependent carers' allowances. This particular allowance can be claimed by Members with care responsibilities in respect of dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance. Reasonable care costs are reimbursed, up to a maximum of £6 per hour for each dependent child or adult.

9. The Panel is very keen to ensure that serving as an elected or co-opted Member of KCC is no more difficult for those individuals with caring responsibilities, compared to those without such responsibilities. During the year, therefore, the Panel has considered:

- (a) Whether the hourly rate is set at the right level;
- (b) Whether the care of a dependent adult relative should be set at a higher rate than the care of a child; and
- (c) Whether there should be an upper financial limit on the amount of carers' allowances claimed annually by each Member.

10. Accordingly, the Panel has decided to recommend to the County Council that the Dependent Carers' Allowance be increased so that Members are allowed to claim the actual costs incurred up to a maximum of £10 per hour (for both children and adults) and that there should be no upper financial limit set for claims in order that, for instance, Cabinet Members would not be put at a disadvantage. Whilst this would result in a small increase in the total cost of the Members' Allowances Scheme, given the small number of Members who currently claim it, the County Council is asked to give this particular recommendation serious consideration, given its importance in attracting individuals from different backgrounds to seek election as County Councillors.

Special Responsibility Allowances for Opposition Members

11. The Panel has considered a request from the Leader of the Liberal Democrat Group for a formal review of the Panel's previous recommendation (agreed by the County Council in June 2009), in relation to Special Responsibility Allowances (SRAs) for Opposition Members. The Panel heard that the decision to remove an SRA for each of the Shadow Cabinet Members was unfair to Opposition Members, as it did not recognise the workload and responsibility of the small number of Opposition Members to hold the Administration to account.

12. After having considered the representations in detail (including benchmarking data from other local authorities and the need to ensure that any changes were cost-neutral on the overall Members' budget), the Panel decided to make the following recommendations to amend the schedule of SRAs:

Largest Opposition Group

Leader – 20% (£8,860)

Deputy Leader – 10% (£4,430)

Opposition Spokesmen (up to a maximum of 8¹) – 7.5% (£3,323)

(Currently the Leader of the largest Opposition Group receives 50% (£22,150) and the Deputy Leader 22% (£9,750))

13. On the assumption that the proposed revisions are agreed by the County Council and all of the SRAs are claimed by the Members concerned, the total cost of the Members' Allowances Scheme will reduce slightly by £1,995.

14. In terms of the Panel's activity in the coming year, it has agreed to examine the roles of Committee Chairmen, the Conservative Spokesperson on the Cabinet Scrutiny Committee and the Leader of the second largest Opposition Group, and will also make a definitive recommendation on the issue of pensions for Members.

Recommendations:

15. The County Council is invited to consider and determine the following recommendations of the Independent Remuneration Panel:

- a. The additional role descriptions for all SRA positions, as attached at Appendix 2;
- b. The increase in the maximum hourly rate for the Dependent Carers' Allowance, as described in paragraph 10 in the report; and
- c. The revised Special Responsibility Allowances (SRAs) as detailed in paragraph 12 in the report.

¹ The maximum number of Opposition SRA positions proposed is 10; one to shadow each of the Cabinet Portfolios. However, in relation to the current composition of the Council and given the size of the Liberal Democrat Group, only 5 of these Opposition Spokesmen allowances would currently be payable, in addition to the SRAs for the Leader and Deputy Leader of the Largest Opposition Group

Fiona Leathers – Chairman of the Independent Remuneration Panel

8 July 2010

Kent County Council
Members' Allowances Scheme

For the period 8 June 2009 to the election of the Council in May 2013

(Adopted by the Council on 25 June 2009 as recommended by the Independent Remuneration Panel)

BASIC ALLOWANCE

£13,000 per annum (inclusive of an element for routine subsistence expenditure on KCC duties).

SPECIAL RESPONSIBILITY ALLOWANCES

	%	£
Executive		
Leader	100	44,300
Cabinet Members (9)	65	28,795
Lead Members (12)	30	13,290
Council		
Chairman	33	14,600
Vice-Chairman	17.5	7,750
Planning Applications Committee Chairman	22	9,750
Other Committee Chairmen (13) ^(a)	17.5	7,750
Conservative Spokesperson Cabinet Scrutiny Committee	17.5	7,750
Select Committee Chairmen (for period of review)	17.5	7,750
Opposition		
Leader of largest Opposition Group	50	22,150
Deputy Leader of largest Opposition Group	22	9,750

Notes:

- (a) Other Committee Chairmen: Governance & Audit, Health Overview and Scrutiny, Policy Overview (x8), Regulation, Selection and Member Services, Superannuation.
- (b) No Member to receive more than one Special Responsibility Allowance.
- (c) No other allowance to be payable.

TRAVEL EXPENSES

Travel by private vehicles will be reimbursed at the rates set for tax allowance purposes by the Inland Revenue for business travel. Currently these are 40p per mile for the first 10,000 miles and 25p a mile thereafter.

Parking fees, public transport fares and any hotel expenses will be reimbursed at cost, but only on production of a valid ticket or receipt - the cheapest available fare for the time of travel should normally be purchased.

Taxi fares will only be reimbursed on production of a valid receipt and if use of public transport or the Member's own car is impracticable

Travel expenses will be reimbursed for any journey on council duties between premises as agreed for tax purposes (normally excluding journeys to constituents' homes).

Air travel and rail travel other than to/from London or within Kent should be booked through officers to enable use of discounting arrangements.

Travel expenses will only be reimbursed if claimed within four months.

Journeys undertaken in accordance with the following descriptions are allowed to be claimed for:

- (a) attendance at KCC premises to undertake KCC business, including attendance at Council, Cabinet and Committees, etc (including group meetings) and to undertake general Member responsibilities;
- (b) representing KCC at external meetings, including Parish and Town Councils and those of voluntary organisations where the member is there on behalf of KCC;
- (c) attendance at events organised by KCC and/or where invitations have been issued by County Officers or Members (including Chairman's events and other corporate events); and
- (d) attendance at meetings/events where the Member is an official KCC representative (as determined by the Selection and Member Services Committee) or requested by the Leader or the relevant Cabinet Member.

SUBSISTENCE EXPENSES

These are not normally reimbursed. Hotel accommodation should be booked through officers. Any other reasonably unavoidable costs related to overnight stays, excluding normal subsistence, will be reimbursed on production of a receipt.

DEPENDENTS' CARERS' ALLOWANCE

Members with care responsibilities in respect of dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for actual payments to a carer while the Member is on Council duties, up to a maximum of £6 per hour for each dependent child or adult. Money paid to a member of the claimant Member's household will not be reimbursed.

PENSIONS

Members are not eligible for admission to the superannuation scheme.

CO-OPTED MEMBERS

An allowance is payable to the Independent Chairman of the Standards Committee of £1,000 per annum and the daily rate for the remaining co-opted Members of the Standards Committee is payable at £200 per day.

NO OTHER ALLOWANCES ARE PAYABLE

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Role Description - Leader of the Council

Responsible to: Kent County Council.

Role purpose: **To take full responsibility for all functions of the County Council, which the Council does not reserve for itself (as required by legislation), appointing a Cabinet and providing overall leadership and direction to the Council.**

Main Duties and Responsibilities

1. **To manage and lead the work of the Cabinet and to chair meetings of the Cabinet.**
2. **To lead the Cabinet in decision making and make executive decisions that are not exercised by other Cabinet Members or officers.**
3. **To work closely with Cabinet Members to ensure the development of effective Council policies and the delivery of high quality services (reflecting the principles of Best Value) to local people.**
4. **To be the focus for leading the Kent community.**
5. **To represent the Council at national and local level, on outside bodies or in partnership with other agencies.**
6. **To lead the Cabinet's work in:**
 - **providing strategic direction to the Council by identifying a vision, corporate objectives and priorities for services;**
 - **providing a lead on the development of corporate policies and strategies;**
 - **using the Council's objectives and priorities to drive the development of services and budget process;**
 - **seeing continuous improvement by establishing the appropriate culture within the Council and associated systems;**
 - **monitoring performance;**
 - **ensuring probity and financial monitoring;**
 - **keeping under review the organisation and management processes of the Council, including the democratic structures; and**
 - **developing, in consultation and partnership with others, a strategy for providing the social, economic and environmental well-being of the County of Kent.**
7. **To act as the principal spokesperson for the Council:**
 - **promoting its work and acting as its principal political spokesperson;**
 - **participating in consultation;**

- listening to, and taking account of, the views of organisations, the public and businesses; and
 - representing the Council at all appropriate levels.
8. To consult with and be accountable to non-executive Members.
 9. To appear before, and respond to reports of, Overview and Scrutiny bodies.
 10. To monitor the effectiveness of service delivery and the appropriateness of policy across the County and account for the efficient and effective delivery of services and functions within Council policies and budgets.
 11. To work with the Group Managing Director on a regular basis in relation to the strategic vision and direction of the Council, the management roles of officers and the development and effective delivery of policy issues.

Role Description – Deputy Leader of the Council

Responsible to: The Leader of the Council

Role Purpose: To deputise for the Leader as required and to be the Council's main representative and spokesman on the delegated area of responsibility

Main Duties and Responsibilities

- 1. To participate in the Cabinet in respect of all areas of work, including making certain individual executive decisions within the areas of responsibility**
- 2. To act as the Spokesman and advocate for the Council in respect of the delegated area of responsibility and on a wider basis as the Leader may require or in his absence.**
- 3. To lead the development of the Council's Policy Framework within the area of responsibility and make recommendations to the Cabinet.**
- 4. To provide guidance to the Cabinet on the management and implementation of functions in relation to activities within the area of responsibility**
- 5. To give guidance to the Cabinet on budget priorities within the areas of responsibility**
- 6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility**
- 7. To appear before, and respond to reports of, Overview and Scrutiny bodies**
- 8. To lead the process of continuous improvement and responsiveness of Council services within the areas of responsibility**
- 9. To ensure that activities within their areas of responsibility take proper account of the Council's vision, core values and guiding principles**
- 10. To represent the Council at national and local level, on outside bodies or in partnership with other agencies**

Role Description - Cabinet Member

Responsible to: The Leader of the Council.

Role purpose: To undertake portfolio responsibilities as delegated by the Leader and be the Council's main representative and spokesman on their delegated areas of responsibility, determining the defined area of activity for Deputy Cabinet Members (if allocated) as appropriate.

Main Duties and Responsibilities

- 1. To participate in the Cabinet in respect of all areas of work, including making certain individual executive decisions within the defined area of responsibility and contributing to debate and strategic decision-making as part of the Cabinet as a whole**
- 2. To act as the spokesman and advocate for the Council in respect of the area of responsibility.**
- 3. To lead the development of the Council's policy framework within the defined area of responsibility and make recommendations to the Cabinet as appropriate.**
- 4. To provide guidance to the Cabinet on the management and implementation of functions in relation to activities within the defined area of responsibility.**
- 5. To give guidance to the Cabinet on budget priorities within the defined area of responsibility.**
- 6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.**
- 7. To work constructively and in an open and transparent way with backbench and Opposition Members, and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate**
- 8. To appear before, and respond to reports of, Overview and Scrutiny bodies.**
- 9. To lead the process of continuous improvement and responsiveness of Council services within the defined area of responsibility.**
- 10. To ensure that activities within the defined area of responsibility take proper account of the Council's vision, core values and guiding principles.**
- 11. To represent the Council at national and local level, on outside bodies or in partnership with other agencies.**

Role Description – Deputy Cabinet Member

Responsible to: The Cabinet Member.

Role purpose: **To support the work of their Cabinet Member and to be the Council's Member champion for their areas of special responsibility.**

Main Duties and Responsibilities

- 1. To support the Cabinet Member in respect of all activities connected with the area of special responsibility.**
- 2. To act as the Member champion and spokesman for the area of special responsibility both within and outside the Council.**
- 3. To support the Cabinet Member in the development of the Council's policy framework within the area of special responsibility and make recommendations to the Cabinet Member on the making of executive decisions.**
- 4. To support the Cabinet Member in monitoring the management and implementation of functions in relation to activities within the area of special responsibility.**
- 5. To give guidance to their Cabinet Member on budget priorities within the area of responsibility.**
- 6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.**
- 7. To work constructively and in an open and transparent way with backbench and Opposition Members, and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate**
- 8. To appear before, and assist the Cabinet Member to respond to reports of Overview and Scrutiny bodies.**
- 9. To support the Cabinet Member in driving forward the process of continuous improvement and responsiveness of Council services within the area of special responsibility.**
- 10. To ensure that activities within their areas of responsibility take proper account of the Council's vision, core values and guiding principles.**
- 11. To represent the Council at national and local level, on outside bodies or in partnership with other agencies, as agreed with the Cabinet Member.**

Role Description – Chairman of the Council

Responsible to: **Kent County Council.**

Role purpose: **As the Civic Head of the Council, to uphold the democratic values of the Council as a whole and represent the Council at civic and ceremonial functions**

Main Duties and Responsibilities

- 1. Provide strong, fair and visible civic and ceremonial leadership to the Council in relation to citizens, stakeholders, partners, Members and Officers.**
- 2. Ensure that Kent County Council is represented at such civic and ceremonial functions as the Council or he/she determines appropriate**
- 3. Be the principal ambassador for the Council and the County, both at home and abroad and formulate and deliver speeches as appropriate**
- 4. Promote public involvement in the Council's activities**
- 5. Uphold and promote the Council's constitution and, if necessary, rule on the interpretation of the constitution at formal meetings of the County Council**
- 6. Preside over meetings of the Council, including determining the topic of the item for full debate, the order of items and a timetable for each Council meeting after consultation with the political group leaders, to ensure that the business of the Council can be carried out efficiently and with regard to the interests of the community and the rights of elected Members of all political groups and independent Members**
- 7. Request such special meetings of the Council as may be considered necessary or appropriate by Members, determining their format in consultation as required by the circumstances and in accordance with the business to be discharged.**
- 8. Ensure the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members who are not on the Executive can challenge and debate Executive and other matters**
- 9. Be consulted on any matter in relation to which consultation with the Chairman of the Council is required under the Constitution**
- 10. During his/her year as Chairman, to continue to perform the duties expected of all County Councillors in relation to his/her electoral Division**
- 11. To witness the sealing of official KCC legal documents in the period immediately after a County Council Election until such time as the Leader appoints his or her Cabinet**

- 12. To foster and maintain good working relationships with other Local Authorities, both within and outside the County of Kent**
- 13. To act as the leading Civic dignitary in the conduct of Citizenship Ceremonies**

Role Description – Vice-Chairman of the Council

Responsible to: **The Chairman of the County Council and Kent County Council.**

Role purpose: **To fulfil the duties of the Chairman in his or her absence, to assist the Chairman in specific duties as required.**

Main Duties and Responsibilities

- 1. To support the Chairman of the Council in carrying out his or her Civic responsibilities.**
- 2. Deputise as the Chairman may require in his or her absence**
- 3. Undertake specific tasks and responsibilities as requested by the Chairman**
- 4. Share and support in general the full workload range of the Chairman**

Role Description – Committee Chairmen

Responsible to: **Kent County Council.**

Role purpose: **To provide leadership and direction for the Committee to ensure that the Committee takes balanced decisions based on all relevant evidence, always with impartiality and fairness**

Main Duties and Responsibilities

- 1. Provide leadership and direction for the Committee**
- 2. Chair and manage the business of the Committee, ensuring that all committee members have an opportunity to make a relevant contribution**
- 3. Request such additional meetings of the Committee as may be considered necessary or appropriate**
- 4. Promote the role of the Committee both within and outside the Council**
- 5. Represent the Council and the Committee on relevant external bodies as required**
- 6. Guide Members through those functions delegate by the Council to the Committee**
- 7. To be consulted on matters of business between meetings**
- 8. To undertake the necessary preparation prior to Committee meetings to lead the Committee effectively.**
- 9. Ensure that the Committee takes balanced decisions based on all relevant evidence, always with impartiality and fairness**
- 10. To manage the meeting to ensure the objectives of the meeting are fulfilled.**
- 11. Ensure, where appropriate, that there is full consultation with and participation by all interested parties on issues to be considered by the Committee**
- 12. Ensure that Committee decisions are properly recorded with full justifications**
- 13. Liaise and consult with relevant officers wherever appropriate**
- 14. To define and manage appropriate member and officer conduct at the meeting**

Additional Responsibilities for Policy Overview and Scrutiny Committee Chairmen and the Conservative Administration Spokesperson on the Cabinet Scrutiny Committee

Role purpose: To lead the effective scrutiny of the Council's decisions or actions and monitor policy development within the area/s for which they have special responsibility, working closely with relevant Executive Members.

Main Duties and Responsibilities

- 1. To ensure that the work of the Overview and Scrutiny Committees (and any sub-committees and Informal Member Groups thereof) are at all times conducted in a positive manner and in the best interests of the Council and the people of Kent.**
- 2. To work constructively and in an open and transparent way with Executive Members and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate**
- 3. To support work of the Overview and Scrutiny Committees in the development of an annual scrutiny work programme in the area/s for which they have special responsibility.**
- 4. To support the work of the Overview and Scrutiny Committees in ensuring that the Council and the Executive are assisted in the development of the policy framework and budget by an in-depth analysis of policy issues in the area/s for which they have special responsibility.**
- 5. To encourage and enhance community participation in the development of policy options in the areas for which they have special responsibility.**
- 6. To support the work of the Overview and Scrutiny Committees in ensuring the effective operation of a scrutiny function in their area/s of special responsibility which will:**
 - examine and review decisions made by, and the performance of, the Cabinet, other committees and Council officers;**
 - question Members of the Cabinet, other appropriate committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets or in relation to particular decisions, initiatives or projects;**
 - make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process; and**
 - review the performance of other public bodies in the area and invite reports from them, including requesting them to address the Overview and Scrutiny body concerned.**
- 7. To attend meetings of the Overview and Scrutiny committees (and any sub-committees and Informal Member Groups thereof) in order to drive**

forward the Council's scrutiny function in relation to their area/s of special responsibility.

Additional Responsibilities for the Chairman of the Planning Applications Committee

Role Purpose: To provide leadership and direction for the Committee to ensure that the Committee takes balanced decisions based on all relevant evidence, always with impartiality and fairness

Main Duties and Responsibilities

- 1. To Chair the monthly meetings of the Planning Applications Committee, which has statutory authority for determining all planning applications to KCC (waste and mineral related applications and all KCC developments including schools, highways and social services applications)**
- 2. To undertake relevant and frequent training and development sessions to ensure that the role can be performed to the exacting standards required**
- 3. To attend site visits, public meetings and meetings with Officers as required on a frequent basis**

Role Description – Leader of the Opposition (the largest Political Group after the Administration)

Responsible to: **Kent County Council.**

Role purpose: **To provide strong, fair and visible leadership and direction to the largest Opposition Group within the Council**

Main Duties and Responsibilities

- 1. Act as a spokesperson for the Group and as a representative of the Council to external bodies and organisations as appropriate**
- 2. Represent the interests of the Group in any discussions with the Leader of the Council, other Group Leaders, other Senior Members of the Council or Senior Officers**
- 3. Be responsible for the appointment of Group Members to seats on Council Bodies in accordance with the Council's political balance apportionments**
- 4. Comment on, challenge and review the Majority Group's performance in the coordination and implementation of its policies and procedures**
- 5. Be the Group's principal consultee on Council business in general and establish and represent the views of the Group on issues of policy and probity**
- 6. With all Group Leaders, work with the Group Managing Director and Managing Directors on relevant corporate matters**
- 7. Support the learning and development needs of all Members of the Group**

Role Description – Deputy Leader of the Opposition (the largest Political Group after the Administration)

Responsible to: **Kent County Council.**

Role purpose: **To fulfil the duties of the Leader of the Opposition in his or her absence, to assist the Group Leader in specific duties as required**

Main Duties and Responsibilities

- 1. Undertake a full deputising role in the absence of the Leader of the Group**
- 2. Undertake specific tasks and responsibilities as requested by the Leader of the Group**
- 3. Work actively with the Leader of the Group to co-ordinate the work of the Group**
- 4. Share and support in general the full workload range of the Leader of the Group**