

By: Chairman of the Member Remuneration Panel  
To: County Council – 23 May 2013  
Subject: Report of the Members Remuneration Panel: Proposed Members' Allowances Scheme May 2013 to May 2014

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Summary: This report sets out the Member Remuneration Panel's recommendations to the County Council on the proposed Members' Allowances Scheme for the one year period commencing May 2013

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## 1. Introduction

(1) The independent members of the Council's new Member Remuneration Panel (MRP) were recruited in autumn 2012. The appointments to the MRP were agreed by the County Council on 13 December 2012. The new Panel members are:

Mrs S Addis  
Mr J Ogden DL (Chairman)  
Mr S Wiggett

### *Legislative Framework*

(2) Under the Local Authorities (Members' Allowances) (England) Regulations 2003, every local authority is required to appoint an advisory Independent Remuneration Panel to review and advise on the allowances paid to its Members. The Regulations also require each local authority to review its Members' Allowances Scheme annually and the County Council must receive a report each year to adopt or re-adopt the scheme, even if there are no changes from year to year.

(3) In 2008, Local Government Analysis and Research (the research and analytical function that supports the Local Government Association and partner bodies) stated that:

*"Allowances are intended to recompense properly the time necessary and the level of responsibility of the roles of councillors whilst incorporating a strong public services discount".<sup>1</sup>*

(4) The Guidance on Members Allowances for Local Authorities in England<sup>2</sup> issued by the Office for the Deputy Prime Minister in 2001 and updated by the Department for Communities and Local Government in 2006 states that:

(a) Each local authority must make provision in its scheme for a basic flat rate allowance payable to all members. The allowance must be the same for each councillor. The allowance may be paid in a lump sum, or in instalments through the year. (paragraph 13)

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<sup>1</sup>[http://www.local.gov.uk/web/guest/local-government-intelligence/-/journal\\_content/56/10171/2834636/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/local-government-intelligence/-/journal_content/56/10171/2834636/ARTICLE-TEMPLATE)

<sup>2</sup><http://www.shepway.gov.uk/UserFiles/File/pdf/IRP/Guidance%20on%20members'%20allowances%20for%20local%20authorities%20in%20England.pdf>

- (b) 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 cost such as the use of their homes. (paragraph 14)

(5) Since its introduction, the County Council's Basic Allowance has been inclusive of an element for routine subsistence expenditure whilst on official council duties; business telephone calls; the supply and maintenance of a broadband connection in the Member's own home; and any stationery needed by Members.

- (a) Each local authority may also make provision in its scheme for the payment of Special Responsibility Allowances for those councillors who have significant additional responsibilities. The authority, or the panel, has to identify the special responsibilities for which the allowance is to be paid, and the amounts of allowance to be paid for each such responsibility. (paragraph 15)

- (b) Where one political group is in control, and where an authority has decided to pay Special Responsibility Allowances, the authority must make provision for the payment of a Special Responsibility Allowance to at least one member who is a member of a minority group. (paragraph 16)

(6) Whilst the 2003 Regulations do not prevent a Member from being appointed to more than one SRA position, it has been KCC's policy (and common practice elsewhere) that Members can only receive one SRA.

## **2. Member Allowance Scheme 2013 to 2014**

### *General*

(1) The Panel has met on a number of occasions since February.

(2) Consideration has been given to benchmarking information from other local authorities as well as the reports and recommendations of the former MRP in 2009 and 2012.

(3) Prior to the County Council elections, the Panel met and discussed a number of the issues raised by the former MRP with:

Mr P Carter, Leader of the Council  
Mrs T Dean, Leader of the Liberal Democrat Group  
Mr G Cowan, Leader of the Labour Group

Mrs J Whittle, Cabinet Member  
Mr R Gough, Cabinet Member  
Mr K Pugh, Deputy Cabinet Member

and committee chairmen and non-executive Members:

Mr R Bird

Mr L Christie  
Mr H Craske  
Mr M Harrison  
Mr C Smith

(4) Since the elections, the Panel has met to discuss the scope of the proposed Members' Allowances Scheme with:

Mr P Carter, Leader of the Council  
Mr R Latchford, Leader of the UKIP Group  
Mr G Cowan, Leader of the Labour Group  
Mrs T Dean, Leader of the Liberal Democrat Group

(5) The information provided to the Panel, together with interviews with elected Members, has enabled the Panel to understand the roles of elected Members, and assess whether all of the roles identified as part of the new governance arrangements meet the requirements to qualify for an SRA.

#### *Basic Allowance*

(6) The Panel noted that the County Council's current Basic Allowance is set at £12,805. During its deliberations, the Panel considered whether it would be appropriate to alter the Basic Allowance. This proposal was rejected by the Panel, who agreed with the four Group Leaders that neither an increase nor a decrease would be justifiable or appropriate at the current time. The recommendation of the Panel with regard to the Basic Allowance is therefore that it should remain at its current level, which was set by the Council in May 2011.

#### *Special Responsibility Allowances*

(7) Paragraph 55 of the Guidance on Members' Allowances for Local Authorities in England states that:

- (a) special responsibility allowances may be paid to those members of the council who have significant additional responsibilities over and above the generally accepted duties of a councillor. These special responsibilities must fall into one of the categories which are specified in the 2003 regulations and which are detailed at paragraph 17 [of the guidance]

(8) Paragraph 17 of the guidance states that:

- (a) the 2003 regulations provide that special responsibility allowances may be paid for special responsibilities within one or more of the following categories:
  - Membership of the executive where the authority is operating within executive arrangements
  - Acting as leader or deputy leader of a political group within the authority
  - Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee

- Representing the authority at meetings of, or arranged, by any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Acting as a member of an adoption panel within the meaning of the Adoption Agencies Regulations 1983(b)
- Acting as a member of any committee or sub committee that deals with any function arising under any enactment authorising the authority to license or control the carrying on of any activity
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above whether or not that activity is specified in the scheme."

(9) The Panel was concerned that the existing scheme contained 57 SRA positions, representing 68% of all of the Members on the Council, which was significantly higher than the expectation that not more than 50% of Members should be in receipt of an SRA. This expectation is contained in the guidance document from the Councillors' Commission: "Members remuneration: models, issues, incentives and barriers" issued by the Department for Communities and Local Government in December 2007<sup>3</sup>, which stated: "If the majority of members of a council receive a special responsibility allowance, the local electorate may rightly question whether this was justified". Concern was also expressed at how functional and effective a Member could be if they occupied more than one role that attracted an SRA.

(10) Of particular interest to the Panel were the 12 Locality Board lead/vice chairmen roles included in the current list of SRA positions. The Panel noted the concerns expressed by the former MRP in March 2012 about the development of Locality Boards in different parts of the County and the actual levels of responsibility attached to the SRA for these specific roles. Following their discussions with Members and deliberations, the Panel concluded that it would not be recommending the payment of SRAs to Locality Board leads/vice chairmen and was reassured when the Leader of the Council confirmed at the Panel meeting on 14 May that he wanted to do something differently with regard to local areas and was not asking for Locality Board leads to retain SRAs. Given this situation, the Panel is able to recommend a schedule of 38 SRAs, or 45% of the total number of KCC Members.

(11) The Panel also dealt with an outstanding matter from the former MRP in relation to the SRA for the Chairman of the Regulation Committee. It concluded that because of the onerous nature and sensitivity of the business transacted by that committee, the SRA for its Chairman should increase to the same level as the Chairman of the Planning Applications Committee. The Panel also noted that the Chairman of the Selection and Member Services Committee has been removed from the list of suggested SRAs by the Leader.

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<sup>3</sup><http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/documents/localgovernment/pdf/584026.pdf>

(12) In relation to SRAs for Opposition Groups, the Panel decided to move away from inclusion in the scheme of SRAs for individual Opposition Spokesmen due to the fact that there are now three Opposition Groups, all of which are likely to appoint spokesmen; to include all such positions in the scheme would exceed the 50% threshold for SRAs. Instead, the Panel recommends a modified version of the Wiltshire model, where the Leader of each Opposition Group (provided their members total at least five) will receive an SRA comprising 15% of the Leader's SRA plus an amount of £500 for each additional Member of their Group. This sum may be allocated amongst Group members by each Opposition Group Leader at their discretion, to recognise any specific responsibilities undertaken. This is reflected in the revised schedule of SRAs in the new scheme, which is shown in the table below:

<b>Existing Scheme</b>	<b>SRA £</b>	<b>Cost £</b>	<b>Proposed Scheme</b>	<b>Cost £</b>
Leader	42,109	42,109	Leader	42,109
Cabinet Members (9)	27,370	246,330	Cabinet Members (9)	246,330
Deputy Cabinet Members (10)	12,632	126,320	Deputy Cabinet Members (11)	138,952
Cabinet Committee Chairmen (6)	7,367	44,202	Cabinet Committee Chairmen (6)	44,202
Chairman of the Council	13,878	13,878	Chairman of the Council	13,878
Vice Chairman of the Council	7,367	7,367	Vice Chairman of the Council	7,367
Planning Applications Committee Chairman	9,268	9,268	Planning Applications Committee Chairman	9,268
Other Committee Chairmen, incl Locality Board leads (17)	7,367	125,239	Other Committee Chairmen (4)	31,369*
Scrutiny Committee Chairman	7,367	7,367	Scrutiny Committee Chairman	7,367
Leader of the largest Opposition Group	8,624	8,624	Leader of each Opposition Group (of at least 5 Members) (3)	35,948 (£6,316 per Group Leader plus £500 for each additional Group member)
Deputy Leader of the largest Opposition Group	4,312	4,312	N/a	
Opposition Group Spokespersons (8)	3,235	25,880	N/a	
<b>Number of positions = 57 (68%)</b>		<b>Total Cost = £660,896</b>	<b>Number of positions = 38 (45%)</b>	<b>Total cost = £576,790 (saving £84,106)</b>

\*includes the Regulation Committee Chairman receiving the same SRA as the Planning Applications Committee Chairman and no SRA for the Selection and Member Services Committee Chairman.

N.B. Select Committee Chairman are not included as they are not permanent SRAs, but receive the same rate as for "other Committee Chairmen", i.e. £7,367, for the duration of the review.

#### *Other aspects of the Members' Allowances Scheme*

(13) The Panel has not recommended any further changes to any other aspect of the Scheme for 2013/14, including the mileage rate and the dependent carers' allowance.

#### **Summary**

(14) The net effect of these recommendations is to decrease the number of Members receiving a Special Responsibility Allowance from 57 (68%) in the existing scheme to 38 (45%) in the proposed scheme (ignoring time-limited allowances for chairing Select Committees).

(15) The annual cost of the revised Scheme will reduce by £84,106 in 2013/14 compared to 2012/13, excluding the cost of employer's National Insurance contributions.

**3. Recommendation:** The County Council is invited to approve the recommendations of the Member Remuneration Panel with regard to proposed changes to the Members' Allowances Scheme for the one year period from May 2013, as detailed in the Appendix.

## APPENDIX

### Proposed Members' Allowances Scheme

For the period 23 May 2013 to the Annual Meeting of the Council in May 2014

**BASIC ALLOWANCE - £12,805 per annum (inclusive of an element for routine subsistence expenditure on KCC duties)**

### SPECIAL RESPONSIBILITY ALLOWANCES

	%	£
<b>Executive</b>		
Leader	100	42,109
Cabinet Members (maximum 9)	65	27,370
Deputy Cabinet Members (maximum 11)	30	12,632
Cabinet Committee Chairman (maximum 6)	17.5	7,367
<b>Council</b>		
Council Chairman	33	13,878
Council Vice-Chairman	17.5	7,367
Planning Applications Committee Chairman	22	9,268
Regulation Committee Chairman	22	9,268
Other Committee Chairmen (a)	17.5	7,367
Scrutiny Committee Chairman	17.5	7,367
Select Committee Chairmen (for period of review)	17.5	7,367
<b>Opposition</b>		
Leader of each Opposition Group (of at least five members)	15	6,316 plus £500 for each additional Group Member

Notes:

- (a) Other Committee Chairmen: Governance & Audit, Health Overview & Scrutiny and Superannuation Fund.
- (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 45p 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.

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 £10 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.

## ELECTION TO FORGO ALLOWANCES

In accordance with Regulation 13 of the Local Authorities (Members' Allowances) (England) Regulations 2003, any Member may elect to forgo all or any part of their entitlement to allowances, by notice in writing to the Head of Democratic Services.

## SUBMISSION OF CLAIMS

In accordance with Regulation 14 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the time limit for the submission of claims relating to travel, subsistence, co-optees and dependent carers allowances is four months from the date the expense was incurred.

## NO OTHER ALLOWANCES ARE PAYABLE