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To: Kent and Medway Police and Crime Panel – 8th September 2016

Subject: Independent members - possible allowance payment

1. Background

- 1.1 Police and Crime Panels are required to appoint at least two independent members. The process of appointment is for each Panel to decide but the aim is to bring additional skills or knowledge to the work of the Panel. The Kent and Medway Panel appointed two independent members in 2012 following a process of advertisement and interview. The Panel decided at its last meeting to extend the term of appointment of the current independent members until June 2020.
- 1.2 In 2012 the Panel decided that independent members should be reimbursed necessary expenses but decided at that time not to give them an allowance. The 2 current independent members have asked the Chairman whether that decision could be reviewed. The Chairman asked officers to research allowance practices followed by other Panels and to bring a report to the Panel for decision.

2. Practice elsewhere, Home Office and Local Government Association (LGA) guidance

- 2.1 Officers have contacted a number of other Panels, including Kent's nearest neighbours, to establish their practice and the responses are summarised at Appendix A. Of the 10 Panels that provided information, three pay an allowance of varying amounts, six pay expenses only and one is reviewing the position. Some Panels have referred the issue of allowances for independent members to the Host Authority's Independent Remuneration Panel for consideration. Cumbria's Panel is conducting a review of its own and has contacted twenty-one Panels, of which seven pay an allowance to independent members, averaging £700 per annum. It is not known whether the Cumbria survey includes Panels contacted by Kent officers or not.
- 2.2 The conclusion to be drawn from both Kent officers' contacts and the Cumbria survey is that payment of an allowance is made in a minority of cases, probably around a third of Panels. Where payment is made, it is typically around £600-£700 per annum.
- 2.3 The Home Office provides a grant to the host authority of each Panel which is intended to meet the running costs of the Panel. These costs include expense payments to members, the administrative cost of supporting the Panel and officer advice to the Panel. In Kent this grant is currently £64,000 per annum of which less than half has been spent in each of the last 2 years. The Home

Office offer no specific guidance on whether independent members should receive an allowance in addition to claiming expenses and suggests that this matter should be decided locally by the Panel. In a letter to Panels in 2012 the Home Office stated that the grant “includes £920 per member of the Panel (including additional co-optees) to fund the same expenses as the other members of the panel”.

- 2.4 LGA guidance issued to Panels in 2012 stated “It is envisaged that all co-optees will be paid the same expenses as for any other joint scrutiny committee”. The LGA also pointed out “There is no requirement to pay allowances to co-opted members and it is left to authorities to decide if they should be paid”.

3. Considerations

- 3.1 It is clear from the research that there is no standard practice which the Kent and Medway Panel could adopt and no specific guidance which the Panel could apply. If the Panel wishes to follow the approach adopted by the majority then no allowance would be payable.
- 3.2 Councillor members of the Panel attend as part of their duties as a councillor for which they already receive an allowance from the relevant local authority. There is no equivalent provision for independent members, although the time commitment is similar. However, the offer of appointment was made on the basis of expenses only and was accepted on that basis.
- 3.2 If the Panel is minded to give an allowance then, the practice of other Panels has been to base the allowance on the rate paid by the host authority to independent members of Council Committees. KCC pays an allowance of £500 to independent members of its Committees plus an attendance payment of £100 per day. However, none of the Panels contacted by officers pays a daily attendance rate so members may feel they do not wish to create a precedent in this regard.
- 3.3 It is suggested that, if the Panel wishes to give an allowance to independent members it applies the standard KCC co-optee payment of £500 per annum, although this appears to be slightly lower than the rate paid by other Panels. The allowance would then be reviewed whenever the KCC rate is reviewed. A sum such as this could readily be accommodated within the Home Office grant so would not increase costs for the host authority or any other Council.

4. Recommendation

- 4.1 That the Panel consider and agree the following:
- a) whether to award an allowance to independent Panel members
 - b) the size of the allowance (if awarded)
 - c) the timeframe of subsequent allowance reviews

4.2 Draft amendments for the Terms of Reference required to enact the above decisions may be found in Appendix B.

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Appendix A

Payments to independent members of Police and Crime Panels - practice around the country

Panel	Payment arrangements	Comments/explanation
Nottinghamshire	£594 per annum	Same payment as to other Statutory co-optees
Cumbria	Expenses only at present but are reviewing the position	
Leicestershire	£1000 per annum	
Devon and Cornwall	Expenses only	
West Midlands	Expenses only	
Sussex	Expenses only	
Hampshire	£675 per annum	Same payment as for independent members of other Committees
Essex	Expenses only	
Surrey	Expenses only	
Lancashire	Expenses only	

Appendix B

Current Terms of Reference in relation to allowances:

7. Allowances *sch6 para 28 (must make provision about payment of allowances – for local determination)*

7.1 Each council has the discretion to pay allowances to its representatives on the Police and Crime Panel. Any allowances payable to elected Members shall be determined and borne by the appointing councils.

7.2 The Host Authority, on behalf of the Police and Crime Panel, may pay an allowance to co-optees if this is agreed as part of the annual budget approved by the Police and Crime Panel.

Proposed amendment to ToR:

7.2 The Host Authority, on behalf of the Police and Crime Panel, will pay an allowance to Independent Co-optees of £ (*Decided by Panel*).

7.3 Provision of allowance to Independent co-optees will be reviewed (*insert timeframe*)