Council



Title of Report:	Report of the West Suffolk Joint Independent Remuneration Panel – Members' Scheme of Allowances		
Report No:	COU/FH/1	6/029	
Report to and date	Council	21 December 2016	
Chairman of the West Suffolk Joint Panel	Karen Forster		
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Purpose of report:	The purpose of this report is to recommend to Council the allowances to be paid to Members. In accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council at its meeting on 11 May 2016 set up a West Suffolk Joint Independent Remuneration Panel and endorsed the membership of the Panel for a four year term of office, expiring on 21 May 2020. The Council is required to observe, as part of the legislation, the following; 'before an authority makes or amends a scheme, it shall have regard to the recommendations made in relation to it by an independent remuneration panel'. The findings and recommendations of the Joint Panel are detailed in this report.		

Recommendations:	It is <u>RECOMN</u>	<u>1ENDED</u> that:	
	1) Subject to the deletion or amendment of any of the 36 specific recommendations of the West Suffolk Joint Independent Remuneration Panel contained in Appendix A to Report No COU/FH/16/029, the new Members' Allowance Scheme for Forest Heath District Council devised by the Panel, as set out in Appendix C to Report No: COU/FH/16/029, be adopted;		
	2) The new Members' Allowance Scheme be applied to cover the four year period of 1 April 2017 to 31 March 2021, subject to the inclusion of any revisions to the Scheme following an interim "light touch" review undertaken by the Panel in 2018 (date to be agreed);		
	3) As a consequence of the new Scheme being implemented from 1 April 2017, the existing Members Allowance Scheme for Forest Heath District Council be extended until a date of expiry of 31 March 2017; and		
	_	titution be amended to reflect the opted Scheme accordingly.	
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Are there any equality implications? If yes, please give details	Yes ⋈ No □ The principal issue arising from the review that has equality and diversity implications concerns the recommendation in relation to the Carers' Allowance. The Joint Panel was of the opinion that the proposed uplift in this allowance and the associated discretion would have marginal financial implications and would help to reduce potential barriers to existing Members' full participation and may encourage future prospective candidates to come forward, where they have caring responsibilities.	
Risk/opportunity assessment:	The main risk associated with the review of the Members' Scheme of Allowances is reputational in nature.	
	When considering the findings and recommendations of the Joint Independent Remuneration Panel, Members should evaluate them in the spirit intended and the context to the report of the Joint Independent Remuneration Panel.	
	It is still a matter for the Council to decide whether it adopts the associated recommendations in full or part.	
Ward(s) affected:	All wards	
Background papers:	New Council Constitutions - Guidance on Regulation for Local Authority Allowances	
	Statutory Instrument 2003 No 1021 - The Local Authorities (Members Allowances) (England) Regs 2003	
Documents attached:	Appendix A – Joint IRP Recommendations	
	Appendix B – Joint IRP Proposals Financial Allowances	
	Appendix C – Proposed Revisions to the FHDC Members Allowance Scheme	

1. Introduction

1.1 The Joint Independent Remuneration Panel (the Panel), was appointed for a 4 year term from 1 June 2016, and consists of 4 members:

Sandra Cox; Karen Forster; Clive MacLeod and John (Don) Watson.

The Chairman of the Panel was selected by its members at the start of the first meeting where it was agreed that Karen Forster would be Chairman.

- The Panel met on 3 June; 21 July; 18 August; 25 August; 15 September; 5 October, 21 October, 2 November and 25 November 2016 to consider the available evidence before making the recommendations being put to Council and was assisted by the Monitoring Officer and the Democratic Services Officer (Scrutiny).
- 1.3 The Panel noted the Terms of Reference as outlined in section 3 of this report and that the Members' Allowances for both Forest Heath District Council and St Edmundsbury Borough Council are to remain as two separate schemes in their own right. The Panel were also appraised of the full range of roles covered by Members in carrying out their duties as District/Borough Councillors in relation to the current Scheme of Members' Allowances.
- 1.4 Consideration was given to the Councils' Committees and the frequency they meet as per the published calendar of meetings.
- 1.5 Comparative data on Members' Allowances Schemes throughout Suffolk and Norfolk were also studied to help set a contextual benchmark for Forest Heath Scheme and the St Edmundsbury Scheme.
- 1.6 Consideration was given to the survey responses submitted by Members regarding their workload; ward duties; meeting attendance and any additional duties.
- 1.7 The Panel interviewed a number of members and acknowledges the help received.

2. <u>Terms of Reference</u>

2.1 The Regulations provide that the Panel can make recommendations to the Council on the following mattes:

To make recommendations to Forest Heath District Council and St Edmundsbury Borough Council on Members' Allowances as set out in the Local Authorities (Members' Allowances) (England) Regulations 2003.

To consider the existing scheme of allowances for Members and to prepare a report for submission to the District and Borough Councils recommending a scheme of allowances encompassing:

- 1. Basic allowance of Members.
- 2. Special responsibility allowances for Members who have special responsibilities.

- 3. Travel and subsistence allowances.
- 4. Child Care and Dependent Carers' allowances.
- 5. Co-optees allowances.
- 6. Annual adjustment/increase of allowances.
- 7. Any other issues that the Panel deem to be appropriate.

In addition, the Panel may wish to consider the following criteria when taking into account the review the allowances:

- 1. Comparisons with allowances paid by other Suffolk Authorities and other local authorities with a similar size in East Anglia.
- 2. Workload and level of responsibility.
- 3. Affordability.

Note: The Members' Allowances for both Forest Heath District Council and St Edmundsbury Borough Council to remain as two separate schemes.

3. <u>Issues Considered and the Joint Panel's Conclusions</u>

3.1 The issues under consideration and the JIRP's conclusions were as follows:

3.2 **Basic Allowance**

The "New Council Constitutions: Guidance on Regulation for Local Authority Allowances", sets out what allowances can be paid to members:

- Basic allowance
- Special responsibility allowance
- Dependents' carers' allowance
- Travelling and subsistence allowance.

Within the Guidance there was no mention of a separate allowance for Broadband or IT and therefore the Panel understands that this allowance must be included in the basic allowance.

The current scheme for Forest Heath provides for a payment of a basic allowance, in the sum of £5,085.96 per annum (pa).

The Basic Allowance is intended to reflect time committed for all councillors for ward work; meetings with officers; and attendance at committee meetings, training and group meetings. It is also a contribution towards the expenses incurred for the use of home and IT and communications.

The aim of the Panel was to ensure that Members were achieving the hourly rate that was appropriate. The Panel used the current living wage as a one-off benchmark. They calculated the hourly rate and incorporated 40% voluntary which provided a broad brush rate for comparison.

After receiving evidence in respect of both committee and ward roles and reviewing comparative data schemes across Suffolk and Norfolk; being mindful that there had not been an increase in the basic allowance since 2013 (save for index linking), the Panel concluded that currently the hourly rate, incorporating a 40% voluntary element was not achieving our benchmark.

Therefore, the Panel felt that it was appropriate to suggest an increase.

In suggesting an increase, this had been determined by calculating the inflation rate from 2013, the 2013 basic allowance of £4,878.60, which came to £5,128.00. The £240 broadband figure was then added giving a suggested total basic allowance of £5,368.00, equating to an increase of £282.04 to achieve the benchmark indicator.

The Panel agreed that it would also be helpful to allocate some of the basic allowance to specific areas such as "use of home; including IT and communications expenses" and "training engagement". Once an agreed amount was allocated to these areas, the remaining amount would provide an indication of what was voluntary and what Members would receive an allowance for.

It was agreed that £1,500pa be allocated for "use of home; including IT and communications", and £500pa be allocated for training engagement.

		Proposed
Use of home; including IT and	£	1,500.00
communications expenses		
Training engagement	£	500.00
Councillor Duties (30% of remainder)	£	1,010.00
Ward Duties (70% of remainder)	£	2,358.00
Total	£	5,368.00
12 hours p.w.		
624 hours p.y		
hourly rate	£	5.40
% Voluntary of 40%	£	7.56

It was hoped that by allocating £500 towards training engagement, it reflected the Panel's recognition of the need for ongoing training, and the attendance and effort required by councillors. This is linked to the Council's current Member Development Charter.

The Panel was not specifically recommending courses; but is suggesting training on diversity and equality; a broad overview of planning and licensing and an understanding of financial documents for all councillors.

The Panel further recommends that as part of the established Member Development Programme, Members continue to develop their own personal development plans with their Group Leaders and officers, which will be resourced from within the existing budget for Member Development and monitored by officers.

The Panel discussed IT provision and support for Members as well as the current payment of a broadband allowance, in the sum of £240 per annum (pa). The Act did not allow for this payment, therefore, the Panel agreed that this allowance should be incorporated within the full allowance.

The proposed £1,500 being allocated for use of home expenses should include the £240 broadband payment, and other items such as the cost of printing, additional communications, utilities, office furniture and wear and tear.

The Panel agreed that it was appropriate that Members' allowances remained index linked to the staff National Joint Council (NJC) pay award.

Recommendations:

- 1) That the basic allowance be increased by £282.04 and should also incorporate the £240 broadband payment as stipulated by the statutory regulations, resulting in a Basic Allowance of £5,368pa.
- 2) That reference to the Broadband allowance to be removed from the scheme.
- 3) That as part of the established Member Development Programme, Members continue to develop their own personal development plans with their Group Leaders and officers, which will be resourced from within the existing budget for Member Development and monitored by officers.
- 4) That the Scheme should remain index linked to officers' National Joint Council (NJC) pay awards.

3.3 **Special Responsibility Allowances**

The Panel developed a methodology for evaluating Members Allowances, taking into account the member role for the various positions.

Using a scoring criteria on a spreadsheet (from 0 – 5) the Panel came to a collective score for each of the Special Responsibility Allowances. SRAs are calculated as a multiplier of the basic allowance. The Panel considered this to be an appropriate way to calculate SRAs and concluded that it should continue.

SRAs can be paid to those members of the Council who have significant additional responsibilities over and above the generally accepted duties of a councillor.

Due to the broadband allowance being incorporated within the basic allowance using the multiplier system, the SRAs have increased marginally.

The Panel considered the full range of responsibilities that could attract the payment of an SRA under executive arrangements.

The Panel also considered SRA payments to Councillors who held more than one position and agreed that only one SRA payment should be paid, which was common practice with other local authorities.

Recommendation:

That only one SRA shall be paid to any one Member. Where two SRAs are applicable the higher rate will be applied.

3.3.1 Leader of the Council

The Leader currently received a special responsibility allowance of £9,487.94. The Panel noted the role of the Leader and the importance of the role.

Recommendation:

That the SRA for the Leader of the Council should be calculated by way of a multiplier of x2 the basic allowance, resulting in a special responsibility allowance of £10,736.00

3.3.2 **Deputy Leader of the Council**

The Deputy Leader currently received a special responsibility allowance of £5,760.54.

Recommendation:

That the SRA for the Deputy Leader of the Council should be calculated by way of a multiplier of x1.20 the basic allowance, resulting in a special responsibility allowance of £6,441.60.

3.3.3 Cabinet Member with Portfolio

Cabinet members with portfolio currently received a special responsibility allowance of £5,082.83. The Panel had regard to the roles and responsibilities of Cabinet Members.

Recommendation:

That the SRA for Cabinet Members with Portfolio should be calculated by way of a multiplier of x1.10 the basic allowance, resulting in a special responsibility allowance of £5,904.80.

3.3.4 Chairman of Overview and Scrutiny

The Chairman of Overview and Scrutiny currently received a special responsibility allowance of £4,066.26.

Recommendation:

That the SRA for the Chairman of Overview and Scrutiny should be calculated by way of a multiplier of x0.80 the basic allowance, resulting in a special responsibility allowance of £4,294.40.

3.3.5 **Vice-Chairman of Overview and Scrutiny**

The Vice-Chairman of Overview and Scrutiny currently received a special responsibility allowance of £2,033.13.

Recommendation:

That the SRA for the Vice-Chairman of Overview and Scrutiny should be

calculated by way of a multiplier of x0.40 the basic allowance, resulting in a special responsibility allowance of £2,147.20.

3.3.6 Chairman of Performance and Audit Scrutiny

The Chairman of Performance and Audit Scrutiny currently received a special responsibility allowance of £1,897.59. Prior to May 2013 the Committee was called the Performance and Audit Committee. The Panel was advised of the additional roles and responsibilities of Committee when it became the "Performance and Audit Scrutiny Committee" in May 2013.

The Panel therefore proposed to increase the multipliers to reflect this.

Recommendation:

That the SRA for the Chairman of Performance and Audit Scrutiny should be calculated by way of a multiplier of x0.80 the basic allowance, resulting in a special responsibility allowance of £4,294.40.

3.3.7 Vice-Chairman of Performance and Audit Scrutiny

The Vice-Chairman of Performance and Audit Scrutiny currently received a special responsibility allowance of £948.79.

Recommendation:

That the SRA for the Vice-Chairman of Performance and Audit Scrutiny should be calculated by way of a multiplier of x0.40 the basic allowance, resulting in a special responsibility allowance of £2,147.20.

3.3.8 Chairman of Licensing and Regulatory

The Chairman of the Licensing and Regulatory Committee currently received a special responsibility allowance of £1,897.59.

The Panel was advised of the significant reduction in workload due to changes in Government Legislation. The Panel therefore proposed to reduce the multipliers to reflect this.

Recommendation:

That the SRA for the Chairman of the Licensing and Regulatory Committee should be calculated by way of a multiplier of x0.20 the basic allowance, resulting in a special responsibility allowance of £1,073.60.

3.3.9 Vice-Chairman of Licensing and Regulatory

The Vice-Chairman of the Licensing and Regulatory Committee currently received a special responsibility allowance of £948.79.

Recommendation:

That the SRA for the Vice-Chairman of the Licensing and Regulatory

Committee should be calculated by way of a multiplier of x0.10 the basic allowance, resulting in a special responsibility allowance of £536.80.

3.3.10 Chairman of Development Control Committee

The Chairman of Development Control currently received a special responsibility allowance of £2,710.84. The Panel acknowledge that this committee had a heavier workload than the others due to the meeting schedule which included pre-meetings and site visits. The length of the meetings together with the amount of time the Chairman spend on reading documents and liaising with planning officers meant that they had a much heavier workload than other committee chairmen.

Recommendation:

That the SRA for the Chairman of Development Control should be calculated by way of a multiplier of x1 the basic allowance, resulting in a special responsibility allowance of £5,368.00.

3.3.11 Vice-Chairman of the Development Control Committee

Currently, the Vice-Chairman of Development Control received a special responsibility allowance of £1,355.42.

Recommendation:

That the SRA for the Vice-Chairman of Development Control should be calculated by way of a multiplier of x0.50 the basic allowance, resulting in a special responsibility allowance of £2,684.00.

3.3.12 Chairman of Standards Committee

The Chairman of Standards currently received a special responsibility allowance of £948.79.

Recommendation:

That the SRA for the Chairman of Standards should be calculated by way of a multiplier of x0.20 the basic allowance, resulting in a special responsibility allowance of £1,073.60.

3.3.13 Vice-Chairman of Standards Committee

The Vice-Chairman of Standards currently received a special responsibility allowance of £474.40.

Recommendation:

That the SRA for the Vice-Chairman of Standards should be calculated by way of a multiplier of x0.10 the basic allowance, resulting in a special responsibility allowance of £536.80.

3.3.14 Chairman of the Council

The Chairman of the Council currently receives an SRA payment of £2,710.84 pa. The Panel considered the significance of the ambassadorial role of the Chairman in the community, and the requirement to chair meetings of Full Council on a regular basis.

Recommendation:

That the SRA for the Chairman of the Council should be calculated by way of a multiplier of x0.50 the basic allowance, resulting in a special responsibility allowance of £2,684.00.

3.3.15 Vice-Chairman of the Council

The Vice-Chairman of the Council currently receives an SRA payment of £1,355.42 pa.

Recommendation:

That the SRA for the Vice-Chairman of the Council should be calculated by way of a multiplier of x0.25 the basic allowance, resulting in a special responsibility allowance of £1,342.00.

3.3.16 Leader of a political group (6 or more Members)

A Leader of a political group with 6 or more members currently received a special responsibility allowance of £948.79.

Recommendation:

That the SRA for the Leader of a Political Group (6 or more Members) should be calculated by way of a multiplier of x0.19 the basic allowance, resulting in a special responsibility allowance of £1,019.92.

3.3.17 Leader of a political group (2 to 5 Members)

A Leader of a political group with 2 to 5 members currently received a special responsibility allowance of £474.40.

Recommendation:

That the SRA for the Leader of a Political Group with between 2 to 5 Members should be calculated by way of a multiplier of x0.09 the basic allowance, resulting in a special responsibility allowance of £483.12.

3.3.18 **Co-opted members**

Co-opted Members of a Committee would currently receive an allowance of £218.16, although there are no co-opted members at present.

The Panel recommends that co-opted members to any committee should receive an SRA which should be determined by each committee as the need

arises to a maximum of x0.015 the basic allowance per meeting attended.

Co-opted Members can claim for a travelling allowance payable to the meeting venue from their home address and also from the Council Offices back home, but no subsistence allowance is paid.

The Panel felt that all co-opted members should be able to claim expenses for travel; subsistence; carers allowance.

Recommendations:

- 1) That the SRA for Co-opted Members of Committees to be determined by each committee as the need arises to a maximum of x0.015 the basic allowance per meeting attended.
- 2) That an additional paragraph be included in Schedule 5 as follows:

All co-opted members shall be paid and able to claim expenses for travel; subsistence; carers allowance.

3.4 Carer's Allowance

The Panel considered the different caring roles and agreed that these should be reflected in the payments. For example, the rate for child care should be lower than that for specialist care. The Panel agreed that these payments would not include a family member or neighbour looking after a dependent. They also reiterated that receipts should be provided for all claims for care.

Recommendations:

1. That the carers' allowance should be uplifted and set at two levels:

£10 per hour for child care; £20 per hour for specialist care. (These payments would not include a family member or neighbour looking after a dependent)

- 2. That the payment of a carers' allowance should only be paid on production of a receipt.
- 3. That the carers' allowance be monitored against market led increases.

3.5 Travel Allowance

The current scheme is based upon nationally set rates that are payable in respect of meetings and attendance in relation to rightful responsibilities or representation of views, for example, meetings of the Council; site visits; outside organisations.

The Panel reviewed all of the travel allowances currently in place:

Form of Transport	Current Travel Allowances
Where public transport is used, an	
amount not exceeding first class rate.	

Where the Member uses his own transport:	
<u>Vehicle Class</u>	
Vehicle up to 999cc Vehicles of 1000cc to 1199cc Vehicles of 1200cc and over	28.00p per mile 45.00p per mile 45.00p per mile
On the basis that such use	
 Results in a substantial saving of the Member's time Is in the interests of the Authority Is otherwise reasonable 	
Travel allowance payable from Members'	
home address to the meeting venue and	
return or from the Members' Ward if the	
Members' address is outside the district.	

The Panel agreed that these payments should be simplified and also reiterated that receipts should be provided for claims.

Recommendations:

1.	That all reference t	o "vehicle cc"	be removed	and replaced with:	

2. The inclusion of:

"All cars":

"Carriage of passengers" (carriage of councillors in car for the same purpose): 5.0p per mile

3. The inclusion of:

"Motor cycles and bicycles:

28.00 p per mile

45.0 (pence) a mile

4. The removal of the current reference to "public transport" be replaced with:

"Train or Bus": actual standard fare incurred with receipt.

5. The inclusion of:

"Taxi": actual expenditure incurred on receipt.

(Taxi to be used in exceptional circumstances)

6. The inclusion of:

"Car parking fees": actual expenditure incurred.

3.6 **Subsistence**

The Panel reviewed the existing subsistence allowance, which is outlined below:

Breakfast (before 11 am)	£6.88
Lunch (11am to 3pm)	£9.50
Tea (3pm to 6pm)	£3.76
Evening meal (including a period ending after 7pm	£11.77

The Panel agreed that payments for breakfast should be removed.

Regarding lunch payments, the Panel agreed that lunch was usually provided if Members were attending a conference or lengthy meeting. However, they did not want Members to lose out financially so it was agreed to increase the lunch payment to a maximum of £10 on production of a receipt, where a lunch was not provided.

The Panel agreed that the payment for tea should be removed as refreshments were usually provided at meetings.

It was felt that the current payment for an evening meal was too low and that it should be increased to reflect the price that a Member may have to pay in a restaurant. It was agreed that the allowance for an evening meal should be raised to a maximum of £20, on provision of a receipt.

It was also agreed that all bookings for conferences and accommodation will be organised by Council officers, in order to maximise any discounts that could be achieved.

Recommendations:

- That the current allowance of £6.88 for breakfast be removed.
- 2. That the current allowance of £9.50 for lunch be removed and replaced with:

In exceptional circumstances, subject to the agreement of the Assistant Director (HR, Legal and Democratic Services), lunch to be paid to a maximum of £10 on the production of a receipt.

- 3. That the current allowance of £3.76 for tea be removed.
- 4. That the current allowance of £11.77 for evening meal be increased to a maximum of £20, on production of a receipt.

3.7 **Overnight subsistence**

The current scheme did not include an "overnight subsistence" allowance, deemed to cover a 24 hour period, unlike other councils' schemes.

Therefore, the Panel agreed that an overnight subsistence allowance should be included.

Recommendations:

1. Overnight Subsistence (deemed to cover a 24 hour period)

Outside London £80.00

For such an absence in London, or for attending conferences approved by the Secretary of State:

£100.00

The overnight subsistence allowance may be exceeded on the authorisation of the Assistant Director (HR, Legal and Democratic Services), for example in order for a Member to stay in a hotel associated with a particular conference.

2. That accommodation be booked by officers in order to maximise any discounts that could be achieved, except in exceptional circumstances.

3.8 Renunciation of Allowances

The Regulations state that there can only be one rate of basic allowance paid.

The Panel strongly agreed that all Members should be paid the full amount of the basic allowance and that renunciation of either part or whole of the allowance should no longer occur.

Recommendations:

- 1) That all Members will receive the same basic allowance.
- 2) That reference to renunciation to be removed from the Scheme of Allowances.

3.9 **Provision of Pensions**

The Panel were advised that a change in legislation in 2014 had resulted in the removal of the option for Members to have access to the Local Government Pension Scheme. In light of this information, it was agreed that no changes were required to the current position.

Recommendation:

That reference to the Local Government Pension Scheme be removed from the Scheme of Allowances.

3.10 Implementation Date of the Scheme

The existing scheme expires on 31 December 2016. The Panel decided to recommended that the proposed scheme be implemented from 1 April 2017, and would not be back dated.

Recommendation:

That the proposed scheme be implemented from 1 April 2017, and would not

be back dated.

4. Future Reviews

The Panel recognised that there is potential imminent change due to government legislation and other local issues, which might result in increased workloads.

Therefore it was agreed that a 'light touch' review should be undertaken in two years' time to ensure that the allowances fully reflected the workload and commitments of Members.

Recommendation:

That a further review of Members' allowances should be undertaken in 2018.

5. Appendices

- 5.1 Attached to the report at **Appendix A** are the West Suffolk Joint Independent Remuneration Panels recommendations.
- Attached to the report at **Appendix B** are the West Suffolk Joint Independent Remuneration Panels financial proposals. Appendix B sets out the current allowances paid; proposed allowances and the variance for each allowance.
- 5.3 Attached to the report at **Appendix C** are the proposed revisions to the Forest Heath District Councils Members' Allowances Scheme.