

PART 7

MEMBERS ALLOWANCES

MEMBERS' INDEPENDENT REMUNERATION PANEL

1.1 Statutory Context

1.1.1 The Scheme of Member Allowances for Bassetlaw District Council has been prepared in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations") and the Local Government Pension Scheme and Discretionary Compensation (Members) Regulations 2003.

1.1.2 The main provisions of the Regulations that apply to Bassetlaw District Council are as follows: -

- Travel and subsistence allowances to be brought within the overall scheme and for these to be subject to recommendations of the local Panel rather than subject to limits imposed by the Secretary of State.
- Co-optees allowance can be introduced
- Authorities can cease payments to Members who have been suspended or partially suspended from their duties and to make provision for the repayment of allowances
- Authorities can backdate allowances to the beginning of the financial year in which they are paid and to make annual adjustments by means of an index subject to the recommendations of the Independent Panel
- Independent Remuneration Panels can make binding decisions on which Councillors may be eligible for pensions
- Parish Councils can pay a Parish Basic Allowance and Travel and Subsistence Allowance for Members
- Parish Remuneration Panels can make recommendations on allowances to be paid by Parish Councils

1.2 Types of Allowance that can be paid (as defined in the Regulations)

- Basic allowance
- Special responsibility allowance
- Dependent carers allowance
- Travel and subsistence allowance
- Co-optees allowance

1.3 Descriptions of the Allowances that can be paid

1.3.1 Basic Allowance

Each local authority must make provision in its scheme of allowances for a flat rate allowance payable to all Members of the Authority. The allowance must be the same for each Member.

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.

Some element of the work of Members continues to be voluntary i.e. not all hours worked are remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected Members and further to ensure that, despite the input required, people are encouraged to come forward as elected Members and that their service to the community is retained.

1.3.2 Special Responsibility Allowance

Each Local Authority may also make provision in its scheme for the payment of a Special Responsibility Allowance for those Councillors who have significant responsibilities. The duties for which Special Responsibility Allowances may be payable are detailed at Appendix A.

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 for at least one Member of a minority group.

1.3.3 Dependent Carers Allowance

A scheme of allowances may also include the payment of a dependent carers allowance to those Councillors who incur expenditure for the care of children or other dependents whilst undertaking particular duties.

The Dependent Carers Allowance may not be withheld if a Councillor is fully or partially suspended from his/her Council duties.

1.3.4 Travelling and Subsistence Allowance

The Regulations provide that travelling and subsistence allowances may be paid for attendance at a range of meetings that are detailed at Appendix B. The Regulations allow for the payment of an allowance for those Members who travel by bicycle.

1.3.5 Co-optees' Allowance

Each Local Authority may also make provision in its scheme for the payment of a co-optees' allowance for attendance at conferences and meetings, to any co-opted and appointed members of a Council's committees or sub-committees.

1.4. Withholding Allowances

Certain allowances may be withheld as a result of full or partial suspension of a Member of an authority. Where authorities would like to provide for this option they should include provision for withdrawal of allowances in their scheme. An authority may provide in its scheme for the repayment of any allowances which have been paid in respect of a period during which a member has been suspended.

1.5 Backdating of Allowances

When a scheme of allowances is amended, an authority may choose to apply the amendment retrospectively to the beginning of the financial year in which the amendment is made.

1.6 Annual Adjustments of Allowance

A scheme of allowances may make provision for an annual adjustment of allowances to be ascertained by reference to an index as may be specified by the authority and contained in the scheme. The scheme must be publicised each year, whether or not it has been amended.

1.7 Publicity

The 2003 Regulations place certain duties on local authorities in connection with publicising the recommendations made by their Independent Remuneration Panel, their scheme of allowances and the actual allowances paid to members in any given year. These requirements are detailed at Appendix C.

1.8 Pensions

The Local Authority can decide to allow Members to join the Local Government Pension Scheme following recommendations from an Independent Remuneration Panel.

1.9 The Independent Remuneration Panel

1.9.1 The 2003 Regulations provide that where an Independent Remuneration Panel was set up under the Local Authorities (Members' Allowances) Regulations 2001 it shall continue to operate providing recommendations to the relevant authority. Bassetlaw District Council's Panel complies with these Regulations and has therefore continued to operate and make recommendations on a scheme of allowances for Members.

1.9.2 The Local Authority is able to pay expenses to Panel Members.

1.9.3 The current Constitution and Procedure Rules of the Panel was confirmed at full Council on 29 June 2011. The current Panel Members are Alan Sutton, James Wren, Andrew Middleton and Geoffrey Woodman. In addition, two officers', one from Accountancy and one from Legal, support and assist the Independent Remuneration Panel.

1.9.4 There has been no material change from the previous period of review of the duties required by Councillors, although it is noted that the leadership of the Council

changed following the Elections in May 2011.

- 1.9.5 The Police and Crime Commissioner for the area was appointed following elections in November 2012. Each area must appoint a police and crime panel which will scrutinise the actions and decisions of each Police and Crime Commissioner and make sure information is available for the public, enabling them to hold the PCC to account. Each panel will be made up of at least one elected representative (councillors or elected mayors) from each local authority within the force area and two independent co-optees.
- 1.9.6 At least one Member from each Council must be nominated and appointed, ensuring the panel is balanced, as far as possible, according to the geographical and political make-up of the force area and that members have the skills and experience required to function effectively. One Councillor from Bassetlaw District Council has been appointed to the panel.
- 1.9.7 Once established, with the Home Secretary's permission, panels will be able to co-opt additional members, both elected and independent, up to a panel size of 20.
- 1.9.8 The Home Office provides funding for each panel each year to cover support and running costs, including expenses of up to £920 per panel member. Remuneration for this is provided for independently of the Members' Allowance Scheme and therefore does not form part of the Independent Remuneration Panel's considerations or remit.
- 1.9.9 The Panel has met on four occasions to review the current Members' Allowance Scheme. The review considered the following:
- Neighbouring authorities settlement for the financial year 2014-2015
 - Relevant indices e.g. inflation (past, current and anticipated), average income, average earnings in Bassetlaw, unemployment rates.
 - Measures being taken by the Bassetlaw District Council to implement ongoing costs savings
 - The current economic climate
 - Representations made on behalf of the Council's political groupings
 - The freeze on allowances over the past 4 years, preceded by the 5% reduction.
 - The current position regarding committees and the cost of administration
- 1.9.10 The Panel also considered the recent pay award for Council employees' (excluding senior management).
- 1.9.11 The Panel also considered the incorporation of the telephone and internet allowance into the basic allowance. The Panel considered that the position remained unchanged and therefore it would be inappropriate to include this within the basic allowance.

2. Scheme of Member Allowances for Bassetlaw District Council

2.1 General

2.1.1 The scheme is effective from 1st April 2015.

2.1.2 The scheme of allowances will not be directly linked to external indexes. The Independent Remuneration Panel may refer to all matters it considers relevant in considering its recommendations.

2.1.3 The scheme will be reviewed annually by the Independent Remuneration Panel.

2.1.4 Information is available in the Members Handbook, available from the Members' Support Unit explaining the relationship between the allowance system and the tax and benefits system.

2.1.5 Payments in respect of the Basic Allowance, Special Responsibility allowances and travel and subsistence allowances are subject to a deduction of income tax and national insurance, as appropriate.

2.2. Allowances

2.2.1 The Basic Allowance is payable to Elected Members. The amount payable is shown at Appendix D.

2.2.2 The Special Responsibility Allowance shall be paid to those Members who hold the positions shown at Appendix D. The Appendix details the amounts that will be paid.

In the event of a Member holding more than one specified post, only one Special Responsibility Allowance, except where quasi-judicial, whichever is the greater, shall be paid.

Special Responsibility Allowances will not be paid to Members who sit on outside bodies.

2.2.3 Basic and Special Responsibility Allowances are paid in respect of each year or part year where a Member gives up a Special Responsibility Allowance mid-year. Part year allowances are paid on a pro-rata daily basis for the period of a year to which they apply.

2.2.4 No Co-optees Allowance shall be paid.

2.2.5 Travel and subsistence allowances. Members can claim at the equivalent of the HMRC rate which is currently 45p per mile for car mileage, 24 pence per mile for motorcycles and a cycle allowance of 20 pence per mile.

Travel and subsistence costs can be paid for up to four duty days per month when Members are meeting with officers to discuss constituency matters at the Council's offices. Travel allowance is to be restricted as home to Committee venue (and return) mileage for attendance as a Committee Member.

2.2.6 Telephone and internet costs. Members can claim £13.00 a month for both telephone

and internet costs equivalent to the price of BT Total broadband Option 1 package (based on current charges) – providing, of course, that Members use these facilities, and meet the requirements contained within the Members handbook in relation to . This is paid monthly and proof of internet subscription needs to be provided. Only one expense is claimable per residence, unless evidence of two landlines or internet subscriptions can be evidenced. Telephone line rental is not payable if a mobile phone has been provided.

2.2.7 A Subsistence day rate of £25.00 (gross) to be paid to Members for duties that require attendance outside of the District for a period greater than 4 hours. Such activities would need to be for the purpose/discharge of Bassetlaw District Council functions or any Committees and have the prior approval of the Authority.

2.2.8 Conference Attendance. The cost of accommodation can be met by the Council for overnight stays required for approved duties. The subsistence day rate of £25 (gross) will be paid.

2.2.9 Childcare and Dependent Carers Allowance

Subject to prior declaration, Councillors who care for children or dependants shall be able to claim a carer's allowance up to a weekly maximum of ten hours of care or 520 hours per annum.

For care of children the hourly rate should be £6.19* per hour (gross) and for other dependants the hourly rate should be equivalent to that paid by Nottinghamshire County Council's Social Services (currently £11.90** per hour gross).

*Based on National Minimum Wage – effective from 01.10.2011

**Based on SCP 27

Payments should be claimable in respect of children aged 15 or under or in respect of other dependents where there is medical or social work evidence that care is required.

Only one weekly payment should be claimable in respect of the household of each elected Member, except in special circumstances to be considered by the Council's Standards Committee.

Payment should be made only where supported by a receipt in respect of each claim that the amount claimed represents the actual expenditure incurred.

The allowance should not be payable for services of a member of the claimant's own household or a close relative.

Any allegations of abuse or questions of interpretation should be referred to the Council's Standards Committee for adjudication.

The scheme should be reviewed as part of the annual review of allowances.

2.2.10 Licensing Panel

A Special Responsibility Allowance of £24.00 (gross) may be claimed by Members of the Licensing Committee when sitting on the Licensing Panel. This is in recognition of the extra workload involved and can be claimed for every case referred to the Members for consideration at a Licensing Panel.

2.3 Pensions

All Members of the Council should be permitted to join the Local Government Pension Scheme if they meet the eligibility criteria.

2.4 Renunciation

A Member may, by notice in writing, elect to forego any part of entitlement to an allowance under this scheme. Although a Member may choose not to claim an allowance it should be noted that the Benefits Agency will still regard that Member as having received that allowance and will calculate benefits on that basis.

2.5 Suspension

All allowances, excluding dependent carers allowances, will be withdrawn from any elected Member who has been partly or wholly suspended because of a breach of the Code of Conduct. Suspensions are those which flow from the application of the relevant legislation (i.e. Part III of the Local Government Act 2000). In cases where allowances have already been paid which are attributable to a period of suspension, these will be recovered from the Member in question. Where legally permissible, in the event of an Elected Member being retrospectively reinstated, then any allowances foregone will be reinstated.

In the event that any Elected or Co-opted Member of the Council or its Committees, Sub-Committees or Panels etc. is in custody pursuant to a custodial sentence, their entitlement to allowances will cease from the point of conviction. Allowances will only recommence at a point when they are no longer in custody are able to perform the full range of duties. No retrospective payment of allowances foregone will be made in any circumstances.

Where payment of any allowance has already been made in respect of any period during which the Member concerned ceases to be a Member of the Council or is in any other way not entitled to receive the allowance in respect of that period, the Council may require that such part of the allowance as relates to any such period be repaid to the District Council.

3. Recommendation of the Panel

- 3.1 After consideration of the representations of the Leaders', the current local economic position, the current financial position of the Council and how it is addressing ongoing reductions to its funding alongside the recent salary award for employees (excluding senior management), the panel agreed that a rise of 2.2% from April 2015 in line with

the recent salary award to employees', could be supported, but there are further efficiencies to be found and the panel would encourage the overall position to continue to be reviewed.

- 3.2 The Panel therefore recommends that all allowances for the financial year 2015/2016 be increased by 2.2% as illustrated in Appendix D hereto.

SPECIAL RESPONSIBILITY ALLOWANCES

Special Responsibility Allowances may be payable for duties, which fall within the following categories:- (Those listed are those that relate to Bassetlaw District Council activities).

- Acting as a Leader or Deputy Leader of a political group
- Membership of the Executive where an authority is operating executive arrangements
- Presiding at meetings of a committee, sub-committee or joint committee
- Representing the Council at meetings of another body
- Membership of a committee or sub-committee which meets at exceptional frequency or for exceptionally long periods
- Acting as a spokesperson for a political group on a committee or sub-committee
- Membership of a panel dealing with licensing or controlling any activity
- Any other activities in relation to the discharge of the Authority's functions as to require equal or greater effort of the Member than any of the activities listed above

TRAVELLING AND SUBSISTENCE ALLOWANCE

The Regulations provide that travelling and subsistence allowances may be paid for:

- A meeting of the executive
- A meeting of a committee of the executive
- A meeting of the authority
- A meeting of a committee or sub-committee of the authority
- A meeting of some other body to which the authority make appointments or nominations
- A meeting of a committee or sub-committee of a body to which the authority makes appointments or nominations
- A meeting which has been both authorised by the authorities, 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 a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups)
- A meeting of a local authority association of which the authority is a member
- Any other duty approved by the authority in connection with discharging the duties of the authority or its committees or sub-committees.

Allowances are payable from home to committee venue and return only. Allowances are not payable for attendance at Parish Council Meetings, or meetings attended as a non-representative.

PUBLICITY

The 2003 Regulations place duties on local authorities in connection with publicising the recommendations made by their independent remuneration panel, their scheme of allowances and the actual allowances paid to members in any given year.

The Regulations require that as soon as reasonably practicable after receiving a report from their panel which sets out the panel's recommendations, local authorities must ensure that copies of the report are available for inspection at their principal office at all reasonable hours. Local authorities must also, as soon as reasonably practicable after they receive the report, publish a notice in at least one newspaper circulating in their area which:

- States that the authority has received recommendations from an independent panel about their scheme of allowances
- States that copies of the report detailing the Panels' recommendations are available for inspection at their principal office at all reasonable hours
- States the address of their principal office
- Describes the main features of the Panels' recommendations including the amounts of allowances the panel has recommended should be payable to elected members.

DESCRIPTION	ANNUAL AMOUNT
BASIC ALLOWANCE	4,628
CABINET CHAIR	7,500
CABINET VICE CHAIR	3,200
CABINET MEMBER (ALL VOTING)	5,600
CABINET MAJORITY GROUP LIAISON	1,800
CABINET MINORITY GROUP LIAISON	4,218
CABINET OTHER GROUPS LIAISON	1,476
AUDIT & RISK SCRUTINY CHAIR	3,100
AUDIT & RISK SCRUTINY VICE CHAIR	600
OVERVIEW AND SCRUTINY CHAIR	3,100
OVERVIEW AND SCRUTINY VICE CHAIR	600
CIVIC CHAIR	7,900
CIVIC VICE CHAIR	2,500
PLANNING CHAIR	3,100
PLANNING VICE CHAIR	600
PLANNING MINORITY SPOKESPERSON	983
PLANNING COMMITTEE (NON EXECUTIVE)	700
LICENSING CHAIR	2,100
LICENSING VICE CHAIR	400
LICENSING PANEL PER MEETING	24

Total cost to the Council would be £322,273 with fluctuations for expenses. This demonstrates a 10% reduction against the 2009/2010 figure of £358,240.31.