

Wiltshire Council

Council

20 October 2020

Subject: Appointment of an Independent Remuneration Panel

Cabinet Member: Cllr Richard Clewer- Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts and Tourism, Housing and Communities.

Key Decision: Non-Key

Executive Summary

The report recommends an approach to convene an Independent Remuneration Panel (IRP) to review the Wiltshire Council Members' Allowance Scheme, for implementation in the May 2021 new council term.

Proposal(s)

That Council:

- a) Agrees to constitute an Independent Remuneration Panel of 3 members and to delegate authority to the Director of Legal and Governance, in consultation with Group Leaders (or their nominated representative), to undertake the selection process and recommend Panel appointments to Full Council;**
- b) Notes that Panel members will be appointed for a 4-year term and the Terms of Reference for allowance reviews will be agreed by the Panel, once appointed;**
- c) Delegates to the Director of Legal and Governance, in consultation with Group Leaders (or their nominated representative), to appoint an Independent Advisor to the Panel if this becomes necessary during the review period;**
- d) Delegates to the Director of Legal and Governance to agree, where appropriate, remuneration for members and advisors supporting the Panel.**

Reason for Proposal(s)

To ensure an Independent Remuneration Panel can be convened and undertake research in advance of the 2021 council term.

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Purpose of Report

1. The report recommends an approach to convene an Independent Remuneration Panel (IRP) to review the Members Allowance Scheme, for implementation in the May 2021 new council term.

Background

2. The Local Authorities (Members' Allowances) (England) Regulations 2003 specify that members' allowances must be reviewed every 4 years, for implementation in the new council term. Full Council is ultimately responsible for agreeing members' allowances, however Council can only determine members' allowances following review by an Independent Remuneration Panel ('the Panel').
3. The Council no longer has a Panel and arrangements are to be made to ensure a Panel is recruited for determining allowances in the 2021 council term. It is best practice that a Panel be appointed for 4 years, and after a thorough review of the Members' Allowance Scheme at the start of each term, produce annual reports considering any in-year changes required. Changes may be prompted by amendments to roles, responsibilities, governance arrangements or government guidance that would warrant a review of a specific area of the scheme.
4. The Panel will make arrangements on members' allowances following an evidence-led approach which normally includes (but is not limited to): reviewing the number and duration of committee meetings and governance arrangements; comparing allowances with similar authorities; surveying members; and conducting interviews with members to understand more about their roles.
5. The Council has previously favoured the approach of undertaking a review that spans two council terms to ensure both outgoing and new councillors can submit evidence. It is proposed that a similar approach be taken, with the review work beginning in Spring 2021, and concluding in Summer 2021, spanning the terms of two councils. To allow this to take place, recommendations for Panel appointments must be submitted to the next meeting of Full Council in February 2021.

Main Considerations

6. Group Leaders are invited to participate in the selection process of Panel members to provide cross-party confidence in the independence and suitability of the panel. Appointments made by Full Council will ensure these are open to public scrutiny.

7. The recruitment process for Panel members will be undertaken in line with legal requirements and government guidance. It will be approached in such a way as to promote diversity. For example, in addition to an advert on the Council's careers site, social media promotion may take place, alongside direct contact with South West Councils and significant community groups.
8. The Panel will be supported by the Monitoring Officer and officers within the Democracy service who will provide administrative support to the Panel and gather evidence requested. An Independent Advisor may be recruited to support the Panel, should this be deemed necessary. The experience of Panel members will be considered in their selection, and training and induction will be provided to ensure the Panel is confident undertaking its duties, therefore minimising the need for external advice.
9. Councillors' allowances were last reviewed by a Panel in 2017 and its recommendations were presented in a report to Council available [here](#). The Panel recommended that specific allowances be considered in more detail as part of the next review in 2021, as detailed in [Appendix 4](#) of the 2017 report .
10. Since 2017, roles and responsibilities of some members in receipt of Special Responsibility Allowances have changed. There have also been changes to the staff subsistence policy and the senior management structure of the council. The Council has also established an additional standing Committee, the Electoral Review Committee. It is therefore anticipated that the work in reviewing the Members' Allowance Scheme for 2021 will be significant. During its lifetime, the Panel may also be used to consider other remunerated posts which do not form part of the Scheme and that would benefit from independent assessment.
11. It is recommended that the level of remuneration for the Panel (and any advisors) is delegated to the Director for Legal and Governance to determine. Remuneration of Panel members is an option taken up by some authorities, and Wiltshire has used this in the past. Given the significant work required as part of the 2021 review, and the technical nature of the role, it is proposed that Panel members would be remunerated at the appropriate level, to be determined by the Director of Legal Governance, in line with rates applied by other authorities.

Overview and Scrutiny Engagement

12. The Panel will undertake an independent review of members' allowances, prior to determination by Full Council, therefore Overview and Scrutiny engagement is not required.

Safeguarding Implications

13. There are no safeguarding implications.

Public Health Implications

14. The recruitment and selection process (for instance, attending interview) will take place in accordance with public health advice in respect of Covid-19.

Procurement Implications

15. There are no procurement implications.

Equalities implications

16. The recruitment and selection of Panel members will be undertaken to ensure those with protected characteristics under the Equality Act 2010 are treated equally in this process.

Environmental and Climate Change Considerations

17. There are no environmental implications.

Risks that may arise if the proposed decision is or isn't taken and actions that will be taken to mitigate these risks

18. Should the Council not agree to recruit an IRP, it would be unable to fulfil its duties under the Local Authorities (Members' Allowances) (England) Regulations 2003.

19. Given the scale of the 2021 review, a decision to require Panel members to serve without remuneration could be considered unreasonable. Additionally, it may limit the ability to attract the best candidates to roles on the Panel, and to ensure continuity by way of ongoing service for 4 years.

Financial implications

20. Provision for the payment of Panel members is made within the existing budget.

21. The recommendations of the IRP will come to Full Council to consider at the final stage.

Legal implications

22. Without an IRP the council is not able to fulfil its duties under the Local Authorities (Member's Allowances) (England) Regulations 2003.

Workforce implications

23. Staff resource will be provided from within existing staffing structures, primarily from the Democracy service, to support the recruitment of Panel members, provide training and supply evidence requested

Conclusions

24. The Council is required to review the Members' Allowance Scheme for the 2021 Council term, as such it is recommended an Independent Remuneration Panel be appointed, as set out in this report.

Ian Gibbons – Director of Legal and Governance, and Monitoring Officer.

Report Author: Libby Johnstone (Democracy Manager)

28 September 2020