
**Report of the Independent Remuneration Panel
of Wiltshire Council**

Review of the Members' Allowances Scheme

July 2021

Members of the Panel

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SUMMARY OF RECOMMENDATIONS

The Independent Remuneration Panel recommends that:

- 1) The council increases the basic allowance from £13,833 to £14,500 with effect from 10 May 2021.
- 2) From the financial year 2022/23 the council should apply the staff pay award, subject to the NJC for local government services terms and conditions, as the index by which annual adjustments are made to the basic allowance and SRAs, rounded to the nearest pound.
- 3) The number of SRA bands is reduced from eight to six.
- 4) The council reduces the maximum cap to 1 SRA payable to individual councillors. The highest SRA to be payable. The Group Leaders allowance and the Chairman of an Area Board SRA are exempt from the cap.
- 5) Band 1, the Leader's SRA, is £36,000 per annum.
- 6) Band 2, the Deputy Leader's SRA, is £29,000 per annum.
- 7) Band 3, the Cabinet Members' SRA, is £22,000 per annum.
- 8) Band 4, the Chairman of the Overview and Scrutiny Management Committee's SRA, is £15,000 per annum.
- 9) Band 5, including the Chairman of the Council, Portfolio Holders, Chairman of the Police and Crime Panel, Chairmen of the Select Committees, Vice-Chairman of the Overview and Scrutiny Management Committee, Chairmen of Area Boards, Chairman of the Strategic Planning Committee, Chairmen of Area Planning Committee and Chairman of the Audit & Governance Committee, is £8,000 per annum.
- 10) Band 6, including the Vice-Chairman of the Council, Chairman of Licensing Committee, Chairman of the Staffing Policy Committee, Chairman of the Wiltshire Pension Fund Committee, Chairman of the Standards Committee and Chairmen of the Operational Flood Working Groups, is £4,000 per annum.
- 11) The Chairman of the Health and Wellbeing Board is removed from the SRA scheme.
- 12) a) The Overview and Scrutiny fund is retained within the scheme at £15,000.
b) The fund will be allocated by the Overview and Scrutiny Management Committee in accordance with a scheme which it will approve annually.

- 13) Group Leaders to receive a flat rate allowance in the following proportions:
- i. The majority group Leader will receive £6,000;
 - ii. The main opposition group Leader will receive £6,000;
 - iii. For Groups with 3 or more members the Leader will receive £1,000.
- 14) The Group Leaders Allowance remains exempt from the SRA per councillor cap.
- 15) The remuneration for the Independent Person for Standards is to be £3,000 per annum.
- 16) Co-opted Members of committee's (voting) allowances is to be £2,000 per annum and applies to the co-opted voting members on the Police and Crime Panel and Children's Select Committee.
- 17) Co-opted Members of committees (non-voting) allowances is to be £1,000 per annum and applies to the co-opted members on the Standards Committee.
- 18) a) The basic allowance for Wiltshire Councillors shall be backdated to 10 May 2021.
- b) In an election year, the SRA for the Leader, Deputy Leader and Cabinet Members continue until the new Cabinet are appointed by the Full Council, this to apply from 7 May 2021 onwards, providing the member was re-elected. Section 6 of the Allowance Scheme to be updated accordingly.
- c) All other changes to the members allowance scheme shall come into effect from 20 July 2021 as the date of the council meeting.
- 19) The Dependants' Carers' Allowance scheme shall be amended to be paid at actual cost up to a maximum rate of £30 per hour or set at the National Minimum Wage hourly rate when informal care is provided by a friend or family member.
- 20) That the travel, subsistence, and approved duties remain, that the scheme explicitly specifies attendance at town, parish, and meetings of the Executive as an approved duty.
- 21) Section 8 of the Members Allowances Scheme be replaced with:
- a) Members entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full during a period of long-term sickness, maternity, paternity, shared parental, or adoption leave. Long-term absence is defined as a duration of at least one month.

b) For claims under paragraph a) above, long-term absence from Members should be communicated by the Member to the Monitoring Officer and Group Leader (where applicable) in writing for assessment as to the appropriate course of action under paragraphs c-f below.

c) Where a replacement is appointed to cover the period of leave, that person will receive the SRA on a pro rata basis for the period of the temporary appointment. The replacement will be appointed by the Leader, Political Group, Council or Committee as appropriate under the circumstance, and the SRA may be backdated to the start of the temporary arrangements.

d) The payment of SRAs (to the primary SRA holder or replacement), shall continue for up to six months, or until the date of the next Annual Council Meeting, or the date where council must consider whether to make an exemption to the '*six month rule*' on non-attendance (whichever is sooner). At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period with reasons given for the extension.

e) Should a Member appointed to replace the Member on leave already hold an SRA position, the ordinary rules relating to one SRA payment shall apply.

f) In the event the Member taking leave is removed from their post, or they cease to be a member of the council, the member's leave will end at that time.

22) All other aspects of the scheme are, for the avoidance of doubt, confirmed as remaining unchanged.

INTRODUCTION

1. Wiltshire Council's Independent Remuneration Panel was convened under The Local Authorities (Members' Allowances) (England) Regulations 2003. The Regulations require all local authorities to set up and maintain an advisory Independent [Members'] Remuneration Panel to review and provide advice on Members' allowances. All councils are required to convene their Remuneration Panel and seek its recommendation before making any changes or amendments to their allowances scheme. The council must '*pay regard*' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.
2. The Local Authorities (Members' Allowances) (England) Regulations 2003 also stipulate the statutory content of an allowances scheme, and thereby require the Panel to make recommendations on the following if they are to be introduced:
 - level of a Basic Allowance payable to all members of the council;
 - roles and responsibilities for which Special Responsibility Allowances (SRAs) should be payable and the level of each such allowance;
 - level of allowances payable to Co-opted Members;
 - inclusion of childcare and/or dependent carers' allowances and the level of any such payments; and
 - level of allowances for travel, subsistence, and overnight stays.

BACKGROUND

3. The Independent Remuneration Panel ('the Panel') undertook a '*light touch*' approach to reviewing the Members' Allowances Scheme ('the Scheme') in 2017, therefore in 2021 the Panel were asked to undertake a thorough review. This included considering areas that the previous review felt might require detailed consideration, such as the simplification of the Scheme through reducing the number of SRA Bands (See Appendix Six).
4. Wiltshire Council's Independent Remuneration Panel was appointed by Council following a selection process involving representatives from all political groups and overseen by the Monitoring Officers. The Panel consists of the following members:

John Quinton (Chairman)

John is now retired following a career in local government, including working as the Head of Democratic Services for Wiltshire Council 2003-2013. Prior to working for Wiltshire Council, John performed a similar role at Surrey County Council. Since retirement, he has served on, and chaired, Independent Remuneration Panels for former district councils within Dorset and Bournemouth, both successor and unitary councils, and for the Dorset and Wiltshire Combined Fire Authority.

Keith Broughton

Keith Broughton spent most of his working life in human resources, specialising in remuneration and benefits. He worked for a number of major international companies and consultancies. Now retired, he lives in North Dorset and has served on Independent Remuneration Panels for Dorset and Bournemouth, Christchurch and Poole councils.

Bernadette Fitzmaurice

Recently retired from a career in contract management, compliance and commissioning, including a period with Wiltshire Council and Aster Group. Bernadette's previous experience also includes time as an Area Manager within the voluntary sector, for Wiltshire, Hampshire and Dorset's Supported Employment Service delivering European Social Fund Projects and Services.

5. The Panel received officer support from Libby Johnstone, Democracy Manager (Democratic Service), Simon Bennett, Senior Scrutiny Officer and Ben Fielding, Democratic Services Officer. Legal advice was provided by Perry Holmes (Director of Legal and Governance, and Monitoring Officer)
6. All the recommendations of the Panel were agreed unanimously.

PRINCIPLES

7. The Panel conducted the review in accordance with the following principles:
 - a) Wiltshire Council is one of many local authorities, it should adopt a scheme similar to comparable local authorities and which is not significantly out of line with others;
 - b) a scheme should be simple and easy to understand by the public as well as councillors themselves;
 - c) a scheme should not be bureaucratic;
 - d) membership of a local authority is a voluntary public service and the level of allowances should reflect that; but people should not be prevented from standing for office on financial grounds as far as possible;
 - e) a scheme should provide reasonable recompense for the time commitment and duties involved, after allowing for an element of public service, in order to maintain the quality of representation and extend the opportunity for people to serve as councillors;
 - f) a scheme should reflect the substantial time which the average councillor spends on casework, local community work and other council work – it is not a salary or intended to replace a salary;
 - g) a scheme should recognise also the additional duties and responsibilities of office holder
8. The Panel is not able to consider the financial implications of their recommendations upon the local authority. The financial implications of this report are a matter for Full Council and are provided in the covering report.

PROCESS AND METHODOLOGY

9. In undertaking the review, the Panel met on seven occasions between 15 March and 5 July 2021. In addition, interviews with officers and members were held as detailed below. The Panel considered a range of evidence, including:

Verbal evidence from councillors and officers

10. The Panel held fourteen online meetings with individual and representative groups of councillors holding various roles of special responsibility, including the Leader and Deputy Leader of the council, Cabinet members and portfolio holders, the Leaders of the political groups, the Chairman and Vice Chairman of the Overview and Scrutiny Management Committee and Chairmen of Select Committees, Chairmen of the Strategic and Area Planning Committees, Chairmen of Area Boards, Chairman and Vice-Chairman of the Council and the Chairman of the Audit & Governance Committee and the Police and Crime Panel. The Panel also met a group of backbench councillors.
11. Online meetings were also held with the Chief Executive Officer, the Director of Legal & Governance (previous and current), Head of Service Communities, the Communities Specialist Manager, Democracy Manager (Scrutiny) and Senior Democratic Services Officer.
12. The evidence they provided is referenced, where appropriate, throughout this report. A complete list of councillors and officers who provided verbal evidence for the Panel is attached at Appendix One.

Members' survey

13. The Panel conducted two online surveys of councillors which ran from Monday 19 March 2021 until Friday 2 April 2021. These targeted:
 - all councillors and related to the Basic Allowance and the Special Responsibility Allowance (SRA).
 - Special Responsibility Allowance (SRA) holders, including external co-opted members of committees.
14. Thirty-nine individuals completed the surveys, providing 64 responses in total to both surveys. The Panel considered that the findings from the survey responses were very clear and there would be no added benefit in surveying new councillors following the May elections.
15. The survey evidence is referenced, where appropriate, throughout this report. The survey questions can be found in Appendix Four.

Members' Allowance Schemes adopted by other councils

16. During its deliberations the Panel considered members' allowance schemes from a number of local authorities for comparative purposes. These included

neighbouring unitary councils, other councils in the South West and comparable local authorities in the rest of England.

17. The authorities compared are listed in Appendix One.
18. The Panel considered the levels paid by these comparable councils, as well as other aspects of their schemes as appropriate. This assisted it in adhering to one of its agreed principles that: *'Wiltshire Council is one of many local authorities, it should adopt a scheme similar to comparable local authorities and which is not significantly out of line with others'*.
19. Details of the sample of comparable councils referred to above and the comparative data presented before the Panel are attached at Appendix Two.

BASIC ALLOWANCE AND INDEXATION

Introduction

20. Under the Local Authorities (Members' Allowances) (England) Regulations 2003, *'a members' allowance scheme must make provision for a Basic Allowance, which must be paid at the same rate for all Councillors'*. The Statutory Guidance on the Regulations states that the Basic Allowance *'is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meeting 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'* (Office of the Deputy Prime Minister ODPM, 2003). Incidental costs can be many, ranging from telephone calls to visiting constituents (Councillors Commission, 2007).
21. Statutory guidance also includes that the role of an elected councillor must in part be viewed as an unpaid voluntary service and some hours are not remunerated (2006 DCLG Statutory Guidance)
22. The Panel re-examined the principles on which the Basic Allowance was calculated, deliberating on the responsibility, accountability, time and effort required for the role of councillor. The Panel considered the average number of hours worked by councillors as captured in the members' survey and potential alternative rates on which to base the allowance.
23. The Regulations state that a scheme may make provision for an annual adjustment of allowances by reference to an index, which may be specified by the authority. It must not rely on this index to make annual adjustments to the scheme for a period of more than four years (after which it must seek a further recommendation from its Independent Remuneration Panel) (ODPM, 2003).
24. Following such index linked rises the Basic Allowance, as of April 2021, was £13,833. The Panel noted that the staff pay award (against which the current scheme is indexed) had not yet been determined for 2021 and therefore the increment remained outstanding.

Conclusions

25. The majority of responses to the members' surveys were that the Basic Allowance was set at the right level, though a significant minority of respondents did feel that it was too low. The current level is in the higher end of local authority comparators, although not significantly out of keeping with other local authorities. Survey responses also indicated that the time spent per week on average by councillors on council business (20-25 hours) had not changed since the last survey in 2013. The Panel concluded that the level of the Basic Allowance did not need a major overhaul, and that whilst not all time spent on duties was reimbursed, this was part of the public service element of the role.
26. Evidence from the members' survey was evenly divided about whether the level of allowance was a barrier to people standing as a councillor. Discussions with councillors reinforced this divide. Strong representations were made about barriers for those who worked, had children and/or caring responsibilities or were receiving benefits. Representations received from the previous Leader and Deputy Leader highlighted the loss of actual or potential earned income. The Basic Allowance though is not a salary replacement scheme but recognises the time commitment and incidental cost incurred. Though considered in detail, the Panel received no conclusive evidence that the Basic Allowance dissuaded potential candidates from standing. In fact, most prospective candidates appeared to be unaware of the allowances. They did though hear a specific example of difficulties after a member had been elected. These were due to issues the Panel cannot influence, such as the income tax and benefit systems. However, to support those with children/caring responsibilities, the Panel has recommended changes to the Carers/Dependents Allowance and the introduction of a sickness and maternity policy which will help to remove some perceived barriers to elected office, see below (paras 92-93).
27. The Panel did agree that councillors were incurring additional costs when undertaking their role, such as telephone and broadband, due to the increased time working from home. These are likely to continue post-pandemic, though for some councillors these costs were offset by a reduction in travel time.
28. The Panel concluded the Basic Allowance should be increased to £14,500 in 2021/22 to reflect these additional incidental costs and to include an incremental increase not dissimilar to the typical staff pay award, which has yet to be applied for 2021/22. It should then be updated annually from 2022/2023, in accordance with the pay award to council staff.
29. Indexing and annual increases in accordance with the pay award to council staff should also apply to all Special Responsibility Allowances (SRA) and to Co-opted Member Allowances, rounded to the nearest pound for ease.

RECOMMENDATION 1

The council increases the basic allowance to £14,500 from 10 May 2021.

RECOMMENDATION 2

From the financial year 2022/23 the council should apply the staff pay award, subject to the NJC for local government services terms and conditions, as the index by which annual adjustments are made to the basic allowance and SRAs, rounded to the nearest pound.

SRA Methodology

30. The Panel received representations that it should alter the methodology for calculating an SRA which is currently based upon the Leader's allowance.
31. This approach was considered by the Panel to have the disadvantage of linking what are often very different roles, to that of the Leader. It also meant any increase in the Leader's SRA led to an automatic increase in all SRAs. The Panel saw no reason to continue to use this methodology. It preferred to band roles according to their specific responsibilities, accountabilities, time and effort (the RATE methodology commonly used during independent remuneration reviews) and to attach a remuneration to the band accordingly.
32. The current scheme has eight bands and the Panel found that, based upon the evidence, that there were few significant differences between many of the roles to warrant so many bands. For example, the current scheme differentiated between Band 6 and Band 7 by just 2.5%. It recommended the bandings be consolidated to reflect the similar responsibilities within the roles. The Panel made these assessments based upon the role performed and not upon the post holder. This approach supports the principle that the allowance scheme should be simple and easy to understand.
33. Overall, the Panel recommended an incremental increase in SRAs, in line with other local authorities, for the year 2021/22 with a few exceptions noted in the recommendations below. The increases are intended to cover some incremental increase from the previous year's allowance (noting the pay award had yet to be applied), reflect comparators and are rounded to make the scheme easier to understand. Backdating of SRAs is covered in detail below.

RECOMMENDATION 3

The number of SRA bands is reduced from eight to six.

SPECIAL RESPONSIBILITY ALLOWANCES (SRAs)

Introduction

34. The Statutory Guidance on the Regulations state that *‘a special responsibility allowance [SRA] 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 responsibilities must be related to the discharge of the authority’s functions.’* (ODPM 2003).
35. The Regulations list the categories of responsibilities which might call for an SRA. They state that SRAs may be payable for duties which fall within the following categories:
- acting as 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 authority at meetings of another body;
 - membership of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods;
 - acting as a spokesperson for a political group on a committee or sub-committee;
 - membership of an adoption appeals panel or 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.
36. The Regulations also state that where one political group is in control, and where an authority has decided to pay SRAs, the authority must make provision for the payment of a special responsibility allowance to at least one member of a minority group.

SRAs per Councillor

37. A Special Responsibility Allowance (SRA) is attached to specific roles to recognise the significant additional time commitment and responsibility. The Panel considered whether it was possible for an individual councillor to undertake more than one SRA role effectively at any one time. The current scheme allows for two SRAs to be paid. In the survey of SRA holders, the average weekly time devoted to an SRA role was 19 hours. Recognising that there were broad variations in hours worked due to the differences in SRA roles, the Panel concluded that on balance it was not possible to fulfil more than one SRA role and dedicate time to these in addition to the role as local division member. The Panel concluded that a cap on SRAs was appropriate and this would also reflect that comparable local authorities have a cap of one SRA per councillor.

38. The exemption for the Group Leaders' allowance should be retained with the SRA for Chairing an Area Board also exempt. The majority of second SRAs were for fulfilling the role of Chairman of an Area Board, and as these are often rotated and have a limited group of potential nominees, it was felt to be appropriate to include this exemption.

RECOMMENDATION 4

The council reduces the maximum cap to 1 SRA payable to individual councillors. The highest SRA to be payable. The Group Leaders allowance and the Chairman of an Area Board SRA are exempt from the cap.

Leader of the Council SRA

39. The role of Leader remains the most time-consuming with the greatest responsibility. This was underlined by the survey results and interviews with senior officers and members. Previous Independent Remuneration Panels have highlighted, that with no Chief Executive Officer, the Leader had additional responsibilities. Though the creation of the position of Chief Executive Officer has and will change the role of Leader, this was not considered to be enough to change the SRA significantly at this stage.

RECOMMENDATION 5

Band 1, the Leader's SRA, is £36,000 per annum.

Deputy Leader SRA

40. With other Cabinet Members, the Deputy Leader holds responsibility for an executive portfolio. They also assist and work closely with the Leader in delivering the Leader's usual functions and on budgetary planning and policy development. They can also, but infrequently, perform the additional duty of deputising for the Leader so far as legally possible and permissible in the Leader's absence.

41. The Panel examined the duties and responsibilities of this office holder, in particular the difference between the Deputy Leader and other Cabinet Members. The size and range of the Leader's responsibilities in a large unitary council are also reflected in the role of the Deputy Leader. The Deputy Leader holds significant responsibilities and requires a time input almost comparable to that of the Leader to be performed effectively. This responsibility is in addition to the duties of a regular Cabinet Member.

RECOMMENDATION 6

Band 2, the Deputy Leader's SRA, is £29,000 per annum.

Cabinet Member SRA

42. The main responsibilities of Cabinet Members are to give political direction to officers working within their portfolio and to support them in the implementation of policy. They are accountable for individual delegated decisions and performance within their portfolio both internally and externally, to partners and the community. They have an overview of the performance management, efficiency and effectiveness of their portfolio and make executive decisions relating to it.
43. The role of Cabinet Member is third only to that of Leader and Deputy Leader in terms of the responsibilities and time demands of the role. The role had not changed enough since the last review to warrant significantly amending the SRA.

RECOMMENDATION 7

Band 3, the Cabinet Members' SRA, is £22,000 per annum.

Chairman of the Overview and Scrutiny Management Committee SRA

44. Representations were made that Overview and Scrutiny is a key statutory function that requires robust and independent leadership at member level. Its primary roles are as a forum for challenging and scrutinising the decisions of the Cabinet, contributing to the monitoring of the council's performance and to the development of council policy. The Panel also received evidence that the Chairman had played a significant role in assisting the council in its response to the pandemic and communicating with members.
45. The Chairman of the Overview and Scrutiny Management Committee holds a greater level of responsibility than the Chairmen of the Select Committees and a differentiation in the levels of their respective SRAs remains appropriate. The continued importance of the role, as raised by members of the Executive and senior officers, justifies the level of SRA.

RECOMMENDATION 8

Band 4, the Chairman of the Overview and Scrutiny Management Committee's SRA, is £15,000 per annum.

Band 5

46. Having considered the responsibility, accountability, time and effort required to undertake roles receiving an SRA the Panel agreed it could simplify the scheme by reducing the number of bands. Band 5 is for principle roles not included in the first four bands.

Chairman of Council SRA

47. As well as presiding over meetings of the council, the Chairman of Council's role is to represent the council at civic functions and on outside bodies and to promote public involvement in the council's activities.
48. The review in 2017 highlighted that this SRA is out of keeping with data from comparative local authorities and recommended the allowance be reviewed on that basis. The Panel felt that the responsibility, time and effort needed to preside at council meetings was mitigated by the significant officer support provided to the Chairman before and at the meetings. Similarly, officer resource supported the Chairman to undertake their civic functions though it was recognised that this could involve unsociable hours and travel. The Panel concluded the role is similar to other committee chairmen and the remuneration should reflect that similarity with other roles within the scheme.

Portfolio Holder SRA

49. The Leader appointed Portfolio Holders for the first time in 2009. They sit outside of the Cabinet, but their primary role is to support the workload of Cabinet Members. Portfolio Holders have no statutory decision-making powers but are an additional resource providing extra capacity to Cabinet Members' work, undertaking in-depth work with Directors and also functioning as an extra contact point for non-executive councillors. The role also serves as a development position for prospective Cabinet Members.
50. Discussions with the Leader, Deputy Leader, Cabinet Members and Portfolio Holders highlighted that the workloads of Portfolio Holders differ across portfolios and that their performance varied dependent upon how they were managed by Cabinet members. The new Leader highlighted that in future Portfolio Holders would be more accountable for providing leadership in their portfolio areas and having a more strategic focus. Though recognising this the Panel considered that the role had not changed sufficiently since the last review to warrant significantly amending the SRA.

Chairman of the Police and Crime Panel (PCP)

51. The Police and Crime Panel is a body which holds the Police and Crime Commissioner to account and scrutinises their work. It covers both the Wiltshire and the Swindon local authorities and is accountable to the public in those areas. This can be a complex role and being Chairman remains comparable to that of a Select Committee chairman.

Overview and Scrutiny Select Committee SRAs

52. In addition to the Overview and Scrutiny Management Committee Wiltshire Council has three scrutiny select committees i.e. Children's Select Committee, Environment Select Committee, and the Health Select Committee. Their role includes leading their respective select committees as a team, acting as a key

link with Cabinet Members and senior officers, being accountable to the council for the actions of their committees and for the chairmanship of committee meetings.

53. Interviews with members and senior officers reiterated that the council's Select Committees play an important role in policy development, ensuring scrutiny is a member led process and achieving evidence-based outcomes. On that basis it was sufficient to attract significant SRAs.

Vice-Chairmen of Overview and Scrutiny Management Committee

54. The Panel concluded, based upon the collaborative work between Chairman and Vice-Chairman of the Overview and Scrutiny Management Committee, that the Vice-Chairman role should receive a significant SRA. This recognises that the Vice-Chairman has an important role as the key contact between Overview and Scrutiny and the majority political group, and therefore unlike other vice-chairmen, this involved more than deputising for the Chairman. Although the responsibilities differed, the level of responsibility assisting in managing the overview and scrutiny function was equivalent to that of a Select Committee Chairman.

Chairman of Area Board SRA

55. Area Boards play a pivotal role in a large rural unitary authority and are a key point of contact for residents with the council at local level. Boards meet regularly and evidence from the members' survey and interviews suggested most Boards still received significant public and stakeholder engagement, as well as having responsibility for devolved budgets and identifying local priorities. Various representations were made about the level or appropriateness of an SRA for this role which recognised that Area Boards are very different in size and area. This can be a complex role and being Chairman of an Area Board, whilst very different, remains comparable to that of a Select Committee chairman.
56. Representation was made that vice-chairmen of Area Boards should be considered for an SRA. The Panel did not see sufficient evidence in terms of high levels of responsibility, accountability, time and effort, across all Area Boards, to justify their inclusion in the scheme.

Chairman of Strategic Planning Committee SRA

57. The Strategic Planning Committee is responsible for major strategic planning applications and the allocation of housing and sites for major waste and mineral applications among other matters. The Strategic Planning Committee deals with items of considerable public interest and importance.
58. The Panel concluded that the role was on a par with a Chairman of a Select Committee and a Chairman of an Area Board, given time commitments,

responsibility and public engagement involved and should therefore be in Band 5.

Chairman of Area Planning Committee SRA

59. The Committees' role is to determine planning applications and matters such as the designation and amendment of conservation areas, Village Design Statements, Parish Plans, registration of common land for town and village greens, and public rights of way.
60. Having reviewed statistics of the Area Planning Committee meetings, the Panel was satisfied the level of work and the time commitment would remain significant in an area of great public interest, and that therefore the role should be in Band 5.

Chairman of Audit & Governance Committee SRA

61. Since the last review the Audit Committee has become the Audit & Governance Committee reflecting the committee's role in supporting robust internal governance.
62. Representations were made that the Chairman had significant extra responsibilities in terms of the council's financial management and regulatory framework. Evidence was provided of how important this was after the experience of Northamptonshire County Council and Liverpool City where poor oversight by the Audit Committee had contributed to failing financial and governance controls. The role has similar responsibilities to the Chairman of the Police and Crime Panel and the Panel felt this should be in Band 5.

RECOMMENDATION 9

Band 5, including the Chairman of the Council, Portfolio Holders, Chairman of the Police and Crime Panel, Chairmen of the Children's Select Committee, the Environment Select Committee and the Health Select Committee, Vice-Chairman of the Overview and Scrutiny Management Committee, Chairmen of Area Boards, Chairman of the Strategic Planning Committee, Chairmen of Area Planning Committee and Chairman of the Audit & Governance Committee, is £8,000 per annum.

Band 6

63. Having considered the responsibility, accountability, time and effort required to undertake roles receiving an SRA the Panel agreed it could simplify the scheme by reducing the number of bands. Band 6 is for roles not included in the first five bands.

Vice-Chairman of Council SRA

64. The Vice-Chairman's role is to deputise for the Chairman of the Council, chairing council meetings and attending events in their place when necessary. Like the Chairman they are given significant officer support to undertake their role. However, in addition to the roles of other vice-chairmen, they undertake civic duties and play a very active role in assisting the Chairman of the Council during council meetings. To reflect the Vice-Chairman's similar responsibilities with other roles the Panel recommends the Chairman of the Council be in Band 6.

Chairman of Licensing Committee SRA, Chairman of Staffing Policy Committee SRA, Chairman of Wiltshire Pension Fund Committee SRA and Chairman of Standards Committee SRA

65. Reservations were raised by the previous review about these SRAs but again it was felt that in most instances there was not enough evidence to recommend significant changes.

66. Through representations made via the members' survey the Panel looked in detail at the role of the Chairman of the Standards Committee and how the use of sub-committees may impact that role. Though it was clear that the Assessment and the Hearings sub-committees could involve significant responsibility and time commitment the Panel was not convinced at this time that the chairmen of the Standards sub-committees should receive an SRA.

67. The Panel will again review the recommendation in a year's time (summer 2022) and seek further evidence on the role of the Standards Committee's sub-committees.

Chairmen of the Operational Flood Working Groups' SRAs

68. The previous review questioned the inclusion of the Operation Flood Working Group Chairman in the scheme. On balance and having heard from the new Leader of the Council that the role will develop over the coming months, particularly its role liaising with town and parish councils, the Panel agreed to keep the SRA for this role.

69. The Panel will review the recommendation in a year's time (summer 2022) and seek further evidence of the expansion of the role.

RECOMMENDATION 10

Band 6, including the Vice-Chairman of the Council, Chairman of Licensing Committee, Chairman of the Staffing Policy Committee, Chairman of the Wiltshire Pension Fund Committee, Chairman of the Standards Committee and Chairmen of the Operational Flood Working Groups, is £4,000 per annum.

Chairman of the Health and Wellbeing Board SRA

70. The 2017 review suggested that the nature and extent of the role of Chairman of the Health and Wellbeing Board should be reassessed to ensure an SRA remains appropriate.
71. When created, the Board had statutory responsibilities for bringing together health and social care funding and was envisaged to have a significant public health role. The SRA holder is now a co-chairman along with a representative of the local Clinical Commissioning Group (CCG) and the number of formal meetings has been reduced and replaced by workshops. Future changes to the National Health Service were likely to alter the Board's responsibilities further.
72. As this role was held by the Leader of the council, it is considered to be part of the Leader's responsibilities though it could be performed by another member of the Executive. Relevant Cabinet members and Portfolio Holders attend this meeting and provide expertise in the necessary areas. In addition to this, research showed that only one other Council from the comparative data set provided an SRA for the Board Chairman, and this was at a much-reduced rate. Therefore, it is recommended discontinuing the SRA for this role.

RECOMMENDATION 11

The Chairman of the Health and Wellbeing Board is removed from the SRA scheme.

To clarify the recommendations above, Table 1 sets out the revised scheme.

Table 1: Revised Special Responsibility Allowance (SRA) scheme

	2021/22	Band
Leader of the Council	£36,000	1
Deputy Leader of the Council	£29,000	2
Cabinet Member	£22,000	3
Chairman of Overview and Scrutiny Management Committee	£15,000	4
Chairman of the Council Portfolio Holder Chairman of Police and Crime Panel Chairman of Scrutiny Select Committee Chairman of Area Board Vice-Chairman of Overview and Scrutiny Management Committee Chairman of Strategic Planning Committee Chairman of Area Planning Committee Chairman of Audit & Governance Committee	£8,000	5

Vice-Chairman of the Council Chairman of Licensing Committee Chairman of Staffing Policy Committee Chairman of Wiltshire Pension Fund Committee Chairman of Standards Committee Chairman of Operational Flood Working Group	£4,000	6
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See also Appendix Five for a table presenting the recommended SRA scheme and the current scheme (2020/21)

OVERVIEW AND SCRUTINY FUND

73. A sum of £15,000 has been apportioned annually to those members performing specific Overview and Scrutiny functions, in recognition of the time commitment and to encourage councillors to engage with the statutory Overview and Scrutiny function to enhance the democratic benefit it provides.
74. The fund is allocated by the Overview and Scrutiny Management Committee from a scheme prepared by the Chairman and approved by the Overview and Scrutiny Management Committee annually.
75. The Panel looked at how the Fund was allocated. Whilst not wanting to direct how the Fund is apportioned, it did have some concerns. Firstly, that recipients of allowances sometimes already received an SRA via the wider allowances scheme, contrary to a scheme that explicitly capped the number of times an individual could be remunerated. Secondly, that it heard no convincing evidence for remunerating the Vice-Chairmen of select committees and that this ran counter to the spirit of the wider scheme which only remunerates vice-chairman in exceptional circumstances. The Panel concluded that the Fund should remain but that in future more consideration should be given to how the Fund might encourage wider member involvement in the overview and scrutiny process, which is one of the intentions of the Fund.
76. The Panel will review the Overview and Scrutiny Fund again in a year's time (summer 2022).

RECOMMENDATION 12

- a) **The Overview and Scrutiny fund is retained within the scheme at £15,000.**
- b) **The fund is to be allocated by the Overview and Scrutiny Management Committee in accordance with a scheme which it will approve annually.**

GROUP LEADERS ALLOWANCES

77. Group Leaders are the main political point of contact for officers and coordinate the activity of all political groups. Under the current Scheme, the Leaders receive an SRA based upon the number of members within each political

grouping. Under the Regulations, where an allowance scheme provides SRAs and the majority of the members on the council belong to the same political group, an SRA must be provided to at least one member who is not part of the majority group and is acting as the leader, deputy leader or spokesperson for another political group. Accordingly, within Wiltshire provision of an allowance for at least one opposition Group Leader/spokesperson must be made.

78. In discussions with Group Leaders it was clear that there were still some inconsistencies with this part of the scheme. Additionally, the Panel found comparable local authorities take very different approaches to Group Leaders roles, for example, some do not provide an allowance to the majority group leader, or allowances vary significantly (see Appendix Two). The Panel felt that the role of Conservative Group Leader in Wiltshire was different from their role as Leader of the Council, and therefore an allowance remained appropriate for the majority group leader.
79. The Group Leader of the Liberal Democrat Group made specific representation that the role of leader of the main opposition was distinct from other opposition group leaders, requiring significant additional time and resources in order to appropriately hold the administration to account, including attendance at Cabinet. The allowance for the main opposition leader should proportionally reflect the importance of that role. The Panel concluded that the main opposition leader should receive the same allowance as the leader of the majority group.
80. The Panel was aware that the Group Leaders' allowance was significantly changed in 2017 and did not want to fundamentally change it again. However, the link between the number of members in each group and the level of remuneration should be removed for the majority and main opposition groups. A simplified allowance for the other groupings is recommended to support the principles that the scheme should be easy for the public to understand, and not overly bureaucratic .

RECOMMENDATION 13

Group Leaders to receive a flat rate allowance in the following proportions:

- i. The majority group Leader will receive £6,000;**
- ii. The main opposition group Leader will receive £6,000;**
- iii. For Groups with 3 or more members the Leader will receive £1,000.**

RECOMMENDATION 14

The Group Leader Allowance remains exempt from the SRA per councillor cap.

Co-opted Members

81. The Panel noted the council does not have a clear policy on co-opted member allowances and simplification of co-optee allowances had been identified as a matter outstanding from the last review. The Panel also heard the Audit and

Governance committee was considering the appointment of co-opted members and therefore a standard allowance would be of benefit in this instance.

82. Research indicated that no rule had previously been applied to whether an allowance would be provided to co-opted members. Analysis showed that where a co-opted member had been appointed following a formal nomination process, representing a wide group of stakeholders, or acting as a lay member, an allowance had typically been provided. Where co-opted members were undertaking a role to represent a specific employer/stakeholder and the relationship was more mutually beneficial, there was less history of an allowance being provided. Additionally, allowances had more commonly been provided where co-option was a statutory requirement.
83. Given the varied demands, and status of different co-opted member roles, the Panel was unable to recommend a level of allowance or criteria that would apply to all co-opted members, including those that had not been considered for an allowance before. The Panel had also not received representation that any currently unremunerated co-opted positions should be reconsidered, or that current remuneration levels required significant adjustment.
84. The Panel concluded that the level of allowance for co-opted members that were remunerated under the current scheme could be standardised to one allowance for voting members, and one for non-voting members. This recognised the principles of the review to design an allowance scheme that was easy to understand and not overly bureaucratic.
85. The Panel will consider a case for allowances for new co-opted positions (i.e. to the Audit and Governance Committee) as these arise and will monitor the comparisons with existing co-opted positions in case these warrant further review.
86. The Panel received evidence that the role of the Independent Person (IP) for the Standards Committee continues to be important in assisting with the processing of complaints. The workload of the Standards Committee would be greater than in some other authorities due to the size of Wiltshire Council and the number of town and parishes in the county for which the committee hears complaints. It was noted the IP undertakes additional duties between meetings of the committee or sub-committee.

RECOMMENDATION 15

The remuneration for the Independent Persons for Standards is to be £3,000 per annum.

RECOMMENDATION 16

Co-opted Members of committee's (voting) allowances is to be £2,000 per annum and applies to the co-opted voting members on the Police and Crime Panel and Children's Select Committee.

RECOMMENDATION 17

Co-opted Members of committee's (non-voting) allowances is to be £1,000 per annum and applies to the co-opted members on the Standards Committee.

Other allowances

87. It was noted that the Electoral Review Committee had been established since the last review; this was typically chaired by the relevant Cabinet Member and no representations had been received for an allowance. The Panel did not consider that any other roles routinely conducted by elected or co-opted members warranted an SRA.

Backdating of allowances

88. As is usual practice, the Panel agreed changes to the basic allowance should come into effect from the start of the Council term, 10 May 2021.

89. The Panel considered it would not be fair to councillors who have given up their time to undertake a role being remunerated from 10 May, for this remuneration to need to be repaid where the allowance is to be reduced. Therefore, the Panel recommends other changes (i.e. decreases and increases) in allowances come into effect from 20 July 2021 as the date of the council meeting.

90. The Panel received representation from outgoing Executive members that whilst they were not officially in post following the elections on 6 May 2021, in practice they continued to provide political leadership for their cabinet portfolios until the new Cabinet were appointed on 18 May 2021. Throughout their review, the Panel found evidence of this and concluded that SRAs may continue to be paid in this instance if the Executive member is re-elected and is fulfilling their role. As the scope of the review was for the 2021 term onwards it was considered that the period from the election 6 May 2021 -18 May 2021 was applicable, however previous terms of the council were out of scope of this review.

91. Other SRA holders were considered, and it was agreed that those in other SRA positions e.g. Committee Chair did not undertake significant roles between the election and until after the Annual Meeting where committees were appointed, as much of that work is meeting based and meetings did not take place during this period.

RECOMMENDATION 18

- a) The basic allowance for Wiltshire Councillors shall be backdated to 10 May 2021.**
- b) In an election year, the SRA for the Leader, Deputy Leader and Cabinet Members continue until the new Cabinet are appointed by the Full Council, this to apply from 7 May 2021 onwards, providing the member was re-elected. Section 6 of the Scheme to be adjusted accordingly.**

- c) **All other changes to the members allowance scheme shall come into effect from 20 July 2021 as the date of the council meeting.**

OTHER ASPECTS OF THE SCHEME

Carer's allowance

92. Appendix 4 of the current allowance scheme. 'Dependents' Carers' Allowance' details provision for a carers allowance at the National Minimum Wage. The Panel compared this to other local authorities and found this to be in-line with the approach taken by other local authorities. However they noted this level of recompense could significantly disadvantage members needing to pay for professional carers' as opposed to family members or childminders.
93. The Panel conducted research and found that formal childcare costs, dependent upon the setting, could range from £5 to £15 per hour. Home and domiciliary care could run up to £30 per hour and as such recommends this as the maximum amount that can be claimed.

RECOMMENDATION 19

The Dependants' Carers' Allowance scheme shall be amended to be paid at the actual cost up to a maximum rate of £30 per hour or set at the National Minimum Wage hourly rate when informal care is provided by a friend or family member.

Approved duties

94. On reviewing the approved duties for travel and subsistence the Panel found no evidence a change was required and that the current scheme was in-keeping with those of other local authorities and not dissimilar from the staff scheme.
95. In response to a question raised during the review, the Panel concluded that under the current scheme that only for official site visits organised by the council should members claim a travel expense. It was also confirmed that travel to town and parish council meetings within the division should be considered an approved duty, as well as attendance from non-Executive members at Cabinet meetings.
96. The Panel noted the council now has virtual meeting technology and that where possible members should make use of this to prevent the need for travel.

RECOMMENDATION 20

That the travel, subsistence, and approved duties remain, that the scheme explicitly specifies attendance at town, parish and meetings of the Executive as an approved duty.

Sickness and maternity etc pay

97. There is no legal provision for elected members to take sickness, maternity, paternity, shared parental, or adoption leave. There is a requirement under, the 1985 Local Government Act, for councillors to attend at least one meeting of the authority every six months, unless for a reason agreed by the Full Council, or they cease to be a member of the authority. This rule would continue to apply regardless of the provisions in the Members' Allowances Scheme.
98. Whilst it is not yet very common within the south west, a number of local authorities nationally are now making provision for SRAs to continue during maternity, paternity, shared parental, and adoption leave, to help support the equality, inclusion, and diversity of members. Responses from the survey of Wiltshire Councillors indicated it can be challenging to attract a diverse range of candidates to stand for election, and a policy on parental leave may support diversity. Responses from the survey also indicated there had been occasions (albeit infrequent) of up to 12months where councillors have had to cover the SRA responsibilities of another e.g. at an Area Board or Select Committee, due to sickness, without receiving the allowance. In response to this, the Panel considered that the introduction of a formal approach to these absences may be of benefit to the council.
99. The allocation of Special Responsibilities is a political decision and the allowance scheme cannot determine that when a member returns from long-term leave, they return to the same SRA position. Unlike SRAs, there can be no provision for a councillor covering the case work of another's division to receive a second payment of the basic allowance, as such it is for political groups to agree how to cover the division work of a councillor who is taking sickness, maternity leave etc.
100. The Panel recommends the introduction of a policy for managing long-term absence and the terms below reflect similar schemes adopted by other local authorities nationally.

RECOMMENDATION 21

Section 8 of the Members Allowances Scheme be replaced with the following text, and Section 6 also adjusted accordingly:

a) Members entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full during a period of long-term sickness, maternity, paternity, shared parental, or adoption leave. Long-term absence is defined as a duration of at least one month.

b) For claims under paragraph a) above, long-term absence from Members should be communicated by the Member to the Monitoring Officer and Group Leader (where applicable) in writing for assessment as to the appropriate course of action under paragraphs c-f below

c) Where a replacement is appointed to cover the period of leave, that person will receive the SRA on a pro rata basis for the period of the temporary appointment. The replacement will be appointed by the Leader, Political Group, Council or Committee as appropriate under the circumstance, and the SRA may be backdated to the start of the temporary arrangements.

d) The payment of SRAs (to the primary SRA holder or replacement), shall continue for up to six months, or until the date of the next Annual Council Meeting, or the date where council must consider whether to make an exemption to the '*six month rule*' on non-attendance (whichever is sooner). At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period with reasons given for the extension.

e) Should a Member appointed to replace the Member on leave already hold an SRA position, the ordinary rules relating to one SRA payment shall apply.

f) In the event the Member taking leave is removed from their post, or they cease to be a member of the council, the member's leave will end at that time.

RECOMMENDATION 22

All other aspects of the scheme are, for the avoidance of doubt, confirmed as remaining unchanged.

CONCLUDING REMARKS

101. The Panel have conducted an in-depth review and believe that its overall recommendations make the scheme simpler and easier to understand. In addition to the recommendations listed above, minor changes have been made to the scheme for brevity, or to update references eg. to claims processes. Proposed changes are marked as tracked changes to the Allowance Scheme in Appendix 7.

102. A number of issues have come to light, which the Panel has highlighted in the report, that it is prepared to review and consider again in 12 months at its annual meeting. These are:

- Standards Committee sub-committees;
- Chairmen of the Operational Flood Working Groups;
- Co-opted (voting and non-voting) members of Committees;
- Overview and Scrutiny Fund.

APPENDICES

Appendix One - Evidence sources and councillors and officers who met with the Panel

Appendix Two – Council comparative data
Appendix Three – Wiltshire Council Constitution Part 13 Members' Allowance Scheme
Appendix Four – Members' Allowances Surveys questions
Appendix Five – Recommended revised Allowances Scheme
Appendix Six - Aspects of the Scheme identified for particular attention in the next IRP Review (2017)
Appendix Seven – Amended Constitution Part 13 Members' Allowances Scheme