

COUNTY COUNCIL
24 FEBRUARY 2009

MEMBERS ALLOWANCES IN THE PRE-ELECTION PERIOD

Purpose of Report

1. Attached is the report of the Members' Allowances Panel.

Background

2. In the pre-election period between 1 April 2009 and the elections to the new Council on 4 June 2009, when the district councils will no longer be in place, there will be a number of services that have to continue to be discharged and a number of functions that have to be performed that require the ongoing support and assistance of previous district council members.

3. During this period those members that are formally co-opted to various bodies to assist in these areas, will not be entitled to claim any allowances unless the new Council is prepared to reimburse them. This is the subject of the Panel's report that is attached.

Main Considerations for the Council

4. To consider the recommendations of the Panel.

Environmental Impact of the Proposal

5. None

Equalities Impact of the Proposal

6. A number of aspects of this proposal will improve accessibility to the decision-making process during the pre-election period.

Financial Implications

7. If the Council agrees the recommendations, the costs are in the order of £36, 500 for this period. Funding has been included within the transition costs to provide for these allowances.

Legal Implications & Risk Assessment

8. Regulation 9 of the Members' Allowances Regulations provides that an Allowances scheme may provide for the payment of a co-optees allowance to a member in respect of attendance at conferences and meetings. "Member" is

defined for these purposes as a person who is not a member of the authority but who is a member of a committee or sub-committee of an authority.

9. The Structural Changes Order that created the new Unitary Council and the Transitional Arrangements Regulations provided for the appointment of co-opted members to assist in the discharge of the various functions referred to in the Panel's report.

10. A number of aspects of the proposal should reduce the risk of any decisions made during this period, being re-viewed at a later stage.

Proposals

To agree the recommendations of the Panel set out in paragraph 48 of their report.

John Quinton, Head of Democratic Services

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Appendices: None

MEMBERS' ALLOWANCES IN THE PRE-ELECTION PERIOD

REPORT OF THE MEMBERS' ALLOWANCES PANEL

1. The Members Allowances Panel met on 23 January and 10 February 2009.

23 January 2009

2. At the meeting on 23 January, the Panel received a briefing paper on Local Government Re-organisation and in particular on the issues surrounding the roles of members in the pre-election period from 1 April to 4 June 2009.

3. The Panel was informed that the Leader of the Council had expressed the view that the current level of allowances should continue to apply for the first year of the new Council.

4. However the Panel was aware that there were a number of areas, during the pre-election period, where the current scheme required revision, namely

- A. District Council Co-opted Members
- B. Standards Committee – Additional Co-opted Members

5. The Panel noted that there were likely to be additional areas of responsibility that needed to be reflected within the scheme of allowances for the new Council. These would arise out of the creation of new committees to reflect inherited district council functions such as development control/planning, licensing, additional overview and scrutiny committees etc.

6. The new Council would finalise the creation of these committees at its first meeting in June 2009 and the Panel noted this development and that it would be asked to conduct a further review later in the year to include these additional Special Responsibility Allowances (SRA's) within the scheme of allowances.

7. The Panel noted therefore that the purpose of its current review would be restricted to the pre-election period and the issues identified in paragraph 4 above.

Guiding Principles of the Review

8. The Panel recognised how important it was for there to be a seamless transfer in the governance arrangements between the district councils and the new council and that the allowances should be able to help with this. The Panel acknowledged that in some areas this seamless transfer would be dependent upon the goodwill of a number of previous district councillors agreeing to continue to serve in the pre-election period. It was important therefore for these councillors to be re-imbursed appropriately.

9. The Panel also recognised that these were special circumstances and that whilst every effort would be made to make their decisions consistent with the existing county council scheme, this was a unique situation and nothing within their proposals should be regarded as creating a precedent for the new Council.

10. To this degree the proposals would continue to utilise the “day session” rate published annually by the Local Government Association and whilst no public service element would be discounted from this rate, this would still ensure that there was some consistency between the current scheme and any new proposals. Currently this rate stood at £142.77 a day.

11. The Panel also took into account that whilst co-opted members would have no constituency roles to perform and that they would lose their basic allowances, these members would still have some ongoing costs of continuing to serve ie incidental costs such as telephones and the use of their homes. The suggested allowances would take account of this and this would also mean that co-opted members would benefit from the current travel and subsistence rates within the current scheme.

Issues for the Panel

District Council Co-opted Members

12. Regulation 9 of the Members Allowances Regulations provides that an Allowances scheme may provide for the payment of a co-optees allowance to a member in respect of attendance at conferences and meetings. “Member” is defined for these purposes as a person who is not a member of the authority but who is a member of a committee or sub-committee of an authority.

13. The Panel noted that in a number of areas it was essential that the new Council continued to benefit from the expertise and resource provided by previous district councillors in the pre-election period. These areas were:-

- (i) the Implementation Executive
- (ii) Overview and Scrutiny
- (iii) Planning/Development Control
- (iv) Licensing

14. The Implementation Executive (IE) is responsible for preparing for and putting in place the appropriate arrangements for the new Council. The IE has eight district councillors amongst its membership of 17 members. The Structural Order which created the new Council provides for these district council members to continue to serve on the IE up until the elections.

15. The Order was not prescriptive about Overview and Scrutiny but indicated that suitable arrangements could be made. The local councils agreed to establish a Joint Overview and Scrutiny Transition Board (JOSTB) consisting of 5 county councillors and 4 district councillors (one from each).

16. This arrangement comes to an end on 31 March. However it has been agreed due to the continuation of the IE during the pre-election period to realign the Board under the County Council's Overview and Scrutiny Management Committee and co-opt the 4 ex-district members.

17. The Structural Changes (Transitional Arrangements) (No. 2) Regulations 2008 also provides for the appointment of co-opted members to assist in the discharge of licensing and planning functions in the pre-election period. The IE has already agreed to seek nominations from district councils in respect of planning and licensing.

18. The Panel noted that as it stood currently, none of these district councillors would receive any allowance to recognise these duties in the pre-election period as the district councils would not be in existence. It would seem appropriate therefore for the new Council to pay allowances to them for this period.

Standards Committees – Additional Co-opted Members

19. The Panel was informed that it had been necessary to review the terms of reference and composition of the Council's Standards Committee. This was for two reasons; firstly, the Standards Committee (England) Regulations 2008 which came into force on 8 May 2008 devolved the responsibility for determining complaints against Members for alleged breaches of the Code of Conduct for Members from the Standards Board for England to local authorities.

20. Secondly, becoming a unitary council will mean that Wiltshire Council will assume responsibility for the Code of Conduct for town and parish councils within its area. This will necessitate an increase in the membership of the Committee which will include town and parish council representatives who must be present when a town or parish council issue is being considered. Increasing the membership will also allow greater flexibility when convening Sub-Committees drawn from the membership of the Committee which are necessary to deal with complaints received against Members.

21. The Committee currently consists of 9 members comprising 5 independent members and 4 elected members of the Council. The revised terms of reference as detailed in the draft constitution, makes provision for a committee of 22 members comprising 8 independent members, 8 town and parish council representatives and 6 elected members of the Council. This will take effect from 1 April 2009.

Proposals for Consultation

22. The Panel at its meeting on 23 January agreed the following initial proposals for circulation to all Members of the five councils for comments.

23. Implementation Executive Most DC IE members held joint portfolio responsibilities in some of the service areas of the new Council. The Panel noted specifically the rates paid by district councils for their cabinet portfolio holders.

24. In terms of workload this would involve IE members in attendance at meetings of portfolio holders with corporate and service directors and preparation for those meetings. Also they will attend meetings of the IE and in the pre-election period there are three of these planned. A very rough assessment indicates that existing Cabinet members hold a total of 31 portfolios and DC IE members have joint responsibility across 16.

25. The Panel favoured the idea of linking the allowance to the current County Council Cabinet Member SRA of £12,570. The Panel accepted that this allowance was not just about attending meetings but about the impact and affect of the work that they did. The Panel recognised that as from 1 April the IE would not only be continuing to plan for the new Council it would also be the key decision maker for day to day decisions in respect of the new Council. In this respect there was minimal difference around workloads or accountability in relation to attendance at meetings of the IE.

26. However the Panel did recognise that outside of the formal IE meetings the current Cabinet Members would still have more responsibility and accountability in relation to both the number and breadth of their portfolios. In that respect the Panel agreed that the DC co-opted members of the IE should be paid an allowance of two thirds of the Cabinet Member SRA.

27. This equates to £1,400 for the 2 months of April and May,
(ie $£12,570 \div 2/3 \div 6$).

28. Overview and Scrutiny The Panel noted that the current allowances scheme provided for payment (£804pa) to the co-opted members of the Children Services Scrutiny Committee. The Constitution required that Committee to meet at least 3 times a year.

29. The Panel agreed that the allowance should be based on the day rate and that it would seem reasonable therefore to use the current scrutiny co-opted allowance as the basis for payment to the 4 ex-district members.

30. In this busy pre-election period the Board is scheduled to meet on two occasions and therefore a payment equating to two-thirds of this sum (£525) would be appropriate to recognise the heavy and diverse workload including activity outside of the formal Board meetings.

31. Planning/Development Control The Panel noted that most authorities did not pay an allowance for each member of the planning/development control committee – rather an SRA was paid to the chairman. This made it difficult to assess the level of the allowance for individual co-opted members.

32. There were up to 3 meetings planned for each area planning committee in the pre-election period. The Panel noted that historically these meetings could be quite long and difficult to manage.

33. The Panel again agreed that any allowance should be based on the day rate. The Panel as mentioned in para 11 above, recognised that whilst the co-opted members would lose their constituency role they still had, by serving as co-opted members, the expense of continuing as a councillor. Based on a quick survey of district council planning/development control meetings in the last quarter, the average length of a meeting is approx 3 hours. The Panel were of the view that this time should be doubled to take account of preparation time which equated to 6 hours. With 3 meetings planned that equates to 2.5 days work. The allowance should therefore be $£142.77 \times 2.5 = £358$ which is rounded up to £380 to recognise the ongoing expense of being a co-opted member.

34. The current District Council's SRA's paid to chairs of planning are in the region of £3100 to £3800 pa. The Panel felt from experience the role of chairman involved further responsibility and time commitment and that the co-opted allowance should be increased by a further 50% to £570.

35. **Licensing** The Panel noted again that it was quite difficult to assess the likely workload arising from serving on the licensing sub committees in the pre-election period. However the report considered by the IE on 28 January quoted a figure of 18 meetings in total across the county in 2008. On this basis in the pre-election period of 2 months there may only need to be 3 meetings across the county.

36. On this basis the Panel agreed that in view of the uncertainty relating to workload, an allowance of £70 per meeting should be paid based on half of the day rate for each meeting.

37. **Standards Committees – Additional Co-opted Members** The key issue here was the payment of an allowance to parish and town council representatives (P&TC) as the current scheme already provided for the payment of allowances (£2010 pa) to independent members.

38. Recruitment was currently underway for P&TC representatives and additional independent members to the committee and no distinction had been made between the two roles. It is very important to be able to recruit P&TC representatives to the Committee to ensure that complaints against P&T councillors are handled correctly. Furthermore, it is a legal requirement for the Committee's membership to include town and parish council representatives and for at least one of them to be present when a town or parish council issue is being considered.

39. The Panel agreed that an allowance should be paid but felt that in view of the uncertain workload of P&TC representatives, initially an allowance per meeting should be agreed, the same as for licensing, up until the elections and that the matter be considered further later in the year along with any evidence of workload.

10 February 2009

40. The Panel at its meeting on 10 February 2009 considered the feedback received from members (14 representations in total) in relation to the initial proposals agreed at its previous meeting.

41. A number of written representations had been received from members and these could be categorised subject wise as follows:-

- Planning
- Scrutiny
- Travel and subsistence

42. There were also a number of written comments that the Panel considered fell outside their terms of reference.

43. In relation to Planning there were a number of subjects commented on. Several concerned the length of planning meetings and the Panel were provided with a broader sample of cross district meeting times than had originally been provided. The average length of meeting was still in the region of 3 hours so the Panel were minded not to amend their recommended allowance. Also in relation to briefings and site visits the Panel concluded that the increased allowance for the chairman recognised the additional time required for the chairman to attend briefings. However for this short pre-election period the Panel were not persuaded that the allowance should be increased to pay for additional members to attend briefings as this, together with attendance at official site visits, was provided for within the overall allowance. The allowance provided a generous preparation period and this should more than cover time spent attending briefings and site visits if that was appropriate and what the committee and chairman wanted.

44. Also in relation to Planning the question was raised whether ongoing county councillors who were also members of the area planning committees would also receive the co-opted allowance. The Panel were clear that this was not their intention as the allowance was to recognise the co-option of district council members and the loss of their basic allowance. Neither factor was relevant to ongoing county councillors. However where the ongoing county councillor was chairman of an area planning committee that was a different issue. That allowance recognised the increased responsibilities and accountability of the chairman's role and therefore where the chairman happened also to be a continuing county councillor the allowance should still be paid.

45. Comments in relation to Scrutiny concerned substitute members for JOSTB and the Panel were advised that the Overview and Scrutiny arrangements did not recognise this role in the pre-election period. The purpose of co-option was to utilise the experience gained by the actual members of the Board (substitutes would have much more limited exposure to the process and the work). In addition the continuing role of district council members on Health Scrutiny had been raised. The Panel had not considered this matter at its first meeting as the role was not considered fundamental to the transition to the new Council. However

now that it had been formally asked to consider the matter the Panel felt that there was some justification for paying an allowance. The Panel was advised that the Health Scrutiny Committee had not yet considered whether they wished to continue the co-option of these members. Also the workload was difficult to establish as there was likely to be only one meeting of the Committee during the pre-election period. In light of this the Panel agreed that should the Health Scrutiny Committee agree to continue to co-opt those district council members then an allowance of £70 per meeting should be paid.

46. A Member also attended the Panel meeting on 10 February to present an argument for an allowance to be payable to district council IE members for their service on the IE prior to 1 April 2009. The Panel received evidence from the member to indicate the considerable number of meetings attended. The Panel were clear that this was outside of the remit they had been given, ie to focus on allowances for the pre-election period. The Panel was also aware that the County Council had previously made a decision not to appoint an Allowances Panel to look at this issue. The Panel was also clear that the situation that the member was in was a direct consequence of the approach that the District Council had taken in relation to the nomination of representatives to serve on the IE and the policy that it had adopted on the payment of members allowances. The issue therefore was a matter for the district council and not the county council.

47. The member concerned had also raised concern at the level of the proposed allowance post 1 April for district council IE members suggesting that it should be at the full level of the cabinet member SRA. The Panel were again clear that the cabinet members had a broader range of responsibilities than the district council members and that their accountabilities were far greater, particularly to the ongoing council. This was also the only representation that had been received regarding this matter and therefore they agreed that their initial proposal on this matter did not require amendment.

48. FINAL RECOMMENDATIONS TO THE COUNTY COUNCIL

That the Council agree the addition of the following Co-opted Allowances to the current scheme of Members Allowances for the pre-election period:-

District Council Members of the Implementation Executive £1,400

District Council Members of JOSTB £525

District Council Members of the Area Planning Committees £380

(NB Not payable to members who also happen to ongoing county councillors)

Chairman of Area Planning Committees £570

District Council Members of the Licensing Sub Committees £70 per meeting

Parish and Town Council representatives on the Standards Committee £70 per meeting

District Council Members of the Health Overview and Scrutiny Committee £70 per meeting

(NB Subject to the Health O&C Committee agreeing to co-opt existing district council members)

Members of the Panel:

Mr A Lampey

Mr J Payne

Mr D Stratton