

RECORD OF OFFICER DECISION

MEMBERS ALLOWANCES – INTERPRETATION OF IMPACT OF NJC PAY AWARD 2023/24

Decision made

To update the Members Allowances Scheme for 2023/24

Made by: Terence Herbert, Chief Executive

After consultation with Perry Holmes, Director of Legal & Governance (Monitoring Officer)

Background

1. As the Proper Officer under Part 3 of the Constitution, I take this decision in accordance with Part 3D1 and paragraph 1.9 in consultation with the Monitoring Officer (in the absence of specific mechanism as set out below) and to deliver agreed strategy, plans and policy, that is the agreed Members Allowances Scheme as set out in Part 13 of the Constitution.

Reason for decision

2. On 20 July 2021 Full Council approved a Members Allowances Scheme regarding the remuneration of elected Members. This followed consideration of a report and recommendations from an Independent Remuneration Panel (IRP), as required by the Local Authorities (Members' Allowances) (England) Regulations 2003.
3. That scheme states "*Full Council has agreed the annual pay award to council staff as the index by which annual adjustments are made to the basic allowance and the special responsibility allowances payable to individual Members for the period from April 2021-March 2025*".
4. As was the case for 2022/23, the NJC Pay Award for 2023/24 was agreed as a lump sum of £1925 for all NJC pay points 1 and above. If applied as a flat rate to the Members Basic Allowance for 2023/24, this would have represented a 12.8% increase on the 2022/23 basic allowance of £15,004.
5. Prior to 2022/23 the award had been agreed with an average percentage increase. In accordance with the approved Scheme for Wiltshire Council, this has been applied automatically, as there is no provision or requirement within the Scheme for increments to be approved on an annual basis, as this is the purpose of the indexing.
6. As it was at the time a new approach in 2022/23 the IRP was consulted for a view on how to apply the flat rate award vs a percentage increase, given the wording of the Scheme.
7. After considering the view of the IRP the Monitoring Officer was consulted. His view was that a natural reading of the Scheme as it exists, would be to apply the average increase for all staff to all allowances. The Scheme explicitly states that any increase also applies to Special Responsibility Allowances, and therefore any decision not to do so would necessitate an amendment to the Scheme. The role of councillor is not tied with a specific pay grade of

staff, and therefore in his view any recommendation to do so would lie outside the scope of the Scheme as it presently stands.

8. It was therefore determined that the meaning of the existing Members Allowances Scheme, as set out in Part 13 of the Constitution, would be to apply the average level of staff increase as the increase to allowances as the relevant index.
9. As the same type of flat rate increase was agreed for 2023/24, the same principle will be applied in accordance with the Allowances Scheme as the index by which automatic annual adjustments will be made to the basic allowance and special responsibility allowance.
10. This decision is therefore simply to note the application of the existing Members Allowances Scheme.
11. For the year 2023/24 the average increase from the staff pay award is 5.76%
12. In 2022/23 the total expenditure for Members Allowances was £2.162m. A 5.76% increase would therefore lead to an approximate expenditure around £2.287m, depending on the level of expenses claimed on top of any allowances.
13. It is open to any Member to forgo any part of their allowance entitlement if they wish.
14. I confirm that in making this decision I have considered the following in line with Wiltshire Council's Constitution:

Key decision requirements	Non-key decision
Views of relevant cabinet member(s), committee chairman	As an interpretation of the existing scheme only, the Cabinet were advised of the conclusion of the Director.
Consideration of the area boards and delegated decision checklist for officers on the issue of when and how to involve local councillors and area boards in decisions about local services	Not a decision regarding local services
Implication of any council policy, initiative, strategy or procedure	Not applicable
Consultation in accordance with the council's consultation strategy	No consultation is required.
Range of options available	As the principle of different options in response to a flat rate was established in 2022, alternative options were not necessary.
Staffing, financial and legal implications	Any increase would have some financial implications, as set out above.
Risk assessment	Not applicable

Involvement of statutory officers and/or directors	The Monitoring Officer discussed the decision with the Chief Executive and CLT.
Regional or national guidance from other bodies	Guidance issued by bodies such as the LGA was considered.
The council's constitution	This decision reflects the position of Part 13 of the Constitution
This contract is suitable for execution under the e-signature process.	Not applicable

Conflict of Interest

15. Not applicable

Other options considered

16. Alternative options were considered as set out by the IRP in 2022.

Made by:

Terence Herbert

6 November 2023