

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM 19

REPORT TO CABINET

9 MARCH 2006

REPORT OF CORPORATE MANAGEMENT TEAM

COUNCIL DECISION

Corporate - Lead Cabinet Members - Councillor Councillor Coleman

MEMBERS' ALLOWANCES

1. Summary

The Independent Remuneration Panel's report is presented for Cabinet's consideration with a view to recommendations being submitted to Council (at the Special Council meeting on 22 March 2006) regarding the existing Members' Allowances Scheme for 2005/06 and a Scheme for 2006/07.

2. Recommendations

It is recommended to Council that:-

1. The report be received and the Panel be thanked formally for their work;
2. The Panel's proposals for a revised Allowances Scheme for 2005/06 be considered;
3. The Panel's proposals for a new Allowances Scheme for the period from 1 April 2006 to 31 March 2007 be considered; and
4. Subject to the decisions regarding the above recommendations, the additional resources required to implement the proposed new Schemes be provided in 2005/06 and for 2006/07.

3. Reasons for the Recommendations/Decision(s)

The Members Allowances Regulations require local authorities to revise existing Schemes and make new Schemes following a review by and consideration of recommendations from an Independent Remuneration Panel. A Review of Allowances during 2005/06 was previously agreed by Cabinet and Council.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct

(paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

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DETAIL

1. Cabinet and Council previously agreed to a review of Members' Allowances by the Authority's Independent Remuneration Panel during 2005/06 (minutes 760 refers).
2. The Panel was tasked to review Members' Allowances in the light of the May 2005 elections, the review of Cabinet Member Portfolios and the revised Scrutiny arrangements.
3. The Panel has now undertaken a review and produced its report. A copy of that report is attached at **Appendix 1**.
4. The effect of the Panel's recommendations for the period from 1 April 2005 to 31 March 2006 is shown at **Annex 2** to the Panel's report.

5. **Annex 3** of the Panel's report provides the details of the Panel's recommendations for the period 1 April 2006 to 31 March 2007.
6. An analysis of the additional costs to the Council, should the Panel's recommendations be accepted in their entirety are attached at **Appendix 2** to the Cabinet report.
7. A comparison of Officer and Member travel and subsistence rates is attached at **Appendix 3** to the Cabinet report.
8. One other matter raised in the Panel's report relates to any potential inflationary index rate which the Council may wish to apply to increase allowances (Basic, SRAs and Co-optees Allowances) in 2007/08 and beyond (up to a maximum of 4 years). The Council uses a figure of 2.5% for the purposes of its corporate/Members' budgets.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

9. The financial implications arising from the Panel's work in reviewing the Council's allowances are referred to in paragraphs 4 to 6 and set out at **Appendix 2**.

Legal

10. The review by the Panel, Cabinet and Council's consideration of the Panel's report and the introduction of a revised and new Allowances Schemes based on the Panel's recommendations are all statutory requirements. The Authority is therefore complying with its legal obligations pursuant to this report.

RISK ASSESSMENT

11. The issues identified within this report are categorised as low to medium risk.

COMMUNITY STRATEGY IMPLICATIONS

12. Establishing the appropriate level of remuneration for Members' representational and advocacy roles in executive arrangements is an important element of the Government's modernisation agenda for local government. Independent Remuneration Panels are integral to that process and the matters highlighted in the report are key features of the Members Allowances Regulations.

CONSULTATION

13. Copies of this report will be available for all Members. Consultation with all Members, in writing, was carried out on behalf of the Independent Panel regarding the review and the Panel also had one to one meetings with Group Leaders and the Deputy Leader.

David Bond

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Background Papers: The Panel Report
Ward(s) and Ward Councillors: Not Ward specific
Property Implications: None

APPENDIX 1

STOCKTON-ON-TEES BOROUGH COUNCIL

REPORT

OF

**THE INDEPENDENT PANEL ON THE REVIEW OF
MEMBERS' ALLOWANCES**

FEBRUARY 2006

1. Introduction

- 1.1 We were invited by Stockton-on-Tees Borough Council to sit as an independent Panel to review the Council's scheme for Members' Allowances. The remit of the Panel was to review the allowances for the financial year 2005/2006 bearing in mind the political changes arising from the Council elections held on 5 May 2005 and the reorganisation of Scrutiny and Select Committees etc which became effective as from 14 December 2005. In addition, the Panel was asked to make recommendations for allowances to be paid in the financial year 2006/2007. The Panel members are the same as those who conducted the last exercise of this kind for the Council in August 2003. This is the fifth review that the Panel has undertaken and members are again encouraged by the fact that the Panel's conclusions and recommendations in past reviews have been largely accepted by the Council.
- 1.2 Following the broadening of the scope of the issues to be examined by the Panel for the last report, the situation has remained the same since that time. The structure of this report consequently follows that of the report produced in August 2003.
- 1.3 The Council requested that the report setting out our conclusions and recommendations be submitted by 17 February 2006. We have therefore worked to that timetable. Since the initial "scoping" meeting did not take place until 6 January 2006, this has given us a limited time to complete our task. However, we believe that we have had sufficient time to carry out a comprehensive review of the issues, leading to the production of an independent and thorough assessment which is set out in this report. The procedures adopted by the Panel are described below.

2. Procedures adopted by the Panel

- 2.1 We have sought by the procedures described to assemble a comprehensive package of relevant information so that our conclusions can be seen to stem from clear and logical reasoning and would be capable of standing up to close scrutiny. We believe that we have achieved this aim. Although we have had a relatively short time to complete our work, many of the issues which were considered for the first time in August 2003 were examined then in great detail. To some extent therefore, these required on this occasion little more than "updating".
- 2.2 The Panel has met on 4 occasions. Due to various circumstances, all members of the Panel could not attend every meeting but all were present for discussion of the key issues. All meetings which considered key issues were also attended by David Bond, the Council's Director of Law and Democracy. The Council has again been extremely helpful in providing various documents and information for consideration at Panel meetings.
- 2.3 The Panel felt that it was essential to give elected Members of the Council (and co-opted Members) the opportunity to put forward their views on the issues under consideration. At our request, all Members and co-opted Members were invited to submit their views. We received some very helpful comments. It was particularly significant that there were few complaints about the current Scheme.
- 2.4 We invited the Leaders of the 5 political groups (and the Deputy Leader of the Labour Group) on the Council to have individually a meeting with the Panel. We received some very helpful information during these interviews which covered such issues as

Basic Allowances, Travel and Subsistence rules and Child Care and Dependent Carers' Allowance. All these issues have been given proper consideration and are dealt with in the appropriate sections of this report.

- 2.5. We again sought information on the allowances being paid by other Local Authorities, particularly those similar in character to Stockton-on-Tees. The allowances vary widely but have provided a useful context to our consideration. It is clear that the scheme in Stockton is broadly in the middle range of allowances paid across the country based on the information which we have seen.
- 2.6 As ever, we were able to draw on the wide experience of the individual members of the Panel covering the public, private and voluntary sectors. This knowledge and experience has greatly assisted us in producing what we believe is a sound and logical report.

3. Background Issues

- 3.1 We make no excuses for referring again to the 2 issues considered in this section of our last report. First, we emphasise the point again that the ability of the Council to afford the allowances which we recommend is not an issue for the Panel. It is the Council's decision whether to support our recommendations and to consider how the financial burden of these recommendations can be met.
- 3.2 Secondly, we again looked at the issue as to whether the level of allowances is a major factor in deterring people from seeking to become Councillors. We see no reason to change our views that we do not believe the level of allowances is greatly significant. This view was supported by Members to whom we spoke about this. We state therefore that we have not considered this issue as a significant matter in reaching our conclusions.
- 3.3 In our last report, there was some detailed consideration of financial indices (see paragraphs 4.4, 7.3 and 10.1). The Regulations indicated that, in adjusting allowances annually, the Local Authority (and by inference the Panel) should have regard to a nominated index. We would like to approach this issue in a slightly different way on this occasion. We have examined various indices available and we have decided to put the onus on the Local Authority. Therefore, at certain points in this report, we shall focus on the inflationary rate used by the Council for financial purposes (ie for corporate budgets) rather than draw attention to a specific index. This method seems simpler and leaves the responsibility for this issue where we believe it should lie. In employing this method, it obviates the need for the kind of review by the Panel which is considered in paragraph 10.1 of our last report. We believe that this kind of review must be for the Council to undertake.

4. Basic Allowance

- 4.1 The Basic Allowance is the foundation of how Councillors are remunerated for their service. Other allowances come with positions held within the Council. In examining the level of Basic Allowance, it is important to see how this has evolved in this Authority. An allowance of £5,000 was introduced with effect from 1 April 2000 and has risen mainly in line with inflation to £5,470.61, though there was no rise in 2003/2004. In our last report, we recommended that "when this exercise is carried out again, it will be time for a more radical examination of this allowance and its reliance on the base figure (of £5,000)".

- 4.2 There seems to be general satisfaction with the current allowance and we, therefore, recommend that, for the remainder of the financial year 2005/2006, this should remain at £5,407.61. However, for the year 2006/2007, we believe that “radical examination of this allowance” is appropriate. The first point is that if 2½% is taken as an inflationary increase for the 2 years 2005/2006 and 2006/2007, it would produce a figure of approximately £5,750. Bearing in mind that in another year in the sequence since 1 April 2000 (2003/2004) no increase was awarded, a further guidance figure of 2½% could be added to this bringing an allowance of nearly £5,900. It, therefore, seems appropriate to round this figure up to £6,000 for the year 2006/2007. This will reflect the current situation and ensure that the level of this allowance does not drift inexorably downwards. We admit that using 3 additions of 2½% seems an approximate method but it fits closely with the Council’s (Corporate budgets) inflation increases and the method outlined in paragraph 3.3 above.

5. Special Responsibility Allowance

- 5.1 SRAs are paid to “postholders” to reflect significant additional responsibilities carried by the person appointed to a specific post. These posts and their current SRAs are listed in **Annex 1** to this report.
- 5.2 By its nature, SRA is quite unlike Basic Allowances and therefore has to be approached differently. We continue to maintain the view that relying solely on inflation levels to calculate SRAs is not an appropriate strategy for considering these allowances.
- 5.3 At the time of our last report, there was some consideration given to the issue of the number of SRAs paid by the Council. Again, the number of SRAs paid by Local Authorities varies widely. When our last report was produced, 31 SRAs were paid by the Council which had a total of 55 Members. (This figure excluded allowances paid to the (independent) Chair of the Standards Committee, the Mayor and the Deputy Mayor). We considered this to be reasonable. This situation is now that 32 SRAs are paid with the total of Council Members having risen to 56. Again, we believe this to be an acceptable figure of SRAs paid.
- 5.4 All the evidence we have received suggests that Members are generally satisfied with the level of SRAs. We, therefore, recommend that these allowances should remain the same for 2005/2006. Again, we see no way of sensibly varying these allowances between the various posts. It would be too complex and would be unlikely to be supported within the Council.
- 5.5 Although we have recommended that the level of SRAs should remain the same for 2005/06, the Council’s Allowances Scheme should be revised to reflect the political changes arising from the May 2005 local government elections; and the changes to Cabinet Members’ portfolios and the new scrutiny and select committee structure, brought into effect on 14 December 2005. Details of the changes to the 2005/06 Allowances Scheme which we recommend to the Council are set out at **Annex 2** to this report.
- 5.6 Although we have recommended above that the level of SRAs should be unchanged for 2005/2006, we believe strongly that the level of these allowances should be increased from the start of the following financial year, 2006/2007. The work carried out by the “postholders” who receive SRAs is both extensive and demanding. This must be recognised and suitably rewarded. It follows that the value of these allowances should not wither through being maintained at a certain level for a number

of years. We are therefore recommending increases for 2006/2007 of around 5%. **Annex 3** sets out in detail the SRAs (and other Allowances) for 2006/2007.

- 5.7 An examination of the levels of SRAs raises 3 other specific points which were considered in our last report but need to be considered again. The first (and most difficult) concerns the allowances paid to the Leaders of the Opposition Groups. There is no difficulty about the allowances paid to the Leaders of the Conservative and Liberal Democrat Groups. The difficulties arise over whether allowances should be paid to the Leaders of the Thornaby Independent Association (TIA) and the Ingleby Barwick Independent Society (IBIS).
- 5.8 In our last report, we recommended that the Leader of the TIA should receive an SRA. TIA then had 8 Members on the Council and (as the third largest party in relation to the number of seats held) represented a substantial presence. The situation has changed dramatically. TIA now has 3 Members on the Council. We do not believe that this constitutes a "Group" able to play a full role in Council affairs (even though we have to accept that it constitutes a group in strictly legal terms). Indeed, with its purely geographical remit, there has to be a doubt whether 3 Members wish to play that full role. We therefore recommend that the SRA paid to the TIA Leader should continue for the remainder of 2005/2006 but should then cease.
- 5.9 IBIS now has 6 Members on the Council. In contrast to what we have said about TIA, we believe that this is a sufficient number to constitute a Group which is able to play a full role on the Council. Despite its geographical focus, there is also some evidence which has been put to us (from sources outside of IBIS) that IBIS is playing a much wider role than merely being involved in Ingleby Barwick issues. We therefore recommend that the Leader of IBIS should receive an SRA backdated to the Council elections date of 5 May 2005 and should continue to do so in 2006/2007. SRAs paid to Opposition Group Leaders should continue to be at a level equal to that awarded to Committee Chairs.
- 5.10 The allowances awarded to the Mayor and Deputy Mayor are a separate category. Everyone seems to think that these allowances are reasonable. We also believe this. We therefore recommend that these allowances should remain the same for 2005/2006 and 2006/2007.
- 5.11 The final issue on SRAs concerns the Standards Committee and the allowances paid to its (independent) Chair and Vice-Chair. We considered this matter at length in our last report. We see no reason to change our recommendation, ie that the Chair and Vice-Chair should receive SRAs in line with those paid to the Chairs and Vice-Chairs of other Committees for the 2 financial years under consideration.

6. Co-optees

- 6.1 There are 2 key matters in looking at the level of allowances for co-optees who sit on Council Committees. First, co-optees represent a wide range of people carrying out various tasks and it is just about impossible to judge whether the allowances paid to them should vary. The second is that the Regulations state quite specifically that the allowances paid "should be in respect of attendance at conferences and meetings". We therefore believe that the only option for the Panel is to recommend a standard rate for all co-optees and we propose that this should remain at £500 per annum for the 2 financial years under consideration.

7. Travel and Subsistence

- 7.1 At the time of our last report, this was a new topic to be covered in the Panel's considerations. The basis was that Councils should have the freedom to create their own scheme for travel and subsistence following an initial consideration by the Panel. At that time, we recommended a scheme where increases would be made on the basis of a financial index.
- 7.2 On this occasion, we would like to approach the subject from a different angle. We understand that the scheme for travel and subsistence for Officers is different to that employed for Members. We would like to suggest that these 2 schemes are brought into line though we accept that there may need to be some minor differences of detail. We recommend that this approach is considered for the start of the financial year 2006/2007.

8. Child Care and Dependent Carers' Allowances

- 8.1 We have stated in previous reports that this is a complex issue, particularly as it is administered under rules some of which are set nationally and some locally. Equally, it is a subject which deeply concerns some Members and we recognise this.
- 8.2 We continue to believe that the model scheme laid down by the Local Government Association (LGA) represents a fair scheme. We therefore recommend that its use by the Council should be continued. We understand that the LGA scheme currently has an hourly rate of £4.81 and we recommend this level for 2005/2006. The rate for 2006/2007 should again follow the level set under the LGA scheme.

9. Pensions

- 9.1 We have nothing to add to the recommendations on this matter which we made in our last report.

10. Conclusions

- 10.1 These are the conclusions and recommendations of the Panel.

Annex 1 lists the SRAs being paid currently in relation to various offices held by Members of the Council.

Annex 2 sets out the revised allowances recommended for 2005/06.

Annex 3 sets out these allowances with the increased amounts that we are recommending for 2006/2007.

- 10.2 Finally, the members of the Panel would like to draw Members' attention to the great assistance which we have received from Officers of the Council, in particular David Bond, Director of Law and Democracy.

Richard Bell
Brent Godfrey
Paul McGee

Special Responsibility Allowances 2005/2006

<u>Post</u>	<u>Allowance per annum</u> £
Leader	13,500
Deputy Leader	7,850
Cabinet Members for:-	
Environment	6,750
Housing & Community Safety	6,750
Health & Social Care	6,750
Regeneration & Development	6,750
Education, Leisure & Cultural Services	6,750
North Borough	6,750
Central Borough	6,750
South Borough	6,750
Chair Scrutiny	3,800
Vice-Chair Scrutiny	1,900
Chair of Performance Review & Audit Select Committee	3,800
Vice-Chair of Performance Review & Audit Select Committee	1,900
Chair of Corporate Policy Review Select Committee	3,800
Vice-Chair of Corporate Policy Review Select Committee	1,900
Chair of Health & Social Care Select Committee	3,800
Vice-Chair of Health & Social Care Select Committee	1,900
Chair of Housing & Community Safety Select Committee	3,800
Vice-Chair of Housing & Community Safety Select Committee	1,900
Chair of Education, Leisure & Cultural Select Committee	3,800
Vice-Chair of Education, Leisure & Cultural Select Committee	1,900
Chair of Environment & Regeneration Select Committee	3,800
Vice-Chair of Environment & Regeneration Select Committee	1,900
Chair Planning Committee	3,800
Vice-Chair Planning Committee	1,900
Chair Licensing Committee	3,800
Vice-Chair Licensing Committee	1,900
Vice-Chair Standards Committee	1,900
Leader Conservative Group	3,800
Leader Thornaby Independent Association	3,800
Leader Liberal Democrat Group	3,800

Amended Special Responsibility Allowances 2005/2006

<u>Post</u>	<u>Allowance per annum</u> £
Leader	13,500 (no change)
Deputy Leader	7,850 (no change)
Cabinet Member for Children & Young People	6,750 *
Cabinet Member for Adult Services & Health	6,750 *
Cabinet Member for Regeneration & Transport	6,750 *
Cabinet Member for Arts, Leisure & Culture	6,750 *
Cabinet Member for Housing	6,750 *
Cabinet Member for Environment	6,750 (no change)
Cabinet Member for Community Safety & Protection	6,750 *
Cabinet Member for Social Inclusion & Neighbourhoods	6,750 *
Chair of Executive Scrutiny Committee	3,800 *
Vice-Chair of Executive Scrutiny Committee	1,900 *
Chair of Corporate Policy Review Select Committee	3,800 (no change)
Vice-Chair of Corporate Policy Review Select Committee	1,900 (no change)
Chair of Children & Young People Select Committee	3,800 *
Vice-Chair of Children & Young People Select Committee	1,900 *
Chair of Environment & Regeneration Select Committee	3,800 (no change)
Vice-Chair of Environment & Regeneration Select Committee	1,900 (no change)
Chair of Housing & Community Safety Select Committee	3,800 (no change)
Vice-Chair of Housing & Community Safety Select Committee	1,900 (no change)
Chair of Health Select Committee	3,800 *
Vice-Chair of Health Select Committee	1,900 *
Chair of Adults, Leisure & Culture Select Committee	3,800 *
Vice-Chair of Adults, Leisure & Culture Select Committee	1,900 *
Chair of Planning Committee	3,800 (no change)
Vice-Chair of Planning Committee	1,900 (no change)
Chair of Licensing Committee	3,800 (no change)
Vice-Chair of Licensing Committee	1,900 (no change)
Chair of Standards Committee	3,800 (no change)
Vice-Chair of Standards Committee	1,900 (no change)
Chair of Audit Committee	3,800 *
Vice-Chair of Audit Committee	1,900 *
Leader Conservative Group	3,800 (no change)
Leader Liberal Democrats Group	3,800 (no change)
Leader Thornaby Independent Association	3,800 (no change)
Leader Ingleby Barwick Independents Society	3,800 +
Notes	
* new with effect from 14 December 2005	
+ new backdated to/with effect from 5 May 2005	
Basic Allowance	no change
Mayoral Allowances	no change
Child Care and Dependent Carers' Allowance	4.68 per hour to 4.81 per hour
Co-optees Allowance	no change
Travel and Subsistence Allowances	no change
Pensions	no change

Members' Allowances
2006/2007

<u>Allowance</u>	<u>Post</u>	<u>Allowance per annum</u> £
Basic	All Councillors	6,000
Special Responsibility Allowances	Leader	14,175
	Deputy Leader	8,250
	Cabinet Members	7,100
	Executive Scrutiny and Select Committee Chairs	4,000
	Executive Scrutiny and Select Committee Vice-Chairs	2,000
	Chairs of:- Planning Licensing Standards Audit	4,000
	Vice-Chairs of:- Planning Licensing Standards Audit	2,000
Civic Allowances	Group Leaders:- Conservative Liberal Democrats IBIS	4,000
	Mayor	17,500
Civic Allowances	Deputy Mayor	5,500
	Voting Co-optees (except Standards Committee Chair)	500
Child Care and Dependent Carers Allowance		Hourly rate as per LGA Allowances Scheme for 2006/2007
Travel and Subsistence		To be reviewed in light of Officers' rates
Pensions	All Councillors	As per 2005/2006 - (No change)

Members' Allowances**2005/06****Additional Costs**

<u>Allowance</u>	<u>Additional Costs</u>
SRA (Leader of IBIS) from 5 May 2005	3483
SRA - Chair Audit Committee - Vice-Chair Audit Committee from 14 December 2005	1108 554
Child Care and Dependent Carers Allowance- increase from £4.68 per hour to £4.81 per hour	minimal
	<u>Total</u>
	5145

Note: Posts of Cabinet Member North Borough, Central Borough and South Borough vacant
- savings offset additional costs

Members' Allowances

2006/07

Additional Costs

<u>Allowance</u>	<u>Additional Costs</u>
Basic (6000 - 5470.61 x 56)	29,646
SRAs:-	
Chair of Audit Committee	4,000
Vice-Chair of Audit Committee	2,000
Leaders (3 x 200)	600
Leader	675
Deputy Leader	400
Cabinet Members (8 x 350)	2,800
Chairs (10 x 200)	2,000
Vice-Chairs (10 x 100)	1,000
Child Care and Dependent Carers Allowance	minimal
Travel and Subsistence	Not known
	<u>Total</u> 43,121

Travel and Subsistence Allowances

		Officer Rates (casual user)
(a) Mileage Allowances		
<u>Member's Motorcycle</u>		
Up to 150cc	8.6 p per mile
151 to 500cc	12.5p per mile
Over 500cc	16.8p per mile
<u>Member's Car</u>		
Motor car/tricar up to 999cc	35.2p per mile	38.7p per mile
Motor car/tricar 1000 - 1199 cc	40.1p per mile	42p per mile
Motor car/tricar 1200 cc and above	49.3p per mile	52.7p per mile
Bicycle/Cycle	20.3p per mile	23p per mile
In addition 3p per mile can be claimed for the first passenger and 2p per mile for the second and subsequent passengers carried (up to a maximum of 4) to whom a travelling allowance would otherwise be payable.		Not applicable to Employees
(b) Meal Allowances		
a. Breakfast allowance (more than 4 hours away from normal place of residence before 11 am)	£5.00	£4.48
b. Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2 pm)	£6.68	£6.17
c. Tea allowance (more than 4 hours away from normal place of residence including the period 3 pm to 6 pm)	£2.71	£2.43
d. Evening meal allowance (more than 4 hours away from normal place of residence, ending after 7 pm)	£8.51	£7.64

(c) Subsistence Allowance

Overnight, other than in London	£81.10	£81.10
Overnight in London or for an annual conference of the Local Government Association (including or not including an annual meeting) or of such other association of bodies as may be approved for the time being for the purpose.	£92.50	£92.50