

27 June 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 19.06.17



Governance Committee

Membership:

Chairman, Cllr. Pett; Vice-Chairman, Cllr. Ms. Tennessee
Cllrs. Clack, Halford, Layland, London and McGarvey

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 2 February 2017, as a correct record.	(Pages 1 - 2)	
2. Declarations of Interest Any interest not already registered		
3. Actions from the previous meeting (if any)		
4. Review of the Scheme for Members' Allowances	(Pages 3 - 34)	Adrian Rowbotham Tel: 01732 227153
5. Work Plan	(Pages 35 - 36)	

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

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GOVERNANCE COMMITTEE

Minutes of the meeting held on 2 February 2017 commencing at 7.00 pm

Present: Cllr. Pett (Chairman)

Cllr. Ms. Tennessee (Vice Chairman)

Cllrs. Halford, Layland, and McGarvey

An apology for absence was received from Cllr. Clack

7. Minutes

That the minutes of the meeting of the Governance Committee held on 3 November 2016, be approved and signed by the Chairman as a correct record.

8. Declarations of Interest

There were none.

9. Actions from the previous meeting

There were none.

10. Members' Allowance Scheme

The Chief Officer Corporate Services presented a report which detailed amendments to Appendix G, Members' Allowance Scheme in the Council's Constitution. The scheme currently listed approved duties in Section 3 and Schedule 2. Members were increasingly being invited to meetings and events to represent the Council at the request of the Leader, Cabinet Members or Chief Officers, and therefore it was necessary to amend the Constitution to allow the expenses of such attendance to be claimed.

The Chief Officer advised that the proposed changes included the reiteration in section 3, paragraph 3.1 that "no expenses claimed more than three months after they were incurred will be paid." He also advised that the following description be added included as paragraph 3.1 (i) "attendance at meetings, training or other events where the Member is an official Council representative or requested to attend by the Leader, relevant Cabinet Member or Chief Officer".

Members were advised that there were some minor anomalies within the Scheme and proposed that the Head of Legal and Democratic Services be authorised to make any consequential amendments to the scheme.

Members discussed the need for the residents to understand the allowances that Members could claim and how the information could be made available. The Chief Officer advised that the Allowance Scheme was available online in the Constitution and that claim forms submitted by Members was also available but could investigate additional methods. The Audit Committee had recently reviewed Members' allowances.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council that Appendix G, Members' allowance Scheme, of the Council's Constitution, be amended at paragraph 3.1 by

- i) the additional wording 'no expenses claimed more than three months after they were incurred will be paid' being inserted at the end of the first paragraph;
- ii) the additional approved duty (i)
 - 'i) attendance at meetings, training or other events where the Member is an official Council representative or requested to attend by the Leader, relevant Cabinet Member or Chief Officer'.

11. Work Plan

It was noted by Members that the Joint Independent Remuneration Panel were due to meet this year to review Member expenses and it was likely that a report would be brought to the meeting on 7 November 2017.

THE MEETING WAS CONCLUDED AT 7.25 PM

CHAIRMAN

REVIEW OF THE SCHEME FOR MEMBERS' ALLOWANCES

Governance Committee - 27 June 2017

Report of	Chief Finance Officer
Status	For Consideration and Decision
Key Decision	No

Executive Summary: A Joint Independent Remuneration Panel has carried out a review on Members' Allowances. The review has made a number of recommendations and is being presented to this Committee who will then make a recommendation to Council.

This report supports the Key Aim of Effective Use of Council Resources

Portfolio Holder	Cllr. Anna Firth
Contact Officers	Adrian Rowbotham Ext. 7153 Helen Martin Ext. 7483

Recommendation to Governance Committee:

- (a) That the Committee considers the report of the Joint Independent Remuneration Panel
 - (b) That it be recommended to Council that either
 - i) no action is taken
 - ii) or that
 1. the revised Schedule of Recommended Members Allowances as detailed on page 19 and 20 of Appendix A be agreed;
 2. in future the allowances are updated in line with any increases in the remuneration of Council staff;
 3. the current travel expenses scheme based upon the HMRC approved rate, continues;
 4. the existing scheme for meal and subsistence allowances, which excludes tea allowance, should continue and
 5. the IT allowance is not paid to Councillors after the next election.
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- iii) Or that a Member working group to further consider the recommendations from the Joint Independent Remuneration Panel and report back its findings to the meeting of the Governance Committee on 7 November 2017.
- (c) The Committee formally record thanks to Gary Allen, Max Lewis and Chris Oliver for their work in preparing 'A Review of Council Members' Allowances for Sevenoaks District Council.
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Reason for recommendation: Section 19 of The Local Authorities (Members Allowances)(England) Regulations 2003 state that before an authority makes or amends a Members' Allowance scheme, the authority shall have regard to the recommendations made in relation to it by the Independent remuneration Panel.

Background

- 1 The Joint Independent Remuneration Panel (JIRP) was established jointly by Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council in 2001 to make separate recommendations for each Council on their Scheme of Members' Allowances. The JIRP operates under the Local Authorities (Members' Allowances)(England) Regulations 2003. The function of the Panel is to make recommendations to Council in accordance with Statutory Instruments (Primarily 2003 No.1020 and No.1692).
- 2 The JIRP is drawn from residents of the three council areas it serves and the Members of the Panel are:
 - Gary Allen, a resident of Lamberhurst
 - Max Lewis, a resident of Tunbridge Wells
 - Chris Oliver, a former resident of Tonbridge and Malling Borough
- 3 One of the roles of the Governance Committee is to receive the recommendations of the JIRP and make recommendations for changes to the Members' Allowance Scheme to the Council and, if required, to the JIRP.

Introduction

- 4 The JIRP provides an objective view of the remuneration that should be provided for Members and makes a recommendation to this Council. Legislation requires that before an Authority amends a scheme, the authority shall have regard to the recommendations made to it by the JIRP.
- 5 The Council's current Members' Allowance Scheme is set out in Appendix G of the Constitution.

- 6 The purpose of the JIRP review is to carry out the quadrennial update of Members' allowances required by legislation, taking into account Members' workload, responsibilities and required time commitment and then to recommend a fair level of recompense for those commitments.
- 7 Historically Members have modified the JIRP recommendations to ensure that the final scheme remained within budget.
- 8 If the Governance Committee do recommend an increase above the current budget to Council, if approved, a growth item will be required in the 2018/19 budget process.

Summary of JIRP's Recommendations

- 9 The JIRP report, attached at Appendix A sets out a summary of recommendations. Recommendations and factors that Members may find of particular interest are as follows:

- The existing Basic Allowance of £5,359 pa should continue at the current rate.
- Special Responsibility Allowances (SRAs) should be set as a percentage of the Leader's allowance. Members should continue to only receive one SRA. SRA's recommended in the report include:
 - Council Leader £20,000 p.a.
 - Deputy Leader £12,000 p.a.
 - Opposition Group Leaders £270 p.a. per group member
 - Cabinet Members £7,500 p.a.
 - Deputy Cabinet Members £1,600 p.a.
 - Committee Chairs £1,500 - £5,000 p.a.
 - Advisory Committee Chairs £2,500 p.a.
 - Development Control Cttee Vice-Chair £1,000 p.a.
 - Development Control Cttee Members £500 p.a.
 - Licensing Cttee Members £135 p.a.
 - Standards Co-optees £480 p.a.
- Child Care Allowance should be payable at the actual amount charged, subject to a maximum rate of £7.20 per child per hour.
- Dependent Carer's Allowance should be payable at the actual amount charged, subject to a maximum of £16.00 per hour.

Agenda Item 4

- Allowances should be updated in line with any annual increases in pay awards to Council staff.
- Travel expenses should continue to be based upon the HMRC approved rate.
- The existing scheme for meal and subsistence allowances should continue.
- The existing IT allowance should be stopped at the next Election.

Key Implications

Financial

In 2017/18, the Council's budget for Members' Allowances is £385,998.

If the JIRP's recommendations are adopted, the financial implications are set out in Appendix B, which shows that they would cost £20,000 per annum more than the current scheme.

Legal Implications and Risk Assessment Statement.

The Council is required under the Local authorities (Members' Allowances)(England) Regulations 2003 and subsequent amendments to establish and maintain an Independent Remuneration Panel to review and make recommendations to the Council on the range and levels of remuneration for elected Members.

Under the regulations, the Council is required to undertake a full review every four years. A full review was considered by the Council on 20 November 2012, but the Panel was requested to carry out a further review as the Council had adopted revised Governance arrangements in May 2013. The further review was considered by the Council on 1 October 2013.

Remuneration for Members is intended to ensure that there are no avoidable obstacles preventing people from taking part in the work of the Council. The level of remuneration needs to be at an appropriate level. Any deviation from the recommendations should be justified with a written record being made.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The basis of the current level of Members' Allowances for Sevenoaks District Council was established by the Panel in December 2001 following guidance issued by central government. Allowances have been revised following later Panel's recommendations to reflect the changing roles of Members. Members are

requested to consider the contents of this report and appendices before making a recommendation to Council.

Appendices

Appendix A - A Review of Council Members' Allowances for Sevenoaks District Council (JIRP May 2017)

Appendix B - Financial Effect of JIRP's Recommendations

Background Papers

[Local Authorities \(Members Allowances\)\(England\) Regulations 2003](#)

[Members' Allowances Scheme set out at Appendix G in the Council's Constitution](#)

Adrian Rowbotham

Chief Finance Officer

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**A REVIEW OF
COUNCIL MEMBERS' ALLOWANCES
FOR
SEVENOAKS DISTRICT COUNCIL
May 2017**

**Joint Independent Remuneration Panel [The Panel]
for
Sevenoaks District Council
Tonbridge & Malling Borough Council
Tunbridge Wells Borough Council**

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- 11. Number of Councillors**
- 12. Conclusions**
- 13. Acknowledgements**

Appendices

- 1. Regulations and Guidance for Independent Remuneration Panels**
- 2. Terms of Reference & Panel Members**
- 3. Comparative data from Kent & Sussex Borough/District Council Allowances**
- 4. Revised Schedule of Recommended Members' Allowances**

1 Introduction

1.1 The Council is required under the Local Authorities (Members' Allowances) (England) Regulations 2003 and subsequent amendments to establish and maintain an Independent Remuneration Panel [The Panel] to review and make recommendations to the Council on the range and levels of remuneration for elected Members (see Terms of Reference Appendix 2).

1.2 Under the Regulations the Council is required to undertake a full review every four years. A full review was considered by the Council on 27 November 2012, but the Panel was requested to carry out a further review as the Council had adopted revised Governance arrangements in May 2013. The further review was considered by the Council on 1 October 2013. This report is the result of the latest review conducted in Winter 2016/Spring 2017.

1.3 The purpose of this review is to carry out the quadrennial update of local councillors' allowances required by legislation, taking into account Members' workload, responsibilities and required time commitment and then to recommend a fair level of recompense for those commitments.

1.4 The Panel is mindful always of its remit to assist in broadening the diversity of councillor representation by minimising financial barriers to participation in local government.

1.5 While affordability of the Panel's recommendations is ultimately an issue for the Council to decide, the Panel fully appreciates the sensitivity of making any increase in allowances in the current financial climate and has tried to propose a scheme which is fair, simple to administer and properly reflects the significant time commitments given by individuals in this important tier of government. However, the Panel appreciates that time commitment alone is not necessarily an accurate indicator of efficiency, output and results.

1.6 The Panel also has the responsibility of reviewing allowances for both Tunbridge Wells and Tonbridge and Malling Borough Councils. The Panel's recommendations were rejected by Tunbridge Wells Borough Council who determined that the status quo should continue and the main principles were accepted by the General Purposes Committee at Tonbridge and Malling Council, with some of the proposals being recommended for introduction at the next election. The Panel has noted the differences in the role of the Cabinet, the Cabinet Advisory System and the Management Structure in Sevenoaks compared with the two neighbouring councils of Tunbridge Wells and Tonbridge and Malling and it is for these reasons that some allowances are not the same as the neighbouring councils, even though the Panel is of the view that the economics, cost of living and diversity issues are broadly similar between the three councils.

2 Summary of Recommendations

2.1 Basic Allowance

The existing Basic Allowance of £5,359 p.a. should continue at the current rate. This takes account of the additional formal workload of the Council's 'fully inclusive'

Governance arrangements, in comparison to the other two Councils which have been reviewed by the Panel. The gross value of the allowance is £8,932 p.a., reduced by £3,573 p.a. for this voluntary element. This allowance is higher than the Panel's recommendation of £5,000 for both Tunbridge Wells and Tonbridge and Malling Borough Councils for the reasons set out in the report.

2.2 Special Responsibility Allowances

In this review the Panel has considerably simplified the structure of SRAs by using an approach which sets the level of each SRA as a percentage of the Leader's allowance. The Panel has also re-considered the allowances for Vice-Chairs. The Panel continues to support the 2007 guidance on Members Remuneration from the Councillors Commission which recommends that members should not receive more than one SRA.

The Panel's recommendations for Special Responsibility Allowances for each role (after reduction for the voluntary/public service element) are:-

- Council Leader - £20,000 p.a.
- Deputy Leader - £12,000 p.a.
- Opposition Group Leaders - £270 p.a. per group member
- Cabinet Members - £7,500 p.a.
- Deputy Cabinet Members - £1,600 p.a.

- Committee Chairs

Audit	£2,500
Development Control	£5,000
Governance	£2,500
Health Liaison Board	£2,500
Licensing	£2,500
Scrutiny	£2,500
Joint Transportation Board	£2,000
Standards	£1,600

- Advisory Committee Chairs

Policy & Performance	£2,500
Economic & Community Dev	£2,500
Finance	£2,500
Housing	£2,500
Planning	£2,500
Direct & Trading Servs	£2,500
Legal & Democratic	£2,500

- Committee Vice-Chair

Development Control	£1,000
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- Committee Members

Development Control	£500
Licensing	£135
Standards Co-optees	£480

2.3 Carer Allowances

The Panel's recommendations are that the Child Care Allowance should be equivalent to the forthcoming National Living Wage payable at the actual amount charged, subject to a maximum rate of £7.20 per hour per child or and that the Dependant Carer's Allowance should be payable at the actual amount charged subject to maximum of £16.00 per hour. The Panel is aware that councillors rarely claim for these allowances but it is available to ensure that those entitled to such allowances can serve as councillors.

2.4 Updating

In future the allowances should be updated in line with any annual increases in pay awards to Council staff.

2.5 Travel Expenses

The Panel recommends that the current scheme for Members, based upon the HMRC approved rate should continue. It is noted that many members chose not to claim mileage allowances.

2.6 Meal Allowances

The Panel recommends that the existing scheme for meal and subsistence allowances, which excludes tea allowance, should continue.

2.7 IT Allowance

The Panel recommends that the IT allowance be stopped at the next Election. Such allowances are no longer appropriate in that access to IT Equipment in the home is now so widespread.

3 Background

3.1 The basis of the current level of members' allowances for Sevenoaks District Council was established by the Panel in December 2001 following guidelines issued by central government [see Appendix 1]. These allowances replaced the previous system of attendance-based payments and have been revised in subsequent years to reflect cost of living increases and changes in council structure and responsibilities.

3.2 The process is that the Panel recommends a structure of allowances, after consultation with members and officers but that the final decision is the responsibility of the Council. The Panel has followed broadly the same methodology since 2008.

3.3 The 2007 Councillors Commission paper on Members Remuneration suggested a set of basic principles to govern allowance schemes:

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage

- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- The system should be transparent, simple to operate and understand
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary
- The level of remuneration should relate to a commonly accepted benchmark, such as the median male non-manual salary

These principles underpin the recommendations made in this report and are reflected in our Terms of Reference [Appendix 2]

4 Approach and Methodology

4.1 In line with the previous reviews, and reflecting the approach taken by many other Independent Review Panels elsewhere in the country, the Panel established a set of core principles to guide this review as follows:-

- To remove, where possible, the immediate financial barriers to becoming a councillor to assist in the diversity of the cohort of councillors, regardless of political background
- To reflect the current time commitment required to perform the role of ward councillor and the potential loss of earnings opportunities for councillors in doing so
- To recognise the increasing levels of responsibility and accountability being devolved from central government to local government and its impact on the nature of leadership and scrutiny roles within the Council
- To retain a significant element of public service, *pro bono* contribution from elected councillors
- To benchmark the comparative position of council members with those in similar roles in Kent and other South East councils
- To recommend allowances based on objective data with a simple and logical structure that can easily be updated in future

In conducting the review at the Council, the Panel held meetings with the Chief Finance Officer and two party leaders, and offered the opportunity to elected members to meet individually with the Panel, a number of whom took up this offer. The Panel considered meetings were a more effective way of eliciting information than a questionnaire. One member provided written information.

5 Allowance Calculations

5.1 There are some important principles and constraints on the calculation of allowances which are detailed in our Terms of Reference [Appendix 2].

Determining the Basic Allowance

5.2 The statutory guidance for Local Authority Allowances says 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.*” [ODPM 2003. Para 10].

5.3 There are three core elements which determine the Basic Allowance: time spent on councillor duties, a standard financial hourly rate and the public service discount element.

Time Commitment

5.4 *“Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the number of hours for which, councillors ought to be remunerated”* [ODPM 2003. Para 67].

5.5 The number of hours committed by individual councillors to their elected and representative duties varies widely between individuals and over time. It is recognised that, for many councillors, the role is far more than just attendance at council meetings and will include, for example, constituency duties, committee meetings, meetings with officers and training courses.

5.6 The Panel determined in 2008 that the average time taken to satisfactorily perform a ward councillor role was an average of 15 hour per week, following a survey of members and soundings at all levels of the Council. This figure was used for the 2012 review. The Council changed its Governance arrangements in May 2013 by introducing additional Advisory Committees, introducing Deputy Cabinet Members and changing the Committee Structure.

5.7 One aim of the changes was to increase Member involvement in decision making and the interviews with Councillors indicated to the Panel, that this had been achieved. The changes were expected to result in an increase in the number of formal meetings, which has been the case. The Panel noted the difference in governance from that in the neighbouring councils and the increased involvement of councillors in decision making and in advising cabinet members.

5.8 During the discussions with members their estimates of the time spent on Council business varied greatly and it was not possible to draw a conclusion of the average productive hours spent.

Hourly rate

5.9 Previously, including for the last review in 2012, the Panel used the median hourly pay for all employees who live within the Sevenoaks local authority area as published by the Office of National Statistics in their Annual Survey of Hours & Earnings (ASHE). In 2012 this was £13.98 per hour [Source: ASHE 2012. ONS] and this was the base hourly-rate for the Panel's recommended allowances. This resulted in a Basic Allowance of £6,039, which the Council considered to be too high, with a figure of £5,140 being adopted by the Council in October 2013. The Panel noted the huge variation in remuneration that exists in the Sevenoaks area and considers that average remuneration in Sevenoaks is not especially helpful in determining recommendations.

5.10 The Panel has carried out benchmarking, which showed that the Basic Allowance for Sevenoaks is high in relation to other local authorities in Kent. See Table 1 below. The position was the same for the other two Councils that the Panel covered, which suggested that the previous methodology was not applicable. The Panel considers that the previously used hourly rate bears little relation to the actual hourly rates paid in

Sevenoaks, because it is distorted by the fact that many residents actually work in London.

Table 1 - KENT BASIC ALLOWANCE COST COMPARISON – 2016

Authority	Basic	No of Cllrs	Total
Sevenoaks	£5,253	54	£283,662
Tonbridge & Malling	£5,283 *	54	£285,282
Tunbridge Wells	£5,500 *	48	£264,000
Ashford	£4,466	43	£192,038
Canterbury	£5,303	39	£206,817
Dartford	£5,000	44	£220,000
Dover	£3,980	45	£179,100
Gravesham	£3,447	44	£151,668
Maidstone	£4,666	55	£256,630
Shepway	£3,867	30	£116,010
Swale	£4,880	47	£229,360
Thanet	£4,570	56	£255,920

* The Panel recommended £5,000 in the latest review for both Tunbridge Wells and Tonbridge and Malling Borough Councils

5.11 The Panel had felt that the three councils within its purview were similar and that it should really be recommending one rate for all three. One way of doing this would be to calculate an average figure based on the latest hourly ASHE rates for all three councils. The results for the latest available ASHE survey (2015), Table 8.6(a) give the following hourly rates for the three councils:

- Sevenoaks - £14.49
- Tonbridge and Malling - £14.08
- Tunbridge Wells - £13.10

These figures give an arithmetic mean of £13.89 per hour.

The Public Service/Voluntary Principle

5.12 Central government guidance to Independent Remuneration Panels for setting the basic allowance states that *“it is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained”* [ODPM 2003. Para 68].

5.13 This idea that some work of members should remain voluntary is called the 'public service principle' and this is incorporated into the financial calculations as a percentage discount factor, agreed locally. The Councillors Commission report indicated that considerable variations of between 20-50% apply. The Panel's meetings with members and Council leaders confirmed that this principle is understood and supported by elected councillors.

5.14 In the 2012 review the Panel recommended a public service discount factor of 40% based on benchmarking with allowance schemes elsewhere and consistent with the recommendations of our predecessors on this Panel since its inception in 2001. The Panel recommends that this level of discount be retained.

Calculating the Basic Allowance – the formula

5.15 To bring together the separate elements of the time-based model the following formula is commonly used by other Independent Remuneration Panels:

- 1) Expected hours input x hourly rate x 48 weeks = Gross Basic Allowance p.a.
- 2) **minus** discount for voluntary public service = recommended Basic Allowance p.a.

Using the above data and formula the Panel considered an annual Basic Allowance derived as follows:-

- 1) 15 hours per week x £13.89 per hour x 48 weeks = £10,000.80 p.a.
- 2) **minus** 40% public service discount = £6,000 p.a. (rounded)

This calculation results in a Basic Allowance that is too high in relation the 'Kent Family' of district councils. The Panel carried out benchmarking of district councils in Sussex to establish if the Kent figures were low, but as shown in Appendix 3, this was not the case. The Panel concludes that the use of the hourly rate is no longer appropriate and the Basic Allowance calculated above cannot be recommended, as it is too high when compared to the level for the 'Kent Family' of district councils.

Basic Allowance – recommendation

5.16 The Council unlike some councils appears to have little difficulty attracting prospective Councillors and the Panel noted that there are several younger members. This suggests that the Basic Allowance is not a barrier for attracting Councillors. When assessing the Basic Allowances for Tunbridge Wells and Tonbridge and Malling Borough Councils, the Panel had turned to benchmarking and recommended that the Basic Allowance be reduced to £5,000. With the 40% public service discount, this equated to a Gross Basic Allowance of £8,333 p.a. The Panel had initially anticipated making the same recommendation for this review, but the evidence collected during the review did not support this approach.

5.17 The Council decided in 2013, that the Basic Allowance should be higher than initially recommended, to take account of the additional work arising from the new 'fully inclusive' decision making process. The Council decided that the Leader and Cabinet Members would be allocated lower SRAs as part of that review, to remain within budgetary provision. The Council has put itself into a strong financial position and whereas many councils were concentrating on making savings in their forward budget,

Sevenoaks was looking at new initiatives – this process involved members putting forward proposals through the Committee structure, which fed into the final deliberations.

5.18 The Panel concluded that the ‘inclusive’ Governance arrangements resulted in a higher effective ‘formal meeting workload’, than in the other two councils it had reviewed and justified the current sum of £5,359. The Basic Allowance has been increased annually and the Panel concludes that this allowance should remain at that level. With the 40% public service discount, this equates to a Gross Basic Allowance of £8,932 p.a.

RECOMMENDATION: that the Basic Allowance should remain at £5,359 p.a.

6 Special Responsibility Allowances (SRAs)

6.1 In reviewing the current system of SRAs, the Panel took into account the evolution of the governance structures within the Council and the frequency of committee meetings, including the time to research and prepare. The Panel is of the view that allowances should be kept as simple as possible and favour an approach adopted by many councils which relates allowances to that paid to the Council Leader. This approach which calculates the top figure and then bases others on percentages of that figure is in common use in the public sector for determining senior level salaries, so the principle is well-established.

Council Leader

6.2 The previous approach was to recommend that the Leader’s allowance should be three times the Basic Allowance. However, the Panel’s perception is that this role is so critical to the successful running of the Council, and that both the expertise needed to undertake the role and the time required are so high that a higher amount is appropriate. The Panel recommended that the Leader’s SRA for the other two councils it reviewed should be £20,000 p.a. (a multiple of four times the £5,000) Basic Allowance. That equated to a gross allowance of £33,332 p.a., but after the voluntary discount was a net £20,000 p.a. The Panel recommends that the Leader’s SRA should be the same as the other two Councils - £20,000 p.a. The Panel noted that the Council previously decided to reduce the allowance for the Leader but the Panel felt that it was necessary for the Leader to have a gross allowance of £33,332 so that a School Teacher or similar could afford to take on this arduous role.

RECOMMENDATION: that the Special Responsibility Allowance for Council Leader should be £20,000 p.a.

Deputy Leader

6.3 The Panel is aware that the Deputy Leader often has to stand in for the Leader so needs to have read all relevant papers and be prepared to represent him at those meetings. For this reason the Panel believes this role merits an individual Special Responsibility Allowance. As there are Deputy Cabinet Members to assist with Portfolio work, the Panel consider that the allowance should be set at 60% of the Leader’s Allowance ie £12,000 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Deputy Council Leader should be £12,000 p.a.

Opposition Group Leader

6.4 The Panel established the principle in the previous reviews that Council Leader's Allowance reflects the full role, including those duties associated with political leadership of the majority party. However, there is an additional time commitment required of leadership of an opposition group which is not reflected in the Basic Allowance.

6.5 The Council has two opposition groups, which is unusual. Each group has two members, so the additional work is not high. In line with the approach to simplify the structure of allowances the Panel recommends that the allowance for opposition group Leaders should be on a variable sliding scale determined by the number of elected councillors in the opposition party, at a rate of 5% of the Basic Allowance per member, being £270. (rounded). Should a larger Opposition Group develop with greater responsibility for its Leader then this allowance can be revisited.

RECOMMENDATION: that the Special Responsibility Allowance for Opposition Group Leader should be £270 per member in the group.

Cabinet Members

6.6 Whilst acknowledging the broad portfolio responsibilities and time commitments of Cabinet Members, the Panel recognises that under the Council's Constitution, they do not have full individual decision making responsibility and also have Deputy Cabinet Members to assist with the Portfolio. The role and responsibility of cabinet members is different from that in the neighbouring councils. The Panel therefore recommends an SRA of 35% of the Council Leader's allowance. This equates to an allowance after discount for the public service element of £7,500 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Cabinet Members should be 35% of the Council Leader's Allowance = £7,000 p.a.

Deputy Cabinet Members

6.7 This role has developed significantly since 2013, with holders carrying out specific projects and commissioning reports. The Panel considers that the allowance for the role should be increased to 8% of the Council Leader's allowance. This equates to an allowance after discount for the public service element of £1,600 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Deputy Cabinet Members should be 8% of the Council Leader's Allowance = £1,600 p.a.

Chairs of Committees

6.8 The Panel has reviewed the Committee allowances using a simplified factor model which aligns Committees into groups of similar dimensions which broadly reflect the frequency of meetings and their position in the governance process.

6.9 The Panel recognises the importance that the Council puts on Scrutiny function and work of the Advisory Boards. This has to be balanced against the work of the other committees and based on the current scheme and operational arrangements, the Panel makes the following recommendations for Committee Chair allowances:-

Committee	% of Leader's Allowance	Recommended Allowance
Audit	12.5%	£2,500
Development Control	25%	£5,000
Governance	12.5%	£2,500
Health Liaison Board	12.5%	£2,500
Licensing	12.5%	£2,500
Scrutiny	12.5%	£2,500
Joint Transportation Board	10%	£2,000
Standards	8%	£1,600

Advisory Committee	% of Leader's Allowance	Recommended Allowance
Policy & Performance	12.5%	£2,500
Economic & Community Dev	12.5%	£2,500
Finance	12.5%	£2,500
Housing	12.5%	£2,500
Planning	12.5%	£2,500
Direct & Trading Servs	12.5%	£2,500
Legal & Democratic	12.5%	£2,500

Vice-Chairs

6.10 There has been much discussion about the role of Vice-Chairs and there seems little doubt that these vary considerably often depending on the personality of the Chair. In line with the last review, the Panel's view is that it is only for the Development Control Committee, that this role should be recognised. The Panel takes the view that this should be reflected in an appropriate SRA and would consider that the rate for Development Control should be to 5% of the Council Leader's Allowance, being £1,000 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for the Development Control Committee Vice-Chair should be at the rate of £1000 p.a.

Committee Members

6.11 The Council has adopted the practice of making payments for members of both the Development Control and Licensing Committees to address the workload and timing of meetings which are frequently held in the daytime. The work load for Development Control is rising and becoming more complex, whilst that for Licensing has reduced. The Panel makes the recommendations below

Development Control	£500
Licensing	£135
Standards Co-optees	£480

Updating

6.12 The Council currently updates allowances and the Panel recommends that this is in line with any increases in the remuneration of Council staff.

RECOMMENDATION: that in future the allowances are updated in line with any increases in the remuneration of Council staff.

7 Carers' Allowances

7.1 In earlier reviews two separate allowances were established to distinguish between the costs of standard childcare and that of professional care for dependants with special requirements. These allowances are proposed as follows:-

Childcare Allowance: for child-minding of the Member's dependent children. Payable at the actual amount charged, subject to a maximum rate of **£7.20** per hour per child.

Dependant Carer's Allowance: for professional care for elderly or disabled dependants, or other dependants with special requirements. Payable at the actual amount charged, subject to a maximum rate of **£16.00** per hour. The Panel also recommends that booking fees from professional agencies should be claimable.

7.2 In practice, these allowances have rarely been claimed by Sevenoaks' councillors but the Panel continues to support the need for them.

8 Travel Expenses

8.1 The Council currently operates a scheme based upon the HMRC approved rate and the Panel recommends that this continues.

RECOMMENDATION: that the current travel expenses scheme based upon the HMRC approved rate, continues.

9 Meal Allowances

9.1 The Council currently adopts a scheme for subsistence allowances, which excludes tea allowance because of the nature and timings of the work of councillors and the Panel recommends that the existing scheme for meal and subsistence allowances, continue.

RECOMMENDATION: that the existing scheme for meal and subsistence allowances, which excludes tea allowance, should continue.

10 IT Allowance

10.1 The Council currently pays an IT allowance. The Panel considers that in this day and age, when access to IT Equipment in the home is now so widespread, an allowance is not necessary and recommends that this allowance be stopped at the next election.

RECOMMENDATION: that the IT allowance is not paid to Councillors after the next election. .

11 Number of Councillors

11.1 The Panel's report in 2012 highlighted that the number of councillors in Sevenoaks was high in comparison to other Councils in the 'Kent Family' of district councils and recommended that the Council considers this. The Council carried out a review which concluded in November 2016 and resolved that the matter should be reviewed after the next election. The Panel has noted in its report on the neighbouring councils that whilst services and officers have been reduced in recent years the number of councillors and their cost has not.

12 Conclusions

12.1 The Panel has attempted in this review to propose levels of allowances which would remove financial barriers that deter potential candidates from standing for election and to properly recognise the time commitments that individual members offer in support of their local community.

12.2 The Panel has also sought to propose a system that is easy to understand and update and which may be perceived as fair by all. The Panel has also tried to re-balance the allowances to reflect the fact that the degree of commitment involved for those with additional responsibilities is proportionately greater than may have been the case in the past.

13 Acknowledgements

13.1 The Panel's thanks go to the officers and members who gave us their time and opinions which have helped to shape the Panel's thinking.

Appendix 1

Regulations and Guidance for Independent Remuneration Panels

- *The Local Authorities (Members' Allowances) (England) Regulations 2003.* Statutory Instrument 2003 No. 1021
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003.* Statutory Instrument 2003 No. 1692
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004.* Statutory Instrument 2004 No. 2596
- *New Council Constitutions: Consolidated Guidance on Regulation for Local Authority Allowances - 2003*
- *The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003.* Statutory Instrument 2003 No. 1022
- *New Council Constitutions. Guidance on Consolidated Regulations for Local Authority Allowances.* Office of the Deputy Prime Minister and Inland Revenue. July 2003
- *Members Remuneration – models, issues, incentives and barriers.* - Councillors Commission. Dept. of Communities and Local Government. December 2007
- *Representing the Future – Report of the Councillors Commission.* December 2007
- *Members' Allowances Survey 2008.* Report by the Local Government Association Research Department

Appendix 2

Joint Independent Review Panel for Sevenoaks District Council Tonbridge & Malling Borough Council Sevenoaks District Council

Terms of Reference

Introduction

The Joint Independent Remuneration Panel (JIRP) for Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council was originally established in 2001 and now operates under the Local Authorities (Members' Allowances) (England) Regulations 2003. The function of the panel is to make recommendations to Council in accordance with Statutory Instruments (primarily 2003 No.1021 and No.1692).

The JIRP was established jointly by the three Councils but it considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation.

Members of the Panel are appointed by the Councils but are independent members of the community with relevant professional backgrounds in remuneration and benefits.

Membership – Joint Independent Remuneration Panel

The members of the panel are:

- Gary Allen, a resident of Lamberhurst
- Max Lewis, a resident of Tunbridge Wells
- Chris Oliver, a former resident of Tonbridge & Malling Borough

JIRP meetings will normally involve all Panel members. A quorum will be three members. One of the members will act as Chair of the Panel by agreement between the Panel members.

The Local Authorities (Members' Allowances) (England) Regulations 2003 determine that none of the Panel members may be a member of the local authority in question, or of its committees, or an employee of the council, but that this does not preclude participation by parish councillors.

Panel Recommendations

The 2003 Regulations require that councils must have regard to their Independent Remuneration Panel's recommendations, which must be publicised on the authority's website and in the authority's newspaper, if it has one. The Panel must be required to make recommendations whenever the council decides to revoke or amend its members' allowances scheme. However, Panel recommendations are not binding on authorities. After considering its panel's recommendations, a council can decide for up to four years on automatic indexation of members' allowances without the need for a review by the Panel.

Principles for Allowances Schemes

There is currently little central prescription of members' allowance. However, there are some important constraints:-

- Attendance allowances are prohibited
- The basic allowance must be paid equally to all members
- Where one or more groups on a council form an administration, a special responsibility allowance must be paid to a member of the opposition. This is usually paid either to the leader of the opposition, if this post exists, or to a chair of a scrutiny committee

The report of the Councillors' Commission in December 2007 highlighted a 'universal principle' that members should not suffer financial loss as a direct result of their council activities and service. They went on to suggest a more detailed set of principles to govern allowance schemes:-

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage
- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- The system should be transparent, simple to operate and understand
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary
- The level of remuneration should relate to commonly accepted benchmark, (for example, the median male non-manual salary)

The Panel will operate within the scope of these principles. Should any departure from these be considered necessary, the reasons for the variation will be made clear in the relevant report.

The core objective of the Panel is to present informed comprehensive recommendations that are fair and equitable.

Appendix 3**Comparative data from Kent & Sussex Borough/District Councils**

Authority	Basic	Leader	Cabinet Member	Chair Planning Cttee	Chair Overview/ Scrutiny	Chair Licensing	Last Review Date
Ashford	£4,378	£18,000	£7,200	£6,000	£5,400	£1,440	01.04.2014
Dartford	£5,000	£31,339	£8,357	£5,014	£2,090	£2,090	01.04.2016
Gravesham	£3,447	£20,260	£3,447	£3,447	£3,447	£3,447	Summer 2015
Maidstone	£4,666	£18,661	£7,464	£7,464		£3,732	2016
Sevenoaks	£5,253	£15,761	£6,567	£3,153	£525	£2,102	2014
Tonbridge & Malling	£5,283	£18,384	£8,400	£5,283	£5,283	£2,643	01.04.16
Tunbridge Wells	£5,500	£19,250	£11,000	£5,500	£1,375	£1,375	25.02.2015
Medway (U)	£8,836	£20,391	£11,123	£7,415	£9,269		01.04.2016
Bexley (U)	£9,418	£26,391	£13,197	£8,802	£4,260	£8,802	21.05.2015
Bromley (U)	£10,870	£30,600	£20,400	£8,670		£8,670	01.04.2016
Tandridge	£4,068	£2,885		£2,885	£2,885		01.04.2016
Mid Sussex	£4,501	£20,596	£8,238	£4,620	£3,862	£475	01.04.2013
Rother	£4,280	£12,500	£2,719	£2,719	£2,719	£1,989	01.04.2016
Wealden	£4,300	£4,460	£5,200	£3,925	£3,515	£1,275	01.04.2014

(U) – Unitary Authorities

[Source: Council websites July 2016; South East Employers Survey 2016]

N.B. The Joint Independent Review Panel works on behalf of Sevenoaks District Council, Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council but considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation. It should be noted that members' allowances are currently under review at all three councils but the figures quoted above are those in force at time of writing this report and do not reflect any changes to be proposed by the JIRP as part of this review process.

Appendix 4

Revised Schedule of Recommended Members' Allowances

Sevenoaks District Council

	<u>2013 JIRP Recommendation</u>	<u>Current</u>	<u>2017 JIRP Recommendation</u>
<u>Basic Allowance</u>	£6,039	£5,359	£5,359
<u>Special Responsibility Allowances:-</u>			
<u>Opposition Group Leaders:</u>			
	£302 per member	£1,331	£270 per member
<u>Cabinet</u>			
Leader	£18,118	£16,078	£20,000
Deputy Leader	n/a	n/a	£12,000
Cabinet Member	£7,549	£6,699	£7,000
Deputy Cabinet Member	£755	£671	£1,600
<u>Committee Chairs</u>			
Audit	£3,020	£2,144	£2,500
Development Control	£4,530	£3,217	£5,000
Governance	£3,020	£2,144	£2,500
Health Liaison Board		£2,144	£2,500
Licensing		£2,144	£2,500
Scrutiny	£3,020	£2,144	£2,500
Joint Transportation Board	£3,020	£2,144	£2,000
Standards		£1,074	£1,600
<u>Advisory Committee Chairs</u>			
Policy & Performance	£3,020	£2,144	£2,500
Economic & Community Dev.	£3,020	£2,144	£2,500
Finance	£3,020	£2,144	£2,500
Housing	£3,020	£2,144	£2,500
Planning	£3,020	£2,144	£2,500
Direct & Trading Servs	N/A	£2,144	£2,500
Legal & Democratic	N/A	£2,144	£2,500
<u>Committee Vice-Chairs</u>			
Audit	£0	£535	£0
Development Control	£0	£804	£1,000
Governance	£0	£535	£0
Health Liaison Board	£0	£535	£0
Licensing	£0	£535	£0
Scrutiny	£0	£535	£0
Joint Transportation Board	£0	£535	£0
Standards	£0	£269	£0

Advisory Committee Vice-Chairs

Policy & Performance	£0	£535	£0
Economic & Community Dev.	£0	£535	£0
Finance	£0	£535	£0
Housing	£0	£535	£0
Planning	£0	£535	£0
Direct & Trading Servs	N/A	£535	£0
Legal & Democratic	N/A	£535	£0

Committee Members

Development Control	£302	£269	£500
Licensing	£302	£134	£135
Standards Co-optees	£479	£-	£480

N.B. All figures are per annum except where stated

Financial effect of JIRP's Recommendations

Allowance	Current Scheme 2017/18				JIRP Proposed Scheme 2017/18		
	No. Max	Rate £	No.	Total £	Rate £	No.	Total £
Basic Allowance	54	5,359	54	289,386	5,359	54	289,386
Cabinet Chair / Leader	1	16,078	1	16,078	20,000	1	20,000
Deputy Leader	1	0	0	0	12,000	1	12,000
Cabinet	7	6,699	6	40,194	7,000	5	35,000
Deputy Cabinet	10	671	7	4,697	1,600	7	11,200
Group Leaders - Labour	1	1,331	0	0	0	0	0
Group Leaders - Lib Dem	1	1,331	1	1,331	540	1	540
Group Leaders - UKIP	1	1,331	1	1,331	540	1	540
Chair - Development Ctl	1	3,217	1	3,217	5,000	1	5,000
Chair - Advisory Cttes	7	2,144	1	2,144	2,500	1	2,500
Chair - Audit	1	2,144	1	2,144	2,500	1	2,500
Chair - Scrutiny	1	2,144	1	2,144	2,500	1	2,500
Chair - Governance	1	2,144	1	2,144	2,500	1	2,500
Chair - Licensing	1	2,144	1	2,144	2,500	1	2,500
Chair - Health Liaison	1	2,144	1	2,144	2,500	1	2,500
Chair - Transportation	1	2,144	1	2,144	2,000	1	2,000
Chair - Standards	1	1,074	1	1,074	1,600	1	1,600
Vice Chairs - Advisory Cttes	7	535	0	0	0	0	0
Vice Chair - Audit	1	535	1	535	0	1	0
Vice Chair - Sctny	1	535	0	0	0	0	0
Vice Chair - Gov.	1	535	1	535	0	1	0
Vice Chair - Development Ctl	1	804	1	804	1,000	1	1,000
Vice Chair Licensing	1	535	1	535	0	1	0
Vice Chair Health Liaison	1	535	1	535	0	1	0
Vice Chair Transportation	1	535	0	0	0	0	0
Vice Chair Standards	1	269	1	269	0	1	0
Development Ctl - Members	17	269	10	2,690	500	10	5,000
Licensing - Members	11	134	4	536	135	4	540
Standards Co-optees					480	0	0
I.T Allowance**	54	125	54	6,750	125	54	6,750
Childcare (p/h p/child)		6.19	0	0	7.20	0	0
Dependent Carers (p/h)		16.00	0	0	16.00	0	0
Sub Total	188		153	385,505		153	405,556
NI estimate	1.5%			5,783			6,083
TOTAL				391,288			411,639
2017/18 Budget				385,998			385,998
Over/(under) budget if all claimed				5,290			25,641
Increase/(Decrease) compared to current scheme							20,352

Notes:

Each Member can only receive one Special Responsibility Allowance.

**I.T. Allowance - the JIRP recommends that this is stopped at the next election.

The actual cost each year will vary dependent on which Member is in each role and the amount unclaimed.

In 2016/17 the actual spend was £5,678 under budget as some Members did not claim their full allowance.

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Governance Committee Work Plan 2016/17 (as at 15/6/17)

27 June 2017	7 November 2017	1 February 2018	Summer 2018
Joint Independent Remuneration Panel			

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