

East Sussex County Council

Report of the Independent Remuneration Panel 2012

1. Background

1.1 The County Council is required, by the Local Authorities (Members Allowances) (England) Regulations 2003, to have regard to the recommendations of the Independent Remuneration Panel in making any amendments to the scheme of allowances paid to councillors.

1.2 The Members' Allowances Scheme was last revised in 2010.

2. The principles of the East Sussex scheme

2.1. The Panel used the following principles in framing its recommendations:

- The review should take into account the value of the work undertaken by members of the County Council and of the functions carried out by the Council
- The system of allowances should acknowledge that public service, rather than material reward, should remain the primary motivation for involvement in local government
- The scheme should be fair, in terms of relevant comparisons with other public bodies
- The system for the payment of members' allowances should be simple to understand and administer
- The scheme for members' allowances should take into account the desirability of attracting people to take part in local government who reflect the population of East Sussex
- The scheme should have regard to statutory guidance and relevant comparative information including local wage rates
- The Special Responsibility Allowances should only be paid to reflect significant and exceptional additional work.

3. The review process

3.1 The Panel has met on three occasions to plan, review and consider collected information and to interview relevant officers and councillors. At the Governance Meeting in March 2010 it was agreed that the independent panel should revisit Special Responsibility Allowances and in particular review:

(i) the Special responsibility Allowance for the Chairman of Planning Committee; and

(ii) the Special Responsibility Allowance for Scrutiny Committee Chairman; and

(iii) the possibility of re-instating the Special Responsibility Allowance for opposition spokespeople.

During the review the Panel also were asked to consider introducing a Special Responsibility Allowance for the Chairman of the Shadow Health and Wellbeing Board.

3.2 As part of the review, the Panel interviewed Councillor Tutt as leader of the largest opposition group and they also met with Paul Dean, Scrutiny Manager, Tony Cook, Head of Planning and Barbara Deacon, Policy Officer with responsibility for the Health and Wellbeing Board.

3.3 The recommendations set out below are based on comparative information from other Authorities and interviews with officers.

4. The Scheme of Allowances

Special Responsibility Allowances (SRAs)

4.1 The Panel believe the principle that the special responsibility allowances should only be paid to reflect significant and exceptional additional work and their recommendations reflect this.

4.2 The Panel considered each proposal in the light of the evidence provided having regard to the principles set out previously. The Panel makes the following comments and recommendations.

Opposition spokespersons

4.3 The Panel carefully considered the evidence given by the Leader of the largest opposition Group, but considered that the responsibilities outlined were those of all non-Cabinet Members and should be reasonably undertaken by any elected member. The Panel did not consider that this should warrant an SRA. Given the principle that SRAs should be payable for significant and exceptional levels of work, **the Panel recommend that the current scheme should continue whereby only the Leader and the Deputy Leader of the largest opposition group should receive an allowance and**

that the allowance for the Leader of the group remains the same at £12,042 and the Deputy Leader receives an allowance of £3,129 and the Leader of the second largest opposition group continues to receive £4,821

Chairmen of Scrutiny Committees

4.4 The Panel carefully considered the evidence supplied, including the evidence provided by the Scrutiny Manager about the complexity of the role of Chairman of Scrutiny Committees. The Panel AGREED that there should be no increase in the SRA for Scrutiny Chairmen but agreed to revisit the remuneration of Scrutiny Chairmen when reviewing the overall scheme in 2013, bearing in mind the evidence received. **The Panel therefore recommend that the SRA for Chairmen of Scrutiny Committees remains the same.**

Chairman of Planning Committee

4.5 The Panel discussed the impact of the South Downs National Park Authority, and its role as a Planning Authority. The Panel was informed that challenges to both policy and individual decisions, by way of Judicial Review and complaints to the Ombudsman, had increased.

4.6 The Panel also considered the level of professional officer support offered to the Chairman. The potential effects of the Localism Act were discussed, and it was agreed that a watching brief should be kept on developments, to assess the actual impact on the role of Chairman. **The Panel therefore recommends that the SRA paid to the Chairman of Planning Committee should remain the same.**

Health and Wellbeing Board Chairman

4.7 The Panel noted that it was anticipated that the Health and Wellbeing Board would become effective from April 2013. The Panel noted the different aspects of the role of the Chairman. **The Panel recommends that there should be no SRA for the role of Chairman of the Shadow Health and Wellbeing Board, but they were happy to revisit the decision once the Health and Wellbeing Board becomes effective and is no longer a shadow board.**

5. Conclusion

5.1 The Panel would like to thank the officers for their contributions and views in assisting the Panel to reach their decisions.

Fiona Leathers (Chairman of the Panel)
Duncan Keir
Rosey Eggar

Scheme of Members' allowances 2011/12

1. Basic Allowance

From 1 April 2011, every elected member will be entitled to a basic allowance of £10,842 per annum.

2. Special Responsibility Allowance

Special responsibility allowances will be paid as follows:

1. Leader of the Council - £24,087
2. Deputy Leader of the Council - £16,860
3. Lead Member for Children's and Adult Services - £15,654
4. Other Cabinet Members - £14,452
5. Chairman – County Council - £12,042
6. Vice Chairman – County Council - £4,821
7. Chairmen of Scrutiny Committees - £6,021
8. Chairman of the Planning Committee - £6,021
9. Chairmen of Scrutiny and Best Value Project Boards (pro rata for the duration of the project subject to a maximum of 3 months) - £1,203
10. Leader of the largest Opposition Group - £12,042 per annum
11. Deputy Leader of the Largest Opposition Group - £3,129
12. Leader of the second Opposition Group - £4,821

No one member shall receive more than one special responsibility allowance. If a member holds two positions which qualify for such an allowance the member shall receive the higher of the two allowances.

3. Travel Allowances

Travel allowances will be paid, in accordance with the rates set out in Annex 2 for:

a) attendance at meetings of (a) the County Council; or (b) the Cabinet or any Committee, Sub-Committee or Panel constituted by the Council as a member of the Cabinet or such Committee, Sub-Committee or Panel or as the local member or because the member has a special interest in one or more of the agenda items.

b) Attendance at meetings of the bodies, or any Committee or Sub-Committee meeting of those bodies, listed in Annex 1: provided that the appointment or nomination to those bodies was by the County Council.

- c) Attendance at any other meeting convened by the authority (including members' seminars and Committee or Sub-Committee tours of inspection), provided that members of each of the political groups on the County Council have been invited and the meeting has been approved in advance by the appropriate Committee or Sub-Committee.
- d) Attendance at training sessions organised by, or on behalf of, the County Council to which members of each of the political groups have been invited and which have been approved in advance by the Assistant Director, Legal and Democratic Services after consultation with the three Group Leaders.
- e) Attendance at committees of Eastbourne and Hastings Borough Councils where such attendance is by invitation in order to participate in the debate on a delegated highway matter.
- f) Attendance at a conference or seminar convened by an organisation other than the County Council, provided attendance has been authorised in advance by the Council, a Committee, Sub-Committee or Panel or by the Assistant Director, Legal and Democratic Services under his delegated power.
- g) Attendance at meetings of the Local Government Association, including Executive meetings, Forums, Panels and Task Groups, the County Councils Network, Special Interest Groups and the Urban and Rural Commissions.
- h) Attendances as the local County Councillor at formal meetings of Parish Councils and annual parish meetings.
- i) Social Services rota inspection visits.
- j) Up to 10 party group meetings summoned to discuss County Council business and held within East Sussex.
- k) Visits to sites, establishments or exhibitions where a Committee, Sub-Committee or Panel resolves in advance that a visit is necessary to enable a decision to be made on a current issue.
- l) Interviews or fact finding being undertaken as a member of a Project Board established by a Scrutiny Committee, as part of an agreed programme and in accordance with the Overview and Scrutiny Procedure Rules.
- m) Meetings with officers, convened by the officer(s), to discuss a matter relating to a County Council service or in which the County Council has an interest as part of its community leadership role.
- n) The following members may claim travel for consultations with persons or organisations outside the County Council and any other duty for or on behalf of the County Council:

- Chairmen and Vice Chairmen of the County Council, a Committee, Sub-Committee or Panel or members of the Cabinet or a substitute nominated by them;
- Nominated Committee or Sub-Committee Spokespersons of minority parties or members of the Shadow Cabinet or a substitute nominated by them.

4. Subsistence Allowances

Subsistence allowances up to the limits of the overnight subsistence rates in Annex 2 will be paid where the performance of one of the duties specified in paragraph 3 above involves an overnight stay. Otherwise a subsistence allowance shall not be payable. Members will be expected to meet any such expenses from their Basic Allowance.

In the following circumstances where the duty does not go over to a second day, the Council will meet the cost of an overnight stay:

a) following an invitation in their capacity as a postholder within the County Council, the member is undertaking an official duty or attending an official function and, because it finishes late in the evening, it is not practicable or reasonable for the member to get home on the same day, for example the member has another County Council engagement on the following morning and to go home and return for the following day's engagement would involve the member in a significant travelling claim when set against the cost of the overnight stay; or

b) a member has been appointed by the County Council to attend a conference or meeting outside of East Sussex and the start or finish time mean that it is impracticable or unreasonable for the member to travel to the venue or home on the day of the meeting or conference.

"Postholder" within this context shall cover those positions set out in paragraph 3 (n) of the Members' Allowances Scheme.

5. Dependents' Carers' Allowance

The Council will pay an allowance in respect of costs necessarily incurred by councillors in making arrangements for the care of children or other dependants living with them, to enable them to perform any of the duties listed in section 3 above. The allowance will normally be the actual cost up to £10.00 per hour. Councillors must sign a certificate verifying that they have incurred the costs claimed. Payment will not be made where the carer is a member of the councillor's family.

6. Pensions

All eligible members of the County Council may elect to join the Local Government Pension Scheme (LGPS) with effect from 1 May 2003. Where members elect to join the Scheme their Basic Allowance and any Special

Responsibility Allowance to which they are entitled shall be treated as amounts in respect of which a pension is payable. The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 shall apply to members who elect to join the LGPS.

7. Telephones

The Council will meet the quarterly rental and call charges in respect of the dedicated telephone line installed at the member's home by the County Council for use on County Council business. This is on the basis that the telephone and personal computer attached to the line are used for County Council business only. Any private use must be paid for.

Some post-holders are also provided with a mobile phone. Where this is done, it is on the basis that it is for County Council business use only. Again, any private calls must be paid for, together with a proportion of fixed costs such as line rentals and standing charges.

8. Co-optees' Allowance

An allowance of £2,560 per annum based on a ten day commitment shall be payable to the Independent member of the Standards Committee in recognition of the special duties and responsibilities on that person as the Chairman of the Committee. The level of activity varies from year to year and to ensure that the actual payment made reflects the level of activity in any one year, payment will be made at the rate of £256 per day up to a maximum of ten days as and when the duties are performed.

9. Amendments to the Scheme

Amendments to the scheme may be made at any time in accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Assistant Director, Legal and Democratic Services is authorised:

- after consultation with the Director of Corporate Resources, to implement revised rates for members' allowances, including payments for travelling and subsistence; and
- after consultation with the Chairman of the Governance Committee, to approve additions to the list of outside bodies for which members may claim travelling expenses

and to amend the Members' Allowances Scheme accordingly.

The allowance figures shall be updated annually in line with the percentage increase in the salaries of managers who are on locally negotiated pay.

10. Payment of allowances

Basic and special responsibility allowances will be paid on the last working day of the month to which they relate. Travel expenses will be paid at the end of the following month, subject to receipt of a claim form.

Claims for travelling and subsistence allowances shall be submitted to the Director of Corporate Resources within two months of the duty for which the allowance has been claimed. Claims received after the expiry of this period will only be paid in exceptional circumstances at the discretion of the Director of Corporate Resources.

If a councillor becomes or ceases to be eligible for a Basic or Special Responsibility Allowance during the course of a year the entitlement will be adjusted by reference to the number of days for which entitlement existed relative to the number of days in that year.

Where a councillor is suspended or partially suspended from his or her responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of Basic Allowance and any Special Responsibility Allowance payable to him or her in respect of the period for which he or she is suspended or partially suspended shall be withheld if so decided by the Standards Committee. The Committee may also decide that travelling or subsistence allowances shall not be paid to a member during the period of any suspension or partial suspension.

11. Election not to receive payment

Members who do not wish to receive payment of allowances shall notify the Assistant Director, Legal and Democratic Services in writing. Any entitlement up to and including the day before the election is received will be paid in accordance with the details under paragraph 10 (Payments) above.

Annex 1 Other bodies to which the Authority makes appointments or nominations (and any Committee or Sub-Committee of these bodies)

- Action for Rural Sussex (formerly Sussex Rural Community Council)
- Ashdown Forest Conservators
- Battle Partnership
- Coastal Issues Special Interest Group
- Chailey Common Nature Reserve
- Chailey Heritage School
- County Councils Network
- County Councils Network Executive Committee
- Crime and Disorder Reduction Partnerships
- Dungeness Local Community Liaison Council
- East Sussex Local Government Association
- Gatwick Airport Consultative Committee
- GOSE – Rural Forum for the South East

- Harbour of Rye Advisory Committee
- Hastings Town Centre Management Committee
- Hastings and Bexhill Renaissance Limited
- Healthy Eastbourne Board
- Hempstead Meadows Local Nature Reserve, Uckfield Management Committee
- High Weald Area of Outstanding Natural Beauty Forum
- Lewes Joint Parking Board
- LGA General Assembly
- LGA Rural and Urban Commissions
- Pebsham Countryside Park Management Board
- Regeneration Partnerships to which the County Council is invited to nominate a Councillor to serve
- Regional Flood Defence Committee
- Rye Harbour Nature Reserve Management Committee
- Rye Partnership
- Safer Hastings Partnership
- Safer Rother Partnership
- Safer Wealden Partnership
- Seaford Head Nature Reserve Management Committee
- South Downs Joint Committee
- South Downs National Park Authority
- South East Employers' Organisation
- South East England Councils
- South East Regional on Ageing
- South East Reserve Forces and Cadets Association
- South Eastern Stakeholder Forum
- Sussex County Playing Fields Association
- Sussex Sea Fisheries Committee
- Thameslink 2000 Consortium
- Traffic Penalty Tribunal and Patrol
- Travellers Forum
- Uckfield (West Park) Local Nature Reserve Management Committee
- University of Sussex
- Wealden and Rother Renewal Partnership
- 1066 Enterprise Board

Joint Management Committees of sports facilities at:

- Battle (Claverham)
- Eastbourne (Cavendish)
- Hampden Park
- Rye (Thomas Peacocke)
- William Parker Community Athletics Arena

Annex 2 – Travelling and Subsistence Rates

Car mileage allowances

45p per mile

Supplement for Passengers

An additional 10p per mile for each passenger carried.

Cycle allowance

20p per mile

Overnight subsistence

Bed and breakfast

- Standard rate – actual cost up to £82.00
- Special rate for London and the annual conference of the LGA – actual cost up to £133.00

Where suitable hotels are only available at higher costs, the Assistant Director, Legal and Democratic Services has discretion to agree appropriate reimbursement.

In addition, the Council will reimburse the cost of dinner up to £25 where it is necessary for a member to have dinner away from home as a result of an approved duty that involves an overnight stay.