

REPORT OF THE  
WEST BERKSHIRE  
INDEPENDENT  
REMUNERATION PANEL

APRIL 2004

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## **1.0 Introduction**

- 1.1 The Council, at its meeting on 9 December 2003, considered the latest in a number of reports of the West Berkshire Independent Remuneration Panel making recommendations in relation Pensions for Members, Co-optees Allowances, Travel and Subsistence Allowances and the Basic Allowance having regard to the new responsibilities associated with the Licensing Act 2003.
- 1.2 In making its report, the Panel confirmed that it would be prepared to review further the issue of Travel and Subsistence Allowances and Co-optees Allowances.
- 1.3 Since making its last report, the Panel is aware that the Council's Constitution Task Group would also like it to look at the ICT Allowance and Special Responsibility Allowances given the establishment of a new Licensing Committee.

## **2.0 Membership of the Panel**

- 2.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) the Council is required to ensure that the composition of the Panel meets the following requirements:
- (a) The Panel should consist of at least three members.
  - (b) The Panel members cannot be members of any local authority in respect of which that Panel makes recommendations. Anyone who would be disqualified from being elected an elected member of a local authority is also disqualified from being a member of the Panel.
  - (c) The members of the Panel cannot also be members of a Committee or Sub-Committee of an authority in respect of which the Panel makes recommendations. This includes Co-opted members and members of the Standards Committee.

- 2.2 Based on the above requirements, the membership of the Panel is as follows:

Mr Jeffery Greenwell	A former Chief Executive of Northamptonshire County Council
Reverend Moira Astin	Team Vicar, Thatcham
Mr Geoffrey Mayes	Chartered Civil Engineer

- 2.3 As the Panel has to consist of at least three members, we think that an additional member should be appointed.

## **3.0 Terms of Reference**

- 3.1 The terms of reference of the Panel for this review were as follows:

- ⇒ To review the Council's Travel and Subsistence Allowances Scheme in the light of the 2003 Regulations.

- ⇒ To consider whether the Council should pay an allowance to those members of the public co-opted on to various Committees.
- ⇒ To review the ICT Allowance in the light of all Members now being encouraged to sign up to a Broadband or dial up facility.
- ⇒ To review Special Responsibility Allowances in the light of the Council establishing a new Licensing Committee.

#### **4.0 Method of Working**

- 4.1 The Panel met on 20 April 2004 in order to complete the review in time for the Annual meeting of Council on 4 May 2004.
- 4.2 In undertaking this review, the Panel agreed to take evidence from the Constitution Task Group on the subject of Co-optees Allowances, the current level of the ICT Allowance and Special Responsibility Allowances. In relation to Travel and Subsistence, the Panel was mindful of the Council's decision on 1 March 2004 and of its own preliminary thoughts on this matter which were articulated in its report to the Council on 9 December 2003. The Panel felt however, that individual Councillors should be given the opportunity to put their own views. The Panel did receive a letter from nine Conservative Councillors dated 19<sup>th</sup> April 2004.

#### **5.0 Factors Leading to Our Recommendations**

- 5.1 In preparing our recommendations we have again given careful consideration to the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) and to the reviews previously undertaken in 2001, 2002 and 2003. We have also taken on board the comments of the Constitution Task Group and noted the decision of Council on Travel and Subsistence Allowances (1 March 2004) and of individual Councillors comments where these have been received.

#### **Special Responsibility Allowances**

- 5.2 The current Special Responsibility Allowances (SRA) recommended by the Panel and approved by the Council in May 2001 are as follows:

Position	Amount	Amount at April 2003 (index linked at 3.5%)
Leader of Council (1)	£12,750	£13,196
Cabinet Members (7)	£6,375	£6,598
Chairman of Select Committees (4)	£3,187	£3,299
Chairman of Planning and Development Committee (former Planning and Licensing Committee)	£4,250	£4,399
Chairmen of Area Planning Sub-Committees (4)	£2,125	£2,199
Chairmen of Area Forums (4)	£1,062	£1,099
Leader of the largest Opposition Group (1)	£6,375	£6,598
Opposition Spokespersons (4)	£1,593	£1,649

- 5.3 The Panel has received evidence from the Constitution Task Group that the Council has established a new Licensing Committee in order to meet the Council's responsibilities under the Licensing Act 2003. The former Planning and Licensing Committee has been renamed Planning and Development Committee as a result. The Panel is aware that it recommended an additional £750 on the basic allowance to be claimed only by those Members' involved with the Licensing and appeal activities and therefore supports the introduction of a Special Responsibility Allowance for the Chairman of the Licensing Committee at a level similar to that paid to the Chairman of the Planning and Development Committee, namely £4,399. At the time of drafting this report, the Panel were also mindful that the Executive, at its meeting 8 April 2004, agreed to recommend to Council that the number of Area Forums be increased from four to five.
- 5.4 In supporting the introduction of an additional SRA, the Panel is mindful however of Paragraph 72 of the new guidance issued in July 2003 in relation to the total number of SRA's and the number of SRA's payable to any one Member which states:
- "However, these are important considerations for local authorities. If the majority of Members of a Council receive a Special Responsibility Allowance the electorate may rightly question whether this was justified. Local Authorities will wish to consider very carefully the additional roles of Members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a Special Responsibility Allowance".
- 5.5 The Council currently awards 26 SRA's and to increase this number to take account of the new position of Chairman of the Licensing Committee and Chairman of a new Area Forum would clearly exceed the "majority of the Members of the Council". The Panel has considered the views of the Constitution Task Group and would support the abolition of the SRA's for Chairmen of the Area Forums (currently four in number) and the introduction of an SRA for the Chairman of the Licensing Committee.
- 5.6 The Panel notes that the Constitution Task Group believes that the role of a Chairman of an Area Forum is closely aligned to the role of a "Community Councillor", namely responsibilities and duties associated with all Councillors. The Panel was also aware that meetings of Area Forums are also only held on a quarterly basis which cannot be described as "exceptional frequency" as defined in the Regulations.

### **ICT Allowance**

- 5.7 In 2002, the Panel recommended and the Council approved the introduction of an ICT Allowance of £250 for Members. The allowance was to be used to reimburse Members for the acquisition of additional ICT equipment and consumables that were not provided by the Council.
- 5.8 The Panel has been informed that since May 2003 all Members wishing to take up the opportunity (48 out of 52) have been provided with a laptop and printer. It understands that Phase two of the ICT roll out to Members comprises the introduction of "wireless" technology and Members signing up to either Broadband or dial up connection. The third phase will involve the introduction of "Portal" technology which will provide Members with access to a wide range of information.

- 5.9 The Panel understand that on average Members will be expected to expend approximately £120 of their £250 ICT Allowance a year on consumables etc. This would then leave £130 to be put towards the cost of Broadband or dial up facilities. It is understood that Broadband connectivity can range from £15.00 per month to £29.99 per month.
- 5.10 The Panel believes that to be effective Members need to be accessible in a number of ways, surgeries, telephone and, of course, by e mail. The Panel would therefore support an additional £100 being added to the ICT Allowance for each Member. This would increase the ICT Allowance to £350 (plus index linking). It also notes that many Councillors will choose to receive papers by email. To make this time effective, we would encourage the use of Broad Band. We believe that an additional £100 added to the ICT allowance would almost cover the cost of basic Broad Band for a year. We would argue that the use of email should produce a saving where postage would have previously been used and therefore this short fall should be covered by the Basic Allowance.
- 5.11 The additional allowance should only be claimed by Members who have or subsequently sign up to either a Broadband or dial-up facility with the aim of making themselves more accessible to their electorate.

#### **Co-optees Allowances**

- 5.12 In its report to Council in December 2003, the Panel confirmed its support for the principle of awarding allowances to Co-opted Members. The Panel has been informed that currently the Council currently has members co-opted on to its Children and Young People Select Committee, Community Care and Housing Select Committee and its Standards Committee. The workloads of each co-opted member are described below:

##### Children and Young People Select Committee

- 5.13 The Panel understands that the Council is required to appoint co-opted members on to its appropriate Committee which deals with "education" matters. In the case of West Berkshire Council, it is noted that the Children and Young People Select Committee clearly has a much wider remit than just "education." Co-opted members are only legally able to comment on Education issues and therefore do not need to be present at all meetings or every part of a meeting. The Panel notes that the Select Committee meets on a bi-monthly basis. Therefore the panel are not minded to recommend an attendance allowance for co-opted members on this committee.

- 5.14 Community Care and Housing Select Committee

Although the Council is not required to appoint co-opted members on to its Community Care and Housing Select Committee it has appointed two non voting Sovereign Housing representatives. These representatives are used by the Council for consultation purposes on housing issues although their role, responsibilities or workload is not significant. Therefore the panel are not minded to recommend an attendance allowance for co-opted members on this committee.

## Standards Committee

- 5.15 The Panel is aware that the Council's Standards Committee comprises two Independent Members, two West Berkshire District Councillors and one Parish representative. The Panel has been informed that although the workload of the Standards Committee has been relatively light so far, mainly due to a protocol being in place to deal with dispensation requests, the introduction of the Section 66 Regulations under Local Government Act 2000 could potentially significantly increase the workload of all concerned.
- 5.16 The Section 66 Regulations will permit an Ethical Standards Officer to refer to the Standards Committee a complaint made against either District or Parish Councillors. Prior to the introduction of the Section 66 Regulations, all complaints were referred to and dealt with by Ethical Standards Officers or the Adjudication Panel.
- 5.17 The Panel has noted that the Constitution Task Group has considered the issue of allowances for co-opted members and feels that, at the present time, only the Chairman of the Standards Committee warrants an allowance. The Task Group had before it information which confirmed that no other Berkshire Authority paid allowances to co-opted members on their "education" or "Social Services" Committees.
- 5.18 In relation to the Standards Committee, it is noted that the South East Employers had conducted a survey into allowances for Standards Committee representatives. This survey showed that allowances for the Chairman varied considerably from an annual allowance to a per meeting allowance.
- 5.19 The Panel noted that the Constitution Task Group had recommended that the Chairman of the Standards Committee receive an allowance of £100 per meeting up to a maximum of £1,000 in any one year. This recommendation was based on Section 22 of the Guidance which states:
- "Where either a co-opted or an appointed member is appointed chair of the Committee on which they are co-opted or appointed, the co-optees' allowance they receive must be of an amount no less than the equivalent special responsibility allowance being made available to chairs of equivalent committees of the Council".
- 5.20 The Panel noted that the Constitution Task Group had compared the allowance paid to Chairmen of Area Planning Sub-Committees of £2,199 and considered that given the frequency of meetings of the Standards Committee that a per meeting allowance of £100 up to a maximum of £1,000 was appropriate for now, but should be kept under review.
- 5.21 The Panel supports the approach outlined above but would recommend an allowance for all co-opted members on the Standards Committee given that all members will have a similar workload. The allowance we recommend is £100 per meeting, up to £1,000 per annum.

## Travel and Subsistence

- 5.22 The 2003 Regulations allow, for the first time, Local Authorities to determine their own Travel and Subsistence Allowances having regard to the recommendations of this Panel. The Secretary of State will no longer be involved in setting maximum levels. Local Authorities will have to set out the circumstances in which they pay allowances, so that these are open to

public scrutiny. Local Authorities are now able to pay a cycling allowance to be determined in the same way as other travel allowances.

- 5.23 The current Travel Allowance payable as a mileage allowance is as follows:
- (a) not exceeding 999cc – 34.6 pence per mile.
  - (b) exceeding 999cc but not exceeding 1199cc – 39.5 pence per mile.
  - (c) exceeding 1199cc – 48.5 pence per mile.
- 5.24 In addition to the above, Members are also able to receive 3 pence per mile for every passenger they carry in their vehicle. The use of public transport is also encouraged and the rate of travel by public transport shall not exceed the amount of the ordinary fare available or any available cheap fare.
- 5.25 The Subsistence Allowance is paid to recompense Members for expenditure incurred on meals when carrying out “Approved Duties”. The Panel agrees with the requirement that receipts must be provided for any costs incurred. However the Panel accepts that where a Member purchases a sandwich etc from a vending machine it will be impossible to provide a receipt as proof of purchase. In these circumstances, a Member will be entitled to claim a maximum of £3.00. In all other cases, a Member will be reimbursed for the costs incurred.
- 5.26 The Subsistence Allowance rates currently set by the Secretary of State are as follows:
- (a) Breakfast Allowance (more than four hours away from normal place of residence or, where the authority permits, a lesser period, before 11.00 am) - £4.92
  - (b) Lunch Allowance (more than four away from normal place of residence or where a authority permits, a lesser period, between 12 noon and 2.00 pm) - £6.77
  - (c) Tea Allowance (more than 4 hours away from normal place of residence or, where the authority permits, a lesser period, including the period 3.00 pm to 6.00 pm) - £2.67
  - (d) Evening Meal Allowance (more than 4 hours away from normal place of residence or, where the authority permits, a lesser period, ending after 7.00 pm) - £8.38
- 5.27 In relation to the Travel Allowance, the Panel confirms its previous thoughts that the Council’s approved Travel Allowance rates be those applied by the Inland Revenue, namely:
- 40 pence per mile for cars
  - 24 pence per mile for motor-cycles
  - 12 pence per mile for bicycles
- The Panel was asked by nine members of the Conservative group to reconsider their initial comment made in 2003 that the Council move towards paying Inland Revenue travelling rates. We were not moved by the arguments made in this letter because;
- (a) Paying a mileage rate compensates for the fact that people travel different distances,

- (b) The payment of a flat mileage rate has been adopted in many parts of our society to encourage the use of more fuel efficient cars.

We note that this recommendation accords with the recommendation of the Independent Remuneration Panel Parish report of 2003 (para 5.4) and also the Council's motion of 1<sup>st</sup> March 2004.

- 5.28 Adoption of the Inland Revenue rates would provide benefits for a reduction in the administration of the scheme for the Council and also for the individual taxpayer. In supporting the adoption of the Inland Revenue travel allowance rates the Panel would wish to confirm its previous views in that any passenger allowance should be underpinned by the need to have appropriate car insurance policies in place.
- 5.29 In relation to Subsistence Allowances, the Panel was concerned that for absences involving meetings in London, the present maximum allowance for an evening meal of £8.38 was unrealistically low. The Panel therefore recommends that this be increased to £12.00 and that the other rates be rounded up as follows:

Breakfast - £5.00  
Lunch - £7.00  
Tea - £3.00  
Dinner - £12.00

## **6.0 Recommendations**

- 6.1 Our recommendations are as follows:

### **Membership of the Panel**

- (i) An extra member should be appointed to the panel.

### **Special Responsibility Allowances**

- (i) The Special Responsibility Allowance payable to Chairmen of Area Forums in the sum of £1,099 be abolished with effect from 1 April 2004.
- (ii) A new Special Responsibility Allowance of £4,399 in relation to the Chairman of the Licensing Committee be introduced with effect from 1 April 2004.

### **ICT Allowance**

- (i) That the ICT Allowance for each Member be increased from £250 to £350 with effect from 1 April 2004 partially to compensate Members for the additional costs associated with signing up to Broadband or other suitable dial up facility.
- (ii) That Members who do not sign up to either Broadband, dial-up or other suitable connection forgo the additional ICT allowance of £100.

### **Co-optee Allowances**

- (i) That the Council introduce an allowance for all co-opted members of the Standards Committee based on a per meeting allowance of £100 up to a maximum of £1,000 in any one year.

### **Travel and Subsistence**

- (i) That the Council adopt a Travel Scheme allowance based on the Inland Revenue Rate as follows:
  - 40 pence per mile for cars
  - 24 pence per mile for motor-cycles
  - 12 pence per mile for bicycles
- (ii) That the Council adopt a Subsistence Allowance Scheme based on the rates in paragraph 5.29 and conditions set out in Paragraph 5.25.

## **7. Chairman's Conclusions**

As on previous occasions, I would like to express my appreciation to my colleagues on the Panel for their support and assistance in considering the issues raised in this Report and reaching unanimous conclusions on our recommendations. On behalf of the Panel I would like to record our thanks to John Robertson for his services as a member the Independent Remuneration Panel, from which he has now stood down.

As usual the Panel received excellent support from the Officers of West Berkshire Council and in particular we would like to single out Andy Day, Policy Manager and Jo Watt, Members Services Officer for their direct input to the Panel. We were also grateful to David Holling, Head of Legal and Electoral Services for the information that he gave us about the work of the Standards Committee.

Mr Jeffery Greenwell  
Chairman of the Independent Remuneration Panel

20 April 2004