



**To:
All members of the
Council**

Please reply to:

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Date: 23 May 2023

Supplementary Agenda

Council - Thursday, 25 May 2023

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Council meeting to be held on Thursday, 25 May 2023:

- | | |
|--|----------------|
| 11. Changes to the Allocation of Seats for Committees | 3 - 10 |
| Council is asked to approve the allocation of seats to parties and the number on each Committee as outlined in Appendix 2. | |
| 12. Members Allowances Scheme | 11 - 20 |
| Council is asked to approve an interim arrangement for the Members' Allowances Scheme for 2023/24. | |

Yours sincerely

Karen Wyeth
Committee Services

To the members of the Council

Councillors:

S.M. Doran (Mayor)

M. Buck

M. Gibson

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D. Saliagopoulos
Arnold
M.M. Attewell
E. Baldock
C. Bateson
S.N. Beatty
M. Beecher
Bhadye
M. Bing Dong
H. Boparai
J.R. Boughtflower
Brennan

Burrell
J. Button
J. Caplin
Clarke
D. Geraci
A. Gale
S. Gyawali
A. Mathur
R. Chandler
J.T.F. Doran
S.A. Dunn
Geach

K.M. Grant
K. Howkins
N. Islam
Lee
McLuskey
L. E. Nichols
K. Rutherford
O. Rybinski
J.R. Sexton
J. Turner
B. Weerasinghe
H.R.D. Williams

Annual Council

25 May 2023



Title	Changes to the Allocation of Seats for Committees
Purpose of the report	To make a decision
Report Authors	Farida Hussain, Group Head of Corporate Governance Karen Wyeth, Principal Committee Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision as it is a statutory requirement.
Recommendations	<p>Council is asked to approve:-</p> <p>1. the proposed allocation of seats to parties in this report at Appendix 2 including one additional seat on each of Corporate Policy & Resources, Environment & Sustainability, and Planning Committees; and</p> <p>2. delegation to the Group Head of Corporate Governance to make the necessary changes to the Constitution to reflect the increased sizes of committees as shown at Appendix 2.</p>
Reason for Recommendation	To allocate seats to the Council's committees in accordance with the principles set out in the Local Government and Housing Act 1989.

1. Summary of the report

1.1 This report seeks to outline a proposal to increase the number of seats on each of the following committees by 1 additional seat:-

1. Corporate Policy & Resources
2. Environment & Sustainability
3. Planning

2. Key issues

- 2.1 The seats on the Council's committees should be allocated in accordance with the principles set out in the Local Government and Housing Act 1989 to the political groups amongst the Members of the Council so far as it is reasonably practicable. The principles, which are paraphrased, are in the order of priority:-
- a) All the seats on the Committee cannot be allocated to the same political group;
 - b) the majority of the seats allocated on any body, including each Committee are allocated to the group, if any, which has a majority on the Council;
 - c) the number of seats on the total of all Committees allocated to each political group bear the same proportion as the proportion the members of that group has to the members of the entire Council; and
 - d) the number of seats on each Committee allocated to each group bear the same proportion as the proportion the members of that group has to the total members of the entire Council.

The legislation provides that such determinations are to be achieved 'as far as reasonably practicable'.

- 2.2 The Council's Constitution Standing Order 8.3 (b) requires Council to decide the size and terms of reference for committees which have been established for the municipal year at the Annual Council meeting.

Following the all out borough elections held on the 4th May 2023 all 39 seats have been elected and therefore proportionality must be re-calculated.

- 2.3 The political composition of the Council is outlined below:-

Conservatives	12
Liberal Democrats	10
Independent Spelthorne Group	7
Labour	7
Green Party	2
Independent Green	1

- 2.4 Based on the current number of seats available and taking into account the new political composition of the Council, overall there are 130 seats in total as shown in Appendix 1. Unless the sizes of committees are increased as set out in this report, one political party would have to agree to 'losing' a seat. Audit and Licensing Committees are short of one seat each which could either remain vacant or a seat could be gifted to a member who is not part of any political party to either or both of these committees.

3. Options analysis and proposal

- 3.1 Option 1: Approve the allocation of seats as shown in Appendix 1. This will require a political party to agree to relinquish a seat.

Option 2: Approve the allocation of seats as shown in Appendix 2. This will result in no political party losing a seat.

Option 3: Do nothing. This is not recommended as the Committees will not be able to conduct business if agreement can not be reached as to how seats are to be allocated.

4. Financial implications

There are no financial implications to this report. Should either Options 1 or 2 be approved by Council, this does not impact the number of Chairs or Vice-Chairs appointments and therefore no additional special responsibility allowances will need to be paid following the Members' Allowances Scheme.

4 Risk considerations

4.1 Consulted with Punita Talwar on 22 May 2023.

4.2 There is a need to allocate the appointment of Members to seats, in so far as it is reasonably practicable, with regard to the statutory principles set out in the Local Government and Housing Act 1989. Failure to allocate seats in line with these principles would be in breach of statutory requirements and may result in error or legal challenge.

5. Procurement considerations

5.1 There are no relevant procurement considerations.

6. Legal considerations

6.1 Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the representation of political groups on its committee where the members of the Committee are split into different political groups.

6.2 The Act requires that the Council should allocate seats on committees in accordance with the principles set out in paragraph 2.1 of this report.

6.3 Once political group allocations have been determined, it is the duty of the Council to exercise the power to make appointments to committees to give effect to the nominations of the political groups concerned.

6.4 The Council's Constitution permits Council to determine the size of committees which are established each municipal year.

7. Other considerations

7.1 There are none.

8. Equality and Diversity

8.1 There are no Equality and Diversity implications.

9. Sustainability/Climate Change Implications

9.1 There are no implications.

10. Timetable for implementation

10.1 If the recommendations in this report are agreed, the number of seats allocated will take immediate effect.

11. Contact

11.1 Committee Services committeeservices@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1: Allocation of seats

Appendix 2: Calculations (increased committees)

	Councillors in groups	%	Corporate Policy and Resources* &	Development Sub-Committee*	Community Wellbeing and Housing	Economic Development	Environment and Sustainability	Neighbourhood Services and Enforcement	Administrative\$	Appointments and Appeals*	Audit	Licensing	Planning	Standards*	Total seat entitlement	Total seat entitlement rounded	Chair and Vice-Chair entitlement	Total Ch/VC entitlement rounded
No of seats			15	11	11	9	15	9	12	5	7	13	15	9	131		16	
Conservative	12	31.579	4.737	3.474	3.474	2.842	4.737	2.842	3.789	1.579	2.211	4.105	4.737	2.842	41.368	41	5.053	5
Liberal Democrat	10	26.316	3.947	2.895	2.895	2.368	3.947	2.368	3.158	1.316	1.842	3.421	3.947	2.368	34.474	34	4.211	4
Green	2	5.263	0.789	0.579	0.579	0.474	0.789	0.474	0.632	0.263	0.368	0.684	0.789	0.474	6.895	7	0.842	1
Independent Spelthorne	7	18.421	2.763	2.026	2.026	1.658	2.763	1.658	2.211	0.921	1.289	2.395	2.763	1.658	24.132	24	2.947	3
Labour	7	18.421	2.763	2.026	2.026	1.658	2.763	1.658	2.211	0.921	1.289	2.395	2.763	1.658	24.132	24	2.947	3
Totals	38	100.00	15.00	11.00	11.00	9.00	15.00	9.00	12.00	5.00	7.00	13.00	15.00	9.00	131.00	130.00	16.00	16.00
* not included in the chair/vice-chair proportionality																		
& the chair and vice-chair of each service committee is a member																		
Independent / non-affiliated councillors are not included in these calculations																		
Co-opted members are not included in these calculations																		

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Agenda item 3a	Corporate Policy and Resources* &	Development Sub-Committee*	Community Wellbeing and Housing	Economic Development	Environment and Sustainability	Neighbourhood Services and Enforcement	Administrative	Appointments*	Audit	Licensing	Planning	Standards*	Total seats
No of seats	15	11	11	9	15	9	12	5	7	13	15	9	131
Conservative	5	3	3	3	5	3	4	2	2	4	5	3	42
Liberal Democrat	4	3	3	2	4	2	3	1	2	3	4	2	33
Green	1	1	1	0	1	0	1	0	0	1	1	0	7
Independent Spelthorne	3	2	2	2	3	2	2	1	1	2	3	2	25
Labour	3	2	2	2	3	2	2	1	1	2	3	2	25
Totals	16	11	11	9	16	9	12	5	6	12	16	9	132.00
	1.00				1.00				-1.00	-1.00	1.00		
* not included in the chair/vice-chair proportionality													
& the chair and vice-chair of each service committee is a member													
Service committees = Community Wellbeing and Housing; Economic Development; Environment and Sustainability; Neighbourhood Services and Enforcement													
(Corporate Policy and Resources is a service committee, but this is not relevant to the appointment of committees)													
Co-opted members are not included in these calculations													

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Annual Council Meeting

25 May 2023



Title	Members' Allowances Scheme 2023/24
Purpose of the report	To make a decision
Report Author	Karen Wyeth, Principal Committee Manager
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision
Recommendations	The Council is asked to agree interim arrangements for the Members' Allowances Scheme, namely continuing with the provisions of the Members' Allowances Scheme for 2022/23, pending the receipt and consideration of recommendations from the Independent Remuneration Panel.
Reason for Recommendation	The Council is required to make a scheme of allowances and the Independent Remuneration Panel is appointed by the Council to advise on the type of its allowances and the amounts to be paid.

1. Summary of the report

- 1.1 This report requests that the Council agree interim arrangements for the Members' Allowances Scheme pending the completion of the Independent Remuneration Panel process.

2. Key issues

- 2.1 The Independent Remuneration Panel is tasked with reviewing the Members Allowances Scheme on an annual basis and making recommendations to the Council.
- 2.2 The locally agreed position is that Spelthorne Borough Council "shall have regard to" the advice from the Panel and the Council cannot make any changes to its Scheme of Members' Allowances without first considering the Panel's advice on the issues involved. The Panel acknowledges that it is a matter for the Council to decide the level of Members' Allowances. In having regard to the Panel's advice, the Council is to "give proper consideration" to the Panel's report. In this way, the Council can take full account of its particular circumstances and be directly accountable to its electorate.

3. Options analysis and proposal

- 3.1 The Council is asked to retain the existing special responsibility allowances (SRA) until recommendations are received from the Panel.

4. Financial implications

4.1 The budget for the agreed Members' Allowances Scheme for 2022/23 was £369,700.

5. Risk considerations

5.1 There are no considerations.

6. Legal considerations

6.1 The Council is required to agree its member allowances scheme on an annual basis. See paragraph 10.1.

7. Other considerations

7.1 There are none.

8. Equality and Diversity

8.1 There are no impacts.

9. Sustainability/Climate Change Implications

9.1 There are no implications.

10. Timetable for implementation

10.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Scheme will be made available on the website and a notice published in a local newspaper.

Background papers: There are none.

Appendices:

A. The 2022/23 allowances scheme.

Members' Allowances Scheme

1 April 2023 to 31 March 2024

Introduction

Every local authority will make, or review, a scheme annually in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and will set out the nature and level of allowances payable each year to each member of the authority. The allowances are set by the Council after due consideration of any recommendations of the annual Independent Remuneration Panel (IRP).

Publication of Members' Claims

Regulations (Section 228 of the Local Government Finance Act 1972) require publication of details of the total sum paid in allowances to members during each year.

A schedule of total cash payments made to each member during the preceding financial year, in respect of all allowances, is available on the Spelthorne Borough Council website.

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The Members' Allowances Scheme operating from 1 April 2023 provides for the following:

1. **A Basic Allowance** paid at a flat rate to all members on a monthly basis.
2. **Special Responsibility allowances** paid to certain roles, agreed by the Council, to recognise significant additional responsibilities. These are also paid on a monthly basis.

	Per Annum £
Basic allowance payable to all Members	£6531
Special Responsibility allowances	
Leader of the Council and Chair of Policy & Resources Committee	£11000
Deputy Leader and Vice-Chair Policy & Resources Committee	£5500
Service Committee Chairs: Environment and Sustainability Community Wellbeing and Housing Economic Neighbourhood Services	£7700
Planning Committee Chair	£6600
Planning Committee Vice-Chair	£3300
Spelthorne Joint Committee Chair/Vice-Chair	£5500
Licensing Committee Chair	£5500
Licensing Committee Vice-Chair	£2750
Audit Committee Chair	£4400
Audit Committee Vice-Chair	£2200
Service Committee Vice-Chairs	£3850
Administrative Committee Chair	£2200
Administrative Committee Vice-Chair	£1100
Members of Development Sub-Committee	£2000
Co-optees' Allowance (Chair/Vice-Chair of Standards Committee)	£1500/£750
Independent Person on Audit	£500

- ❖ Payments will be made on a monthly basis, directly into a nominated bank or building society account.
- ❖ Members who wish to elect to forgo their entitlement to some or all of their allowances may do so by giving notice, in writing, to the Chief Executive.
- ❖ No one councillor shall be entitled to receive more than one Special Responsibility Allowance.

3. **Travelling expenses** will be paid for attendance at approved meetings. The list of approved duties is set out in **Schedule 1** to the Scheme.
4. Where the requirements of paragraph 3 are met a travelling allowance for use of a vehicle will be paid at the following rates:

Cars	
Up to 999cc	46.9p
1000cc– 1199cc	52.2p
1200cc and over	65p
Electric Cars	46.9p
Motorcycles	24p
Cycles	20p

5. The allowance for all cars may be increased by not more than 1.0 pence per mile in respect of each passenger, up to a maximum of four, to whom a travelling allowance would otherwise be payable.
6. Where the requirements of paragraph 3 are met a travel allowance for use of public transport may be claimed. Members can claim the ordinary fare or any available cheap fare. Receipts must be obtained and attached to the relevant claim form otherwise expenses will be liable for tax.
7. **Subsistence allowance** will be paid for attendance at approved meetings. The list of approved duties is set out in **Schedule 1** of the Scheme.
8. Where the requirements of paragraph 7 are met, a subsistence allowance will be paid for expenses actually incurred on completion of the relevant claim form, to which receipts are attached.
9. If meals are provided at a meeting, e.g. a sandwich lunch, a claim for subsistence should not normally be made for that same meal. If a member chooses to purchase a meal elsewhere when a free meal was provided, any claim made for subsistence should be reduced to reflect the value of the free meal which was available.
10. Whilst travel and subsistence claims may be made for attendance as the Council's representative at the meetings listed on Schedule 1, members should note that claims may not be made in respect of duties which an external body itself has asked the member to undertake. Any claim for expenses in these circumstances should be referred to the external body.
11. **Dependent's Carer's allowance** including child care, where a member incurs costs in arranging for care of their child or dependent relative, will be paid for attendance at approved meetings. The list of approved duties is set out in **Schedule 1** of the Scheme.

- 12.** Where the requirements of paragraph 11 are met, a dependent's carers' and child care allowance will be paid for expenses actually incurred on completion of the relevant declaration form.
- 13.** All claims must be made within the current financial year and for no more than three months in arrears.
- 14.** Members' claims for travel and subsistence should be sent to Committee Services by the 6th of each month.
- 15.** The Principal Committee Manager will check all members' claims before passing them to Payroll for payment.

Taxation

Basic and Special Responsibility Allowances are both liable to income tax and national insurance contributions, depending on members' personal circumstances. All payments are made through the payroll.

Travel allowances for cars are not subject to tax and National Insurance for the first 45p per mile but anything above that is as per the HMRC Approved Mileage Allowance Payments.

National Insurance Contributions

National Insurance contributions are payable on all allowances that exceed the minimum lower earnings limit. The current minimum earnings level (2023/2024) equates to £1048 per month.

The exemptions are:

a) Where individual's earnings are above the upper earnings limit

If your gross salary in paid employment exceeds the upper earnings threshold (currently £4189 per month) members should apply for deferment using form CA27A or CA72B for self-employed. **This must be applied for each Tax year.**

b) When an individual is over the state retirement age

There is no liability to pay employee's National insurance contributions once you reach state pension age (this may not be 65). If you are over the state retirement age, we will need proof of your age e.g. a birth certificate or passport, to make sure you stop paying National Insurance.

c) When an individual is self-employed

Class 1 employee deductions are not due if you are self-employed. The Department of Social Security does not issue an exemption certificate, but requires you to produce the contributions card or direct debit statement for your self-employed contributions for inspection. (If you would prefer to account to the Inland Revenue for the income tax due on your allowances, this can be arranged by asking your Tax Office to inform Payroll of your self-employed status).

d) When a married woman has elected to pay reduced rate contributions

Any Member currently holding a valid Married Woman's Reduced Rate Liability Card, (reference CF383), should send this to Payroll, so that the reduced rate contributions, (currently 5.85%), can be implemented. The option to make reduced rate contributions is no longer available, so this will only apply to Members already holding a valid certificate.

Schedule 1

Members' Allowances Scheme 2023-2024

List of Approved Duties

When a member uses his or her own home to undertake representative duties on behalf of the Council (e.g. to see constituents), that home becomes their place of work and an allowance can be paid for travel between home and the Council Offices for approved duties, but not for ordinary visits to the Council.

Meetings:

The activities that shall be approved duties include:

- meetings of the Council and committees including Task Groups and Panels.
- deputations, delegations or other representation at meetings with a government department or another local authority.
- training seminars organised by the Council, including members' inductions.
- presentations to councillors by government departments, statutory undertakers, utility or private companies, in respect of proposals in or affecting the Borough, as well as meetings of the organisations external to the Council listed below.
- opening of tenders where Standing Orders require one or more members to be present.
- Visits to sites for which a Planning application is due to come before Planning Committee, by members of the Planning Committee.
- Meetings with Council partners and other Leaders where such meetings take place outside the Borough of Spelthorne.

To qualify as an approved duty, such meetings, seminars and presentations need to be authorised by the Council or a Committee and representatives of more than one political group must be invited, except in the case where the Leader is invited

Meetings with organisations

Meetings of the following organisations **have been approved** by the Council for travel/expenses claims:

- Armed Forces Covenant
- Ashford and St Peter's Hospitals NHS Foundation Trust
- Citizens Advice Runnymede and Spelthorne
- Enterprise M3 (where held outside Spelthorne)
- Heathrow Local Focus Forum (BAA)
- Heathrow Airport Ltd - Annual Meeting with Spelthorne Borough Council
- Heathrow Community Noise Forum
- Heathrow Community Engagement Board
- Heathrow Strategic Planning Group (where held outside Spelthorne)
- Management Committee of Mediation North Surrey
- PATROL (Parking and Traffic Regulations outside London) Adjudication Joint Committee

- Runnymede and Spelthorne SHMA – Joint Member Liaison Group
- South East Employers (SEE)
- South West Middlesex Crematorium Board
- Spelthorne Mental Health Association Management Committee - Trustee
- Spelthorne Safer, Stronger Partnership Board
- Strategic Aviation Special Interest Group (SASIG)
- Surrey Environment Partnership
- Surrey Leaders' Group
- Surrey Museums Consultative Committee
- Surrey Police and Crime Panel
- Surrey Traveller Community Relations Forum
- (NHS) Sustainability and Transformation Plan Stakeholder Reference Group
- Thames Landscape Strategy Partnership Executive Review Board

List of authorised conferences:

The following have been prescribed under Section 175 of the Local Government Act 1972 for the payment of travel and expenses claims:

- Chartered Institute of Housing (CIH)
- Chartered Institute of Public Finance and Accountancy (CIPFA)
- Institute of Building Control
- Institute of Waste Management
- Local Government Association Annual Conference
- Local Government Association Annual Housing Conference
- National Housing and Town Planning Conference
- Royal Town Planning Institute (RTPI)
- South East Employers (SEE)
- Surrey Heritage Strategy Annual Conference

List of duties not approved:

The following is a list of those organisations external to the Council to which the Council makes appointments, but which **do not qualify** for any travel or expenses allowances:

- A2 Dominion Customer Insight Panel
- *Spelthorne Business Forum*

The following duties have **not** been approved by the Council:

Social occasions, receptions, official openings, sporting occasions, visits by members to the Council offices to meet with staff outside of formal meetings; and ward surgeries.

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