



REPORT OF THE

INDEPENDENT REMUNERATION PANEL

ON

THE MEMBERS' ALLOWANCES SCHEME 2020 - 2021

FOR

SPELTHORNE BOROUGH COUNCIL

January 2020

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INTRODUCTION

1. This report has been prepared in accordance with the *Local Authorities (Members' Allowances) (England) Regulations 2003* ("the 2003 Regulations") as amended, which require all local authorities to appoint an Independent Remuneration Panel ('the Panel') to advise on the terms and conditions of their Scheme of Members' Allowances ('the Scheme').
2. The Panel acknowledges that it is a matter for the Council to decide the level of Members' Allowances. The statutory position (Paragraph 19 of the 2003 Regulations) is that Spelthorne Borough Council "**shall have regard to**" the advice from the Panel and the Council cannot make any changes to its Scheme without first considering the Panel's advice on the issues involved. 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. The function of the Panel is therefore to provide the Council with advice on the type of its allowances and the amounts to be paid.
4. The 2003 Regulations require the authority to make copies of the Scheme available for inspection by members of the public at all reasonable hours and publish a notice in a local newspaper giving details of the Scheme and the amounts payable in respect of each allowance mentioned in the Scheme.

INDEPENDENT REMUNERATION PANEL

5. Spelthorne Borough Council appointed the following persons to comprise the Panel:
Sir Ivan Lawrence QC (Chairman)
Mr. Colin Squire
Ms. Alison Osmond
6. The members of the Panel have between them diverse experience in central Government, the law, local and national business, human resources and charity work.
7. The Panel is fully independent of the Council and is not fettered in any way from providing impartial enquiry, scrutiny, advice and recommendation.
8. The Panel does not receive any payment for the time or work that it expends in undertaking the annual review of Members' Allowances.

TERMS OF REFERENCE

9. Our terms of reference are in accordance with the requirements of the 2003 Regulations, together with "Guidance on Consolidated Regulations for Local Authority Allowances" ("the Guidance") issued in 2003. We are required to make recommendations to the Council about the following:
 - a) The amount of basic allowance payable to all Council members;
 - b) The categories of Council members who should receive a special responsibility allowance (SRA) and the amount of that allowance;

- c) Whether the Scheme should include an allowance for the expenses of arranging for the care of children and dependants, and, if so, the amount of this;
- d) The amount of travel and subsistence allowances and the approved duties in respect of which they can be paid;
- e) Allowances for co-optees (for example the independent members appointed by the Council to serve on the Council's Members' Code of Conduct Committee); and
- f) Whether adjustments to the level of allowances may be determined according to an index and, if so, which index and how long that index should apply, subject to a maximum of four years before its application is reviewed.

PRINCIPLES UNDERPINNING OUR REVIEW

10. The following principles, which were established at the time of the Panel's review in 2000, continue to underpin this review: -
 - (i) The basic allowance is intended to recognise the time devoted by councillors to their work, not just work in formal council meetings, but in the community and in meetings with constituents, officers and their political group, and also to cover incidental costs (such as the use of their homes and private telephones).
 - (ii) Special responsibility allowances (SRAs) are used to recognise the *significant additional responsibilities* which attach to some roles, not just the extra time required.
 - (iii) Members' allowances are not intended to compensate for loss of earnings, nor are they to recompense for the total number of hours councillors spend on their duties, bearing in mind the voluntary element of service in fulfilling the role of a local councillor, as recognised in government guidance. Councillors are not paid employees of the Council and their allowances should not be treated as salary.
 - (iv) The Scheme¹ should be fair, easy to understand and straightforward to administer.
11. Alongside the general principle that the payment of an allowance is not intended to compensate for loss of earnings, the Panel advocates a principle of fair remuneration and subscribes to the view promoted by the Independent Councillors' Commission which says that remuneration should not be an incentive for service as a councillor, nor should lack of remuneration be a barrier. The level of remuneration should be sufficient to allow most people to consider becoming an elected member without suffering unreasonable financial disadvantage and equally applies to existing councillors who may be deterred from fulfilling their role successfully if the remuneration is not sufficient.²
12. The Panel has sought to reflect the views of ordinary ratepayers in considering its recommendations. It aspires to a Scheme that is both fair to members and seen to be fair by council taxpayers.

¹Proposed Scheme payments for April 2020 is attached at Annex 1

²Rodney Brooke and Declan Hall, *Members' Remuneration: Models, Issues, Incentives and Barriers*. London: Communities and Local Government, 2007.

CURRENT SCHEME

13. The current Scheme is based on the following methodologies, agreed at previous reviews:
 - The Basic Allowance is calculated on the basis of the daily average earnings of employees across all occupations in the south east.
 - The calculation for Basic Allowance is based on an overall average time spent on undertaking the councillor role of 15 hours per week.
 - A Public Service Discount of 33% applies to the level of Basic Allowance. The application of the discount means that the councillor gives five hours *'pro bono publico'* and is remunerated for the remaining ten hours through the Basic Allowance.
 - The methodology for calculating SRAs involves agreeing the allowance for the Leader and then establishing the allowances for the other roles as a percentage of the Leader's allowance.
 - The Leader's allowance is calculated on 230% of the Basic Allowance.
 - The other roles currently entitled to an SRA and their relevant percentages are:
 - Deputy Leader - 66% of the Leader
 - Cabinet members – 50%
 - Finance Portfolio Holder – 66%
 - Planning Committee Chairman – 40%
 - Licensing Committee Chairman – 35%
 - Overview and Scrutiny Committee Chairman – 35%
 - Audit Committee Chairman – 25%
14. The Panel's last review of Members' Allowances for the financial year 2019/20 took place in December 2018.
15. In undertaking its review for 2019/20, the Panel took 'a light touch' approach and compared the Council's allowances against other Surrey authorities. As both Basic and Special Responsibility Allowances compared favourably with those of neighbouring local authorities, and taking on board the Leader's argument for a 'one team' approach, the Panel recommended an increase in all allowances which reflected the staff pay award for 2019/20.
16. The Panel agreed again not to commit to an index but that it would re-consider this at its next annual review.
17. The Panel recommended a greater increase in SRA for the Finance Portfolio in recognition of his additional responsibilities arising from the Council's expanding investment portfolio and from his position as a Board Director of Knowle Green Estates.
18. The Panel agreed to re-visit this element at its next review.

19. The Council agreed the Panel's recommendations:
- a) that the Basic Allowance should be increased by reference to the staff pay award for 2019/20;
 - b) that all Special Responsibility Allowances be increased by reference to the staff pay award for 2019/2020; and
 - c) the Cabinet member responsible for the finance portfolio to receive a Special Responsibility Allowance equivalent to that awarded to the Deputy Leader.

APPROACH FOR 2020/21

20. The Panel met in January 2020 to consider its approach for the 2020/21 review. The Panel decided to take a 'light touch' approach once more in its review of the Allowances Scheme.
21. The Panel considered:
- data from Boroughs and Districts across Surrey comparing Basic Allowances and Special Responsibility Allowances (SRA) for each authority in 2019/2020. (Annex 3)
 - new Cabinet portfolio responsibilities
 - the Leader's travel expenses for meetings currently outside the list of approved duties.

CONSIDERATIONS AND RECOMMENDATIONS

Basic Allowance

22. The Scheme must include provision for a Basic Allowance, payable at an equal flat rate to all councillors.³
23. The Basic Allowance is intended to recognize the time commitment of all councillors including such inevitable calls on their time as attending Council and other formal meetings, training/briefings, civic events and political group meetings and undertaking general constituency work. It is also intended to cover incidental costs such as the use of their homes and telephones.
24. Members' allowances are not intended to compensate for loss of earnings, nor are they to recompense for the total number of hours councillors spend on their duties, bearing in mind the voluntary element of service in fulfilling the role of a local councillor, as recognised in government guidance. Councillors are not paid employees of the Council and their allowances should not be treated as salary.
25. The Panel compared Spelthorne's current Basic Allowance against the other Surrey Boroughs and Districts (Annex 3). It notes that Spelthorne has maintained its position as third highest in Surrey.

³ The Local Authorities (Members' Allowances) (England) Regulations 2003: Part 2, Regulation 4.

Council	Basic Allowance (£) 2019-20⁴
Woking Borough Council	7200
Guildford Borough Council	7001
Spelthorne Borough Council	6200
Reigate & Banstead Borough Council	5599
Surrey Heath Borough Council	5087
Elmbridge Borough Council	5183
Waverley Borough Council	4867
Mole Valley District Council	4468
Tandridge District Council	4317
Runnymede Borough Council	4000
Epsom & Ewell Borough Council	3718

26. The Panel also noted that 6 of the other 10 authorities link increases in their Members' Allowances to the staff pay award at that Council.
27. As Spelthorne Borough Council's level of Basic Allowance still compared favourably against the other Surrey authorities, the Panel agreed to continue on the basis of its recommendation for the Basic Allowance in 2019:
- that an increase in the Basic Allowance which reflects the staff pay award for 2020/21 would be both fair and reasonable and ensure that most councillors continue to not be financially disadvantaged as a result of undertaking their role.
28. For the purposes of illustration, assuming a staff pay award of 2.5% would mean the Basic Allowance for 2020/21 will be £6355.
29. In making its recommendation the Panel has sought to maintain a sensible balance between:
- (a) the financial constraints facing the Council due to the introduction of negative Revenue Support Grant from the Government in 2021-22 and other factors which will continue to be a pressure for Council finances;
 - (b) the need to maintain a Scheme which is fair, easy to understand and straightforward to administer; and
 - (c) the need to ensure the level of remuneration continues to be sufficient to allow existing councillors to fulfil their role successfully.

RECOMMENDATION

The Panel recommends that the Basic Allowance payable to all members of Spelthorne Borough Council should be increased by reference to the staff pay award for 2020/21.

⁴ Data from South East Employers, Members' Allowances Survey 2019 (October 2019)

Special Responsibility Allowances

30. A Special Responsibility Allowance (SRA) may be paid to recognize the significant additional time and responsibility that certain roles in the Council require of councillors. The payments for SRAs do not have to be the same across different roles. SRAs do not have to be paid but there is a requirement that, if they are paid, at least one Member of a minority group should receive an SRA.
 31. The 2003 Regulations do not limit the number of SRAs which may be paid, nor do they prohibit the payment of more than one SRA allowance to any one Member. The Regulations specify the categories of role which the Council may make provision for paying an SRA. Amongst these is: chairing meetings of a council committee or a sub-committee, or a joint committee of the council and one or more other authorities, or a sub-committee of such a joint committee.
 32. Under the current Scheme of allowances for Spelthorne there are 5 categories for Special Responsibility Allowances which are paid to a total of 15* councillors:
 - Leader (1)
 - Deputy Leader (1)
 - Cabinet Member (8)
 - Chairman (Planning, Licensing, Audit, Overview and Scrutiny and Joint Committees) (5)
 - Opposition Group Leader (1)
- *The Leader is eligible for two of these allowances
33. The Panel agrees that these roles should continue to be awarded an SRA in recognition of the significant additional responsibilities for the councillors appointed to those roles.
 34. The Panel compared Spelthorne's payments for SRA with those paid across Surrey. It notes that Spelthorne has maintained its position in the top third for SRA payments when compared to other Surrey authorities (Annex 3).
 35. As Spelthorne Borough Council's level of SRAs still compared favourably against the other Surrey authorities, the Panel agreed to continue on the basis of its previous recommendation for an increase to the Special Responsibility Allowances which reflects the staff pay award for 2020/21.
 36. The Panel wishes to be clear that it does not subscribe to an automatic increase for future uplifts of Allowances. The Panel believes it is important to consider and discuss the amounts of allowances on a yearly basis.

Special Responsibility Allowance for Strategic Planning Portfolio Holder

37. The Panel notes that since October 2019 an additional Cabinet member had been appointed with a specific portfolio in relation to the development of the Local Plan. This member is being paid an SRA equivalent to that of the Planning Chairman, pending the Panel's consideration of this matter.

38. The current scheme provides for the following SRA payments as a percentage of the Leader's allowance:
Cabinet members – 50%
Planning Committee Chairman – 40%
39. The Panel reviewed the areas of responsibilities of the different Cabinet members, including the Portfolio holder for Strategic Planning. The Panel agreed that the role of this new portfolio was a substantial one, although being limited to just one area of expertise, did not result in the same range of responsibilities as most of the other portfolios.
40. The Panel is satisfied that an SRA for the Strategic Planning portfolio equivalent to that awarded to the Planning Committee Chairman was a fair reflection of the responsibility of the role.

Special Responsibility Allowance for Finance Portfolio Holder

41. During the review for 2019/20 the Panel agreed that due to a combination of the finance portfolio's responsibilities in relation to the Council's investment portfolio, and the extra responsibilities and commitment arising from his position as a Board Director of Knowle Green Estates Ltd. (KGE Ltd), that the role merited a greater SRA than the other Cabinet member roles.
42. The Panel considered the levels of other Special Responsibility Allowances and agreed that the Cabinet member responsible for the finance portfolio should receive an allowance equivalent to that of the Deputy Leader.
43. The Panel notes at this review that the previous portfolio holder is no longer a member of the Council but has subsequently been appointed a non-executive director of KGE Ltd. The Panel noted that in this new role, the non-executive director had taken on the responsibilities in relation to KGE Ltd that he previously held as the finance portfolio holder.
44. The Panel considered that although the Deputy Leader is now responsible for the finance portfolio his role does not replicate that of the previous finance portfolio holder. For this reason the Panel agreed that the Deputy Leader's SRA should remain at the present level of 66% of the Leader's SRA.
45. The Panel agreed to review the position next year to establish whether the finance portfolio holder was becoming more involved in the business of KGE Ltd to the extent that the role warranted an allowance over and above that of other Cabinet members.

RECOMMENDATION

The Panel recommends that:

- 1. all Special Responsibility Allowances are increased by reference to the staff pay award for 2020/21;**
- 2. the Cabinet member responsible for the strategic planning portfolio to receive a Special Responsibility Allowance equivalent to that awarded to the Planning Committee Chairman; and**

3. The Special Responsibility Allowance for the Deputy Leader role to remain at 66% of the Leader's Allowance.

OTHER ALLOWANCES

46. The Panel gave consideration to the following allowances

Co-Optees Allowance

47. The current Scheme pays an allowance of £1000 and £500 to the Chairman and Vice-Chairman (this position is currently vacant), respectively of the Members' Code of Conduct Committee, both of whom are co-opted members.
48. The Panel noted that these allowances had not been changed for many years and agreed that an increase was overdue.

RECOMMENDATION

The Panel recommends that the co-optees on the Members' Code of Conduct Committee receive an allowance of £1500 and £750 for the Chairman and Vice-Chairman respectively.

Dependants' Carer's allowance

49. The current Scheme for Dependants' Carer's allowance (DCA) provides that members are simply reimbursed the actual costs incurred for expenditure in relation to the care of dependent relatives or children while they are undertaking approved Council duties, subject to submission of receipts/invoices in support of claims.
50. The Panel considered that the reasoning underpinning the level of this allowance had not changed since its previous review. It noted there had only been two claims this year and recommended that the allowance be brought to members' attention, as it was likely that more members were eligible than claimed.

RECOMMENDATION

The Panel recommends that no change be made to the current scheme for Dependants' Carer's allowances.

Travel and subsistence allowance

51. The current payments for travel allowances which are payable at the same rate as for Council officers on a sliding scale dependent on engine size for car use, and for motorcycles, for journeys undertaken in relation to approved duties are as follows.
52. The current payments for cars, per mile, is:

	2019/20
up to 999cc	46.9p
1000cc - 1199cc	52.2p
1200cc and over	65p

53. The current payment for motorcycles is 24p per mile and for bicycles is 20p per mile.

54. The Panel did not review these payments at this time but felt it would be appropriate to reflect on the levels of travel allowances next year, in recognition of the need to address the effect of vehicle emissions on climate change.

RECOMMENDATION

The Panel recommends that the current arrangements for payment of travel and subsistence allowances be retained as at present.

Approved Duties

55. The current Approved Duties list with tracking to indicate the Panel's recommendations below, is attached as Annex 2.
56. The Panel was asked by the Leader to give consideration to inclusion of the following activities on the list of approved duties:
- Meetings with the Chief Executive/officers
 - Meetings with Residents
 - Meetings with Council Partners
 - Meetings with other Leaders etc
 - Meetings with the following organisations by the Leader:
 - Heathrow Strategic Planning Group
 - EM3
 - Government departments
57. In reviewing this matter the Panel was provided with copies of the Approved Duties lists of other Surrey Local Authorities and details of the travel expenses incurred by the Leader in attending meetings outside the Borough.
58. At its review in 2018/19, the Panel concluded that visits to Knowle Green to meet with officers were covered by the basic allowance. It did not include this activity on the list of approved duties at that review and sees no justification for doing so now.
59. The Panel considers that meetings with residents are likely to take place within the Borough and presumably either at the Council offices or in the councillor's own ward. It considers that this activity constitutes the 'bread and butter' of the role of a councillor and that any travel expense incurred would be covered by the basic allowance paid to all councillors.
60. The Panel also considered the request to include meetings with Council partners and other Leaders on the list of approved duties for which a travel allowance could be claimed. The Panel accepts that many of these meetings are likely to take place outside the Borough. It is of the opinion that where such visits take place within the Borough the travel expense incurred is covered by the basic allowance. However it agrees to add these activities to the list of approved duties in a situation where the meeting takes place outside of Spelthorne.

61. The Panel was provided with relevant information about the specific organisations listed above. Namely that:
- Membership of Heathrow Strategic Planning Group includes Leaders of Local Authorities and Board members of Local Enterprise Partnerships neighbouring Heathrow; and
 - Enterprise M3 Local Enterprise Partnership (LEP) is one of 38 LEPs in England which are business-led but bring together a partnership of both private and public sector organisations, including small businesses, larger companies, local authorities, not-for-profit organisations, colleges and universities.
62. The Panel notes that attendance at meetings of these organisations is covered by the existing activity in the Approved Duties of “deputations, delegations or other representation at meetings with a government department or another local authority”. However, all the meetings described above do not qualify for a travel allowance because an Approved Duty is currently defined as one where representatives of more than one political group is invited to such a meeting; the invitations to these meetings are solely directed to the Council Leader.
63. The Panel concluded that due to the location of these meetings outside the Borough, the Leader had incurred substantial travel costs. The Panel agreed that no councillor should be out of pocket due to attendance at meetings that were required in order for them to fulfil their obligations to the Council. It agreed that the Leader should be able to claim travel expenses for meetings outside the Borough that only he was invited to, in the same way that any other councillor would be able to claim for attendance at meetings outside the Borough.

The Panel recommends that the list of Approved Duties is amended to include meetings with Council partners, including the Heathrow Strategic Planning Group and EM3, and other Leaders and government departments etc, where such meetings take place outside the Borough of Spelthorne.

SUMMARY OF PANEL'S RECOMMENDATIONS

The Panel makes the following recommendations to the Council on the Members' Allowances Scheme for 2020-2021:

Allowance	Current amount	Number	Recommended Allowance for 2020/2021 ¹
Basic:	£6200	39	£6355
Special Responsibility:			
Leader of the Council	£14259	1	£14616
Deputy Leader	£9412	1	£9647
Cabinet Members	£7130	7 ²	£7308
Cabinet member for Strategic Planning	N/A	-	£5846
Spelthorne Joint Committee Chairman/Vice-Chairman	£4999	1	£5124
Planning Committee Chairman	£5703	1	£5846
Licensing Committee Chairman	£4991	1	£5116
Overview and Scrutiny Committee Chairman	£4991	1	£5116
Audit Committee Chairman	£3566	1	£3654
Opposition Group Leader	£3322	1	£3405
Co-Optees' Allowance	£1000 (Chair) £500 (Vice-Chair)	1 1	£1500 (Chair) £750 (Vice-Chair)
Total Budget	£346,735		£359,621

¹ On an assumption of a 2.5% staff pay award

² Based on the existing Cabinet and excluding the Leader, Deputy Leader and Strategic Planning Portfolio

Allowance for expenditure incurred in relation to Approved Duties (Schedule 1 to Scheme)	Unchanged allowances for 2020/21
Dependants' Carer's Allowance	Reimbursement of actual costs incurred

Travelling and Subsistence Allowances	
Motor Mileage Allowance (per mile)	
Cars	Up to 999cc – 46.9p 1000cc – 1199cc – 52.2p 1200cc and over – 65p
Motorcycles	24p
Cycle	Nil
Day Subsistence Allowance	Reimbursement of actual costs incurred

Sir Ivan Lawrence (Chairman)
Colin Squire
Alison Osmond

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