



REPORT OF THE

INDEPENDENT REMUNERATION PANEL

ON

AN AMENDMENT TO THE MEMBERS' ALLOWANCES SCHEME
2021 - 2022

FOR

SPELTHORNE BOROUGH COUNCIL

September 2021

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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, or any amendments to that Scheme, and the amounts payable in respect of each allowance mentioned in the Scheme.

BACKGROUND

5. The Independent Remuneration Panel (the Panel) undertook its review of the Members' Allowances Scheme for 2021/22 in April 2021. At the time of the Panel's review, the Council had not established the Development Sub-Committee.
6. At its meeting on 27 May 2021, the Council agreed the establishment and Terms of Reference of the Development Sub-Committee.
7. The members of the Sub-Committee were agreed by Council at its meeting on 15 July 2021. The membership of the Sub-Committee includes the Leader and six other members drawn from across the Council. Not all of the seats on the Sub-Committee have been filled.
8. The Chair and Vice-Chair of the Sub-Committee can be appointed from amongst any of its members. A member of the Sub-Committee submitted a request that consideration be given to awarding a Special Responsibility Allowance (SRA) to the Chair and Vice-Chair of that Sub-Committee. The Sub-Committee therefore agreed not to appoint its Chair and Vice-Chair pending a decision by Council (following a recommendation from the Panel) on the matter of an SRA.

TERMS OF REFERENCE

9. The Panel is required, in accordance with the requirements of the 2003 Regulations, to make recommendations to the Council about the categories of Council members who should receive a special responsibility allowance and the amount of that allowance.

CONSIDERATIONS AND RECOMMENDATIONS

10. The Panel noted that a Special Responsibility Allowance may be paid to recognize the significant additional time and responsibility that certain roles in the Council require of councillors, over and above the generally accepted duties of a councillor.
11. The Panel considered the 2003 Regulations which specify the categories of role for which the Council may make provision to pay a special responsibility allowance and particularly in relation to this matter:
 - chairing meetings of a council committee or a sub-committee;
 - membership of a committee or a sub-committee of the council which meets with exceptional frequency or for exceptionally long periods.
12. The Panel reviewed the following documentation to assist its deliberations:
 - Terms of reference of the Development Sub-Committee
 - Meeting schedule for all Committees for 2021-22
 - The current Scheme of Members' Allowances
13. The Panel also met with the Leader, Councillor L. Nichols, to discuss his views on the request and invite comments; no negotiations or decisions were made. The Panel found the discussion useful and is grateful to the Leader for his contributions.
14. The Panel noted the Leader's comments that although he did not have a strong personal opinion on the matter, he was happy to support the request of a member of the Sub-Committee.
15. The Panel noted that the Development Sub-Committee has been meeting on a fortnightly basis since 26 July 2021 to discuss important and complex matters involving the Council's property portfolio.
16. The Panel was persuaded by the Leader's view that rather than single out the Chair and Vice-Chair, all members of the Development Sub-Committee should be awarded a special responsibility allowance for their role: they are all required to scrutinize complex documents, deal with an exceptionally heavy workload and have an equal responsibility for decision-making.
17. The Panel finds that the role of a member of the Development Sub-Committee requires additional hours of work, over and above the duties of a councillor, to absorb detailed financial information to ensure the Council makes sound decisions and the responsibility of making important decisions on multi-million-pound projects.
18. The Panel considered this role in comparison to that of members of the Planning Committee and finds that, although the Planning Committee also meets on a frequent

basis about regulatory matters, these have already been analysed against the relevant legislation and guidance in the officer report. The Development Sub-Committee members must undertake their own analysis of the proposals before them.

19. The Panel is satisfied that the role of a member of the Development Sub-Committee merits a special responsibility allowance in recognition of the volume of meetings, complex workload and need for detailed scrutiny which is indicated by the work the Sub-Committee has already undertaken in its meetings to date.
20. The Panel considered the level of allowance to be awarded and the desire of the Group Leaders expressed in relation to the 2021/22 review of the Members' Allowances Scheme, that the current budget envelope for members' allowances (i.e. for the 2020/21 Scheme) should not be exceeded.
21. The Panel noted that:
 - the budget for Members' Allowances in 2020-21 was £354,652
 - the budget agreed by Council for Members' Allowances in 2021-22 was £348,717
 - the balance of the two years' budgets stood at £5,935
22. The Panel agreed that the SRA for a member of the Development Sub-Committee should be in the region of that awarded to the Vice-Chair of the Audit Committee and recommends an SRA of £2000. The Panel recognised that this would result in the 2020-21 budget being exceeded.
23. Whilst the Panel's recommendations are not mandatory, it is hoped that if the Council disagrees with the actual figure recommended, that the Council would accept the Panel's logic.
24. 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.
25. At its 2021/22 review, the Panel considered that any councillor taking on the work of more than one role should be given the allowance for both those roles. However, the Panel recommended the retention of the 'one SRA only' rule to dissuade councillors from taking on more than one significant role, but in recognition that there can be situations where an exception needs to be made.
26. The Council agreed the Panel's recommendations and the current Scheme states:

'No one councillor shall be entitled to receive more than one Special Responsibility Allowance except in the situation where the Chairman/Vice-Chairman of the Joint Committee is a Borough Councillor already in receipt of an SRA under the Scheme.'

RECOMMENDATIONS

The Panel recommends that:

- a) **a Special Responsibility Allowance of £2000 be paid to each of the members of the Development Sub-Committee and**
- b) **'the 'one SRA only' rule be removed from the Members' Allowances Scheme.**

Sir Ivan Lawrence (Chairman)
Colin Squire
Alison Osmond

September 2021