

Open Report on behalf of Richard Wills, Executive Director Environment and Economy

Report to:	County Council
Date:	23 February 2018
Subject:	Members' Allowances Scheme 2018/19

Summary:

The Council has to agree its Members' Allowances Scheme every year. This report presents the recommendations of the Independent Remuneration Panel (IRP) convened in 2018 and a revised Scheme of Members' Allowances for 2018/19 that implements relevant recommendations.

Recommendation(s):

1. To consider the IRP report and recommendations.
2. To agree or amend the proposed Scheme of Members' Allowances for 2018/19

1. Background

The County Council sets a Scheme of Members' Allowances and expenses in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') and other relevant legislation.

The 2003 Regulations require that an Independent Review Panel (IRP) is convened to make recommendations to the Council. The Council is required to consider any IRP report and recommendations before setting a scheme but is not required to accept their recommendations.

The IRP was convened in January 2018 and their report, findings and recommendations are attached in Appendix A.

Council must vote to adopt a Scheme each year. If the recommendations here are agreed then the vote for each of the next three years could, for example, be to simply applying the indexing provisions contained within it. The regulations stipulate that agreed indexing provisions can only be implemented for a maximum of four years before they must be reviewed.

The table below shows the IRP recommendations and actions and how they have been incorporated into a draft Scheme of Allowances for 2018-19 attached as Appendix B.

IRP 2018 Recommendation	Action taken / needed
<p>The IRP recommends that the Members' Allowances Scheme continues to be linked to the average % increase in pay for employees covered by the National Joint Council for Local Government Services for the last 12 months.</p>	<p>None as index-linking already included.</p>
<p>Based on the evidence presented the IRP considers the role of Council Chief Whip to be a senior one within the Council ranks and recommends that this is reflected in the establishment of a new Allowance Band equating to an annual Special Responsibility Allowance of £10,000. On a point of administration the IRP also recommends that the Allowance Bands quoted within the Members' Allowances Scheme are consequently renumbered to reflect the inclusion of this new Band.</p>	<p>Recommended change incorporated in draft Scheme</p>
<p>Given the significant contribution that good quality learning and development opportunities makes to the ultimate success of an organisation the IRP recommends that a Special Responsibility Allowance should be applied to the role of Chairman of the Councillor Development Group and that this should be at the current Allowance Band 8 equating currently to £4,170.25.</p>	<p>Recommended change incorporated in draft Scheme</p>
<p>The IRP recognises the importance of the Health and Wellbeing Board, its contribution to the local health community and the formal decision-making nature of its responsibilities. It is therefore recommended that a Special Responsibility Allowance at Band 4 should be applied to the role of Chairman and a Special Responsibility Allowance at Band 9 should be applied to the role of Vice-Chairman of the Health and Wellbeing Board.</p>	<p>Recommended changes incorporated in draft Scheme</p>

In addition to the recommendations of the IRP, two further amendments are proposed to the Members' Allowances Scheme. Firstly, reference to the Local Government Pension Scheme has been deleted as councillors are no longer eligible to be members of the Scheme and, secondly, reference to provision of home printing equipment and support has also been deleted as this is no longer provided.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The decision to adopt the Members Allowances Scheme enhances equality of opportunity, as it enables more people to stand as councillors.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

There are no implications for the JSNA or JHWS in relation to approval of this Scheme

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are no implications in relation to Crime and Disorder from approval of this Scheme

3. Conclusion

The Council is required to convene the IRP and has done so. The IRP has made recommendations that the Council must take into account when setting a Scheme of Members' Allowances.

4. Legal Comments:

Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires the Council to make a Scheme of Members Allowances prior to April 1 in every year.

Before making such a Scheme the Council must have regard to the recommendations made in relation to the Scheme by the Independent Remuneration Panel.

Approval of the Scheme of Members' Allowances is reserved to full Council.

5. Resource Comments:

The costs arising from acceptance of the recommendations in this report can be funded from within the existing budget provision.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

N/A

c) Scrutiny Comments

N/A

d) Have Risks and Impact Analysis been carried out?

No

e) Risks and Impact Analysis

N/A

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	IRP Report and Recommendations
Appendix B	Proposed Scheme of Members' Allowances 2018/19

8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk.

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