



Open Report on behalf of Andrew Crookham, Executive Director responsible for Democratic Services

Report to:	County Council
Date:	17 September 2021
Subject:	Appointments to the Lincolnshire County Council Independent Remuneration Panel

Summary:

This report seeks to appoint three additional members to the Lincolnshire County Council Independent Remuneration Panel.

Recommendation(s):

That the Council appoints Heather Lee and Aileen Lucas to the Lincolnshire County Council Independent Remuneration Panel with immediate effect and appoints Tony Lawlor to the Panel with effect from 1 January 2022.

1. Background

The Council must have regard to the recommendations of its IRP when making its Members' Allowances Scheme every year. The preferred size of the IRP is five and it currently has three members. The IRP must in law have at least three members.

Recruitment of three new members, one with effect from when the current Chairman stands down, will bring the numbers on the Panel up to the preferred size.

Councillors are reminded that under the Local Authorities (Members Allowances) (England) Regulations 2003, Councils are required to establish and maintain an Independent Remuneration Panel (IRP), whose members are independent of the Council, to advise on its Members' Allowances Scheme.

The Panel makes recommendations to the Council on the level of Basic Allowance for all members, on the level of Special Responsibility Allowance and to whom they should be paid and on whether dependents' carers' allowance, travel and subsistence allowances and co-optees' allowance should be paid and the levels of those allowances.

The last fundamental review of the Members' Allowance Scheme at Lincolnshire County Council was carried out in 2018 and the IRP made a number of recommendations to Council concerning the scheme.

Those recommendations included the suggestion that allowances in the scheme should be increased annually by the average percentage increase in pay for employees covered by the National Joint Council for Local Government Services for the previous 12 months (usually referred to as Green Book employees). At a meeting of Council on 11 December 2020 it was resolved not to implement the annual increase for the 2021/22 Members' Allowances Scheme, therefore retaining the level of allowances agreed for the scheme in 2020/21.

The 2003 regulations allow indexing for a maximum of four years and also require that Council votes to adopt a scheme of members' allowances each year. That four year period expires in April 2022. The IRP therefore felt it was appropriate to carry out a fundamental review of the scheme at the same time as reviewing the indexing. It is proposed that a review is carried out in the autumn of 2021 with a view to reporting to Council on 10 December 2021.

Membership of the IRP currently stands at three, which is the statutory minimum. In addition, the current chairman of the panel Mr Peter Clay has given notice that he will leave the Lincolnshire Panel, having moved out of the county. He has agreed to lead the panel for the upcoming fundamental review, with the intention of leaving at the end of the current calendar year.

The preferred size of the IRP is five members and so a recruitment exercise has been carried out to fill two of the vacancies with immediate effect, with the further vacancy, caused by the planned departure of Mr Clay, to be filled with effect from 1st January 2022.

Officers are recommending that Aileen Lucas and Heather Lee are appointed with immediate effect and that Tony Lawlor is appointed with effect from 1st January 2022. Aileen Lee is an elected member of the Co-op National Members Council and serves on the Governance Committee, contributing to decisions made regarding remuneration for Co-op Council Members. Heather Lee has served on the finance and employment committee and the remuneration committee as a governor of Accrington and Rossendale Further Education College. Her experience also includes four years as chairman of the remuneration committee of East Midlands Business Ltd. Tony Lawlor is an experienced finance professional who has worked across a range of public sector bodies. He was at the forefront of the setting up of a new trading company, Norfolk Educational Services, a shared services company that specialises in providing support services for education.

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 process by which the proposed new members have been selected has been open to all, regardless of protected characteristics. The recommendations of the Panel must have regard to the Equality Act duties.

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.

The JSNA and JHWS have been considered and there is no direct implication for either of this decision.

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.

The section 17 matters have been considered and there is no direct implication for those matters of this decision.

3. Conclusion

The Council is required to make a Members' Allowances Scheme every year. In doing so it must have regard to the recommendations of its IRP.

The preferred size of the IRP is five, which requires the Council to appoint two additional members of the panel to join the three existing members and a further additional member from 1st January 2022 following the planned departure of the panel's current chairman.

4. Legal Comments:

The legal issues relating to the Independent Remuneration Panel and its role are set out in the Report.

Appointments to the Independent Remuneration Panel are within the remit of full Council.

5. Resource Comments:

Accepting the recommendation within this report to make appointments to the Independent Remuneration Panel should have no material impact on the budgets of the council.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Risks and Impact Analysis

Risks associated with this decision are considered to be minimal.

7. Background Papers

Document title	Where the document can be viewed
Local Authorities (Members Allowances) (England) Regulations 2003	Democratic Services

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