

# Agenda Item 9



## **Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>10 December 2021</b>
Subject:	<b>Members' Allowances Scheme 2022/23</b>

### **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 November 2021 and a revised Scheme of Members' Allowances for 2022/23 that implements the IRP's recommendations.

### **Recommendation(s):**

1. That the Council considers the IRP report and recommendations.
2. That the Council approves the Scheme of Members' Allowances for 2021/22 as the Lincolnshire County Council Scheme of Members' Allowances for 2022/23 subject to:-
  - a) the amendments shown in Appendix B to the Report; and
  - b) the amount of the Allowances within Schedule 1 to the 2021/22 Scheme of Members' Allowances being increased by the average % increase in pay for employees covered by the National Joint Council for Local Government Services for the last 12 months

### **1. Background**

The County Council agrees a Scheme of Members' Allowances and expenses each year 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 Remuneration Panel (IRP) is convened to make recommendations to the Council. The Council is required to consider any IRP report and recommendations before agreeing a scheme, but is not required to accept the IRP's recommendations.

The IRP was convened on 11 November 2021 and its report, findings and recommendations are attached at 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 be, for example, to simply apply 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 are reviewed.

The table below shows the IRP recommendations and how they might be reflected in amendments to the 2021/22 Scheme of Allowances to create the Members' Scheme of Allowances for 2022/23.

IRP 2021 Recommendation	Comments
<p><b>Recommendation 1:</b> 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>The average % increase in pay for employees covered by the National Joint Council for Local Government Services has yet to be determined for the current financial year. If this recommendation is accepted, the Allowances set out in Schedule 1 to the 2021/22 scheme will be adjusted at the appropriate time to reflect any increase in pay to take effect from 1 April 2022.</p>
<p><b>Recommendation 2:</b> Based on the evidence presented the IRP considers the role of the Chairman of the Planning and Regulation Committee and the Chairman of the Pensions Committee should sit within the same allowance band as the Chairman of the Audit Committee, i.e Band 4.</p>	<p>Recommended change incorporated in the amended scheme attached at Appendix B to this report.</p>
<p><b>Recommendation 3:</b> Given the recommended change of band for the role of Chairman of the Planning and Regulation Committee and the Chairman of the Pensions Committee, the IRP recommends that the vice-chairmen of those committees should sit within the same allowance band as the vice-chairman of the Audit Committee, i.e. Band 9.</p>	<p>Recommended change incorporated in the amended scheme attached at Appendix B to this report.</p>

Appendix B shows the amendments that would need to be made to 2021/22 Scheme as a result of Recommendations 1 and 2 of the IRP's recommendations.

In addition to these changes the amounts of the Allowances shown in Schedule 1 to the Scheme in Appendix B will be uplifted by the average % increase in pay for employees covered by the National Joint Council for Local Government Services for the current financial year once that figure is known to reflect IRP recommendation 1.

Alternatively, as the Council is required to have regard to, but not necessarily to follow, the IRP's recommendations, the Council is asked to consider and determine any alternative proposals.

## **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 Assessment \(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 and Wellbeing 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 1 April 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

## **7. Appendices**

These are listed below and attached at the back of the report

Appendix A	Minutes of the Independent Remuneration Panel - 11 November 2021
Appendix B	Amendments to Members' Allowances Scheme 2021/22 to reflect IRP recommendations 2 and 3. Please note: Subject to the decision on Recommendation 1 above, the Scheme will also be amended in line with the average % increase in pay for employees when that figure is determined.

## **8. Background Papers**

Document title	Where the document can be viewed
Members' Allowances Scheme 2021/22	<a href="https://lincolnshire.moderngov.co.uk/documents/s42916/CONSTITUTION%20-%202022.02.19%20-%20Part%206%20-%20Members%20Allowances%20Scheme%202019-20%20revised.pdf">https://lincolnshire.moderngov.co.uk/documents/s42916/CONSTITUTION%20-%202022.02.19%20-%20Part%206%20-%20Members%20Allowances%20Scheme%202019-20%20revised.pdf</a>

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