

Tendring District Council



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COUNCIL

DATE:	Tuesday, 24 January 2023
TIME:	7.30 pm
VENUE:	Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

AGENDA

MEMBERSHIP:

Councillor Harris (Chairman)	Councillor J Henderson
Councillor V Guglielmi (Vice-Chairman)	Councillor P Honeywood
Councillor Alexander	Councillor S Honeywood
Councillor Allen	Councillor King
Councillor Amos	Councillor Knowles
Councillor Baker	Councillor Land
Councillor Barry	Councillor McWilliams
Councillor Bray	Councillor Miles
Councillor Bush	Councillor Morrison
Councillor Calver	Councillor Nash
Councillor Casey	Councillor Newton
Councillor Cawthron	Councillor Placey
Councillor Chapman BEM	Councillor Porter
Councillor Chittock	Councillor Scott
Councillor Clifton	Councillor Skeels
Councillor Codling	Councillor Steady
Councillor Coley	Councillor G Stephenson
Councillor Davidson	Councillor M Stephenson
Councillor Davis	Councillor Stock OBE
Councillor Fairley	Councillor Talbot
Councillor Fowler	Councillor Turner
Councillor Griffiths	Councillor White
Councillor C Guglielmi	Councillor Wiggins
Councillor I Henderson	Councillor Winfield

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DATE OF PUBLICATION: Friday, 20 January 2023

AGENDA

16 Report of the Head of Democratic Services and Elections - A.5 - Review of the Scheme of Members' Allowances by the Independent Remuneration Panel (IRP) (Pages 1 - 28)

To consider any potential uplift in the current Members' Allowances Scheme for 2022/23.

To determine the Members' Allowances Scheme for 2023/24 and beyond.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Council is to be held in the Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Tuesday, 14 February 2023.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the Theatre and follow the exit signs out of the building.

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COUNCIL

24 JANUARY 2023

REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

A.5 Review of the Scheme of Allowances for Councillors by the Independent Remuneration Panel

(Report prepared by Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To receive and consider the report of the Independent Remuneration Panel and, having regard to the Panel's recommendations, determine the uplift to be applied to Basic and Special Responsibility Allowances in the scheme for 2022/23 and to approve the Scheme of Allowances for Councillors for 2023/24 (and until 2027/28).

EXECUTIVE SUMMARY

The Council's Independent Remuneration Panel has been meeting over the past few months as they considered the separate, but related, elements of the Scheme of Allowances for Members of this Council. Those elements were, firstly, what uplift should be applied to the Basic and Special Responsibility Allowances for Councillors in 2022/23 following the pay award for Council staff approved in late 2022. The second element was the entire Scheme of Allowances that should be put in place for 2023/24 (and for the period to 2027/28 with an index link). In concluding the Panel's work, it produced a report which is set out at the Appendix herewith. It is this report, and the recommendations set out in it, that the Council is invited to consider. It is a legal requirement that the Council may only make (changes to) its Scheme of Allowances after receiving a report from its Independent Remuneration Panel.

RECOMMENDATION(S)

- (a) That the report of the Independent Remuneration Panel (set out in the Appendix to this report), following that Panel's review of the appropriate uplift to be applied to Basic and Special Responsibility Allowances in the scheme for 2022/23 and the Scheme of Allowances for Councillors for 2023/24 (and until 2027/28) be considered;**
- (b) that the response to the recommendations from the Independent Remuneration Panel set out on pages 10-13 of the Appendix be determined;**
- (c) that, having determined uplift to be applied to Basic and Special Responsibility Allowances in the scheme for 2022/23 and the Scheme of Allowances for Councillors for 2023/24 (and until 2027/28), authority be given to update Part 7 of the Council's Constitution accordingly; and**

(d) that the Chief Executive be authorised, in exceptional circumstances, to designate as approved duties such events for travel claim purposes where attendance by (a) Councillor(s) would be in the interests of the Council and the event otherwise has not been so designated.

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations seek to provide for lawful decisions by the Council in respect of the Scheme of Allowances that currently applies and that will apply to the Council following the elections on 4 May 2023. In considering the questions around the appropriate uplift to be applied to Basic and Special Responsibility Allowances in the scheme for 2022/23 and the Scheme of Allowances for Councillors for 2023/24 (and until 2027/28), Council must have regard to the report/recommendations from the Independent Remuneration Panel. Having determined these matters it is necessary to then update the details of the Scheme of Allowances in the Constitution. Finally, there is a proposal for a delegation to address rare occasions when it would be in the general interests of the Council for an event to be designated an approved duty and the event is not otherwise designated as such.

ALTERNATIVE OPTIONS CONSIDERED

The Council may determine not to adopt the recommendations from the Independent Remuneration Panel or otherwise amend those recommendations. The Panel itself has considered options (including not making the recommended allowances) as part of its work that lead to the production of the report at the Appendix and the recommendations set out in that report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of a published Scheme of Allowances for Councillors, having regard to the recommendations of an Independent Remuneration Panel, is consistent with the Council's core values of integrity and openness.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Independent Remuneration Panel consulted Councillors on the issue of the Scheme of Allowances for 2023/24 (and beyond) and the uplift to be applied in 2022/23 and it received those views.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The budget for 2022/23 for Basic and Special Responsibility Allowances for Councillors and for the Council's Chairman and Vice Chairman Allowances totals £477,840. Given the spend against that budget to December 2023, it is considered that the proposed uplift recommended by the Independent Remuneration Panel can be accommodated within that budget. Any decision concerning the Allowances Scheme for 2023/24 will be incorporated into the Council's Budget for that year.

Risk

The crucial feature of the Panel is that it is composed of people unconnected with the local authority. This degree of independence is designed to secure that the Council is directly accountable to the electorate in respect of the payments made to Councillors and that the risk of any lack of transparency is mitigated.

<input checked="" type="checkbox"/>	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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No further comments to those set out in the report in respect of the budget position.

LEGAL

The Local Authorities (Members' Allowances) (England) Regulations 2003 set out the arrangements to be followed in relation to allowances and expenses payable to Councillors. The Regulations set out that regard must be had to the recommendations of an Independent Remuneration Panel before determining or amending the Scheme of Allowances. Consideration of this report and its appendix will enable the Council to meet those statutory requirements.

The Local Government Act 1972 (sections 3 and 5) allows the payment of an allowance to the Chairman and Vice Chairman of the Council.

<input checked="" type="checkbox"/>	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Monitoring Officer has been involved in the process in supporting the Independent Remuneration Panel in reviewing the Members Allowance Scheme, together with the Head of Democratic Services and Elections and has no additional comments to make.

EQUALITY IMPLICATIONS

Due consideration of the Public Sector Equality Duty has been given in the development of the proposals set out in the Independent Remuneration Panel's report in the Appendix and Council will need to be mindful of that duty in relation to its consideration of the recommendations set out.

OTHER IMPLICATIONS

Councillors' Responsibility For Reporting Receipt of Allowances

Councillors are advised to declare the receipt of an allowance if **any form** of benefit such as income support or housing benefit is being claimed. The rules on how allowances to Councillors are treated may vary depending on the benefit claimed and advice should be sought from the relevant administering body. For example, the rules for those in receipt of Housing Benefit and Council Tax Support state that "basic members allowance, special responsibility allowance and conference attendance allowance are treated as earnings except for any expenses which have been wholly, exclusively and necessarily incurred in the performance of their duties". Councillors are therefore advised that in order to claim expenses in these circumstances receipts and records to justify the expenses incurred must be kept.

Wards Affected

None.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The detail to this matter is set out in the report from the Independent Remuneration Panel set out in the Appendix. This includes Regulation 10(1) of the Local Authorities (Members' Allowances) (England) Regulations 2003 by which the Council is normally required to determine its Scheme of Allowances before the relevant financial year has commenced.

The attention of Members is drawn to the following in the Council's Constitution:

"Any Member wishing to move an amendment or alternative recommendation to those made by the Independent Remuneration Panel in respect of the Members' Scheme of Allowances must have submitted their proposals to the Council's Section 151 Officer and the Monitoring Officer at least two working days before the relevant Full Council meeting to enable them to consider the legal and financial implications. Any such amendment or alternative recommendation must be accompanied by the reasons for departing from the IRP's recommendations. Once deemed to be valid by the Monitoring Officer it will be immediately circulated by email to all Members of the Council. Copies of such amendment or alternative recommendation(s) will also be placed on Members' tables prior to the commencement of the Council meeting."

On the basis of the above, any amendment or alternative recommendation would need to have been submitted by Friday, 20 January 2023.

PREVIOUS RELEVANT DECISIONS

Council on 24 May 2019 (Minute 13 refers) – Consideration of the report of the Independent Remuneration Panel on a Scheme of Allowances for the Council following the reduction in Councillor numbers from 60 to 48.

Council on 21 January 2020 (Minute 81 refers) – Consideration of the report of the Independent Remuneration Panel's Light Touch Review Report.

Council on 15 September 2020 (Minute 27 refers) – Consideration of the report of the Independent Remuneration Panel on the Scheme of Allowances for Councillors for the remainder of the 2020/21.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers

APPENDICES

Appendix – Report of the Independent Remuneration Panel

REPORT CONTACT OFFICER(S)

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A.5 APPENDIX

INDEPENDENT REMUNERATION PANEL

REPORT TO

TENDRING DISTRICT COUNCIL

January 2023

Proposals as to the ‘uplift’ to the Allowances to District Councillors in 2022/23 following the Local Government Pay Settlement for staff, and Recommendations on the Scheme of Allowances to be paid to District Councillors in 2023/2024- 2027/28

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1. INTRODUCTION AND EXECUTIVE SUMMARY

The Independent Remuneration Panel for Tendring District Council undertaking this review and producing this report was comprised of Sue Gallone, Clarissa Gosling, David Irvine and Jane Watts. Biographies of the Panel's Members are set out in Section 2 of this report.

The Panel was commissioned to review the uplift in the current Allowances payable to District Councillors in light of the Local Government Pay Award to Council staff for 2022/23. This was because, the Pay Award was a fixed monetary sum rather than a percentage increase on existing pay points. The Allowances Scheme for Councillors provided for an uplift based on a percentage increase in the staff Pay Award. As such, the Panel were required to advise on the appropriate uplift to be applied to Councillor Allowances.

In addition to the above for the 2022/23 Allowances Scheme, the Panel was requested to review and prepare recommendations for an Allowances Scheme for 2023/24 and the years to the following elections to the District Council in 2027. This was the main focus of the work of the Panel reflected in this report. However, the Panel needed to determine its approach to the 2022/23 uplift before it could conclude its review for 2023/24 and beyond.

The Panel was reminded of the legal provisions that relate to Allowances for Councillors and these provisions are set out in this report.

The report also references the current scheme of Allowances, the work of the Panel in this review and its recommendations to the Council. The Panel was grateful to the Leader of the Council, Group Leaders and Deputy Group leaders who spoke with the Panel and all Councillors who responded to the survey. The Panel also had officer support to assist with provision of information to support the review and to provide responses to questions the panel members had when considering the information provided to it.

In short, **for 2022/23, the Panel recommends that the current allowances be uplifted by 7%** following the Local Government pay Award nationally for Council staff and to follow the spirit of the current link between the Allowances Scheme and the pay award for staff.

For 2023/24, the Panel recommends a continuation of most of the elements of the current scheme. However, it proposes:

- (1) A **Deputy Leader Allowance** in recognition of the particular special responsibilities of that role.
- (2) A **lower rate** of allowance than currently for
 - a. **Group Leaders of political groups with Groups of two or three Members.**
 - b. **Chairmen of the Licensing & Registration Committee and the Miscellaneous Licensing Sub-Committee**
- (3) A **lowering of the allowance than currently for the Chairman of the Planning Committee and an increase in the allowance payable to the Planning Committee's Vice-Chairman and to the other Members of that Committee.**
- (4) Introducing a limit for travel and subsistence claims for **approved duties in the District with the limit being the boundary of the District.**
- (5) The introduction of a **claimable sum for specialist dependents' care** where the Councillor has to attend approved duties (above the normal level which is linked to

the Living Wage determined by the Living Wage Foundation.

- (6) **Introducing a new categorisation table** for Special Responsibilities to allow the Council to respond to new and amended responsibilities over the lifetime of the scheme.
- (7) **Using a new index linking arrangement** to ensure that Allowances can be uplifted with public sector pay for staff where that pay is itself uplifted. This overcomes the issues faced in 2022/23 where no headline percentage pay award was agreed nationally (and instead a fixed monetary sum applied to each relevant pay point for staff).

2. “ABOUT US” - INDEPENDENT REMUNERATION PANEL MEMBERSHIP

At Council on 27th November 2018 the following were appointed to the Independent Remuneration Panel for Tendring District Council. The individuals also serve as Independent Persons within the Standards Regime of the Council. Their term of office as members of the Independent Remuneration Panel expires at the Annual Council in May 2023.”

▽ Jane Watts (Chair)

Jane has worked in education for 35 years: 25 years as a maths teacher and 10 years as an education consultant, specialising in mathematics, assessment & progress and data analysis. Since 2020 she has also been a trustee of Future Academy, a UK-registered charity that provides an English school and football academy for refugee children in Beirut. Her main responsibilities are finance and fundraising, but she also contributes to curriculum development.

▽ Sue Gallone

A qualified accountant and auditor who worked in the public sector for most of her career to 2016. She sits on conduct committees; the General Osteopathic Council and the Association of Chartered Certified Accountants. She is also a Board member for the Health and Care Professions Council, and is an independent member of the Audit and Risk Assurance Committee at the Office of the Immigration Services Commissioner. Since moving to Clacton in 2003 she has been involved with local organisations and charities on a voluntary basis

▽ David Irvine

A retired agronomist (specialist crops advisor) originally for Unilever but latterly for Agri and based in East Anglia. Over the best part of 40 years, has been respected in his industry to become an examiner for the professional standards organisation (BASIS), training and maintaining the agronomic standards of new entrants. As the Coordinator of Bury in Bloom, he was responsible for winning the large town category of Anglia in Bloom and Gold award in Britain in Bloom. He is a Christian with a keen interest in public life in Bury St Edmunds where he lives.

▽ Clarissa Gosling

She has served as an independent Member, Conciliator, Chair, and Adviser; dealing with complaints, service quality and discrimination for the last 25 years for various public bodies- NHS, Police, and the Office for National Statistics. As a Non-Executive Director of Suffolk Health NHS Trust, she sat on the Audit and Service committees among others, and until recently served as a Board Member on the Orwell Housing Association. She was also an independent chair of the Standards Committee of Ipswich Borough Council and is an Associate Member of the Ombudsman’s Society.

In submitting the report, the Panel was aware that Council, on 22 November 2022, in considering a recommendation to this effect from the Council’s Standards Committee, approved:

“That alternative arrangements for the Independent Remuneration Panel are explored further to maximise options available with other Councils within Essex and give consideration to the outcome prior to any future recruitment.”

3. THE REVIEW OF BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES IN 2022/23 AND THE ALLOWANCES SCHEME FOR 2023/24

The Panel met on the following occasions to consider the Allowances Scheme. In all considerations, the Panel were made aware of the legislative position concerning Allowances Schemes (**as set out in Annexe 1 to this report**) and the roles and responsibilities of Councillors at Tendring District Council (**as set out at Annexe 2 to this report**)

Thursday, 10, November 2022

To commence the review, receive some initial information, to scope the review and determine its arrangements to hear from Councillors.

Friday, 25 November 2022

To meet (sometimes face to face and otherwise remotely) with the Leaders of the Tendring Independent, the Independent, the Labour and Liberal Democrat Groups and the Deputy Leaders of the Conservative and the Tendring First Groups.

Tuesday, 13 December 2022

To meet with the Leader of the Council, to agree a survey of Councillors on their roles and allowances scheme.

Wednesday, 4 January 2023

To receive the views expressed by Councillors in the survey of them (and further information) and to consider the recommendations to the Council. These recommendations were then shared with Group Leaders.

Tuesday, 17 January 2023

To consider feedback on the draft recommendations and to agree final recommendation to submit to the Council. The Panel also considered the Parish Allowances Scheme for the District.

All Panel Members attended each of those meetings. Officers assisted the Panel with questions and points of clarification; together with collating and supplying the various pieces of information and developing the survey of Councillors.

Existing Scheme

The Council's existing Allowances Scheme is set out at Annexe 3 – Column 1

Council on 15th September 2020 agreed the existing scheme with effect from that date or otherwise on 1 October 2020 in respect of Travel Mileage, Dependents' Carers' and Subsistence Allowances. And otherwise approved the uplift for Basic and Special Responsibility Allowances for 2021/22 and 2022/23 in accordance with the headline pay award percentage approved by the National Joint Council for local government services in respect of Council staff.

2022/23 Uplift to the current Allowances

As set out in the above section of this report, the current Allowances scheme provided for an uplift in accordance with the headline percentage pay award for Council staff agreed nationally. The Panel was advised that for 2022/23 there was no headline pay award agreed through the national negotiating arrangements. Instead, pay points for staff were increased by a fixed monetary sum of £1,925. UNISON, one of the trade unions represented in the national negotiating arrangements, described that monetary uplift as equivalent to 7% on average for all Council staff. This percentage was also confirmed by the Council's Assistant Director of Finance and IT as the increase in the pay budget for relevant Council staff employed by Tendring District Council.

The Panel considered the evidence presented and determined that, in the spirit of the previous decision for the Allowances Scheme (and its linkage to the staff Pay Award index) to recommend a 7% uplift to Allowances for Councillors for 2022/23. As with staff, this uplift would be back dated to 1 April 2022. **This is set out in first Recommendation in the Recommendations Section of this report (Section 4).**

The resulting Allowances for 2022/23 are set out at Annexe 3 – Column 2

2023/24 (and beyond) Allowances Scheme

Having confirmed the recommendation for the Allowances Scheme for 2022/23, the Panel considered the Scheme of Allowances to recommend to the Council for 2023/24.

The Panel was then provided with the following to assist in their consideration of the future Allowances Scheme:

- Job Roles for Councillors – Although in draft form, the Panel was provided with details (as currently drafted) of the responsibilities of a range of roles with special responsibility in the Council.
- The responsibilities of the current Portfolio Holders
- The outcome of Consultation with Councillors – from those who completed the survey of views and experiences of Councillors as relevant to Allowances.
- Details of meetings held at the Council, including Cabinet and Committee meetings and the duration of those meetings over a 12 month period ending just prior to the sad passing of our late Queen Elizabeth II (and the resulting period of mourning).
- Comparative data on Allowances paid at a range of other Councils. Those Councils were Colchester, Braintree, Maldon, Uttlesford, Rochford, Babergh & Mid Suffolk and East Suffolk. This detail included the populations of those Districts and the numbers of District Councillors elected as well as the detail of the allowances paid for different special responsibilities.
- The Final Report of the Local Government Association on its census of Councillors conducted in 2022. This census provides the most comprehensive, timely overview

of local government representation covering views of respondents on a range of matters, the work undertaken by Councillors and the personal characteristics of Councillors. The Panel also received details submitted to the Census by Members of this Council.

The Panel was also reminded of the extent of Councillor time needing to be dedicated to training and development. In so far as Mandatory Training, the Panel were advised of the following from the Council's constitution:

"Council's Procedure Rule 33.3:

In addition to specific training required as and when necessary, training shall be provided to all Members appointed to the Audit, Licensing and Registration, Planning and Standards Committees on an annual basis at an appropriate date and time after each annual meeting of the Council and such training shall be mandatory. The Monitoring Officer shall define what is meant by the word "mandatory" and they will also decide whether the training offered/provided is/was sufficient and "fit for purpose".

A Member cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications.

A Member cannot sit as a member of the Licensing and Registration Committee unless they have received specific training with regard to the determination of applications for personal or premises licences submitted under the Licensing Act 2003.

A Member cannot sit as a member of the Audit Committee unless they have received specific training with regard to the determination of the Council's Statement of Accounts and comprehension of Auditor reports.

A Member cannot sit as a member of the Standards Committee unless they have received specific training with regard to the Hearings Procedure and participation in Hearings.

No Member can continue to sit as a member of the above committees if they have gone more than two years without attending any of the relevant training events."

As outlined earlier in this report, the Panel also had the opportunity of talking with most of the Leaders of the political Groups on the Council and to hear their views and experiences.

The Panel considered carefully the information provided and the comments received from Councillors on their roles and allowances. The Panel is grateful to Councillors for submitting their views.

The recommendations (1)-(11) in the Recommendations section of this report (Section 4) sets out the Panel's proposals to the Council for the Allowances Scheme for 2023/24 to 2027/28 (with associated reasons based on the evidence considered by the Panel). The resultant Allowances are also set out in Annexe 3 – Column 3.

4. RECOMMENDATIONS

2022/23 Allowances Scheme

That the basic and Special Responsibility Allowances be increased by 7% and this increase be back dated to 1 April 2022.

Reason: The current scheme provided for them to be increased in line with the headline pay award for Local Government Staff. For 2022/23 the nationally agreed award was a fixed sum of £1,925p.a. for a full time officer irrespective of their substantive salary. UNISON's assessment of that fixed sum was that (on average) it amounted to a 7% increase for such officers. Information from the Council indicated that the pay award equated to a 7% increase for the relevant officers (on average) employed by that Council. As such, and taking the spirit of the existing scheme provisions, a 7% increase in Allowances for Councillors was appropriate. The pay award applied from 1 April 2022 for staff and, accordingly, this was also within the spirit of the provisions of the current scheme.

2023/24 Allowance Scheme (and up to 2027/28)

- (1) That, subject to (2)-(6) below, the fundamentals of the existing 2022/23 scheme of basic and special responsibility allowances be used for the 2023/24 (and beyond) scheme;

Reason: There was no evidence received that the structure of the Allowances Scheme did not meet the needs of the Council.

- (2) That Basic and Special Responsibility Allowances be index linked to the Office of National Statistics estimated public sector regular average weekly earnings growth rate (before tax and other deductions from pay) each December and applied to the scheme from the following April (2024);

Reason: The indexing of Allowances meant that they could retain their broad relationship to remuneration in the Council and wider public sector of which Councillors are a key part. The choice of index means that the new Allowances can be updated as part of the annual budget setting process of the Council using a figure which is independently assessed and reported on with an accuracy and certainty that the Scheme should have. The previous use of the headline rate of increase in local government pay was problematic in 2022/23 given the fact that a percentage increase was not a specific feature of that pay award. As such, it is proposed to utilise the alternative index identified to remove the risk of a similar problem for future years. The first index increase under this proposal would be from 1 April 2024.

- (3) That the individual allowances be set (for 1 April 2023 as follows):

Allowances	1 April 2023
Basic Allowance	£6,532
Chairman of the Council	£7,447

Vice-Chairman of the Council	£1,959
Special Responsibility Allowances	
Leader of the Council	£22,209
<i>Deputy Leader (NEW)</i>	<i>£15,647 (being £5,000 for the role of Deputy Leader and the £10,647 for being a Portfolio Holder)</i>
Portfolio Holder (Cabinet Member who is not the Leader or Deputy Leader)	£10,647
Chairman – Planning Committee	£7,500
Vice Chairman – Planning Committee	£1,900
Members of Planning Committee	£1,200
Chairman – Planning Policy and Local Plan Committee	£3,265
Chairman – Licensing and Registration Committee	£1,500
Chairman – Miscellaneous Licensing Sub-Committee	£750
Members of Licensing and Registration Committee	£326
Chairman – Audit Committee	£4572
Chairman – Community Leadership Overview and Scrutiny Committee	£4572
Chairman Resources and Services Overview and Scrutiny Committee	£4572
Chairman – Human Resources and Council Tax Committee	£3,265

Reason: The above broadly reflects the decision in (1) above. The differences from the current scheme would mean a small reduction in the allowance payable to the Chairman of the Planning Committee and an increase for the Vice-Chairman and each Member of the Planning Committee. This reflects the understanding through feedback received, about the level of work and contribution that the Vice-Chairman of the Committee and its whole Membership provides to the operation of that Committee. The workload of that Committee has also influenced the proposals. There is a small reduction from the 2022/23 Allowances in the proposals for the Chairman of the Miscellaneous Licensing Sub-Committee and a reduction in the proposed Allowance for the Chairman of the Licensing & Registration Committee from the current level. These reflect the Panel's understanding of workload and commitments for those Chairmen, looking back at the number of committees and the length of the meeting held. It is proposed to retain the Allowance level between the years for the Members of the Licensing & Registration Committee.

- (4) That, in relation to any new or revised Committee arrangements, the role of Chairman (or other approved special responsibility*) be allocated to the following category by Council:

Category	Relevant Allowance
A	£4,572
B	£3,265
C	£1,500
D	£750
E	Zero

*This could include the roles of Chairman and/or Members of the Tendring Colchester Borders Garden Community Joint Committee and the role of being appointed by the Council as a Director of a Company, understanding the additional responsibilities and obligations that places.

Reason: The Allowances Scheme can usefully have a resilience to change over the life of the Scheme. It provides an off the shelf option for any future special responsibility not currently in the Allowances Scheme. By using the categorisation proposed, it is intended to provide flexibility and assist the Council as things change and responsibilities are allocated to match the challenges the Council faces and provide a framework to recognise and remunerate substantive responsibilities. Certain special responsibilities, including Vice-Chairmen of a number of Committees, do not (currently) attract an Allowance and so the inclusion of zero in the categorisation appears appropriate. The categorisation recommended does not include as an option the Allowance level for the Chairman of Planning Committee. That responsibility level is unique (in the same way as the allowances for Cabinet Members is considered unique). These unique allowances should not be included in the categorisation that is intended to apply to how other responsibilities are categorised and future changes in the allocation of those other responsibilities.

- (5) That Group Leader Allowances be set as follows:
- (a) For political Groups with two or three Members only – £200
 - (b) For political Groups with four or more Members – £1017 (plus £105 per group member)

Reason: The role of Group Leader is distinct and does have a level of responsibility around the functioning of the Group across the various functions of the Council. However, for particularly small Groups that level of responsibility is considered to be significantly less than for larger Groups. This distinction should be recognised in the Allowances Scheme.

- (6) That there be an expectation that no Councillor be eligible to claim more than two separate Special Responsibility Allowances;

Reason: The Allowances Scheme needs to set remuneration at an appropriate level and the undertaking of different roles by an individual Councillor should be recompensed appropriately. It is important to preserve the capacity of Councillors to undertake their Ward related activities with resident casework. Under this expectation, a Councillor otherwise eligible for more than two Special Responsibility Allowances should not normally take that/those further Allowances. However, if they make the specific case and lodge this with the Council's Chief Executive (who may seek the views of the

Independent Remuneration Panel), that/those further Allowances may be paid with the approval of the Chief Executive.

- (7) To record that the level of Basic Allowance identified includes a contribution to the time and effort taken by Councillors to participate in general core training on such governance matters as the Code of Conduct, Data Protection/Freedom of Information and Equalities to support their general role for which they receive a Basic Allowance be recorded along with the contribution specific mandatory training for Planning and Licensing for which Special Responsibility Allowances are paid;
- (8) To record that the special responsibilities recognised for the Leader/Chairmen in the Allowances scheme, in part, reflects the expectations upon them to support participation in training by the Members of the Cabinet/Committee in relevant training and development opportunities.
- (9) That the Council should authorise the evaluation of the powers and practice to link allowances to participation in designated training and to submit a draft policy to achieve this if practicable.

Reason: For (7)-(9), to emphasise the distinct advantage of the training and development offered to Councillors and encourage take up and skills and knowledge enhancement.

- (10) That claims for travel and subsistence costs incurred by Councillors (to undertake designated official duties) be limited to the relevant HMRC rates at which no tax liability would apply and, where those duties take place in the District, the claim be reimbursed only in respect of travel (and travel/duty time) within the District.

Reason: To recognise the fiduciary duty of the Council to the residents and local taxpayers.

- (11) That general dependants' carers allowance claims continue to be limited to the level of the Real Living Wage for outside of London (as set by the Living Wage Foundation from time to time). However, in exceptional circumstances a claim for reimbursement of higher costs incurred may be permitted where the care provided is particularly specialist in nature.

Reason: To ensure that those Councillors who find themselves with some element of specialist caring responsibilities are not adversely impacted from participating in the representational role when that means providing alternative carer provision to attend official duties.

Legislation relevant to Allowances Schemes for Councillors

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') sets out the legal framework for allowances and expenses to Councillors. It provides for a Basic Allowance that is paid at the same level to all Councillors on the Council concerned and for allowances to be paid for those who have special responsibilities (special responsibility allowances). Other allowances, including dependants' carers', travelling and subsistence and co-optees are provided for in the Regulations.

The 2003 Regulations require that a scheme is to be determined normally before the relevant financial year has commenced (Regulation 10(1)). However, schemes can be amended at any time. The Regulations also permit a scheme to be adjusted by reference to an index specified by the authority and the indexed changes do not require a fresh determination at that time.

Regulation 19(1) of the 2003 Regulations states that "*Before an authority.....makes or amends a scheme, the authority shall have regard to the recommendations made in relation to it by an independent remuneration panel*" (IRP).

Regulation 20 states that an IRP *shall consist of at least three members none of whom—*
(a) is also a Councillor on an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or
(b) is disqualified(1) from being or becoming a Councillor.

Regulation 21 requires the appointed IRP to produce a report making recommendations on the matters referred to above that are to be included in a scheme of allowances for Councillors. A copy of a report is then sent to the Council and it must make the report available for public inspection and publish the main features of the recommendations.

The Local Government Act 1972 (sections 3 and 5 respectively) allows the payment of an allowance to the Chairman and Vice Chairman of a Council. As such these are separate legal provisions to those that apply to basic, special responsibility etc allowances under the 2003 Regulations. However, nevertheless, the Council does seek the views of the IRP on these allowances.

Roles and Responsibilities of Councillors at Tendring District Council and its Scheme of Allowances

The structure of the Council and the roles of its members currently in place are:-

- **Full Council** consisting of all 48 elected Councillors. The number of wards in the district is 32 and so a number of the Wards (due to their electorate) elect two or three Councillors. The remainder elect one Councillor. Full Council is responsible for the approval of the Council's budget and policy framework and maintenance of the Council's Constitution. Full Council appoints the Leader and the Chairman and Vice-Chairman of the Council. It is the forum to receive petitions and public questions on all aspects of life affecting residents etc. Council also considers motions submitted by Councillors.
- **A Cabinet** consisting of the Leader of the Council and up to eight Portfolio Holders. One of these shall be the Deputy Leader. The Cabinet is responsible for most of the Council's functions, known as Executive Functions. These are normally allocated to individual Members of the Cabinet, as determined by the Leader and Cabinet Members are thereby known as Portfolio Holders. The Cabinet has responsibility for Community Leadership in Tendring and takes a lead on the preparation of policies and strategies and recommends and implements the budget approved by Full Council;
- **Overview and Scrutiny** functions are provided through two committees: Community Leadership Overview and Scrutiny Committee and Resources and Services Overview and Scrutiny Committee. Both comprise of nine Councillors and each committee has separate and defined responsibilities. For overlapping issues they may/do appoint Joint Panels. In 2022/23 a much greater use of Task and Finish Groups for enquiries has been deployed in recognition of the advantages such an approach provides. Overview and Scrutiny Committees consider Executive decisions that have been 'called in' for review and 'Calls for Action' referred by Councillors. The Committees have their work programmes approved by Council following a process of inviting, considering and prioritising areas for enquiries;
- **Audit Committee** comprising five Councillors whose duties include provision of independent assurance on the adequacy of the risk management framework, independent scrutiny of the Council's financial and non-financial performance and overseeing the financial reporting process;
- **Standards Committee** that consists of seven Councillors whose role is to promote and maintain high standards of conduct by Councillors and Co-optees of the authority. The Independent Persons (who also comprise the IRP) also attend and participate in the meetings of the Standards Committee. The Committee operates a Town and Parish Council' Standards Sub Committee;
- **Planning Committee** comprising nine members. This committee meets monthly to handle the significant volume of planning applications that officers cannot determine under delegated authority. Councillors on the Planning Committee

attend organised site visits associated with the planning applications to be determined by the Committee;

- **Planning Policy and Local Plan Committee** has nine members and oversees the preparation of the Local Plan and the setting of planning policy (otherwise not reserved to the Cabinet/Council);
- **Licensing and Registration Committee** - the Committee has 10 members (as set out in legislation). Its remit means that it serves as the Licensing Committee required under the Licensing Act 2003 (and thereby also under the Gambling Act 2005). In addition, the Committee is also responsible for a range of other licensing functions. In all, the Committee is responsible for overseeing licensing matters including Hackney Carriage Drivers and Vehicles, Private Hire Drivers, Vehicles and Operators, Public Entertainment, Late Night Refreshment, Alcohol (on and off sales) and Gambling licences, permits etc. It has eleven Councillors and operates two licensing sub-committees to conduct hearings in respect of the licensing areas;
- **Human Resources and Council Tax Committee** that deals with general staffing matters and agrees annually the overall council tax for the District (that reflects all precepts from Fire, Police and County and Parish Councils. It has 7 members.

Overall Summary of Existing Scheme of Allowances for Tendring District Councillors, the Proposed Uplift to Allowances in 2022/23 and the Proposed Scheme for 2023/24-2027/28

Allowances	Column 1 Existing Allowances	Column 2 – Proposed uplifted allowances for 2022/23	Column 3 – Proposed Allowances in 2023/24
Chairman of the Council	£6,960	£7,447	£7,447
Vice-Chairman of the Council	£1,831	£1,959	£1,959
Basic Allowance	£6,105	£6,532	£6,532
Special Responsibility Allowances			
Leader of the Council	£20,757	£22,209	£22,209
Portfolio Holder (Cabinet Member) <i>From 2023/24 – A Deputy Leader Allowance as shown.</i>	£9,951	£10,647	£10,647 <i>(£15,647 for the Deputy Leader being £5,000 for that role and the £10,647 for being a Portfolio Holder)</i>
Chairman – Planning Committee	£7,265	£7,773	£7,500
Vice Chairman - Planning Committee	£1,526	£1,632	£1,900
Members of Planning Committee	£977	£1,045	£1,200
Chairman – Planning Policy and Local Plan Committee	£3,052	£3,265	£3,265
Chairman – Licensing and Registration Committee	£3,052	£3,265	£1,500
Chairman – Miscellaneous Licensing Sub-Committee	£794	£849	£750
Members of Licensing and Registration Committee	£305	£326	£326
Chairman – Audit Committee	£4,273	£4,572	£4,572

Chairman – Community Leadership Overview & Scrutiny Committee	£4,273	£4,572	£4,572
Chairman – Resources and Services Overview & Scrutiny Committee	£4,273	£4,572	£4,572
Chairman – Human Resources and Council Tax Committee	£3,052	£3,265	£3,265

Note: Recommendation (4) from the Panel (in the Recommendations Section of this report) also proposes a categorisation of future special responsibility allowances in addition to the specific allocations referred to above.

Group Leader Payments

Payment will be made under the Scheme to a Group Leader who is the leader of any group. The “Group” must comprise 2 or more members.

The amount to be paid to each such Group Leader will be based on a fixed sum plus an amount calculated according to the number of members in the respective group, with both fixed and variable amounts being determined annually by the Council as follows:-

	Column 1 Existing Allowances	Column 2 – Proposed uplifted allowances for 2022/23	Column 3 – Proposed Allowances in 2023/24
Group Leaders (who meet the “Group Leader” criteria) Fixed Annual Group Leader sum plus	£915	£1017	£1017*
Annual amount payable per group member	£98	£105	£105*
			* For political groups of 2 or 3 Members the Group Leader allowance would be a fixed amount of £200 with no additional amount per group member.

Dependants' Carers' Allowance

This allowance is to reimburse costs incurred for care arranged by the Councillor for a dependant (including care for the Councillor's children) to enable the Councillor to attend formal meetings of the Council or other approved official events.

This allowance is set at the prevailing rate as adopted by the Living Wage Foundation as its 'Real Living Wage' for outside of London. The 'Real Living Wage' rate is £9.50 per hour and is payable for care costs to a maximum of 15 hours per week.

For 2023/24, the Panel recommends that the above is supplemented to provide that in exceptional circumstances a claim for reimbursement of higher costs incurred may be permitted where the care provided is particularly specialist in nature.

Travel Mileage Allowance

The HMRC considers the following mileage rates as not including an element that is taxable. In view of this the Council has adopted the prevailing HMRC rates at this level as the appropriate rates to use in recompense of costs incurred by Councillors in travel to attend formal meetings and for approved official business of the Council.

Vehicle	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger payments - cars and vans - 5p per passenger per business mile for carrying another Councillor/officer in a car or van on journeys which are also official business journeys for them.

Subsistence

HMRC subsistence rates (and qualifying conditions) are those adopted by Tendring District Council for its Councillors in this Scheme. The current rates and conditions are as follows (and apply to authorised conferences/events/meetings/visits only):-

Rates are set as follows.

Minimum journey time	Maximum amount of meal allowance
5 hours	£5
10 hours	£10
15 hours (and ongoing at 8pm)	£25

Where a scale rate of £5 or £10 is paid and the qualifying journey in respect of which it is paid lasts beyond 8pm a supplementary rate of £10 can be paid to cover the additional expenses necessarily incurred as a result of working late.

A meal is defined as a combination of food and drink and would take a normal dictionary meaning. Where Councillors are required to start early or finish late on a regular basis, the over 5 hour and 10 hour rate, whichever is applicable, can be paid provided that all the other qualifying conditions are satisfied.

Qualifying conditions - Benchmark scale rates must only be used where all the qualifying conditions are met. The qualifying conditions are:

- the travel must be in the performance of a Councillor's duties or to a temporary place of work, on a journey that is not substantially ordinary commuting.
- the Councillor should be absent from his normal place of work or home for a continuous period in excess of five hours or ten hours.
- the Councillor should have incurred a cost on a meal (food and drink) after starting the journey and retained appropriate evidence of their expenditure.

A Councillor can only be reimbursed for a meal once. If the cost of an evening meal or breakfast is reimbursed on an actual basis, because it is included in the cost of an overnight stay, the Councillor would not also be entitled to a benchmark rate in respect of those meals.

Reimbursement of **ALL** subsistence expenses (including hostel costs) will be based on **actual cost incurred on production of receipts** – maximum amounts will only be paid based on proof of expenditure of that level.

All claims for subsistence must therefore be accompanied by receipts demonstrating expenditure actually incurred. This is to ensure that no National Insurance liability is incurred on payments of such allowances.

For 2023/24, the Panel recommends that claims for travel and subsistence costs incurred by Councillors (to undertake designated official duties) be limited to the

relevant HMRC rates at which no tax liability would apply and, where those duties take place in the District, the claim be reimbursed only in respect of travel (and travel/duty time) within the District. See Recommendation 10 in the Recommendations Section of this report.