

COUNCIL

26 NOVEMBER 2024

REPORT OF THE CHIEF EXECUTIVE

A.7 MEMBERS OF THE COUNCIL'S INDEPENDENT REMUNERATION PANEL

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to approve the appointment of the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 30 April 2024 and to ensure compliance with the Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003.

EXECUTIVE SUMMARY

There was a requirement, following the decision at Full Council on 22nd November 2022, that alternative arrangements for the Council's Independent Remuneration Panel (IRP) be explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment. During 2023, Braintree District Council (BDC) expressed an interest in joint working on the IRP Members and advertised to recruit to their IRP role and included reference to working with other Essex Councils (although Tendring District Council was not specifically named). Tendring's Director for Governance & Monitoring Officer took part in the BDC interview process in 2024 and each candidate confirmed they would be interested in joint working with TDC, if this was approved locally as an approach going forward.

The term of office for the Independent Remuneration Panel expired in April 2024 and following a reference report from the Standards Committee, Council approved on 30 April 2024 (minute no. 14):-

- (b) future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council; and*
- (c) for the purposes of (b) above the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors.*

Following the decision of Full Council in April 2024, the Chief Executive can report all IRP members appointed by BDC expressed an interest in being involved with Tendring's IRP and that all six candidates were individually interviewed by the Chief Executive, Director for Governance and Head of Democratic Services and Elections.

The experience and/or interest in the role was of a high standard with a range of backgrounds and consequently, the Council would benefit from appointing all six to form a pool of members for an IRP to undertake reviews of Members' Allowance Schemes for the District Council and Town and Parish Councils.

It is recommended to Council that the following candidates are appointed by Tendring District Council for a term of up to seven years:

- **Andy Barton** – Self-employed therapist providing services to leaning disabled and elderly clients with a care home setting, spanning 28 care homes across Essex, Suffolk and North. Experience working on an Independent Panel in Essex.
- **Tricia Bernard** - Mental Health Counsellor at a charity based in Essex. Experience working on Independent Panels in Suffolk and Essex.
- **John Bryant BA Hons (QTS) NPQH NPQEL** - education background including as a Headteacher, now freelance and self-employed in a number of roles, covering being a member of governing boards and experience at clerking level.
- **Joy Ikumoinein** - Health and Social Care Professional with experience in successfully implementing social care digital systems, building strong relationships and applying innovative approaches to social care.
- **David Irvine** – Retired. Currently Independent Person for Tendring District Council and other local authorities. Independent Person for an Audit Committee. Experience working on Independent Panels in Suffolk and Essex (including Tendring)
- **Georgia Riley** – qualified solicitor previous volunteering experience with CAB. Experience working on an Independent Panel in Essex

The current Scheme of Allowances for Members for 2023/24 was approved in January 2023 and lasts until 2027/28. Therefore, commencement work on reviewing the Allowances Scheme will not be required until the latter part of 2026 however, it is important that the District Council has an established IRP in place, to respond to an earlier review if required, based on circumstances arising. Therefore, it is proposed that a retainer allowance is made of £300 per annum to all IRP Members and a further £300 for those IRP Members involved in a formal review. There will however be regular contact with the Panel to keep in touch over the interim period, which will enable information and data to be shared to gain an earlier understanding about the demographics of Tendring and the opportunities and challenges it faces.

RECOMMENDATIONS

That Council:

- (a) **Upon receiving recommendations from the Chief Executive and Monitoring Officer approves the appointment of the following individuals as members of the Independent Remuneration Panel:**
- (i) **Andy Barton;**
 - (ii) **Tricia Bernard;**
 - (iii) **John Bryant;**
 - (iv) **Joy Ikumoinein;**
 - (v) **David Irvine; and**
 - (vi) **Georgia Riley.**
- (b) **delegates authority to the Chief Executive and Monitoring Officer to determine the individual term of office for those Independent Remuneration Panel Members for a term of up to 7 years;**

(c) subject to (d) below the members of the Independent Remuneration Panel will receive an allowance of £300 per annum as a retainer, with an additional £300 allowance for undertaking a formal review of the Members Allowance Scheme; and

(d) requests Cabinet to establish and approve the allocation of budget within the relevant financial report to meet the allowances prior to any payments being made.

LEGAL AND CONSTITUTIONAL REQUIREMENTS

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*".

Regulation 20 of the 2003 Regulations requires that IRP shall be established in respect of each authority and that the Panel shall consist of at least three people.

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 Members' Allowances Scheme for Tendring District Council are set out in Part 7 of the Constitution. Council considered at its meeting on 24 January 2023, the report of the Independent Remuneration Panel for the current Scheme of Allowances for Members and had regard to the Panel's recommendations determining the uplift to be applied to the Basic and Special Responsibility Allowances in the scheme for 2022/23 and in approving the Scheme of Allowances for Members for 2023/24 (and until 2027/28).

In the Council's Constitution, the interview of suitable candidates for Independent Remuneration Panel and the making of recommendations to Council as to who should be appointed, are delegated to the Chief Executive and Monitoring Officer.

No allowances have been fixed for the Independent Remuneration Panel Members as these were previously joined with the Independent Persons, who received an allowance of £600 per annum for both roles. Therefore, there is a requirement for Council formally decide the IRP allowance amount and request that Cabinet identifies the relevant budget to meet the cost of the allowances, with a formal decision, prior to any payments being made.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of Council held on:-

- 22 November 2022 (Minute No. 52):

Council considered the recommendations of the Standards Committee in relation to the terms of office and future recruitment of the members of the Council's Independent Remuneration Panel and its Independent Persons.

- 24 January 2023 (Minute No. 77):

Council considered the report of the Independent Remuneration Panel and had regard to the Panel's recommendations therein in determining the uplift to be applied to the Basic and Special Responsibility Allowances in the scheme for 2022/23 and in approving the Scheme of Allowances for Members for 2023/24 (and until 2027/28).

- 30 April 2024 (Minute No. 14):

Council considered a report of the Assistant Director (Governance) & Monitoring Officer (A.4) which enabled Council to consider the recommendations submitted to it by the Standards Committee in relation to the Independent Remuneration Panel's and Independent Persons' term of office, exploring alternative options and future recruitment.