

REPORT OF THE

INDEPENDENT REMUNERATION PANEL

ON

THE MEMBERS' ALLOWANCES SCHEME 2023-2027

FOR

ROTHER DISTRICT COUNCIL

January 2023

INTRODUCTION

1. This report has been prepared in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations") as amended, which require all local authorities to appoint an Independent Remuneration Panel ('the IRP') to advise on the terms and conditions of their Scheme of Members' Allowances ('the Scheme').
2. The IRP acknowledges that it is a matter for Rother District Council ("the Council") to decide the level of Members' Allowances. The statutory position (paragraph 19 of the 2003 Regulations) is that the Council "shall have regard to" the advice from the IRP and the Council cannot make any changes to its Scheme without first considering the IRP's advice on the issues involved. In having "regard" to the IRP's advice, the Council is to "give proper consideration" to the IRP's report. In this way, the Council can take full account of its particular circumstances and be directly accountable to its electorate.
3. The function of the IRP is therefore to provide the Council with advice on the type of its allowances and the amounts to be paid.
4. The 2003 Regulations require the authority to make copies of the Scheme available for inspection by members of the public at all reasonable hours and publish a notice in a local newspaper giving details of the Scheme and the amounts payable in respect of each allowance mentioned in the Scheme.
5. The Council last set its allowances in 2019 to take effect for the Council Term 2019-23.

COMPOSITION OF INDEPENDENT REMUNERATION PANEL

6. As membership of the IRP had remained the same for a number of years, the Council took the decision to recruit new IRP members in accordance with the 2003 Regulations. Following the recruitment process during September / October 2022, the following persons were appointed to comprise the IRP:
 - Hazel Bentall, MRCVS, veterinary consultant, regulator
 - Clive Mills, MIHM, retired Public Services Senior Manager (previous IRP Member)
 - Ruth Wilson, local authority HR Manager Recruitment and Reward
7. The members of the IRP have between them considerable experience in local government as officers / managers, advisors and members of remuneration panels for other county, district and borough local authorities.
8. In accordance with paragraph 20 (3) of the 2003 Regulations, the Council has paid an allowance and expenses incurred by the IRP members in carrying out its functions.
9. Mrs Lisa Cooper, Democratic Services Manager and Deputy Monitoring Officer, Rother District Council provided the IRP with the information required for them to undertake their task, together with administrative support and assisted in the compilation of this report.

TERMS OF REFERENCE

10. The terms of reference for the review are in accordance with the requirements of the 2003 Regulations, together with “Guidance on Consolidated Regulations for Local Authority Allowances” (“the Guidance”) issued in 2003. The IRP are required to make recommendations to the Council about the following:
 - (a) as to the responsibilities or duties in respect of which the following should be available —
 - (i) special responsibility allowance;
 - (ii) travelling and subsistence allowance; and
 - (iii) co-optees’ allowance;
 - (b) as to the amount of such allowances and as to the amount of basic allowance;
 - (c) as to whether dependants’ carers’ allowance should be payable to members of an authority, and as to the amount of such an allowance;
 - (d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6); and
 - (e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed.
11. In addition to the above, Rother District Council requested that the IRP specifically consider whether the annual increase in Member Allowances continues to be linked to the staff pay award.
12. In accordance with e) above and in the interests of economy and administration, the IRP were requested to make recommendations on allowances for the four-year period (2023-2027) with an annual adjustment / increase each year, as appropriate. This would result in no requirement to hold further reviews during the lifetime of the new Council administration unless there is a significant change made to the Council’s decision-making structure.

GUIDING PRINCIPLES

13. The IRP considers that the following principles which had guided its previous reviews held good and should continue to be used in framing its current recommendations, namely that the scheme as recommended should:
 - conform with legislative requirements and have regard to published guidance;
 - preserve a recognition that the work of a local Councillor contains an element of voluntary public service and is not undertaken for private gain;
 - assume that all Members will participate as fully as possible in Council business and play an active part in their wards and that the importance of these two roles should be reflected in the level of the Basic Allowance;

- recognise the demands placed upon Councillors by their differing roles and responsibilities within the Councils and fairly and equitably compensate Councillors, so far as it thinks appropriate, for the time and effort they devote to their work as Members of the Council and/or the time and effort they can reasonably be expected to devote;
- ensure that individual Councillors are not disadvantaged by virtue of the ward or party (if any) which they represent, or the geographic spread, within the District, of the places where Council business is conducted be economic, efficient, effective to administer and easy to explain, understand and justify to the local communities within the District; and
- the scheme should ensure, as far as practical, that as wide a range of people as possible should be able to stand for election and that they should not be financially penalised in doing so.

THE PROCESS AND INFORMATION CONSIDERED

14. The IRP met on four occasions during November and December 2022 and held remote meetings with the following Members and officers:

Councillor Doug Oliver, Leader of the Council and Group Leader for the Association of Independents, Bexhill Collington Ward (Cabinet Member for Strategy)

Councillor Kevin Dixon, Leader of the Liberal Democrats, South Battle and Telham Ward (Cabinet Member for Transformation, Procurement and Social Value)

Councillor Christine Bayliss, Leader of the Labour Group, Bexhill Central (Cabinet Member for Economic Development and Regeneration)

Malcolm Johnston, Chief Executive

Councillor Mier, Chair of the Licensing and General Purposes Committee

15. The IRP was provided with the following information and gave due consideration thereof in coming to the recommendations within this report:

- a background report setting out the structure and main changes that had occurred within the Council since the IRP's last meeting which included the current decision-making structure, relevant minute extracts, Councillor role profiles, Councillor attendance statistics and number of formal / informal meetings held;
- the IRP's 2019 report and current Allowance Scheme;
- the results of an all Member Allowance Survey conducted in September/October 2022 completed by 58% of Members;
- latest indices (Consumer Price Index and Retail Price Index); and
- the South East Employers Members' Allowances survey 2022 which provided regional comparative data on allowances.

16. The IRP are extremely grateful for the useful contributions made by individual Members, officers and the information made available to them whilst conducting this review.

17. In particular, the IRP would like to place on record their thanks to the four Members for finding the time to contribute to the evidence gathering session and for being so well prepared and focused on the brief. The IRP would also like to thank Malcolm Johnston for his candid and transparent contributions.

CONSIDERATIONS AND RECOMMENDATIONS

Basic Allowance

18. Taking into account the guiding principles above and the evidence provided by Members, it is considered by the IRP that the current Basic Allowance is low compared to other local authorities. Whilst the Basic Allowance should not be set at a level to attract candidates, for that alone, but compensate those who devote the time and effort to the role, it should be recognised that having too low a low Basic Allowance may prohibit certain groups from becoming a Member.
19. There is no evidence to suggest that the level of basic allowance is a deterrent from standing for election many are not even aware that there are allowances, however the diversity and longevity of candidates may be affected by the level of the Basic Allowance.
20. The Council's annual increase to all allowances is currently linked to the staff pay award and takes effect from May each year following the staff pay award in the preceding September.
21. The 2022 staff pay award was for a fixed value of £1,500 rather than a percentage increase. Considering this the IRP did not feel it would be appropriate for the Members Allowances to increase in line with the staff pay award as this would have been a 32% increase. The staff pay award represents at 7.5% increase for the bottom grade.
22. It is recommended that the Members Basic Allowance instead increases by 5% to reflect the fact the basic allowance is low and increasing it may support candidates from underrepresented groups standing for election.
23. Whilst it is acknowledged the IRP were asked to make recommendations for a 4 year period, the IRP recommend that the IRP review the Members Basic Allowance in 2023 after the staff pay award is agreed and make further recommendations as to whether further increases for 2024-27 should be applied, and if so if they should be linked to staff pay awards. This is in light of the fact the staff pay award for 2022/23 was a fixed lump sum rather than a percentage increase.
24. It is further recommended the amounts are either rounded up or down to the nearest full pound for ease of administration, which could result in a marginal increase or decrease in the percentage awarded.

Recommendation 1: That the current Members Basic Allowance be increased by 5% for 2023-24.

Recommendation 2: That the Basic Allowance for 2024-27 is reviewed by the IRP in 2023 after the staff pay award has been agreed.

Recommendation 3: That the amounts are rounded either up or down to the nearest full pound.

Dependent / Childcare Allowance

25. Whilst the current number of Councillors who have claimed dependent / childcare allowance during the life of the current Council is low, it is considered that the continuation of this allowance is essential to ensure that any obstacles to becoming a Councillor are removed.
26. With cost-of-living increases and the national living wage increasing to £10.42 from 1 April 2023, the IRP recognised that the current dependent and childcare allowances of £11 and £9 per hour respectively are lower than the average costs for these services. It is therefore recommended that a modest increase be applied to both the dependent and childcare allowances bringing the levels to £14 and £10.42 per hour respectively.
27. It is acknowledged that there is sometimes difficulty finding reliable dependent / childcare, particularly in the more rural areas at the current levels. The IRP explored the possibility of recommending a flexible scheme, with delegated discretion to pay higher than the allowance set. It is therefore recommended that discretion to agree a higher rate for dependent and childcare allowances on a case-by-case basis is permitted with agreement from the Chief Executive or in their absence, the Monitoring Officer.
28. The IRP recognised that some dependents have high or complex needs which are best met by a family member. The family member may need to take unpaid leave from work or lose the opportunity to do work in order to provide care to allow the Member to undertake their duties. It is therefore recommended that discretion to agree a family member be paid to provide care is permitted with agreement from the Chief Executive or in their absence the Monitoring Officer.

Recommendation 4: That the dependent / childcare allowances be increased to £14.00 and £10.42 per hour respectively and that discretion to agree a higher rate with agreement from the Chief Executive or in their absence the Monitoring Officer.

Recommendation 5: That a family member can be paid the dependent/childcare allowance in exceptional circumstances with agreement from the Chief Executive or in their absence the Monitoring Officer.

Special Responsibility Allowances (SRAs)

29. The IRP considered that the current SRAs values as they were unsure how the values had been arrived at. When reviewing the ratio of the allowances compared to the Members Basic Allowance there was no particular structure or rationale.
30. It is proposed that SRA values are set in relation to the Members Basic Allowance as ratios to the Members Basic Allowance. It is proposed that the current ratios are amended as follows to reflect the relative contributions required for each SRA:

Role	Current ratio to basic allowance	Proposed ratio to basic allowance
Leader of the Council	2.92	3
Deputy Leader of the Council	0.82	0.8
Other Cabinet Members, Chair of Planning Committee, Chair of Overview and scrutiny Committee	0.64	0.6
Chair Audit and Standards Committee, Chair of Licensing & General Purposes Committee	0.46	0.5
Designated Cabinet Spokespersons / Member Champions	0.12	0.1

31. The IRP proposed to link the SRAs to the Members Basic Allowance in line with these ratios, so the value of the SRA will increase in line with the percentage increases to the Members Basic Allowance. This would result in the following actual percentage changes to the SRA and overall allowances including the Members Basic Allowance:

Role	Change to SRA value	Change to overall allowance including Members Basic Allowance
Leader of the Council	2.7%	3.3%
Deputy Leader of the Council	-2.9%	1.5%
Other Cabinet Members, Chair of Planning Committee, Chair of Overview and scrutiny Committee	-5.6%	0.9%
Chair Audit and Standards Committee, Chair of Licensing & General Purposes Committee	7.6%	5.8%
Designated Cabinet Spokespersons / Member Champions	-19.6%	2.3%

32. It is also proposed to review the allowances for 2024-27 in 2023 after the staff pay award has been agreed, in line with the recommendations for the Basic Allowance.
33. During the interviews with Members there was discussion about the amount of responsibility and time commitment that was required for members of the Planning Committee with 2 days a week being required for site visits and attendance at the Planning Committee, plus additional reading time. The IRP debating the need to pay an SRA for members of the Planning Committee, however as there are 14 Members on the committee an SRA each did not feel appropriate. The IRP did however feel it would be appropriate for an SRA to be paid to the Vice-Chair of the Planning Committee in recognition of the responsibility and time commitment required. It is recommended that an SRA of 0.2 of the Members Basic Allowance be paid.
34. The IRP also considered the SRA for Other Political Group Leaders which includes a per member amount. The IRP recognised that having a per member element to the payment created additional administrative burden for the Council in adjusting payments when member numbers change. The IRP therefore propose that the SRA be increased to 0.2 of the Members Basic Allowance (£941) and the per member element be removed. in the interests of simplicity and economy.
35. The IRP considered if the Chair of the newly established Human Resources Committee should receive an SRA, but as the committee has not yet met the nature of the items for consideration, frequency of meetings and time commitment are not yet clear. The IRP recommend that an SRA for the Chair of the Human Resources Committee be considered by the IRP in 2023.

Recommendation 6: That the current SRAs ratio to the Members Basic Allowance be adjusted and the value of the SRA to increase in line the Members Basic Allowance.

Recommendation 7: That the SRAs for 2024-27 be reviewed by the IRP in 2023 after the staff pay award has been agreed.

Recommendation 8: That the Vice-Chair of the Planning Committee be paid an SRA of 0.2 of the Members Basic Allowance.

Recommendation 9: That the SRA for the Other Political Group Leaders be increased to 0.2 of the Basic Allowance and the per member amount being removed to simplify administration.

Recommendation 10: That an SRA for the Chair of the Human Resources Committee be considered in 2023.

Co-Optees

36. It is a requirement of the Localism Act and the Standards regime that the Council appoints Independent Persons (IPs) to assist with the investigation and determination of complaints made against elected Members and Statutory post holders. The Council currently has two IPs. The IPs assist the Monitoring Officer with the assessment of complaints on an ad hoc basis and attend two meetings per year of the Audit and Standards Committee when matters relating to Standards are considered.
37. The Council has also decided to retain two Parish and Town Council representatives who also attend two meetings per year of the Audit and Standards Committee when matters relating to Standards are considered.
38. Neither the IPs nor the Parish and Town Representatives have voting rights on the Audit and Standards Committee and while commonly referred to as “co-optees”, they are not co-opted Members of the Council.
39. The IRP recommend that the Co-optees Allowance be increased by 5% in line with the proposed increase for the Members Basic Allowance.

Recommendation 11: That the allowances paid to the “co-optees” be increased by 5% for 2023/24 only and that the amount be reviewed in 2023.

Travelling and Subsistence Allowances

Travelling Allowance

40. A number of comments were received from Members about the mileage rates being too low. The IRP considered these comments and the practical implications of a higher rate being offered, which would require the mileage expenses to be subject to tax and NI and would place additional administrative burden on the Council’s payroll team and Members who would be required to do a tax self-assessment. It also noted that vehicle fuel prices have recently moderated.
41. The policy to fix Travelling Allowances in line with HM Revenue & Customs ‘Approved Mileage Allowance Payment’ was considered practical and relevant by the IRP. It is therefore confirmed, subject to and in line with any changes by HRMC, that the policy to fix Travelling Allowances in line with HM Revenue & Customs ‘Approved Mileage Allowance Payment’ is re-affirmed from 2023-2027.

Recommendation 12: That Travelling Allowances for both the approved mileage and passenger mileage rates be fixed in line with HM Revenue & Customs ‘Approved Mileage Allowance Payments’ from 2023-2027.

Subsistence Allowances

42. It is acknowledged that the subsistence allowances have been fixed at the current levels for some time and whilst these allowances are not routinely claimed by many Councillors, it is considered that an increase is required. It is therefore recommended that each of the subsistence allowances, breakfast,

lunch, tea and dinner be increased by 10% for the period 2023-2027 to reflect a more realistic price for these meals.

43. The IRP did note that the subsistence rates for Members are different to those paid to staff, with higher rates available for Members for tea and dinner. The IRP therefore recommend that the newly formed Human Resources Committee consider if staff subsistence rates should be increased and matched to the rates Members receive.

Recommendation 13: That each of the subsistence allowances, breakfast, lunch, tea and dinner be increased by approximately 10%, rounded to the nearest 10p for the period 2023-2024 and that it is reviewed by the IRP in 2023 after the staff pay award has been agreed

Recommendation 14: That the Human Resources Committee be invited to consider if the staff and Members subsistence rates should be matched.

Allowance Scheme

44. The IRP discussed the current scheme and the way it is written, using quite complex and technical language. The IRP recommend that the scheme is updated to simplify the language and make it more accessible. A proposed revised scheme is included in appendix 1.
45. The IRP noted a lack of awareness of some elements of the scheme, such as the carers allowance. It is recommended that all Members familiarise themselves with the scheme and support the promotion of the scheme to raise awareness of the allowances for residents of Rother who may want to stand for election.

Recommendation 15: That the Members Allowance Scheme be updated to simplify the language and make it more accessible and that an audio version of the scheme is made available on the Council website.

RECOMMENDATIONS AND CONCLUSION

46. Considering the above recommendations, the proposed allowances for the Council year 2023/24, together with a list of all the recommendations for ease of reference are set out at Appendix 2 to this report.
47. The IRP would also like to draw Councillors' attention to paragraph 7 of the current Members' Allowance Scheme on renunciation: *"A Councillor or other recipient of an allowance may elect to forego any part of his or her entitlement to an allowance under this scheme by giving notice to the Chief Finance Officer."*
48. The IRP would also like to recommend that the Council actively promotes the Allowance Scheme and provisions contained therein to all Councillors and prospective Councillors through the website and pre-election candidate material.
49. The IRP confirms that the foregoing views are those of the Members of the IRP and that this report concludes the task allotted to it of reviewing the Council's Scheme of Allowances for the four-year period 2023-2027. Should the recommendations be approved as submitted, the IRP will be required to convene in Autumn 2023 to consider the Basic Allowance for 2024-2027, the SRA in respect of the Chair of the Human Resources Committee, the Co-optees allowances and subsistence allowances.
50. In accordance with the regulations, it will be necessary for the Council to reconvene the IRP in Autumn 2026 to review the allowances to be set for the successive Council in 2027; however, should a significant change be made to the decision making structure in the meantime, it may be necessary to convene the IRP at that time to consider the impact on Councillor Allowances.

Ruth Wilson
Hazel Bentall
Clive Mills

January 2023

Table of Allowances – 2023/24

Allowance	Current £	2023/24 £
Basic Allowance (ALL 38 Members)	4,703	4,938
Special Responsibility Allowances:		
Leader of the Council (1)	13,735	14,109
Deputy Leader (1)	3,873	3,762
Cabinet Member (8)	2,988	2,882
Audit and Standards (1)	2,186	2,352
Licensing and General Purposes (1)	2,186	2,352
Overview and Scrutiny (1)	2,988	2,882
Planning (1)	2,988	2,882
Vice Chair Planning (1)	n/a	941
Other Allowances:		
Political Group Leaders (currently 2) + Per Group Member	468 + 82 per member	941
Designated Cabinet Spokespersons / Member Champions (Max 5)	585	484
Dependent Allowance	11	14
Childcare Allowance	9	10.42
Co-Optees (Standards Related Matters):		
Independent Persons (3)	361	379
Town and Parish Representatives (2)	204	214
Audit	909	954
Subsistence Allowances:		
Breakfast	5.50	6.10
Lunch	7.70	8.50
Tea	3.30	3.60
Dinner	11.00	12.10

List of final recommendations:

Recommendation 1: That the current Members Basic Allowance be increased by 5% for 2023.

Recommendation 2: That the Basic Allowance for 2024-27 is reviewed by the IRP in 2023 after the staff pay award has been agreed.

Recommendation 3: That the amounts are rounded either up or down to the nearest full pound.

Recommendation 4: That the dependent / childcare allowances be increased to £14.00 and £10.42 per hour respectively and that discretion to agree a higher rate with agreement from the Monitoring Officer or Chief Executive is added.

Recommendation 5: That a family member can be paid the dependent/childcare allowance in exceptional circumstances with agreement from the Monitoring Officer or Chief Executive.

Recommendation 6: That the current SRAs ratio to the Members Basic Allowance be adjusted and the value of the SRA to increase in line the Members Basic Allowance.

Recommendation 7: That the SRA for 2024-27 is reviewed by the IRP in 2023 after the staff pay award has been agreed

Recommendation 8: That the Vice Chair of the Planning Committee be paid an SRA of 0.2 of the Members Basic Allowance

Recommendation 9: That the SRA for the Other Political Group Leaders be increased to 0.2 of the Basic Allowance and the per member amount being removed to simplify administration.

Recommendation 10: That an SRA for the Chair of the Human Resources Committee be considered in 2023.

Recommendation 11: That the allowances paid to the “co-optees” be increased by 5% for 2023/24 only.

Recommendation 12: That Travelling Allowances for both the approved mileage and passenger mileage rates be fixed in line with HM Revenue & Customs ‘Approved Mileage Allowance Payments’ from 2022-2027.

Recommendation 13: That each of the subsistence allowances, breakfast, lunch, tea and dinner be increased by approximately 10%, rounded to the nearest 10p for the period 2023-2024 and that it is reviewed by the IRP in 2023 after the staff pay award has been agreed.

Recommendation 14: That the Human Resources Committee consider if the staff and Members subsistence rates should be matched.

Recommendation 15: That the Members Allowance Scheme be updated to simplify the language and make it more accessible.