

Item No. 3.5	Classification: Open	Date: 23 May 2012	Meeting Name: Council Assembly
Report title:		Member Allowances Scheme	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATION

1. That Council Assembly adopts a revised Member Allowances Scheme (see paragraphs 8-16 of this report).

BACKGROUND INFORMATION

2. The current scheme was last amended by council assembly on 24 May 2011 by way of adopting a revised Member Allowances Scheme for 2011/12.
3. The Local Government & Housing Act 1989 and the Local Authorities (Members' Allowances) (England) Regulations 2003 require authorities to make a scheme for payment of allowances to councillors. The regulations do not set the amounts that can be paid.
4. Before making, amending or reworking its allowance scheme, the council is required, by the Regulations, to have regard to any recommendations of an independent remuneration panel. The council is not, however, bound to adopt all or any of the panel's recommendations provided it has given them due consideration and is satisfied that it has justifiable reasons for not doing so.

KEY ISSUES FOR CONSIDERATION

5. On 9 May 2012 the Constitutional Steering Panel considered the proposals to revise the Member Allowances Scheme (set out in paragraphs 8-16 of this report) and agreed to recommend the changes to Council Assembly for adoption. The proposed amendments to the scheme are set out below (changes/additions are underlined; deletions are shown with a strikethrough) and paragraph references in the tables are to the paragraphs in the current scheme. Unless noted all other paragraphs remain unaltered. Consequential changes such as titles, paragraph renumbering and references will be made by the Monitoring Officer.

Introduction

6. Members should note that some positions or the number of positions attracting a special responsibility allowances (SRA) may change as a result of implementing the budget or changes to the national framework. Any such changes should be regarded as consequential and will be implemented by the Monitoring Officer at the appropriate time.

Basic Allowance

7. No change is required to the basic allowance as it is fixed to the rate of local government pay settlement, now subject to a pay freeze. The figure will remain at £10,599 unless members specifically agree to change it. The Constitutional Steering Panel did not recommend any change.

Allowances

8. On 23 February 2012, council assembly (council tax setting meeting) agreed to the addition of two planning sub-committees. In the constitutional review report, officers have recommended sub-committees of 7 members as this is consistent with the size of the main planning committee. It is proposed that the role of planning sub-committee chairs should attract an SRA.
9. The Local Authorities (Members' Allowances) (England) Regulations 2003 provides, under section 5.1i, for an SRA to be paid for carrying out "such other activities in relation to the discharge of the authority's functions as require the member an amount of time and effort equal to or greater than would be required for any other specified activity" (these include chairing committees, representing the council and acting as a spokesperson). For simplicity it is recommended that the level of SRA should be in line with existing bands and that band 1b applies.

Para	Existing scheme	Proposed scheme
5	Band 1b	Add " <u>Planning sub-committee chairs</u> " to the list

10. The standards committee has received regular reports from the strategic director of communities, law & governance outlining the proposed changes to the standards regime, most recently on 24 April 2012. On 9 November 2011, the committee were advised that there were a number of choices for it to consider:
 - what recommendations it would like to make on retaining a standards committee.
 - what recommendations it would like to make on retaining independent members.
11. Members advised that they felt that the standards committee worked well and that the future role and functions of the standards committee should be as close to the current regime as possible
12. On 12 January 2012, officers reported that government had announced that the arrangements for the new standards regime would now take effect from 1 July 2012 allowing more time to adopt a new code of conduct at the May annual meeting and to appoint independent persons. It was resolved that an informal discussion group be set up to allow members and officers to work on the proposals for the future shape of the standard's committee.
13. It was reported to standards committee on 24 April 2012, that the current independent members would remain as part of the current standards committee until 30 June 2012. Therefore any changes to allowances for existing independent members, including the chair of the existing standards committee, would take effect after 30 June 2012.

14. Officers and members recommended the withdrawal of Band 1a SRA currently allocated to the independent chair of standards committee.

Para	Existing scheme	Proposed scheme
19.a	Independent chair of standards committee – Band 1a SRA	No SRA

15. As the new committee would be an ‘ordinary committee’, persons other than members could only be appointed to it as co-opted members. These cannot vote but can take part in proceedings.
16. Under our current scheme of allowances these co-opted members would not be paid an allowance but would receive expenses. Members have already expressed a preference for the new standards committee to have co-opted non-voting members.

The proposed changes to paragraphs 19-25 are set out below:

Para	Existing scheme (with proposed changes)
19-25	<p>Co-opted members</p> <p>19. The following allowances are payable to co-opted members:</p> <p>a) The chair of standards committee should receive a band 1 allowance but no allowance under (b) below</p> <p>b) All other statutory co-optees (i.e. standards committee members and statutory co-optees to the education committee) should receive an annual allowance; for <u>2012/13</u> 2011/12 this is £1,061</p> <p>c) No statutory co-optees may receive more than one allowance under (a) or (b) above</p> <p>d) That statutory co-optees should be subject to the same travel and subsistence claim regime as councillors, i.e. not able to claim for intra borough travel and subsistence except where one of the exceptions applies</p> <p>e) Non-statutory co-optees should be able to claim re-imbursment of travelling and subsistence expenses.</p> <p>20. Co-optees may, in writing to the monitoring officer, elect not to receive allowances.</p> <p>21. Allowances to standards committee co-optees should be payable from the date of their appointment. The allowance to education co-optees should be payable from the date of appointment.</p> <p>22. Co-optees allowances are subject to the same index linking as members’ allowances generally.</p> <p>23. Co-optees do not receive the basic allowance.</p> <p>24. If a co-opted member does not serve for the whole of the 12 month period, or become disqualified, they will only be entitled to pro-rata payments for the period(s) during which they were actually a serving co-opted member.</p>

Para	Existing scheme (with proposed changes)
	25. Both statutory and non-statutory co-opted members are entitled to claim dependant carer's allowance as set out in paragraphs 17-18.

Resource implications

17. There are no additional resource requirements associated with the adoption of a revised scheme.
18. The proposed introduction of SRAs for planning sub-committee chairs, assuming a maximum of two, can be contained within existing budgets if the current proposed level of SRA is maintained.

Legal implications

19. Legal issues are outlined in the body of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution 2011	On-line on council's website	Ian Millichap 020 7525 7225
Member Allowance Scheme 2011/12 (CSP report)	On-line on council's website	Ian Millichap 020 7525 7225
Democracy Commission report 7 December 2011	On-line on council's website	Ian Millichap 020 7525 7225
Standard's Committee report 12 January 2012	On-line on council's website	Ian Millichap 020 7525 7225

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Stephen Douglass, Head of Community Engagement	
Version	Final	
Dated	10 May 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Communities, Law & Governance	Yes	Yes (included in body of report)
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	10 May 2012	