

**KIRKLEES METROPOLITAN COUNCIL**

**REPORT OF**

**THE INDEPENDENT REVIEW PANEL ON  
MEMBERS' ALLOWANCES**

**15 April 2004**

## KIRKLEES METROPOLITAN COUNCIL

### REPORT OF THE INDEPENDENT REVIEW PANEL ON MEMBERS ALLOWANCES

The Panel reconvened to give further consideration to various issues deferred at the meeting held on 12 and 13 August 2003 pending further information being obtained by Officers in order that the Panel might come to a conclusion on those issues.

#### THE PANEL

Membership of the Panel which met on 15 April 2004 is as follows:

- \* Dr Andrew Taylor (Chair of the Panel), Department of Politics, The University of Sheffield
  - \* Mr Christopher Dicks OBE, Former Managing Director of Huddersfield Newspapers
  - \* Mrs Christine Woods, Managing Director, CMS Vocational Training, Huddersfield
- (The fourth Member of the Panel - Mr Stephen Thornton, Managing Director, Advance Wipers Ltd, Dewsbury - had submitted his apologies)

The following Officers attended the Panel meeting.

- Carl Whistlecraft, Corporate Development Unit
- Dahalia Hendrickson, Members Services Manager
- Vanda White, Members Allowance Co-ordinator
- John Quarmby, Decision Support Unit

#### **(a) Allowances for Chairs of Ad Hoc Scrutiny Panels**

The Panel in August 2003 received detailed observations by the Chair of the Council's Overview and Scrutiny Committee on the payment of an allowance to the Chairs of Ad Hoc Scrutiny Panels, who, on occasions, undertake very detailed work on a specific issue(s).

The Panel considered similar representation in August 2001 and recommended that the Group Business Managers consider introducing a daily/hourly rate allowance for Members who undertake this work. The Panel were not aware that the Group Business Managers had considered this matter and therefore referred the matter back to the Business Managers for their consideration and subsequent report back to the Panel.

Group Business Managers considered the above mentioned matter at their meeting on 17 December 2003 and agreed:

*"That the Council Business Committee be informed that the Group Business Managers support the payment of an allowance to Chairs of Ad Hoc Scrutiny Panels in principle, and that the Committee be asked to determine a recommended rate to the Independent Review Panel."*

Council Business Committee considered this matter on 29 January 2004 and agreed:

1. *That the recommended rate of £35.57 per day be supported and recommended to the Independent Review Panel on Members Allowances.*
2. *That the Panel be recommended to back-date the allowance to 10 May 2003 in line with similar back-datings which the Panel recommended for the Basic Allowance and the Special Responsibility Allowance.*
3. *That the Overview and Scrutiny Management Group be requested to consider arrangements for management of the Scheme.*

A process for administering such an arrangement is set out below, should the Panel agree to the payment of a daily rate:

- \* The Scrutiny Management Group will identify the Scrutiny Ad Hoc Panel and Chair.
- \* A Scrutiny Administrator will keep a record of time taken in undertaking Ad Hoc work. Management Group **may** put a ceiling on number of days allocated.
- \* At the end of the Ad Hoc, Scrutiny Administrator will inform Members' Allowances Section about number of days payable.

The Panel recommended that the daily rate be split into half-day sessions (2 x 4 hours) to commence at the start of the meeting of the Panel to its conclusion. The Panel expect that the allowance will only be payable to the Chairs of those Ad Hoc Panels where the subject matter is detailed and complex and would not expect a payment to be made for less difficult scrutiny topics. The Panel recommend that the Management Group should (rather than "may") put a ceiling on the number of days allocated for a particular scrutiny and monitor the position.

The Panel wish to receive examples of the time taken (at meetings) to complete ad hoc reviews.

The Panel noted that they could not recommend any backdate any further than the beginning of the financial year 2004/2005 (i.e. 1 April 2004).

**(b) Special Responsibility Allowances for Chairs of Devolution Advisory and Grants Advisory Committees**

The Panel in August 2003 were asked to consider the attachment of a Special Responsibility to the Chairs of these two Committees. At that time the Panel

deferred consideration of the request pending additional information in relation to the responsibilities attached to these particular positions. As a consequence the Panel considered further information on the current terms of reference, membership and frequency of meetings of these Committees.

The Panel are not minded at this point to recommend a Special Responsibility Allowance to the Chairs of these Committees as the roles of the Chairs are not seen to have significant responsibilities which would warrant payment of a Special Responsibility Allowance.

### **(c) Withdrawal of Allowances**

The legislation governing the Members' Code of Conduct provides for sanctions which may be imposed on any Member who has been found to be in breach of the Code. The sanctions available include suspension (or partial suspension) of the Member from membership of the Council. This can be for a period of up to one year, if imposed by the national Adjudication Panel; or up to three months if dealt with by the Council's own Standards Committee following reference back to the Authority by the Ethical Standards Officer appointed by the Standards Board for England.

Partial suspension would include such matters as suspension from membership of a particular committee.

The regulations governing the Members' Allowances Scheme include provision whereby the Council can include in the scheme a provision that during the time when he or she is suspended, the Council may withhold the relevant part of any basic allowance, special responsibility allowance or travel and subsistence allowance.

It is proposed that this arrangement should be incorporated in the scheme approved by the Council on 17 September 2003 and affirmed on 3 December 2003. This is to ensure that Members do not remain automatically entitled to receive allowances for duties which they are temporarily not permitted to carry out.

The Panel agreed to recommend to the Council that the current Members' Allowances Scheme, approved on 17 September 2003, and affirmed on 3 December 2003 be amended by the addition of the following paragraph:-

### **11. Suspension of Members**

Where a Member is suspended or partially suspended from his or her responsibilities or duties as a Member of the authority in accordance with Part III of The Local Government Act 2000 (Conduct of Members) or regulations made under that part, the part of any allowance payable to him/her in respect of the period for which he or she is suspended may be withheld by the authority.

This provision relates to basic allowance, special responsibility allowance and travel and subsistence allowance."

The Panel recommend also that the word "may" is substituted by the word "will".

### **(d) Allowances for Co-optees**

The Regulations make provision for the payment of an allowance for each year to a

member in respect of attendance at conference and meetings (the "Co-optees Allowance").

The Panel having considered payment of such an allowance at the August 2003 meeting agreed to defer the matter to the March/April 2004 meeting in order that information might be considered on the roles and responsibilities of members of the "Statutory Panels" i.e. co-opted Members of the Standards Committee; the Overview and Scrutiny Panel for Education and Young People; School Admission Appeals and Exclusion Appeals Panels together with information on any general or specific training required, time commitment and turnover rate.

The Panel agreed that the Co-opted Members involved be given the opportunity to submit written comments to the Panel.

The Panel received a summary of responses received which, for each particular group of co-optees, provided information on training requirements, the number of meetings held on an annual basis, time commitment and any general comments.

Having considered the matter further and the responses received the Panel concluded that they are not minded to recommend payment of the "Co-optees Allowance".

#### **(e) Parish Allowances**

The Regulations make provision for the payment of a Parish Basic Allowance and Parish Travel and Subsistence Allowance.

The Panel had at an earlier meeting, agreed to defer the matter so that information could be sought from the Parish/Town Councils on their existing arrangements and any proposals for the future.

As a result the Panel considered a response by the Parish/Town Councils to a questionnaire which had sought information on the Chairpersons Allowance; and travel and subsistence rates.

The results of the questionnaire indicated that the Parish/Town Councils wished to continue with existing arrangements and had not pursued the payment of formal Allowances.

The Panel recommend therefore that no action be taken on the payment of a Parish Basic Allowance and Parish Travel and Subsistence Allowance.

The Panel noted variations in existing allowances paid by the Parish/Town Councils and would recommend those Councils to look to standardise travel and subsistence allowances.

#### **(f) Setting an "Index" for Annual Adjustment to the Basic and Special Responsibility Allowances**

The Members Allowances Regulations 2003 provide that an independent remuneration panel may make recommendations 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.

The Panel did not set an index for annual adjustment within the Members Allowances Scheme when it last met.

The Panel reviewed this provision and concluded that rather than recommend an Index for inclusion in the Scheme they would continue to consider a range of indices to determine the % increase in allowances when undertaking the next annual review in April 2005.

**(g) Harmonisation of Group Leaders' and Business Managers' description of payment of Special Responsibility Allowance**

The Panel were advised of an anomaly within the existing scheme whereby any new groups established after the Local Government elections on 10 June 2004 could, under the Scheme, appoint a Group Business Manager who would be entitled to the relevant Special Responsibility Allowance but that no Allowance existed for the Leader of that Group. The Panel were asked to rationalise the Special Responsibility Allowances to cover such an occurrence.

The Panel recommend the following amendments to the current scheme in order to make provision for any new Group(s):

- Delete "Leader of Second Minority Opposition Group (up to 1 day per week)" and replace with "Leaders of other Minority Groups (up to 1 day per week)" SRA - £1850
- Delete "Business Manager (less than 10 Members) .5 days per week" and replace with "Business Managers (2-9 Members) .5 days per week" - £925

**Other Issues arising from the Panels Report of August 2003.**

**1. Pensions for Councillors**

The Panel recommended that the Local Government Pension Scheme should be made available to all Members of the Council on a contributory basis on the Basic Allowance only with effect from 17 September 2003.

The Panel received information on action taken to make Members aware of this decision and provide them with details of the Scheme. The Panel were advised of the percentage take up by Members, the costs to the Council and of the reasons why other Members had decided against take up.

The Panel asked to be advised of any additional take up following the Local Government elections on 10 June 2004.

**2. Carers' Allowance**

The Panel recommended the introduction of a Carers' Allowance and the scheme proposed had been agreed by Council.

The Panel received information to the effect that there had been no take-up and no costs to the Council.

### 3. **Travel and Subsistence Allowance**

The Panel had recommended allowances for travel and subsistence (based on existing allowances for Officers) for all approved duties outside the Borough.

The Panel received monitoring information on actual costs for 2002/2003; the amounts budgeted for 2002/2003 (which showed an under spend) and projected costs for 2003/2004.

### 4. **Support to Group Business Managers**

The Panel has recommended that Deputy Group Business Managers be developed to offer assistance to the Business Managers in undertaking some of the responsibilities of the role profile and

That the Council consider providing admin/clerical support to the Business Managers.

The Panel were advised that as a result the following actions have been agreed and have been/are being progressed:

- Group Business Managers have identified a Lead Officer to support their work as a collective. This has resulted in a more co-ordinated approach to agenda planning and progress chasing on their behalf.
- Greater use is now being made of the Group Admin and Research Officers (GARO) to assist Group Business Managers in progressing operational matters with Members within their Group. Specific examples include new Member induction, annual report collation etc.
- Work has begun to explore development support for Deputy Group Business Managers within the context of succession planning. This to include the development of an induction package for new Group Business Managers.
- The development of an electronic bulletin service for Councillors has been utilized as a useful tool for keeping Councillors informed of relevant matters discussed by Group Business Managers.

The panel expressed the wish to meet with Group Business Managers, and a selection of Members, when they reconvene in October 2004 to explore in more detail the scheme and its implications. The Group Business Managers will be invited to report to the Panel during October on their arrangements for the monitoring of time sheets and arrangements to ensure that Group Members are offered the opportunity and are undertaking relevant development. The Panel wish to see details of individual training and development opportunities included in Members Annual Reports.

## 5. Annual Reports

The Panel noted that current Members who were Councillors for the 2002/03 Municipal Year had each produced an Annual Report which had been published on the Council's Website during November 2003. The Panel viewed a number of the Reports.

They were advised that work was taking place with the Business Managers to improve the processes relating to the production and publication of Annual Reports.

The Panel recommend that future Annual Reports should include details of training and development opportunities taken up on an individual basis and that the Annual Reports for the 2003/04 Municipal Year should be published on the Website by 2 August 2004.

## 6. Development and Induction

The Panel has consistently identified Elected Member development as a key element underpinning the scheme of Members Allowances. As a result there has been some disappointment in the past with regards to Elected Member involvement in / take up of structured induction and development. The observations of the Panel have been "taken on board" and a concerted effort has been made by Officers and Group Business Managers to begin to address this matter.

Given that the Local Government Elections in June 2004 are "all out", Officers and Members have acknowledged the need to revisit current arrangements with regards to member development and induction. The potential for a significant turnover of Elected Members has prompted Officers and Group Business Managers to begin to overhaul current arrangements with a view to maximizing Member involvement / take up. Specific initiatives currently under development include:

- An induction pack and briefing for candidates before the Election
- An emergency / help line contact card presented to new Councillors on Election Night
- Core induction for new Members in the first two weeks that is planned in consultation with Group Business Managers. This is designed to provide Members with the tools and knowledge that they will need straight away. This is not necessarily dependent of structured sessions, but developed to be delivered in a flexible way that is in tune with Members individual circumstances (details will be available at the meeting). The induction will also be available to existing Members in the guise of "refresher" development.
- Responsibility based development opportunities that will be geared towards supporting Members in carrying out the specific roles that they are given after Annual Council.
- Ongoing development along existing lines.

**7. The Members Allowances Scheme**

The Panel viewed information on the Council's Website about the Members Allowances Scheme which included the actual Scheme and previous reports by the Panel. The Panel welcomed this addition to the Website.

Dr Andrew Taylor (Chair)  
On behalf of the  
Independent Review Panel

**CONTACT FOR MORE INFORMATION:**

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Vanda White, Members Allowance Co-ordinator  
John Quarmby, Decision Support Unit

JQ/SMB  
12 May 2004