

A REVIEW OF MEMBERS' ALLOWANCES FOR MAIDSTONE BOROUGH COUNCIL

THE REPORT BY THE INDEPENDENT REMUNERATION PANEL NOVEMBER 2011

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Foreword

This report has been produced for Maidstone Borough Council as part of the Council's requirement to receive independent advice from its statutory advisory panel on members' allowances. The Panel was established to review members' allowances for both Maidstone Borough Council and Swale Borough Council. The membership of the Panel on this occasion was Chair Susie Bonfield (Policy Officer (Democracy and Governance), South East Employers), Victoria Wallace (Invicta Chamber of Commerce), Dick Mallaby (independent member and local resident), and Val Page (independent member and local resident).

The current Panel was asked to carry out a general review of the existing scheme of allowances. The Panel met on 7 and 8 November 2011 and the summary of recommendations, together with the full report, is attached.

The Panel would like to thank Janet Barnes, Democratic Services Officer, Maidstone Borough Council for all her assistance.

Susie Bonfield Chair Independent Remuneration Panel

Summary of Recommendations

This summary sets out the main recommendations. The considerations that have led to these recommendations are set out in the full report.

The proposals are based on a review of background information, interviews with Councillors and Officers of the Council, a review of oral and written submissions, and a review of benchmark information from other relevant authorities in the region.

Before the Panel arrived at its recommendations, it paid careful consideration to the previous reviews. In addition, the Panel took account of the statutory guidance as published by the former Office of the Deputy Prime Minister (ODPM); the subject of Members' Allowances now falls within the remit of the Department of Communities and Local Government (DCLG).

Summary of Panel Recommendations

Allowance	No. of Clirs	Current Amount	Recommended Amount
Basic Allowance	55	£4,666	£4,666
Leader	1	£23, 326	£23,326
Executive Members	4	£11, 663	£11, 663
Chairman of Planning Committee	1	£5, 831	£5, 831
Chairman of Scrutiny Committee	3	£5, 831	£4, 665
Chairman of Licensing Committee	1	£2, 332	£2, 332
Chairman of Licensing Act 2003 Committee	1	£2, 332	£2, 332
Chairman of Standards Committee	1	£1, 166	£1, 166
Co-Opted Members	8*	£331	£331
Chair of Licensing Panel Hearing	1	£77 per day	£77 per day
Licensing Panel Hearing Members	2	£58 per day	£58 per day
Party Group Leaders	3	£11, 663**	£11, 663

^{*} these are the independent members and parish representatives on Standards Committee

Travel and Subsistence

The Panel recommends the car mileage allowances for Members should be in line with the rates as set by HM Revenue and Customs, which is currently 45p per mile.

Date of Implementation

The recommendations relating to the Basic Allowance and Special Responsibility Allowances, and all other recommendations, should be implemented from April 2012. The recommendation relating to mileage rates should be implemented with immediate effect.

^{**}shared between each Group Leader

Introduction and Terms of Reference

The meeting of the Joint Independent Remuneration Panel for Maidstone and Swale Borough Councils on 7 and 8 November 2011 was requested by the Authority for the express purpose of carrying out a comprehensive review of the existing scheme of allowances.

The Panel comprised the following members:

- Ms Susie Bonfield, Policy Officer (Democracy and Governance), South East Employers (based in Winchester)
- Ms Victoria Wallace, Invicta Chamber of Commerce
- Mr Dick Mallaby, independent member and Swale resident
- Mrs Val Page, independent member and Maidstone resident

The Panel was supported throughout by Janet Barnes, Democratic Services Officer, Maidstone Borough Council for which the Panel is most grateful.

Additionally, the Panel would like to record its gratitude to the Councillors and Officers of Maidstone Borough Council for making themselves available to talk to the Panel (see **Appendix One** for further details).

Methodology

The Panel met at the Council Offices in Maidstone for two days on 7 and 8 November 2011. During the same period, the Panel considered the current allowances scheme for Swale Borough Council, and the scheme available to town and parish councils in the Maidstone area. The Panel meetings were held in private session so as to enable the Panel to interview Councillors and Officers in confidence. The list of the Elected Members and Council Officers that met with the Panel are provided in **Appendix One**.

The Panel's activity fell into four parts:

One: Review of background information, in particular, the current political structures and composition of Council committees, a review of the previous reports and the current allowances scheme; tabling of other relevant benchmark information about member's allowances elsewhere in Kent.

Two: Interviews with Councillors and Officers of the Council.

Three: Review of oral and written submissions including an analysis of responses to the questionnaire that was sent to all Councillors.

Four: Arriving at recommendations.

While the Panel reviewed a wide range of available information, and interviewed a cross-section of Councillors, it also considered responses received from Members in relation to the questionnaire that had been circulated to all Members, prior to the Panel's meeting. This ensured no Councillor was denied a voice in the review process (see **Appendix Two** for a copy of the questionnaire). Thirty out of fifty five councillors responded to the questionnaire.

Furthermore, the Panel took into account practice elsewhere for benchmarking purposes. The Panel was also aware of levels of allowance paid to district authorities elsewhere in Kent.

It is from these processes and deliberations that the Panel has arrived at the recommendations set out in this report.

Principles of the Review

Before the Panel arrived at its recommendations it decided that its deliberations should be underpinned by the following principles, which take into account the current statutory provisions:

- The recommended allowances should be of a sufficient level that they would allow most people to consider becoming an elected Member without suffering undue financial hardship while not being at such a level that allowances would become the primary reason for standing for Council.
- As far as possible the Panel will abide by the precedent and approach of previous reviews except where there is a clear and prescient case not to do so.
- The allowances should be seen as a contribution and recognition of the time and skills of councillors, but not seen as equivalent to a formal job evaluation exercise and salaries.
- A healthy and resourced Opposition is important in maintaining an appropriate balance within local democracy.
- Any recommendations should be based on a logical and transparent construction and arrived at in a way that is simple to understand.
- Sensitivities of cost of implementation of any recommendations should be borne in mind.

The Panel has laid out a synopsis of its deliberations in this report to assist Members and the public to understand its approach. Following its deliberations, the Panel concluded that there is currently very little appetite for change to the current scheme of allowances at Maidstone. Where there were some real concerns expressed, the Panel have given these our full consideration, and these are set out in the report.

While the Panel's recommendations are not mandatory it is hoped that if the Council disagrees with the actual figures recommended, that the Council would accept the Panel's logic. The recommendations presented in this report represent the view of the Panel and not the official view of Maidstone Borough Council.

Arriving at the Recommendations

Basic Allowance

The Panel noted the statutory guidance it must pay regard to, in particular, that the authority's scheme of allowances must include provision for a Basic Allowance that is payable at an equal flat rate to all Members.

The Panel noted that in response to the question "Is the Basic Allowance appropriate?", 88% of those who responded to the questionnaire said "Yes". In our interviews with councillors we heard the consistent view that councillors are categorically **not** "in it for the money". However, the Panel also noted the concerns expressed by some that an amount of compensation was necessary in order to attract new councillors.

Special Responsibility Allowances

The Panel was under a duty to take cognisance of the following statutory guidance in arriving at recommendations for Special Responsibility Allowances (SRAs):

Special responsibility allowance (SRA) may be paid to those members of the council who have <u>significant</u> additional responsibilities, over and above the generally accepted duties of a councillor. These special responsibilities must be related to the discharge of the authority's functions.

These are important considerations for local authorities. If the majority of members of a council receive a special responsibility allowance the local electorate may rightly question whether this was justified. Local authorities will wish to consider very carefully the additional roles of members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a special responsibility allowance.

It does not necessarily follow that a particular responsibility, which is vested to a particular member, is a significant additional responsibility for which a special responsibility allowance should be paid. Local authorities will need to consider such particular responsibilities very carefully. Whilst such responsibilities may be unique to a particular member it may be that all or most members have some such responsibility to varying degrees. Such duties may not lead to a significant extra workload for any one particular member above another. These sorts of responsibilities should be recognised as a time commitment to council work, which is acknowledged within the basic allowance and not responsibilities for which a special responsibility allowance should be recommended.¹

In response to the question "Would you like to see changes made to the SRAs?", 60% of all respondents said "No"; 40% said "Yes". There were also a number of comments and suggestions made in the responses to the questionnaire in relation to particular SRAs currently being paid. These were in relation to the SRA paid to the Chairman of Planning Committee in comparison to the SRA paid to the Chairman of Scrutiny Committee, and in relation to the Group Leaders' Allowance. The Panel gave particular consideration to these issues when conducting their interviews.

• Chairman of Planning Committee / Chairman of Scrutiny Committee

It had been requested that the Panel look at the SRA paid to these particular Committee Chairmen. Currently, the SRA payable to both positions is £5,831 per annum, which is 25% of the Leader's SRA. The view had been expressed that there was a discrepancy between the allowances paid and the workload of the Committee Chairmen, namely the SRA paid to the Chairman of Planning and the Chairmen of the three Scrutiny Committees. The Panel recalled that it had considered this particular issue as part of their review of allowances in 2009, but at that time had recommended that the levels remain the same.

However, on this occasion, following interviews with a range of councillors, including both the Chairman of the Planning Committee and the Chairman of one of the Scrutiny Committees, the Panel concluded that both the workload and the time commitment for the Planning Committee was currently greater than for the three Scrutiny Committees.

The Panel recommended the SRA for the Chairman of the Scrutiny Committee be reduced to £4,665 (20% of the Leader's SRA).

¹ See DCLG Consolidated Guidance July 2003, pars 70-73 for further details.

Party Group Leaders

When the Panel met in 2010, a request was noted to review the allocation of Group Leaders Allowance but recommended that no action be taken at that time, rather that it be considered further at the next meeting of the Panel. Currently, the SRA paid to Group Leaders is a total amount of £11, 663, which is allocated according to the number of members within each group.

The Panel, in their discussion with officers, noted that the Leader of the Council was also a Group Leader, but as members could only claim one SRA, he did not claim his Group Leader allowance. In addition, the Leader of the second largest group at Maidstone BC, was now referred to as the Opposition Leader.

The questionnaire circulated to all 55 members asked whether they wished to consider a change to the current scheme, with the following options:

- a) retaining the status quo,
- b) providing an option whereby a set amount is paid to each Group Leader together with an additional amount paid for each Member within their group.
- c) where a fixed amount is paid to the Leader of the Opposition only,
- d) a fixed amount is paid to the Leader of the Opposition and to Group Leaders with groups of specific sizes.

The responses received were as follows:

- a) 68%
- b) 11%
- c) 0%
- d) 3%

Other) 18%

The Panel noted there were still some concerns regarding this particular SRA as there was a difference in the role of the Group Leader, where that group formed the political administration, and the role of Leader of the Opposition. However, following our considerations, it is clear to the Panel that although the main Opposition group, through its leader, has a challenge and scrutiny role, leaders of the other party groups also undertake a significant role in Council business. The Panel also noted that an outline job description or role profile for the positions of Opposition Leader and Group Leader would have been helpful.

The Panel, after careful consideration, recommended no change in relation to this particular allowance.

Associated Issues

Travel and Subsistence Scheme

The Panel noted that HM Revenue and Customs had recently increased the level of Approved Mileage Allowance travel allowance from 40 pence to 45 pence per mile. Noted the views expressed by the majority of councillors (86% of those who responded to the questionnaire) that their mileage allowance should be paid at the same rate. Additionally, noted this was now the standard rate paid at most local authorities. However, the Panel noted there was some confusion with regard to which meetings the mileage allowance could be claimed for.

The Panel recommended car mileage allowances should increased to the new HMRC rate of 45p per mile, with immediate effect.

The Panel also recommended the Council provide clarification to all its councillors as to which meetings they can claim mileage allowance for.

Indexing

The Panel considered evidence with regard to the continued index linking of allowances to the annual pay award to staff. The Panel noted that the continued index linking of allowances to the annual pay award for staff at Maidstone Borough Council was the most favoured option.

The Panel recommended the Basic and Special Responsibility Allowances should continue to be increased annually in line with the staff pay award.

Date of Implementation

The recommendation for changes to Special Responsibility Allowances, and all other recommendations, to be implemented from 1 April 2012. The recommendation in relation to mileage allowance to be implemented with immediate effect.

Appendix One

Members and Officers interviewed by the Panel

- Cllr Mrs Annabelle Blackmore, Overview and Scrutiny Chair, Maidstone Borough Council
- Cllr Dan Daley, Maidstone Borough Council
- Cllr Mike FitzGerald, Independent Leader, Maidstone Borough Council
- Cllr Christopher Garland, Leader, Maidstone Borough Council
- Cllr Malcolm Greer, Cabinet Member, Maidstone Borough Council
- Cllr Tony Harwood, Shadow Cabinet Member, Maidstone Borough Council
- Cllr Richard Lusty, Chair of Planning, Maidstone Borough Council
- Cllr Derek Mortimer, Maidstone Borough Council
- Cllr Val Springett, Maidstone Borough Council
- Cllr Mrs Fran Wilson, Leader of the Opposition, Maidstone Borough Council
- Janet Barnes, Democratic Services Officer, Maidstone Borough Council
- Neil Harris, Head of Democratic Services, Maidstone Borough Council

Appendix Two

Members' Allowances Questionnaire 2011

In accordance with Government regulations, a review of payments to councillors is to be undertaken by an independent panel every 4 years.

Your views are vital in allowing the panel members to assess an appropriate level of allowances. As part of this process, I would be grateful if you could take a few minutes to answer the following questions. Don't worry if you feel unable to answer some of the questions, just leave that section blank. I can assure you that the individual views expressed by councillors will remain confidential and will only be disclosed to the members of the panel.

Please return your completed questionnaire to me by Friday 23 September 2011.

Thank you.

Janet Barnes
Democratic Services Officer

1.	How many hours on average do you spend each week on council business?	hours
2.	In a typical week, how will this time be spent? Please complete the details below.	
a)	Attending meetings (including travelling)	hours
b)	Community representation	hours
c)	Case work (dealing with particular issues in your ward)	hours
d)	Research	hours
e)	Other (please specify)	hours
3.	The average number of hours assessed at the last review were 20 per week. Is this figure broadly right for the role of an average constituency councillor?	YES / NO (delete as appropriate)
	If not, then what do you feel would be the correct number of hours to fulfil the role in an effective and efficient manner?	hours

4.	Do you incur any significant costs which you believe are not covered by your present allowance?	YES / NO If YES, please provide details
5.	Independent Remuneration Panels are required to assess what Public Service Discount should apply to the basic allowance. At the last review this was assessed at 50%. Do you feel this is broadly right?	YES / NO If NO, then what do you feel would be an acceptable % discount?
6.	The present level of basic allowance payable to all councillors is £4666. Do you think this is appropriate? If NO, should it be higher or lower? If you are able, please indicate an appropriate level.	YES / NO HIGHER / LOWER £
7.	Special responsibility allowances are currently paid as follows: Leader of the Council Cabinet members Chairman of the Overview and Scrutiny Committee Chairman of the Planning Committee Chairman of the Licensing Committee Chairman of the Licensing Act 2003 Committee Chairman of the Standards Committee Chairman of Audit Committee Chairman of Audit Committee Chairman of Audit Committee Croup Leaders Co-optee Allowance	£23,326 £11,663 £5,831 £5,831 £2,332 £1,166 £1,166 £11,663* £331
8.	Would you like to see any changes made to these allowances? At the last review, the Panel was requested to look at the way the Group Leader's allowance is calculated. Please choose one of	*Shared between each Group Leader on basis of number of members in Political Group YES / NO If YES, please provide details

the following options:-	
 a) Retaining the status quo b) Providing an option whereby a set amount is paid to each Group Leader together with an additional amount paid for each Member within their group c) Where a fixed amount is paid to the Leader of the Opposition only d) A fixed amount is paid to the Leader of the Opposition and to Group Leaders with groups of specific sizes 	
9. Carer's Allowance	
The Dependent Carer's Allowance is	YES / NO
currently set at £6.00 per hour. Do you think this rate should be increased?	If YES , please can you suggest a new amount?
10. Pensions	
Under the regulations, the Remuneration Panel is required to make a recommendation regarding pensions for members. Currently members are not entitled to membership of the Local Government Pension Scheme.	YES / NO If YES, please can you provide details here:
Would you like to see a change to this?	
11. Travel and Subsistence	
Your current scheme is attached. The CLG no longer provide information uprating petrol allowances and Independent Remuneration Panels are required to make recommendations.	YES/NO If YES, please can you provide details here:
HMRC have recently increased the Approved Mileage Allowance Payments from 40p to 45p a mile. Would you like this new rate applied or would you prefer to see variable rates?	

12. Index Linking of Allowances YES / NO Your allowances are currently linked to the annual pay award given to If **NO**, what other link do you think staff. Should this continue? appropriate? If you have any other comments on allowances, please include details below. Please add additional pages as necessary. If required, would you be prepared to be interviewed by the independent panel? Y/N Name Councillor

Dated _____

Appendix Three

Kent districts members' allowances

Information relating to levels of members allowances paid in Kent district councils - extracted from SEE annual Members' Allowances Survey, October 2011.

SEE Members' Allowances Survey 2011 - 2012 Basic Allowances

Authority Name	Population (approx)	Basic Allowance for 2011/12
Ashford Borough Council	114,100	£4,292.28
Canterbury City Council	149,100	£4,710.00
Dartford Borough Council	93,600	£4,765.00
Dover District Council	106,100	£3,980.00
Gravesham Borough Council	99,600	£3,447.00
Maidstone Borough Council	148,200	£4,666.00
Sevenoaks District Council	114,100	£3,698.18
Shepway District Council	100,300	£3,876.00
Swale Borough Council	131,900	£3,343.00
Thanet District Council	130,900	£4,360.00
Tonbridge & Malling Borough Council	117,400	£5,076.00
Tunbridge Wells Borough Council	107,600	£5,279.00
Average	117,742	£4,291.04
Maximum	149,100	£5,279.00
Minimum	93,600	£3,343.00

SEE Members' Allowances Survey 2011 – 2012 Special Responsibility Allowances Part A

Authority Name	Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee	Members of Licensing Committee	Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Development Control Committee Chair
Ashford BC	£14,040.52	£9,350.99	£7,020.26	£4,680.17	£1,404.05			£5,616.21	£1,872.07		
Canterbury City C	£18,114.00	£6,342.00		£906.00	£4,539.00	£4,077.00					£3,618.00
Dartford BC	£27,857.00	£16,714.00	£8,357.00	£2,090.00							£5,014.00
Dover DC	£14,832.00	£7,416.00	£5,562.00		£927.00	£232.00	£260.00	£3,708.00	£927.00		
Gravesham BC	£20,260.00	£3,447.00	£3,447.00	£3,447.00	£3,447.00	£1,206.00		£3,447.00	£1,206.00		
Maidstone BC	£23,326.00		£11,663.00	£1,166.00	£2,332.00			£5,831.00			
Sevenoaks DC	£11,944.45	£5,972.22	£5,972.22	£1,696.19			£202.80	£2,551.74	£1,450.53	£202.80	
Shepway DC	£21,245.00	£9,611.00	£8,807.00	£3,956.00	£1,388.00						£3,956.00
Swale BC	£11,700.00		£7,020.00	£1,170.00				£3,510.00			
Thanet DC	£18,082.00	£10,776.00	£7,990.00		£3,216.00	£805.00		£5,204.00	£1,216.00		
Tonbridge & Malling BC	£10,674.00		£8,067.00	£2,539.00	£2,538.00	£1,008.00		£5,076.00	£1,269.00		
Tunbridge Wells BC	£16,750.00		£8,990.00	£1,980.00	£1,980.00	£495.00		£5,279.00	£1,320.00		
Average	£17,402.08	£8,703.65	£7,535.95	£2,363.04	£2,419.01	£1,303.83	£231.40	£4,469.22	£1,322.94	£202.80	£4,196.00
Maximum	£27,857.00	£16,714.00	£11,663.00	£4,680.17	£4,539.00	£4,077.00	£260.00	£5,831.00	£1,872.07	£202.80	£5,014.00
Minimum	£10,674.00	£3,447.00	£3,447.00	£906.00	£927.00	£232.00	£202.80	£2,551.74	£927.00	£202.80	£3,618.00

SEE Members' Allowances Survey 2011 – 2012 Special Responsibility Allowances Part B

Authority Name	Deputy Chair Development Control Committee	Standards Committee Chair	Standards Committee Co-optee	Overview and Scrutiny Committee Chair	Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Chair / Civic Mayor	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader (SRA per member)
Ashford BC		£1,404.05		£5,616.21	£1,872.07						£220.12
Canterbury City C		£906.00	£453.00	£4,539.00					£4,292.00	£2,861.00	
Dartford BC	£1,655.00		£570.00	£2,090.00		£570.00			£8,357.00	£5,014.00	£234.00
Dover DC		£927.00	£116.00	£3,708.00	£927.00		£5,300.00	£1,400.00	£4,171.00	£1,854.00	
Gravesham BC				£3,447.00	£1,206.00		£10,790.00	£3,140.00	£3,447.00		
Maidstone BC		£1,166.00	£331.00	£5,831.00							
Sevenoaks DC		£984.00	£479.00	£1,592.94	£970.93						
Shepway DC				£3,956.00			£6,228.00	£1,187.00			
Swale BC				£3,218.00					£3,218.00		
Thanet DC		£1,216.00	£139.00	£7,990.00	£3,216.00		£2,188.00	£1,530.00	£5,204.00	£2,304.00	
Tonbridge & Malling BC		£1,269.00		£6,258.00	£1,350.00						
Tunbridge Wells BC		£1,980.00		£5,279.00	£1,320.00				£2,748.00		
Average	£1,655.00	£1,231.51	£348.00	£4,460.43	£1,551.71	£570.00	£6,126.50	£1,814.25	£4,491.00	£3,008.25	£227.06
Maximum	£1,655.00	£1,980.00	£570.00	£7,990.00	£3,216.00	£570.00	£10,790.00	£3,140.00	£8,357.00	£5,014.00	£234.00
Minimum	£1,655.00	£906.00	£116.00	£1,592.94	£927.00	£570.00	£2,188.00	£1,187.00	£2,748.00	£1,854.00	£220.12

Other Allowances

Authority Name	Travelling / Mileage	Bicycle Mileage	Carers allowance
Ashford Borough Council	45p per mile (over 1000cc); 36.4p per mile (>999cc); 24p per mile (motorbike); qualifying public transport costs met with a receipt.	20p a mile	Child care costs covered up to £5.50 p/h and up to 15 hours p/w. Elderly/disabled care payable if relevant.
Dartford Borough Council	45p per mile (for the first 10,000 miles); 25p per mile (over 10,000 miles); 24p per mile (motorbike).	20p a mile	Dependent relative care £13.13; childcare NMW.
Dover District Council	40p per mile (extra 1p per passenger)	20p a mile	£5.93 per hour
Gravesham Borough Council	40p a mile car; 24p a mile motorbike; cheapest available fare by rail/ bus/ coach.	20p a mile	£6.00 an hour
Maidstone Borough Council	Cars and vans 40p per mile; motorcycles 24p per mile. Plus 5p per mile if passengers carried.	20p a mile	£6.00 an hour
Sevenoaks District Council	Car 451-999cc 46.9p per mile; 100- 1199cc 52.2p per mile; 1200cc+ 65p per mile.	20p a mile	£6.00 an hour; Dependent Carers Allowance £15.50 per hour.
Shepway District Council	Cars and vans 45p per mile; motorcycles 24p per mile. Plus 5p per mile per passenger carried.	20p a mile	
Swale Borough Council	Cars not exceeding 999 cc 42.9p; 1000cc to 1199cc 46.9p; above 1200cc 58.7p.		
Thanet District Council	Within the district 21.69p per mile; outside the district 78.45p	20.4p a mile	£6.00 an hour
Tonbridge & Malling Borough Council	Cars not exceeding 999 cc 46.9p; 1000cc to 1199cc 52.9p; above 1200cc 65p. Motorcycle 24p a mile.	20p a mile	£6.00 an hour; Dependent Carers Allowance £15.50 per hour.
Tunbridge Wells Borough Council		20p a mile	£6.00 an hour