

Supplement to the agenda for

Council

Friday 20 May 2022

10.30 am

**The Hereford Suite, Hereford FC, Edgar Street, Hereford, HR4
9JU**

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Minutes of the meeting of Council held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 13 May 2022 at 2.00 pm

Present: Councillor Sebastian Bowen (chairperson)

Councillors: Paul Andrews, Polly Andrews, Clare Davies, Barry Durkin, Toni Fagan, John Hardwick, John Harrington, David Hitchiner, Bob Matthews, Jeremy Milln, Paul Rone, Nigel Shaw, John Stone, David Summers and Kevin Tillett

In attendance: Councillors Christy Bolderson, Pauline Crockett, Phillip Howells and
(Remote, virtual) Louis Stark

Officers: Chief Executive, Chief Finance Officer, Democratic services manager, Senior solicitor, governance

52. APOLOGIES FOR ABSENCE

The Chairman explained that a quorum of members had been achieved and the meeting could proceed.

Apologies for absence were received from councillors Graham Andrews, Bartlett, Bartrum, Boulter, Bowes, Chowns, Gemma Davies, Foxton, Gandy, Guthrie, Harvey, Hewitt, Hey, l'Anson, James, Jinman, Johnson, Graham Jones, Mike Jones, Kenyon, Lester, Marsh, Millmore, Norman, Phillips, Price, Probert, Swinglehurst, Symonds, Toynbee, Tyler, Watson and Wilding.

53. DECLARATIONS OF INTEREST

There were no declarations of interest.

54. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

55. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from members of the Council.

56. COUNCIL MEMBERSHIP - DISPENSATION

Council considered a report by the Director of Law and Governance to agree an extension to Councillor Graham Jones period of absence to 18 June 2022. The Chairman introduced the report and proposed the motion to agree the recommendations in the accompanying report.

Cllr John Harrington seconded the motion to agree the recommendations in the accompanying report.

Council was supportive of the dispensation to extend the period of absence for Councillor Graham Jones.

The motion was put to the vote and was carried unanimously.

RESOLVED: That:

- a) Council approve a period of absence from meetings by Councillor Graham Jones pursuant to section 85 of the Local Government Act, and
- b) The monitoring officer is authorised to extend Councillor Graham Jones current period of absence, by one month, to 18 June, 2022.

The meeting ended at 2.10 pm

Chairperson



Title of report: Appointments to Council Committees and Outside Bodies

Meeting: Council

Meeting date: 20 May 2022

Report by: The Director of Governance and Law

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To exercise those powers reserved to Council at its annual meeting:

- (a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees;
- (b) To review the representation and determine the allocation of seats on committees and relevant outside bodies to political groups for the 2022/23 municipal year;
- (c) To make appointments to the positions of chairpersons and vice-chairpersons of committees; and
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees.

Recommendation(s)

That:

- a) the list of ordinary committees listed at paragraph 10 be confirmed with their terms of reference as set out in the Council's constitution;**
- b) the number of seats on each committee as set out at paragraph 10, and the allocation of those seats to political groups as set out at paragraph 11 be approved;**
- c) the allocation of seats on outside bodies to political groups as set out at paragraph 13 be approved;**
- d) the appointment of five co-opted members of children and young people scrutiny committee be approved as follows:**
 - one representative as nominated by the diocese of Hereford**
 - one representative as nominated by the archdiocese of Cardiff**
 - one parent governor as elected from the primary school sector**
 - one parent governor as elected by the secondary school sector**
 - one parent governor as elected by the special school sector;**
- e) the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Drainage Board and the Wye Valley AONB Joint Advisory Committee be approved;**
- f) the appointment of committee chairpersons and vice chairpersons as outlined in the table of committee membership in Appendix 1 be approved; and**
- g) the size and the allocation of seats on the scrutiny management board be agreed.**

Alternative options

1. To draw up a different set of committees of a different size and composition with different terms of reference.
2. Council could decide to not suspend the rules of proportionality with respect to the outside bodies; the River Lugg Drainage Board and the Wye Valley AONB Joint Advisory Committee. This may result in those members with a local interest in the work of these bodies being unable to contribute to their discussions and decision-making. If the rules of proportionality were not suspended for the standards panel then only members of the largest political groupings would be eligible to sit on the panel or the size of the panel would need to increase to ensure that political proportionality could be achieved.
3. Council could decide to suspend the rules of proportionality for all committees and establish its own criteria for appointing members to its committees. This would require a vote to do so in respect of each committee to which these rules apply and without any member of the council voting against each proposal. However such a blanket approach is inconsistent with the spirit of political proportionality within the Local Government and Housing Act 1989 and would additionally require Council to approve which councillor would take each individual seat on the relevant committees and outside bodies.

Key considerations

4. Council is required to review its political composition and how this is applied to appointments to committees and sub-committees of the council at each annual meeting of Council. Similarly, the constitution requires Council to review its ordinary committees at the annual meeting and make appointments to them.
5. The membership of the respective political groups at the council is shown in the table below:

Group	Number
Conservative group	14
Independents for Herefordshire	18
Liberal Democrats	7
The Green Party	7
True Independents	6
Not aligned	1
<i>Total</i>	<i>53</i>

6. Council is under a duty to ensure membership of those committees and outside bodies covered by the relevant rules reflects the political composition of the council, as far as practicable, by allocating seats on the committees to political groups in proportion to their numerical strength on the council, whilst also maintaining a similar proportional balance of overall seat numbers. Once Council has approved the allocation of seats to political groups, it is a matter for the relevant political group leaders to confirm which of their members will take up any seats allocated to their group. Detail of the latest allocation together with recommended chairpersons and vice chairpersons and current vacancies are contained in Appendix 1. Cabinet (as the executive), the licensing sub committee (a statutory committee) and the health and wellbeing board (with a membership set out by statute) are exempt from the requirements of political proportionality.
7. Any member who is not aligned to a group is not entitled to an allocation of seats within these rules. It is only where the proportionality calculations have been made and if any seats remain unallocated that Council may determine to appoint a member that is not a member of one of the political groups on the Council.
8. These rules of political proportionality should also be applied when allocating seats on outside bodies to which the council makes three or more appointments.
9. It is open to Council to suspend the rules of political proportionality in relation to allocation of seats on any particular body. To do so requires approval by Council with no member voting against the proposal; this is known as a *nem con* vote. Abstentions do not invalidate such a vote.

10. Council has agreed to establish committees of Council as listed in the table below. The terms of reference for these committees are set out within the functions scheme of the constitution currently published on the Council's website (link below) and in the constitution to take effect from the annual Council meeting: <http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=332&MId=6384&Ver=4&Info=1>

Committee	Seats
Audit and governance	7
Children and young people scrutiny	7
Connected communities scrutiny	7
Employment panel	6
Environment and sustainability scrutiny	7
Health, care and wellbeing scrutiny	7
Planning and regulatory	15
Scrutiny management board	TBD
<i>Total seats</i>	<i>TBD</i>

11. The table below details the allocation of seats on the existing committees based on the political composition of the Council set out in paragraph 5 above. The political composition of the Council has changed since the previous calculation of proportionality on 28 May 2021: a by-election has taken place for the electoral ward of Bromyard West which resulted in an additional member for the True Independents.

	Conservatives	Independents for Herefordshire	Liberal Democrats	The Green Party	True Independents	Not aligned	Total committee seats
Audit and governance	2	3	0	1	1	0	7
Children and young people scrutiny	1	3	1	1	1	0 (Non-voting member)	7
Connected communities scrutiny	2	3	1	0	1	0	7
Employment panel	1	2	1	1	1	0	6
Environment and sustainability scrutiny	2	2	1	1	1	0	7
Health, care and wellbeing scrutiny	2	2	1	1	1	0	7
Planning and regulatory	4	5	2	2	2	0	15
<i>Total</i>	14	19	7	8	8	0	56

12. At the previous ordinary meeting of Council on 4 March 2022 changes to the council's constitution were agreed including the increase in the number of scrutiny committees from three to five. The two new scrutiny committees are the environment and sustainability scrutiny committee and the scrutiny management board. The scrutiny management board has been established to oversee the co-ordination and work programming of the four other scrutiny committees. The composition of the scrutiny management board is outlined under paragraph 2.6.4 of the new constitution; its membership consists of the other four scrutiny committee chairpersons and other elected members as required to ensure the committee is politically balanced. Recommendation (f) in this report will determine the appointment of the other four scrutiny committee chairpersons and the chairperson and vice chairperson of the scrutiny management board. Following the appointment of chairpersons and vice chairpersons a calculation of the necessary size of the board can be undertaken and the allocation of seats to ensure that it is politically proportionate. This calculation will be tabled at the annual meeting and Council will be asked to consider recommendation (g); to agree the size of the board and the allocation of seats on the board to ensure political balance. Appendix 2 provides the blank table of the size and allocation of seats on the scrutiny management board to be completed and tabled for agreement following the agreement of recommendation (f).
13. Those outside bodies to which three or more appointments are currently made on a politically proportionate basis are detailed in the table below, with the allocation of seats based on the political composition of the council as set out in paragraph 5 above.

	Conservatives	Independents for Herefordshire	Liberal Democrats	The Green Party	True Independents	Not aligned	Total seats on body
Fire authority	1	2	1	1	1	0	6
Standing advisory council for religious education	1	2	0	0	0	0	3
<i>Total</i>	2	4	1	1	1	0	9

14. The council is required to appoint certain education representatives onto the scrutiny committee at which educational matters are considered; in the council's case this is the children and young people scrutiny committee. Specifically the council must co-opt representatives from parent governors and relevant diocesan representatives (Church of England and Roman Catholic). There is a statutory election process by which the parent governor representatives are selected, with one representative being sought from each of the primary, secondary and special school sectors. Each relevant diocese is asked to nominate a diocesan representative. All appointments of co optees follows the council's appointment process set out in the co optee protocol.
15. At the previous annual Council meeting on 28 May 2021 seats for the five statutory education co-optees were agreed. In addition it was also resolved that Councillor Jim Kenyon would become a non-voting member of the children and young people scrutiny committee. Councillor Kenyon can continue to attend meetings of the children and young people scrutiny committee as a member in attendance and may speak at the discretion of the chairperson of the committee; there is no formal decision of the Council necessary for this arrangement to continue. At the previous annual meeting it was also resolved that one representative from the teaching sector would be co-opted onto the committee. During 2021/22 a recruitment exercise was undertaken; no candidates were forthcoming for this role. As it is intended that this co-optee is a non-voting member of the children and young people scrutiny committee, the committee can make the appointment in accordance with paragraph 4.5.6 of the constitution and no further decision is

required of the full Council.

16. In line with previous practice, it is proposed to suspend the rules of political proportionality in relation to a small number of specified bodies. These are detailed in the table below together with the reason for seeking the suspension.

Body	Seats	Reason for suspension
Standards panel	Up to 3 seats	This panel is formed on an as required basis; its elected membership is drawn from the membership of the audit and governance committee which is itself politically proportionate.
River Lugg Internal Drainage Board	7	This is a geographically focused body therefore it is appropriate to nominate members from relevant wards.
Wye Valley AONB Joint Advisory Committee	4	This is a geographically focused body therefore it is appropriate to nominate members from relevant wards.

17. Council is required to appoint the chairpersons and vice chairpersons of committees listed at paragraph 10 above. The Leader of the Council has delegated authority to appoint the Chairperson of the Health and Wellbeing Board. Proposed committee chairpersons and vice chairpersons are contained in the Appendix 1 to this report which provides the membership of each committee. Group leaders have been consulted on the proposed chairpersons and vice chairpersons contained in Appendix 1. In the event that any of the proposed chairpersons and vice chairpersons are contested, the Council Chairperson will call for nominations to that post and a vote will be held in accordance with council procedure rules.
18. Under section 30 and 31 of the Localism Act 2011 ('the Act'), any members who are nominated for positions which attract a special responsibility allowance under the councillors' allowances scheme have a schedule 1 disclosable pecuniary interest in that item. As a result the members may not participate in any discussion or vote on the matter.
19. However the monitoring officer, having received a written request on behalf of all members affected by the preceding paragraph, has granted a dispensation to all members who have a schedule 1 interest.
20. The dispensation is granted under section 33 (2)(a) of the Act, as it is considered that without the dispensations the number of persons prohibited by section 31(4) from participating in the item in question would be so great a proportion of the members of Council as to impede the transaction of the business. This dispensation is from both section 31(4)(a) and section 31(4)(b) of the Act.
21. Those members affected may therefore participate in the discussion and vote on all of the recommendations, although individual members should refrain from voting in respect of recommendation (f) where they are nominated.

Community impact

22. In accordance with the council's adopted code of corporate governance, the council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.

Environmental Impact

23. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to how it is in line with the council's Environmental Policy.

Equality duty

24. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
25. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on the administrative functions of the Council, we do not believe that it will have an impact on our equality duty however the council will seek to ensure that all appointments are made fairly (i.e. no discrimination on the basis of protected characteristics) and that committee meetings are physically accessible to all.

Resource implications

26. Budgets are in place to cover allowances for any appointments made. In the event that Council decides on the establishment of additional committees a budget will need to be identified to meet the cost of any special responsibility allowance associated with the new committee. If Council agrees additional committees, appointments to the position of chairperson and vice chairperson will be agreed, if appropriate, during consideration of this report. All members appointed to positions of special responsibility and to committees are provided with training to enable them to fulfil their duties.

Legal implications

27. The council is required to ensure that the allocation of seats to committees is compliant with relevant rules contained in the Local Government and Housing Act 1989 and regulations made under that act.
28. In summary these regulations require that in determining the allocation of seats the council must apply the following four principles as far as reasonably practicable:
- a. that not all the seats on the body are allocated to the same political group;
 - b. that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - c. subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and

- d. subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
29. The proposals in this report comply with these requirements. Once the proportionate allocation of seats has been made in accordance with the above principles, if any seats remain unallocated Council may determine to appoint a not aligned grouped member to fill the seat.
30. Alternative arrangements not complying with these requirements as set out in paragraph 9 may be made so long as no member of the council votes against it.

Risk management

Risk / opportunity	Mitigation
Failure to appoint to committees and outside bodies could render them inquorate or unlawful	The recommendations in this report mitigate these risks
Failure to obey the rules of political proportionality could similarly render a committee or body unlawful	The recommendations in this report mitigate these risks

Consultees

31. No consultees.

Appendices

Appendix 1: Committee memberships and proposed chairpersons and vice chairpersons

Appendix 2: Paper to table – scrutiny management board – size and allocation of seats

Background papers

None identified

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Sarah Buffrey	Date 03/05/2022
Finance	Louise Devlin	Date 03/05/2022
Legal	Alice McAlpine	Date 03/05/2022
Communications	Luenne Featherstone	Date 03/05/2022
Equality Duty	Harriet Yellin	Date 03/05/2022

Procurement	Mark Cage	Date 03/05/2022
Risk	Kevin Lloyd	Date 03/05/2022

Approved by	Claire Porter	Date 16/05/2022
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Please include a glossary of terms, abbreviations and acronyms used in this report.

Appointments to Committees – from 20 May 2022
(excluding co-optees and non-voting members)

Scrutiny Committees

Name	No. of members	Members
Children and young people scrutiny committee	7	Cllr Graham Andrews Cllr Toni Fagan Cllr Jennie Hewitt (Vice-Chairperson) Cllr Phillip Howells (Chairperson) Cllr Helen l'Anson Cllr Mike Jones Cllr David Summers
Connected communities scrutiny committee (formerly general scrutiny committee)	7	Cllr Chris Bartrum Cllr Sebastian Bowen Cllr Tracy Bowes (Vice-chairperson) Cllr Barry Durkin Cllr Jonathan Lester (Chairperson) Cllr David Summers Cllr William Wilding
Environment and sustainability scrutiny committee	7	Cllr Louis Stark (Chairperson) Cllr Trish Marsh (Vice-chairperson) Cllr Graham Jones Cllr... <i>Con Vacancy</i> Cllr... <i>Con Vacancy</i> Cllr... <i>Ind For Hrfd Vacancy</i> Cllr... <i>Ind For Hrfd Vacancy</i>
Health, care and wellbeing scrutiny committee (formerly adults and wellbeing scrutiny committee)	7	Cllr Carole Gandy Cllr Trish Marsh Cllr Tim Price Cllr David Summers Cllr Elissa Swinglehurst (Chairperson) Cllr Kevin Tillett Cllr <i>Ind For Hrfd Vacancy</i>

		Vice Chairperson to be proposed and agreed at the annual Council meeting.
Scrutiny management board	TBD*	<p>Cllr Christy Bolderson (Chairperson) Cllr Yolande Watson (Vice-Chairperson) Cllr Phillip Howells (Chair of CYP SC) Cllr Jonathan Lester (Chair of CC SC) Cllr Louis Stark (Chair of ES SC) Cllr Elissa Swinglehurst (Chair of HCW SC)</p> <p>*Size and political composition of the committee to be determined at the annual Council meeting.</p>

Non-executive committees

Name	No. of members	Members
Audit and Governance	7	<p>Cllr Jenny Bartlett (Vice-Chairperson) Cllr Christy Bolderson Cllr Dave Boulter Cllr Clare Davies Cllr Peter Jinman Cllr Nigel Shaw (Chairperson) Cllr Yolande Watson</p>
Employment Panel	6	<p>Cllr David Hitchiner (Chairperson) Cllr Tony Johnson Cllr Ellie Chowns (Vice-Chairperson) Cllr Liz Harvey Cllr Terry James Cllr Bob Matthew</p>
Planning and Regulatory	15	<p>Cllr Paul Andrews (Vice Chairperson¹) Cllr Polly Andrews Cllr Sebastian Bowen Cllr Clare Davies</p>

		<p> Cllr Elizabeth Foxton Cllr John Hardwick Cllr Terry James (Chairperson) Cllr Tony Johnson Cllr Mark Millmore Cllr Jeremy Milln Cllr Felicity Norman Cllr Paul Rone Cllr John Stone Cllr Yolande Watson Cllr William Wilding </p> <p> ¹Although not a constitutional requirement it has been the convention that the vice chairperson of the planning and regulatory committee will fulfil the role of standing chairperson of licensing sub-committee. </p>
Licensing sub-committee		Cllr Paul Andrews (Chairperson)

Scrutiny Management Board
Size and allocation of seats

Recommendation: To agree the size and allocation of seats on the scrutiny management board as set out below:

	Conservatives	Independents for Herefordshire	Liberal Democrats	The Green Party	True Independents	Not aligned	Total committee seats
Scrutiny Management Board							TBD



Title of report: Councillors Allowance Scheme

Meeting: Council

Meeting date: Friday 20 May 2022

Report by: The Director of Governance and Law

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve and update the Herefordshire councillors allowances scheme having regard to the recommendations of the council's independent remuneration panel (IRP). The council must have regard to the IRP report when making or amending the allowances scheme.

Recommendation(s)

That Council:

- a) **Having regard to the recommendations made by the independent remuneration panel, council**
 - I. **Does not introduce a sliding basic allowance scheme linked to committee attendance at the current time, but instead seeks to review this position after one year, following the changes introduced from 20 May 2022**
 - II. **Introduces a new Special Responsibility Allowance (SRA) for the role of Deputy Leader on a cost neutral basis of 2.25 x the basic allowance, following the 2023 local elections, in line with the commencement of the new uplifted Basic Allowances rates.**
 - III. **Provides all five chairpersons of the scrutiny committees an SRA at the current rate of 1.25 x the basic allowance.**
 - IV. **That the SRA rate paid to the Chairperson of the Strategic Management Board is reviewed again in one year's time to examine whether this role does merit a higher rate of allowance**

- V. **Does not introduce a one off SRA to Task and Finish group chairpersons at the current time. But instead allows time for the scrutiny improvement programme to influence current scrutiny practices, reviewing this position one year on from the changes introduced from 20 May 2022**

Alternative options

1. The council can decide not to accept the Independent Remuneration Panel's (IRP) recommendations in full or part as it sees fit, subject to possible referral back to the IRP in relation to any matters on which the IRP has not made a recommendation. Alternative options are described in more detail within the report.

Key considerations

2. To comply with the requirement that, under the Local Authorities (Members' Allowances) (England) Regulations 2003, before amending its councillors' allowances scheme, the council must have regard to the recommendations made in relation to it by an IRP.
3. The council is required to establish and maintain an IRP to make recommendations on the scheme of allowances for members. The council is also required to publish details of the IRP's recommendations and the main features of any scheme that the council adopts.
4. The IRP have concluded their review and have produced the attached report (see appendix A). The Director of Law and Governance is grateful to the IRP members for the work they have undertaken.
5. The IRP agreed the following principles to underpin their review, as set out by the Dame Jane Roberts Councillors Commission, Members Remuneration, Models, Issues, Incentives and Barriers, 2007:
 - a. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
 - b. Those who participate in, and contribute to, the democratic process should not suffer unreasonable financial disadvantage
 - c. Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
 - d. The system should be transparent, simple to operate and understandable.
 - e. The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary; And
 - f. The level of remuneration should relate to a commonly accepted benchmark.
6. The main differences between the allowances recommended by the IRP and those contained within the current scheme are:
 - g. Under the current Members Allowance Scheme, the full basic allowance is payable on the completion of mandatory training. The IRP propose that the basic allowance should not be on a sliding scale, this will reflect the level of engagement members have with council committees. Instead, the IRP recommend reviewing member engagement in a years' time, to allow time to assess the impact two new committees are having on member engagement. That the IRP assess whether any additional steps are required to encourage great member engagement one year on from the new constitutional provisions adopted on 20 May 2022.

- h. The current Members Allowance Scheme introduces a new SRA to remunerate the Deputy Leader post. The IRP propose that that the Deputy Leader should receive an SRA of 2.25 x the basic allowance. Having regard to the consultation, the introduction of the SRA for the Deputy Leader is to be cost neutral. This can be achieved by the planned reduction of the Leaders SRA from 4 to 3.5 x the basic allowance, with 0.5 x the basic allowance being transferred to and combined with the cabinet member SRA of 1.75 x the basic allowance.
7. The recommendations of the IRP do not result in any new budget requirements. The £18k, additional requirement to provide two new SRAs to the existing three SRAs provided to the scrutiny chairs was approved and agreed at full Council on 4 March 2022.
8. Under section 30 and 31 of the Localism Act 2011 ('the Act'), members have a pecuniary interest discussion of this item as basic allowances are required to be paid to all members. Members nominated to posts attracting an SRA have a further pecuniary interest. As a result the members may not participate in any discussion or vote on the matter.
9. The Director of Law and Governance, having received a written request on behalf of all members affected by the preceding paragraph, has granted a dispensation to all members.
10. The dispensation is granted under section 33 (2)(a) of the Act, as it is considered that without the dispensations the number of persons prohibited by section 31(4) from participating in the item in question would be so great a proportion of the members of Council as to impede the transaction of the business. This dispensation is from both section 31(4)(a) and section 31(4)(b) of the Act.
11. Those members affected may therefore participate in the discussion and vote on all of the recommendations.

Community impact

12. Consideration of members' allowances needs to take account of the current financial climate. The IRP members are independent of the council and represent the wider interests of the county. The adoption and publication of a scheme of allowances ensures there is transparency regarding the remuneration of elected members.

Environmental Impact

13. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
14. This decision relates to a back office function so will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy, for example by utilising energy efficient methods of communication..

Equality duty

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
17. In support of delivery of the public sector equality duty the current childcare and dependants' carers' allowance scheme already seeks to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Further, the IRP recommendations are underpinned by seeking to ensure that its recommended basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors. And that those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage.
18. The stated principles that underpinned the work of the IRP were as follows:
- a. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
 - b. Those who participate in, and contribute to, the democratic process should not suffer unreasonable financial disadvantage
 - c. Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
 - d. The system should be transparent, simple to operate and understand
 - e. The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary.
 - f. The level of remuneration should relate to a commonly accepted benchmark

Resource implications

19. The budget for members' allowances for 2021/22 is £674k made up of £450k for the basic allowance (inclusive of National Insurance payments) and £224k for special responsibility allowances.
20. The budget for 2022/23 includes the additional £18k agreed by full Council in March. Any pressures for subsequent years will be picked up as part of the Councils annual budget setting process.

Legal implications

21. In order to comply with the Local Authorities (Members' Allowances) (England) Regulations 2003, it is necessary for council to have regard to the IRP recommendations.

Risk management

Risk / opportunity	Mitigation
If allowances are not established in an open and transparent way the reputation of the council and public service in general may be brought into disrepute.	The IRP recommendations will be debated, openly, in public. Councillors will determine whether or not to accept the proposed allowances schemes. The accepted schemes will be published and open to all to review.
Failure to appropriately remunerate elected members for the responsibilities they take on and the expenses they incur may act as a disincentive to stand for public office.	The IRP recommendations are set out to mitigate this risk. It is for Councillors to determine whether or not to accept the proposed allowances schemes.

Consultees

The report of the IRP sets out what consultation was undertaken to inform their recommendations.

Political group leaders and all members through the members' survey have been consulted directly.

Appendices

- Appendix A - The Report of the Herefordshire Independent Remuneration Panel, 13 May 2022
- Appendix B - Independent Remuneration Panel – Members Survey, April/May 2022
- Appendix C - Benchmarking Data

Background papers

None Identified.

**The Report of the Herefordshire
Independent Remuneration Panel**

17 May 2022

Introduction

1. The following is a synopsis of the proceedings and recommendations made by the independent remuneration Panel (the Panel) appointed by Herefordshire Council to review the principal areas relating to the members' allowance scheme. This fulfils a recommended commitment, from the 2021 report of the Panel that it be reconvened after new constitutional arrangements have been confirmed and to explore whether there are any further changes required. The detailed scope of what the Panel was asked to consider is set out in paragraph 11 below.
2. The Panel has been set up and convened under the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI1021) and subsequent amendments to the regulations (SI2003/1022 and SI 2003/1692 (the Regulations)).
3. The Regulations require all local authorities to set up and maintain an independent remuneration Panel to review and provide advice about the allowances to be paid to Members. All councils are required to convene their remuneration Panel and have due regard to their recommendations before setting a new or amended Members' Allowances Scheme (the Scheme).

The Panel - operational Context:

4. The Panel emphasises that its role is to undertake an independent review of Herefordshire Council's Scheme of Allowances within the scope set out in paragraph 11 below.
5. The Panel were provided with the contextual setting that had prompted this review. Notably, that the council has been reviewing its governance arrangements focussed on maximising member engagement and participation in decision-making; ensuring decision-making is informed, transparent and efficient and to enable members to perform effectively in clearly defined functions and roles. Within this context, new constitutional provisions will come in to force on 20 May 2022.
6. The Panel recognised the important role Herefordshire Councillors provide representing their electorate and in their role in taking informed local decisions. Many of those decisions carrying with them statutory and regulatory responsibilities.

The Independent Remuneration Panel

7. Herefordshire Council's Independent Remuneration Panel (the Panel) consists of the following Members:
 - **Richard Garnett** – Chairperson
 - **Rowena Green** – Panel Member
 - **Wendy Bevan** – Panel Member
8. The Panel were supported by the democratic services manager, a senior solicitor to the council, a democratic services officer and a legal assistant from the council's legal and democratic services team. Their roles were to record proceedings, take the organisational lead in providing the evidence base and technical support and advice to Panel members where requested/required. In addition, officers provided opportunities for the Panel to meet

with the political group leaders to consider their views in relation to the changing roles and responsibilities of councillors following amendments to the council's constitution.

9. The Panel would like to record their thanks to all those who provided evidence during the review. Their insights and evidence has been considered with care and attention in the deliberations of the Panel.

Panel proceedings

Date	Items considered
W/C 28 March	Panel meeting – agreeing panel Chair and Training provided for panel members
7 – 8 April	Panel Meeting – <ul style="list-style-type: none"> • Terms of reference proposed and agreed; • Lines of enquiry and evidence gathering proposed • Presenting Benchmarking Data • Key areas defined for members' survey
25 April	Panel meeting – <ul style="list-style-type: none"> • initial members' survey result presented • setting dates to meet with group leaders and topics to be covered
3- 5 May	Panel Meeting- group leaders
6 – 12 May	Supporting Officers: Report drafting,
12 May	Panel Meeting: agreeing and sign off of report
17 May	Supporting Officers: despatch for annual Council

What the Panel was asked to look at.

10. In March 2022, full Council agreed to approve the amendments to the council's constitution recommended by audit and governance committee which drew extensively on the work of the Re-thinking Governance Working Group. Among the principal recommendations made was a reorganisation of scrutiny committee functions into 5 committees. Alongside this recommendation was the proposal for the Panel to meet and make recommendations in light of these, and other changes, and to ensure all constitutional changes are given consideration by the Panel.
11. The specific items that the Panel were asked to consider are the following issues:
- Whether a sliding scale Basic Allowance is introduced where differing rates of the basic allowance are linked with mandatory training of councillors and increased membership of committees.
 - Review of Scrutiny Chairpersons' Special Responsibility Allowances (SRA), specifically to consider whether the chairpersons of the two additional scrutiny committees receive an SRA commensurate with existing remuneration rates;
 - Consideration of introducing a new SRA for the Deputy Leader position, and
 - Whether Task and Finish Group chairpersons be entitled to a one off SRA.

The Independent Panel: remit

12. The Panel were required to conduct their work in time for the council meeting scheduled for 20 May 2022.

13. It is the Panel's remit to make recommendations in relation to the specific items they have been asked to consider
14. It is not within the Panel's remit to take into consideration the budget implications of its recommendations.
15. It is not a Panel remit to rule that the council adopt its recommendations. It is for council to consider, debate and agree on which recommendations from the Panel it chooses to agree, partially agree or reject.

Underpinning Principles of the Review

16. The Panel confirmed that their deliberations should also continue to be underpinned by the following principles set out by the [Dame Jane Roberts Councillors Commission](#), Members Remuneration, Models, Issues, Incentives and Barriers, 2007:
 - P1:** The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
 - P2:** Those who participate in, and contribute to, the democratic process should not suffer unreasonable financial disadvantage
 - P3:** Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
 - P4:** The system should be transparent, simple to operate and understand
 - P5:** The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary.
 - P6:** The level of remuneration should relate to a commonly accepted benchmark

The evidence base presented to the Panel.

An all members' survey:

17. An online questionnaire was sent to all members on behalf of the Panel. It gathered information on the views and experiences of members in relation to their time commitment given to the role of being a councillor and the levels of remuneration members receive. It also sought members' views and opinions on the proposals set out in paragraph 11 above.
18. 29 out of 53 councillors responded, a return rate of just under 55%. A summary of the survey questions is attached at Appendix A.
19. The Panel also considered statistical benchmarking data from a range of other local authority settings. This cohort of local authorities had been selected on the basis that they are statistically similar to Herefordshire. The data included comparisons of Herefordshire Council's¹ data in the following areas:
 - Basic and special responsibility allowance (actuals)
 - Special Responsibility Allowance (SRA) calculations (as a multiple of the basic allowance)
 - Allowance cost to the public purse – per local resident
 - Miscellaneous - ICT provision; parish councils per county and dependency allowances provided
 - Comparisons of the frequency of meetings from data from May 2015 to December 2016 with data from May 2019 to September 2020 and data September 2020 to May 2021.
20. The benchmarking data – which is publicly available via each of the respective council's website – is set out in Appendix B.
21. In considering the benchmarking information the Panel acknowledged that each local authority had unique characteristics and measuring similarities was subjective and not always directly comparable. However, the Panel did take into account Herefordshire's relative position within the benchmarking data.

Qualitative data.

22. At the outset of the review the Panel agreed that they wished to conduct meetings with the political group leaders, these meetings were conducted virtually for the convenience of the Panel and Group Leaders. All group leaders were invited to meet the Panel during the week commencing 3 May 2022.
23. In addition, a number of members volunteered their comments, questions and views via email correspondence in conjunction with the member's survey. The principal points raised by those members were shared with the Panel. It was explained that this additional information may be taken in to account as part of their considerations, where it related to the items under consideration, as set out in 11 above.

Other data requested

24. The Panel – in connection to considerations to the sliding scale of the basic allowance – requested a breakdown of the numbers of members who sit just on the full Council

¹ To note: LA working practices vary considerably, comparisons have therefore been made on a 'closest match' principle

committee and those who also are members of additional committees. This with a view to understanding how many members may be impacted by a proposal to link the lower rate of basic allowance to sitting on just one committee.

Triangulation.

25. The Panel triangulated their evidence where it was helpful, and in some instances, essential to do so. For example, comparing qualitative evidence from councillors' survey responses with benchmarking data to propose possible SRA rates for Herefordshire Councillors to consider.

Panel Discussion and Recommendations

Considerations of a sliding scale linked to the basic allowance with membership of committees.

26. The Panel were asked to consider whether the basic allowance should reflect the level of engagement members have with council committees. In essence, the full rate of basic allowance being offered to members who sit on two or more committees set at £8,074.00. The lower basic rate of allowance applying to members who sit on Full Council alone.
27. The principal sources of evidence reviewed by the Panel to inform the Panel's deliberations were as follows:
- **The balance of member opinion**
 - **Current profile of committee membership:**
 - **Time taken to carry out the role**
 - **Feedback from Group Leaders**
 - **What the regulations say** – in regard to Basic Allowance schemes, and
 - **Do other Local Authorities apply similar schemes?**

The Balance of member opinion

28. 100% of the 29 responders to the member's survey supported the notion of a sliding scale being attached to committee membership.
29. In analysing the comments from the 100% of councillors who were supportive of this proposal from the members survey - the following key themes emerged:
- Members equated sitting on more than just one council committee as demonstrating clear commitment to their role as a councillor
 - Without financially incentivising membership of more committees, fewer members would be willing to get involved
 - Recognition that membership of committees brings with it greater responsibility
 - Recognition that mandatory training will not be translated into application if members do not sit on committees, and
 - The experience of being a member of a committee ensures that all members are exposed to wider range of council procedures, policies and decisions.

Current profile of committee membership

30. In reviewing the number of councillors who sit on one or more council committees, the following breakdown was identified.
- The total number of members who sit on just the council committee is 5 (or just over 9% of all members).
 - The remaining 48 (or just under 91% of all members) sit on two or more committees.
31. In reviewing the number of councillors who sit on just full Council, but who take on additional representation on behalf of the council on outside bodies, the total number of members who sit on just the council committee, but who also attend additional meetings

on behalf of the council on outside bodies, the number of councillor who just attend full Council meetings reduces to three (or 5.66% of the total membership).

The time taken to carry out the role of a councillor

32. Of the 29 members (a 54.7% return) who responded, Table 1, below provides the following breakdown:

Table 1: Breakdown of the hours worked by Councillors

Non SRA Hours Worked Per Month	Lowest	Highest	Median
Q1: Attendance at council meetings	2	30	16
Q2: Attendance at other committee meetings	0	30	15
Q3: Meeting preparation (e.g. reading time)	1	40	20.5
Q4: Outside bodies representation (e.g. attendance at meetings)	0	20	10
Q5: Constituency based work (e.g. surgeries, email, calls)	12	80	46
Q6: Political group meetings relating to council business	0	20	10
Q7: Other	0	25	12.5
SRA Hours Worked Per Month	Lowest	Highest	Median
Q9: Attendance at council meetings	0	40	20
Q10: Meeting preparation (e.g. reading time)	0	80	40
Q11: Outside bodies representation (e.g. attendance at meetings)	0	40	20
Q12: Dealing with members of the public and other bodies	0	30	15
Q13: Briefing meetings with officers	0	40	20
Q14: Other	0	40	20

The balance of opinion offered by Group Leaders

33. Group Leaders jointly agreed that a sliding scale was a reasonable proposal and worth investigating as long as the money was available to implement it. They acknowledged that constituency work and committee work were equally important, but felt that in some instances committee work involved a greater time commitment to prepare for. Specific examples were provided to contextualise this – the amount of reading time and briefings were noted as being significant in terms of time required by members.
34. Group Leaders also noted that many members do above and beyond their expected duties, citing their (members') required attendance at parish council meetings alongside responding to community/constituency based enquiries. These routinely generate additional demands upon their time as a councillor which occur outside of normal working hours.

35. Group Leaders were all keen to stress to the Panel that cost neutrality was extremely important to them in relation to shaping new allowances and that decisions made need to be transparent and justifiable at a time when the public is facing a cost of a living crisis.

What the Regulations say

36. In considering the Regulations - each local authority must make provision in its scheme of allowances for a basic, flat rate, allowance payable to all elected Members of the authority. The Regulations set out that the Basic Allowance states that this should include: *“the time commitment of all councillors, including such inevitable calls on their time as meetings with officers, constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their home. Having established what local councillors do and the hours which are devoted to these tasks local authorities will need to take a view on the rate at which and the number of hours for which a councillor ought to be remunerated”*
37. The Panel was advised that in accordance with statutory guidance, an element of the role of an elected councillor must be viewed as voluntary and unpaid.

Do other Local Authorities apply similar schemes?

38. The Panel were keen to explore whether other local authorities have adopted similar schemes. Following a short officer review - no other sliding scale schemes linked to attending committees were identified as being in use within other local authority allowance schemes.

The Panel - Weighing up and triangulating the balance of this evidence

39. The Panel drew the following observations.
- The evidence presented shows that the vast majority of existing members sit on two or more committees under the current council system.
 - The introduction of two new committees is likely to present new opportunities and requirements for more members to sit on committee to ensure that each committee has full membership.
 - The Panel were mindful of the unanimous support given to the proposal of a sliding scale of the basic allowance linked to committee membership. But drew reference to the confidence in the member’s survey given the relatively low response rate.
 - That many members have noted already very high workloads and, for some, this leaves very little physical capacity to take on additional workloads
 - These combining factors often mean that the ‘voluntary’ aspects of the role (noted in paragraph 36 above) generates unrealistic expectations on members in terms of the time they spend in relation to the remuneration councillors can expect to receive.

RECOMMENDATIONS

- 1. The Panel do not recommend the introduction of a sliding scale due to concerns that this will unfairly penalise members who choose to prioritise constituency work over committee membership**
- 2. That Council consider reviewing committee membership again in one years’ time to ensure that councillors are playing as full a role as possible in the council’s decision making processes, given the introduction of two additional scrutiny committees**

Deputy Leader of the Council

40. The Panel considered whether a SRA should be attributed to the post of Deputy Leader. The Panel noted that in their report of May 2021 the following *'The Panel did not rate the post. However, if a request is made to rate this SRA separately to the Cabinet Member SRA, then the Panel would be happy to convene to consider'*.
41. The principal sources of evidence reviewed by the Panel to inform the Panel's deliberations on this matter were as follows:
- **The balance of member opinion**
 - **Feedback from Group Leaders, and**
 - **The benchmarking data**

The balance of member opinion from the member's survey

42. Of the 29 responders to the member's survey in relation to the question to whether the post of Deputy Leader should be remunerated, just under 77% of members agreed that it should. Just over 23% felt that it shouldn't.
43. In analysing the comments from the members survey - the following key themes emerged:
44. Of those in support -
- Members equated the role of Deputy Leader as being a highly responsible position, close to or on a par with the Leader of the council;
 - There was recognition of the additional work, beyond that of a Cabinet Member, that was linked to this post, and
 - Recognition of the additional risk entailed with the delivery of this role.
 - But that it should be a cost neutral option.
45. Of those not in support -
- Members felt the post was already sufficiently remunerated, given the post holder would be a cabinet member already drawing on an SRA.
 - Concern about the message this might send – if remunerating the post at a benchmark average rate – to the many families currently struggling with the inflating cost of living, and
 - If a new SRA were to be agreed there would need to be a clear role description to highlight the additional responsibilities that this post delivers

Feedback from Group Leaders

46. Group leaders were in agreement that the Deputy Leader position should attract an allowance. However, there was less consensus about the level at which it should be remunerated. But all were in agreement that it should be a cost neutral addition to the members' allowances scheme as a whole.

Do Other Local Authorities apply similar schemes?

47. In reviewing the benchmarking data, all but one (South Gloucestershire Council) of the local authorities in our cohort of comparable authorities do remunerate their deputy leader posts. The highest level of remuneration is East Riding of Yorkshire Council at a rate of £24,530. The lowest level of remuneration is Rutland Council at a rate of £14,232.

48. In reviewing this information, a mean average figure was proposed, from the benchmarking data, as the possible remuneration rate if a new SRA for deputy leader were to be proposed for Herefordshire. This comes out at £18,083 p/a. Just under 58% of members agreed that this was a reasonable proposed rate. Just over 42% did not agree that this was a reasonable rate.
49. In analysing the comments from the members survey on this question further - the following key themes emerged:
- Introducing a new SRA to remunerate this post is reflective of the importance of the role and the time and effort required to deliver it
 - The remuneration rate should be more reflective of the smaller authorities within the benchmarking cohort – perhaps equivalent to current committee chairpersons

The Panel's View

50. On balance, the evidence returned by members indicated more support than not for the proposed rate of £18,083 p/a – equivalent to just under 2.25 x the basic allowance. However, the Panel are mindful of the number of requests from members to ensure that if a new SRA is recommended, it is introduced on a cost neutral basis.
51. On instruction from the Panel, officers have explored ways in which a cost neutral SRA at 2.25 x the basic allowance could be achieved. There were two principal options offered to the Panel for their consideration. These are set out in Table 1, below.

Table 1: Options to introduce a new, cost neutral, Deputy Leader SRA.

Option 1 – transfer the 0.5 x the basic rate reduction to Leader's SRA (which takes place after the next election) to the Deputy Leader Post	
1 cabinet member SRA would no longer be paid (because it would need to be a cabinet member occupying the DL position).	£14,129.5
The SRA for a cabinet member post is £14,129.5 p/a	
After the election, the Leader's SRA reduces from 4 x the Basic Allowance (£32, 296 p/a) to 3.5 x the Basic Allowance.	£4,037
This 0.5 reduction transfers to a Deputy Leader Post.	
0.5 x £8,074 (current Basic Allowance rate) = £4,037 p/a	
Total:	£18,166.5
Equivalent to a 2.25 x the current Basic Allowance	
Option 2 – the Leader's SRA sacrifices a further proportion of the 3.5 x basic allowance to 3 x the Basic Allowance to a deputy leader post	
1 cabinet member SRA would no longer be paid (because it would need to be a cabinet member occupying the DL position).	£14,129.5
The SRA for a cabinet member post is £14,129.5 p/a	

3.25 x the Basic Allowance = £26,240.5 p/a	£4,037
0.5 x £8,074 (current Basic Allowance rate) = £4,073 p/a	
Total:	£18,166.5
Equivalent to a 2.25 x the current Basic Allowance	

RECOMMENDATION

3. **A new SRA for the role of Deputy Leader is introduced, at a rate of 2.25 x the basic allowance, following the 2023 local elections, in line with the commencement of the new uplifted Basic Allowances rates.**
4. **That option 1 in Table 1 above be applied to the new SRA to ensure it is introduced on a cost neutral basis.**

Chairpersons of Scrutiny

50. The Panel considered whether remuneration for the post of Chairpersons of the Scrutiny Committees should continue. Currently, all three scrutiny chairpersons receive an SRA on top of their basic allowance at a rate of 1.25 x the Basic Allowance. Equivalent to £9,000 p/a. The Panel acknowledged that a Council decision of 4 March 2022 had already been passed agreeing to there being two additional SRAs for the two additional committees to the current three.
51. The principal sources of evidence reviewed by the Panel to inform their deliberations on this matter were as follows:
 - **The balance of member opinion in the members survey**
 - **Feedback from Group Leaders, and**
 - **The benchmarking data**

The balance of member opinion from the member’s survey

52. Of the 29 responders to the member’s survey in relation to the question whether all Chairpersons of the scrutiny committees should continue to receive an SRA, just under 80% of members agreed that it should and just over 20% felt that it shouldn’t.
53. In analysing the comments from the members survey – of those who did agree that Chairpersons of scrutiny committee should continue to receive an SRA the following key themes emerged:
 - Being the Chairperson of a committee will bring with it a considerable time commitment
 - Chairmanship responsibilities should be recognised for all committees. It may be appropriate to pay a little more
 - The chairperson needs to spend time talking to officers, researching and talking to committee members along with briefings and agenda setting prior to the meeting
 - Being chairperson is a considerable extra commitment and requires a different skillset

54. In analysing the comments from the members survey – of those who didn't agree that Chairpersons of scrutiny committee should continue to receive an SRA the following key themes emerged:
- the system creates inequality between committee chairpersons and committee members who despite having to read all the same papers and attend the same meetings
 - the SRA should be removed as the workload is shared across the committee

Feedback from Group Leaders

55. Group Leaders were unanimously of the view that paying the chairpersons of scrutiny committees was in keeping with the role and the responsibility it brings. In addition, some group leaders offered similar views to those of other members, to recognise the workloads of committee members being similar or equally equivalent to that of Chairperson.

The Benchmarking Data.

55. In reviewing the benchmarking data, Herefordshire Council, of the local authorities in our cohort of comparable authorities remunerate our Scrutiny Chairpersons at the third highest rate, at £9,920 p/a. The highest level of remuneration is Shropshire Council at a rate of £12,000 p/a. The lowest level of remuneration is Cumbria Council at a rate of £7,301 p/a.

The Panel's View

56. On balance, the evidence returned by members indicated more support than not for the continuing remuneration to the chairpersons of scrutiny committees – equivalent to 1.25 x the basic allowance. Further, while it is not for the Panel to consider the budgetary implications of their recommendations, it was noted that the council has already factored in an additional resource implication for an SRA for the two new scrutiny chairpersons (as of 20 May, 2022)

Should the chairperson of the Scrutiny Management Board receive a larger SRA, given the broader remit of this committee?

57. The Panel considered whether remuneration for the post of Chairperson of the Scrutiny Management Board should receive a higher rate SRA than the four scrutiny committees sitting underneath this new committee. The Panel acknowledged that the Council had not factored in any additional resource implications for remunerating this position at a higher level in its recent approval of the new constitutional arrangements.
58. The principal sources of evidence reviewed by the Panel to inform their deliberations on this matter were as follows:

- **The balance of member opinion in the members survey**
- **Feedback from Group Leaders, and**
- **The benchmarking data?**

The balance of member opinion from the member's survey

59. Of the 29 responders to the members' survey in relation to the question as to whether the Chairperson of the Scrutiny Management Board receive a larger SRA, just under 54% of members agreed that the chairperson of the Scrutiny Management Board role should attract a higher rate SRA. Just over 46% felt that it shouldn't.

60. In analysing the comments from the members survey – of those who did agree that the Chairperson of the Scrutiny Management Board should receive an increased SRA to that of the four scrutiny committee chairs underneath this board - following key themes emerged:
- The allowance should reflect the weight of the wider remit and overarching responsibility for all scrutiny.
 - Due to the cross cutting themes an understanding of all meetings, reading and coordinating the 5 groups to scrutinise projects /policies
 - There is a lot of work before and during such a meeting. Also work involved outside meeting and there is responsibility in chairing such amalgamated meetings.
61. In analysing the comments from the members survey – of those who didn't agree that the Chairperson of Scrutiny Management Board should receive an increased SRA to that of the four scrutiny committees chairs underneath this board - following key themes emerged:
- It would be unfair to pay one type of Committee Chairperson more than another, all chairpersons share the same level of responsibility to be cross cutting
 - It is only a broader remit in name not work load.
 - Remit may be broader but unless time spent and responsibility is greater than there should be little difference to other scrutiny chairpersons.

Feedback from Group Leaders

62. Group Leaders were not convinced that an additional allowance should be paid to the chairperson of the Scrutiny Management Board. It is a new board with an evolving brief and it was felt that a wait and see approach should be adopted in terms of seeing how complex the role and its responsibilities prove to be. An informed decision can then be made as to whether there is a need for a special allowance above other scrutiny chairperson payments.

What the benchmarking data shows

63. The benchmarking data shows that Herefordshire has the third highest SRA rate within our comparator cohort of local authorities. The Panel also noted that it was not within the scope of this IRP to make recommendations on changes to the current remuneration of this SRA.

Recommendation

7. **That all five chairpersons of the scrutiny committees maintain an SRA at the current rate.**
8. **That no higher rate SRA is paid to the Chairperson of the Scrutiny Management Board at the current time.**
9. **That this position is reviewed again in one year's time to examine whether this role does require greater levels of responsibility and time commitment.**

Task and Finish Group Chairpersons – should they receive a one off SRA.

62. The Panel considered whether a one off SRA payment for the post of Chairpersons of a task and finish group should be paid. The Panel noted their considerations of this proposal in their report to Council in May 2021. Alongside this, acknowledging the developing context and importance these groups are likely to play in the council's future policy and decision making considerations.

63. The Panel also noted the lack of incentives that current members have in taking on such a responsibility, including carrying the risk and accountability that the role entails. This is not to suggest that members are incentivised by financial motives to chair task and finish groups. But to consider the risk that members take on in undertaking these roles and whether this should carry a special responsibility allowance.
64. In their considerations, the Panel also noted the variable amount of time and complexity that T+F groups deal with. Further that with the improvement plans under way for scrutiny there is increasing importance being placed on task and finish group activity.
65. The principal sources of evidence reviewed by the Panel to inform their deliberations on this matter were as follows:
- **The balance of member opinion in the members survey**
 - **Feedback from Group Leaders, and**
 - **The benchmarking data**

The balance of member opinion in the members' survey

66. Of the 29 responders to the members' survey in relation to the question whether chairs of a T+F group should receive an SRA, 75% of members agreed that it should attract a one off SRA. 25% felt that it shouldn't.
67. In analysing the comments from the members' survey – of those who did agree that T+F group chairs should receive an increased SRA – the following key themes emerged:
- Task & finish groups can be difficult, special skills are needed so such allowance may help to involve Councillors.
 - There is a lot of work before and during a meeting. Also work involved outside a meeting and there is responsibility chairing such meetings.
 - An SRA allows them to allocate the time to the task and ensure a better job is done
 - It shouldn't just be the chairpersons of T+F groups who receive the SRA - a small allowance should be available for all members, given the sometimes considerable hours that go into this work
 - A task & finish group requires significant additional work – a higher rate one off allowance of £1000 might be more appropriate than £500.
68. In analysing the comments from the members' survey – of those who didn't agree that T+F group Chairs should receive an increased SRA the following key themes emerged:
- It may encourage more to put themselves forward when money is involved not because it is right
 - Concerns that this may generate proliferation of T&Fs, not necessarily for the right reason
 - This in turn would mean that cost neutrality – within the allowance scheme - could be threatened

Feedback from Group Leaders

69. There was a general view that any payment should be spread between the chair and other members of the group. There was also recognition that officers tend to carry out most of the work in relation to research and report writing within these groups. Concerns were also raised about the potential for proliferation of T+F groups which in turn would generate

increased costs. Unnecessary T+F groups being formed for financial gain needed to be monitored and groups would need to be regulated.

The benchmarking data

70. Officers conducted a short review in relation to whether other local authorities within the benchmarking cohort provide an allowance for their task and finish group chairs. This review confirmed that no other authorities currently do pay their Chairs or members of a task and finish group an allowance.

Panel deliberations following review of this information.

71. Panel members acknowledged the strength of support presented by members in their responses to the members' survey. Further, the Panel also recognised that T+F groups vary in complexity and time commitment. The Panel were less persuaded that T+F group members should also be entitled to an allowance. They noted the concerns raised that this may encourage a proliferation of T+F group activity, which in turn could mean that scrutiny committee work may be curtailed as a result. In light of this new and additional evidence, the Panel were minded to offer the following recommendations

RECOMMENDATION

- 10. That given the current scrutiny improvement programme, a one off SRA is not provided to T+F group chairs at the current time.**
- 11. That, following the one year on review, this is looked at again and reconsidered by the Panel.**

Special Responsibility Allowance Survey 2022-2023

As a frontline member, how many hours per month do you estimate that you spend on each of the following activities? Please don't include anything that has a Special Responsibility Allowance (SRA) attached to it. (See questions 1-7)

Q1: Attendance at a council meetings

Q2: Attendance at other committee meetings

Q3: Meeting preparation (e.g. reading time)

Q4: Outside Bodies Representation (e.g. attendance at meetings)

Q5: Ward based work (e.g. surgeries, telephone calls, emails and virtual meetings with constituents)

Q6: Political group meetings relating to council business

Q7: Other

Q8: If you are in receipt of a Special Responsibility Allowance, what does it relate to?

If you are in receipt of a Special Responsibility Allowance how many hours per month do you estimate that you spend on each of the following council activities as a direct consequence of your position of responsibility as distinct from your involvement as a member elected to represent your ward?

Q9: Attendance at a council committee meetings

Q10: Meeting preparation (e.g. reading time)

Q11: Outside Bodies Representation (e.g. attendance at meetings)

Q12: Dealing with members of the public and other bodies about matters relating to the service area(s) or functions for which you have a position of responsibility

Q13: Briefing meetings with officers

Q14: Other

Q15: Do you feel that your time commitment and the responsibility that you carry is adequately reflected in the current level of Special Responsibility Allowance applicable to you?

- a. Yes
- b. No

Please explain your answer.

Scrutiny

It has been proposed by the re-thinking governance working group and agreed at full council to increase the number of scrutiny committees from its current three committees to five committees. The specific proposals involve:

- Change name of committee from Adults and Wellbeing Scrutiny Committee to Health Care and Wellbeing Scrutiny Committee
- Updated functions of Children and Young People’s Scrutiny Committee
- Change of name of committee from General Scrutiny to Connected Communities Scrutiny Committee
- Update to the functions of Connected Communities Scrutiny Committee
- Create a New Environment and Sustainability Scrutiny Committee, and
- Create a new Scrutiny Management Board

Q16: Do you agree that all chairpersons of the new scrutiny committees should continue to receive a Special Responsibility Allowance of 1.25 x the basic allowance. With the 2 additional committees this will equate to an increase of £18k in the members allowance scheme.

- a. Yes
- b. No

Please explain your answer.

Scrutiny Management Board

It is proposed that the new Scrutiny Management Board will deal with cross cutting scrutiny matters and coordination of scrutiny work-programmes. Under current proposals, the Scrutiny Management Board will be comprised of a Chair, Vice Chair, Scrutiny Committee Chairs and other elected members as required to make the board politically balanced.

Q17: Do you agree that the chair of the Scrutiny Management Board receives a larger Special Responsibility Allowance, given the broader remit of this committee?

- a. Yes
- b. No

Please explain your answer.

Scrutiny Task and Finish Groups

Scrutiny “task and finish” approaches are where scrutiny committees set up informal working parties to carry out work on a particular topic outside of the main committee and report back. It has been suggested by the re-thinking governance working group that the chairperson of a task and finish group should receive a one-off Special Responsibility Allowance. This would potentially encourage more members to put themselves forward to chair and lead task and finish group activity.

It has been suggested that the one-off Special Responsibility Allowance should be set at £500 per task and finish.

Q18: Do you agree that the chairperson of a task and finish group should receive a one-off Special Responsibility Allowance?

- a) Yes
- b) No

Please explain your answer.

Q19: Do you feel that the suggested Special Responsibility Allowance for a task and finish group chairperson of £500 is set at the right level?

- a) Yes
- b) No

Please explain your answer.

Proposals to set additional elements to the sliding scale basic allowance.

Following the last local elections, May 2019 the Independent Remuneration Panel recommended that the full basic allowance would only be awarded to councillors once they had completed their mandatory training. That recommendation was accepted by full Council and this practice continues.

In addition to this, the re-thinking governance working group, have proposed that the Independent Remuneration Panel considers whether the sliding basic allowance should also be linked to attendance at council meetings. The group have proposed that in addition to full council meetings all members should seek to sit on at least one additional committee. This would ensure that all councillors gain experience in committee meeting business and encourage greater engagement with council business in addition to that addressed at full Council.

Q20: Do you agree that the higher rate of basic allowance should be linked to members taking on additional committee membership and responsibilities to that of full council?

- a) Yes
- b) No

Please explain your answer.

Deputy Leader – Special Responsibility Allowance

The primary role of the Deputy Leader is to support the Leader in providing political leadership to the council and in the absence of the Leader the Deputy Leader should undertake to perform the role of the Leader.

Duties and responsibilities of the role include: deputising for the Leader in their absence, undertaking portfolio responsibilities as a cabinet member, providing political leadership to the council, co-ordinating the work of cabinet, supporting and covering for portfolio holders when required, and establishing effective working relationships with members, the Chief Executive and other key staff.

Data provided from the benchmark cohort for this local authority shows that all but one of the local authorities in the group pay a Special Responsibility Allowance to the Deputy Leader. The (mean) average payment based on this data is £18,083.

Q21: Do you agree that the Deputy Leader role should attract a Special Responsibility Allowance?

- a) Yes
- b) No

Please explain your answer.

Q22: Do you agree that the Special Responsibility Allowance for the role should be set at the average figure of £18,083?

- a) Yes
- b) No

Please explain your answer.

Q23: Do you propose that the Special Responsibility Allowance should be set at a different rate (please provide details)?

- a) Yes
- b) No

Please explain your answer.

Q24: When considering whether or not to stand for re-election in the future, how significant a factor would the level of allowances be for you?

Please provide details.

Basic allowance and special responsibility allowances calculations

Herefordshire

Basic Allowance

The IRP concluded in their report of 11 May 2017 that the Basic Allowance should be calculated as follows:

90 monthly hours less a public service discount of 50% multiplied by the ONS mean hourly earnings multiplied by 12 (months)

$$((90-50\%) \times 15.72) \times 12 = \text{£}8,489$$

£8,489 was the recommended Basic Allowance by the 2017 IRP panel. A lower Basic Allowance was adopted of £7,423 which has been increased by index linking.

Basic and Special Responsibility allowance index linked in line with national joint council pay award.

Special Responsibility Allowance

Leader	4 x Basic Allowance
Cabinet Member	1.75 x Basic Allowance
Chairperson of Council	1.25 x Basic Allowance
Chairperson of Planning	1.25 Basic Allowance
Chairperson of Scrutiny	1.25 Basic Allowance
Chairperson of Licensing	0.75 x Basic Allowance
Chairperson of Audit and Governance	0.75 x Basic Allowance
Cabinet Support	upto 50% of Cabinet Member allowance.
Group Leaders	£1,634 plus £124 per group member if group membership exceeds 10% of the council's total member
Vice -Chairperson of Committees	no SRA

Bathnes

Basic Allowance

The panel were of the view that benchmarking data should only act as a guide and should not be the driver of the Basic Allowance. The panel took the median hourly wage of £14.43 applied the 30% discount and used a 22 hour week.

$$(\text{£}14.43 - 30\% = \text{£}10.101 \times 22 \times 52 = \text{£}11,555,54)$$

The panel recognises the difficult economic climate and recommends that a Basic Allowance of £11,555 should be an aspiration.

This should be achieved through a staged approach introducing incremental steps of a £750 increase per annum taking £8,201 as the starting point.

Incremental increases not being introduced until 22/23 as a result of Covid-19.

Special Responsibility Allowance

Leader of Council	3 x Basic Allowance
Deputy Leader	2 x Basic Allowance
Cabinet Members	2 x Basic Allowance
Chairperson of the Council	1 x Basic Allowance
Vice Chairperson of Council	daily rate of £100 (£50 per day)
Chairperson of Scrutiny Committee	1 x Basic Allowance
Chairperson of Regulatory Committees (including Licensing Group Leaders	0.5 Basic Allowance £428 per member

Both the Basic Allowance and Special Responsibility Allowance is updated annually with any percentage increase agreed by the NJC.

The SRA calculations are taken from the 2017 panel report - the most recent report is March 2021 but there is no mention of the calculations for SRA.

Cheshire West

Basic Allowance

Average national wage x 22 hours per week less a public service discount of 20%

Special Responsibility Allowance

Leader of Council	2.5 x basic allowance
Deputy Leader	1.25 x basic allowance
Cabinet Member	1.1 x basic allowance
Planning Committee Chairperson	0.75 x basic allowance
Licensing Committee Chairperson	0.65 x basic allowance
Audit and Governance Committee Chairperson	0.65 x basic allowance
Scrutiny Chairperson	0.65 x basic allowance
Chairperson of Council	0.5 x basic allowance
Main Opposition Leader	0.65 x basic allowance
Other Group Leader	0.33 x basic allowance
Member Champions	1,000

SRA figures are taken from report 02/03/2009 - recent reports do not address calculation.

Cornwall

Basic Allowance

Average hours per week to carry out role = 31.5
Number of weeks (allowing for 5 weeks annual leave = 47)
Rate - ONS place of residence - £12.27
Voluntary discount = 25%

Calculation:

$31.5 \times 47 \times 12.27 = \text{£}18,165.74$
Less 25% = £4,541.44
Total = £12,624.30

The following amounts are added to the Basic Allowance:

Non approved duty contribution = £100
1% contribution toward pension provision £136.24
Subsistence for Council Meetings - £50

Total Basic Allowance = £13,910.53

The Basic Allowance is indexed linked by the annual pay award for Cornwall Council Officers for four years from 2016.

Special Responsibility Allowance

Leader of the Council	1.85 x Basic Allowance
Deputy Leader	75% of Leader's SRA
Chairperson of the Council	70% of Leader's SRA
Cabinet Members	70% of Leader's SRA
Chairperson of Scrutiny	30% of Leader's SRA
Chairperson of Planning Committees	30% of Leader's SRA
Chairperson of Audit Committee	20% of Leader's SRA
Chairperson of Licensing Committee	15% of Leader's SRA
All Vice Chairpersons	30% of relevant committee chairman's SRA

These figures are based on the 2016 report. An Independent Remuneration Panel made recommendations in 2021 but these were not implemented.

Cumbria

Basic Allowance

No calculation provided in any IRP reports.

Basic Allowance takes into account 33.33% public service discount (2015 IRP report)

The Basic Allowance was increased in line with the percentage increase to the local government workforce pay (pay point 1) which is agreed by National Employers and National Joint Council (2021 IRP report)



Special Responsibility Allowance

No calculation provided but SRAs to be increased in line with the percentage increase to the local government workforce pay (pay point 1)

which is agreed by National Employers and National Joint Council (November 2021)

East Riding

Basic Allowance

The Basic Allowance should be set at a level that recognises the voluntary nature of the role.

In comparing the allowance paid to a number of other local unitary authorities the panel considered the allowance reasonable.

Special Responsibility Allowance

Leader of the Council	3.22 x Basic Allowance
Deputy Leader of Council	2 x Basic Allowance
Cabinet Members	1.3 x Basic Allowance
Leader of Opposition Group	0.6 x Basic Allowance
Chairperson of Scrutiny Committee	0.86 x Basic Allowance
Vice Person of Scrutiny Committee	0.21 x Basic Allowance
Chairperson of Audit Committee	0.86 x Basic Allowance
Chairperson of Planning	0.86 x Basic Allowance
Chairperson of Licensing	0.33 x Basic Allowance

The Members Allowance Scheme is index linked to National Joint Council (NJC) pay award for Local Government employees.

Telford and Wrekin

Basic Allowance

The panel recommended a 20% increase to bring the Basic Allowance to £9,444.

This increase would move the basic allowance closer to the mean in Telford's 15 comparator authorities.

Special Responsibility Allowance

Telford and Wrekin do not provide a calculation for SRAs. They did make the following increases in 2019 which had not been increased since

Cabinet Members	20% increase
Group Leader	20% increase
Chairperson of Scrutiny Committee	10% increase
Chairperson of Planning Committee	20% increase
Chairperson of Licensing	20% increase
Chairperson of Audit Committee	no increase

The Leader and Deputy Leader's SRA was calculated by adding both SRAs together and increasing by 20% (this was to reflect that the Deputy Leader's SRA was much closer to the mean average of comparable

Leader of the Council	SRA increased by 2/3rds of the 20%
Deputy Leader	SRA increased by 1/3 of the 20%

Annual uprating of the Basic Allowance and Special Responsibility Allowances in line with the pay award for local authority employees.

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Shropshire

Basic Allowance

The Basic Allowance is increased in line with % increase for Local Government workers salary as agreed by NJC or by Shropshire Council (if this is different to NJC) at SCP 18.

Special Responsibility Allowance

Leader of the Council	2.25 x Basic Allowance
Deputy Leader of the Council	1.5 x Basic Allowance
Cabinet Members	1 x Basic Allowance
Deputy Portfolio Holders	0.25 x Basic Allowance
Opposition Group Leader	0.5 x Basic Allowance
Chairperson of Scrutiny Committee	1 x Basic Allowance
Chairperson of Area Planning Committee	0.75 x Basic Allowance

Chairperson of Strategic Licensing	0.25 x Basic Allowance
Chairperson of Licensing Sub-Committee	0.125 x Basic Allowance
Chairperson of Audit Committee	0.3 x Basic Allowance
Chairperson of Council	0.75 x Basic Allowance

Based on 2021 panel report and amendment made at Council meeting on 20/05/21

South Gloucestershire

Basic Allowance

The Basic Allowance for 2016/17 is £11,184 with an annual review index linked to Spinal Column Point 34 on the Officers pay scales.

In the most recent report (2017) the panel is of the view that with index linking the Basic Allowance is sustainable and robust for 2020/21.

Special Responsibility Allowance

Leader of Council	190% of Basic Allowance
Cabinet Members	100% of Basic Allowance
Chairperson of Scrutiny Commission	70% of Basic Allowance
Chairperson of Regulatory Committee	70% of Basic Allowance
Group Leaders	70% of Basic Allowance
Chairperson of Council	50% of Basic Allowance
Vice Chairperson of Council	15% of Basic Allowance

Rutland

Basic Allowance

No calculation but states that all allowances are increased by index linking to NJC Officers' pay awards.

Special Responsibility Allowance

Leader of Council	3.5 x Basic Allowance
Deputy Leader	3 x Basic Allowance
Cabinet Member	2.5 x Basic Allowance
Chairperson of Scrutiny	1.5 x Basic Allowance
Chairperson of Planning and Licensing Committee	2 x Basic Allowance
Chairperson of Audit and Risk Committee	1.25 x Basic Allowance
Chairperson of Council	£4,590 (uplifted with index linking)

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The Basic Allowance and Special Responsibility Allowance is index-linked to Officers' NJC pay awards.

