



Full Council

26 February 2018

Report from the Director of Legal and HR Services

For Action

Members' Allowance Scheme

Wards Affected:	All
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	1
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	James Kinsella, Governance Manager, Executive & Members Services email: james.kinsella@brent.gov.uk or Tel: 020 8937 2063

1. Summary

- 1.1 Council is asked to consider and adopt the Members' Allowance Scheme (the Scheme) for the 2018/19 financial year, which sets out the allowances Members are entitled to receive for carrying out their responsibilities.
- 1.2 The report includes details of the most recent review of Members Allowances completed by an Independent Remuneration Panel (IRP) established by London Councils on behalf of London Boroughs and also proposes a number of changes to the current Scheme.

2. Recommendations

- 2.1 Full Council is asked:
To approve and make a Members' Allowance Scheme in the proposed terms set out in this report for the financial year 2018/19;

- 2.2 To authorise the Director of Legal and HR Services to comply with the statutory requirements to publicise the Council's Members' Allowance Scheme.
- 2.3 To note that a more detailed review of the Members' Allowance Scheme will be undertaken following the local elections in May 2018 in order to reflect any constitutional changes to the Council's political management arrangements, with the outcome of that review being reported back to the Annual Council Meeting on 14 May 2018.

3. Detail

Background

- 3.1 In accordance with the Local Government Act 2000 and Local Authorities (Members' Allowances) (England) Regulations 2003, Local Authorities are required to undertake a formal independent review of the level of allowances for their Members at least once every four years. In London provision has been made for this review to be undertaken by an Independent Remuneration Panel (IRP) set up on behalf of all Boroughs by London Councils.
- 3.2 Given that the last review was undertaken in 2014, the IRP was reconvened by London Councils last year, in line with statutory requirements, to undertake the next review. The IRP has now completed its review, the results of which were published in January 2018. Their report titled "The Remuneration of Councillors in London 2018 – Report of the Independent Panel" is attached as Appendix 1.
- 3.3 Brent Council's Members' Allowance Scheme (which is included in the Council's Constitution at Part 6 and is published on the Council's website) was last formally reviewed (as required) in 2014 following publication of the last IRP report. Since then Members have been asked to consider the application of any uplifts on an annual basis and other changes such as the payment of expenses for attending conferences outside of the borough and the introduction of maternity, paternity and sickness pay.
- 3.4 Given the publication of the 2018 IRP report, there is now a requirement for the Council to formally review its Members' Allowance Scheme for adoption from 1 April 2018. Whilst the Council is required to have regard to the recommendations made by the IRP, Members are asked to note that it will ultimately be for Full Council to decide on its final scheme for the payment of allowances to its Members specifying the amount of entitlement by way of basic allowance (which is mandatory) and other allowances such as special responsibility and dependants' carers' allowances (which are discretionary).
- 3.5 The current basic allowance for Members in Brent is £10,201. This was set below the level recommended by the IRP back in 2014. The Scheme does, however, allow for Council to consider applying an annual uplift equal to any inflationary pay award agreed as part of the Local Government Pay

Settlement in the previous financial year and for 2017/18 a 1% uplift was applied.

- 3.6 The basic allowance recommended by the IRP as a result of the 2018 review is £11,045, which has been uplifted from the 2014 review to reflect local government pay awards since that date. No further increase in basic allowance is being recommended in relation to Brent's Scheme at this stage in advance of a further more detailed review, which it is proposed should take place after the local elections in May 2018 in order to reflect any constitutional changes made to the political management arrangements. The result of the review would be presented to the Annual Council Meeting for consideration on 14 May 2018.

Special Responsibility Allowance

- 3.7 The 2018 IRP report also included a review of payments in relation to Special Responsibility Allowance (SRA). Again, it is not proposed, at this stage, to amend the SRAs payable under Brent's Scheme however the IRP have reiterated that as a guide they feel no more than 50% of all councillors in an Authority should receive an SRA. Whilst a Member is only entitled to receive a single SRA, irrespective of the number of qualifying roles held, the % of members for which SRAs are currently payable in Brent is currently above this level.
- 3.8 It is therefore proposed that the review of the Scheme planned following the local elections should also include more detailed consideration of this guidance.

Proposed changes to current scheme

- 3.9 In advance of the more detailed review referred to above a number of changes to the current scheme have been identified, which it is recommended are introduced as part of the Scheme to be adopted from 1st April 2018.

These are as follows:

Mandatory Training & Special Responsibility Allowances

- 3.10 SRAs are paid to Members in recognition of the additional time and responsibility associated with specific roles they are allocated, over and above their basic function as a ward councillor. Some of these roles (specifically as members of the Planning, Alcohol & Entertainment Licensing Committees and Adoption and Permanency and Fostering Panels) require the Member to have undertaken mandatory training in order to be able to serve. It is therefore being recommended that the payment of any SRA for members of the Planning and Alcohol & Entertainment Licensing Committees and Adoption and Permanency and Fostering Panels should be linked to that member having attended and completed the mandatory training sessions for those bodies.

- 3.11 Council is therefore asked to consider adding the following section to the Scheme:

3. (4) No member of the Planning Committee, Alcohol and Entertainment Licensing Committee, Adoption and Permanency Panel and Fostering Panel shall receive a Special Responsibility Allowance unless the member has attended or completed the mandatory training sessions for that body. The reference to mandatory training sessions are to such sessions as determined by the Council from time to time.

Travel and Subsistence Allowances for Members with disabilities

- 3.12 Whilst the scheme currently provides for the payment of reasonable travel and subsistence expenses for all members in respect of attendance at conferences and events outside of the borough, no specific provision is made for the payment of general travel expenses to councillors with disabilities in order to enable them to undertake their duties.
- 3.13 The IRP report recommends that provision should be included within any Scheme for travel by councillors with disabilities so it is therefore recommended that the following provision be included:

Insert as 7. (2) and renumber the subsequent sections accordingly:

Subject to the conditions set out in this paragraph, reasonable expenses may be claimed for travel by councillors (or co-opted or independent members) with disabilities.

Publicity

- 3.14 As soon as reasonably practicable after the making of a Scheme, copies of the Scheme have to be made available for inspection at the Civic Centre and a notice has to be published in a local newspaper. It is recommended that the Director of Legal and Human Resources be authorised to comply with these requirements.

4. Financial Implications

Members' allowances are currently met out of a Member Services' budget and any associated costs arising from changes to the scheme will be contained within that budget.

5. Legal Implications

- 5.1 The proposed Members' Allowance Scheme complies with the relevant provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003; the Local Government and Housing Act 1989 and the Local Government Act 2000. In addition, there are separate provisions, namely sections 3 and 5 of the Local Government Act 1972 for the payment of allowances to the Mayor and the Deputy Mayor.

- 5.2 A scheme may be amended at any time but may only be revoked with effect from the 1 April of that financial year.

6. Consultation with Ward Members and Stakeholders

- 6.1 As part of the IRPs review all Boroughs were invited to make submissions to the Panel on the operation of the existing scheme. The Chair of the Panel also attended the London Council's Leaders Committee on 5 December 2017 to present the draft report.
- 6.2 The draft report was also subject to consideration by members of the Constitution Working Group who will also be consulted on the more detailed review of the Scheme due to be undertaken following the local elections, prior to it being reported to Council.

7. Equality Implications

- 7.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civic partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 "Due regard" is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:
- the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
 - the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
 - the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons' disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant group of people they might be;
 - the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
 - the need to tackle prejudice and promote understanding.

- 7.3 In terms of the outcome of the 2018 IRP review, the Panel have continued to advocate the setting of allowances at a level that enables people to undertake the role of councillor, whilst not acting as an incentive to do so. The recommended change in relation to members with disabilities is a further example of how the scheme can be used to remove barriers for those wishing to stand and to ensure any disadvantages are removed or minimised.

8. Human Resources/Property Implications (if appropriate)

None.

Report sign off:

Debra Norman

Director of Legal and HR Services