

	<p align="center">Full Council 23 February 2023</p>
	<p align="center">Report from the Corporate Director, Governance</p>
<p align="center">Members Allowance Scheme Annual Review 2023-24</p>	

Wards Affected:	All
Key or Non-Key Decision:	Council
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:	One Appendix 1 Members Allowance Cost Analysis
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Natalie Zara, Head of Executive & Member Services 020 8937 1716 Natalie.Zara@brent.gov.uk

1. Summary

- 1.1 A Members' Allowance Scheme, which sets out the allowances Members are entitled to receive for carrying out their responsibilities has to be made for the 2023-24 Financial Year.

2. Recommendations

That Full Council:

- 2.1 Considers and approves the Members Allowance Scheme in the proposed terms set out within this report for the 2023-24 Financial Year.
- 2.2 Authorises the Corporate Director of Governance to comply with the statutory requirements to publicise the Council's Members' Allowance Scheme.

3. Detail

Background

- 3.1 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 subject to full formal review at the Annual Council Meeting in 2018 and since then has been subject to ongoing annual review at each of the Council's budget setting meetings.
- 3.2 These reviews have been informed by the most recently available report from the Independent Remuneration Panel (IRP) for London Councils. The latest review and report undertaken by the IRP (entitled "The Remuneration of Councillors in London 2022 – Report of the Independent Panel") was published in December 2021. A further IRP review on councillors remuneration was recommended within this report, which is currently underway but as yet has not been completed. Therefore, this year's annual review has been based on the contents of the initial 2022 report, which will continue to inform the Council's decision-making in respect of its scheme for a maximum period of four years.
- 3.3 The 2022 IRP report recognises the importance of the role played by elected members not only in terms of their representational role but also given the increasing challenges and demands in managing the delivery of local services and on the allocation of financial resources. The report highlights the increasingly difficult and complex nature of choices and work faced by local councillors in terms of managing these challenges and increasing level of demand on services. In addition, reference is made to the growth in other public sector activities including community safety, increasing expectations for closer working with health services and the voluntary sector, as well the growing role of councillors acting as a point of information, advice and reassurance for local communities. The report also recognises the increasing expectations of the public in terms of access to their local councillors supported by the growth in digital connectivity, social media etc.
- 3.4 While conscious of the above, the review also takes account of the continuing financial challenges faced by local authorities. Having taken account of adjustments made in accordance with annual local government pay settlements over previous years, this led to the recommendation of a Basic Allowance set at £12,014. The current basic allowance payable under Brent's Members Allowance Scheme is already comparable at £12,484.
- 3.5 It is for Full Council to make a 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 (which are discretionary). Such a scheme has to be in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and the Council is required to have regard to the recommendations made by the Independent Remuneration Panel (IRP).

Annual Uplift

- 3.6 Brent's Members Allowance Scheme states that Basic, Special and Civic allowances "shall be increased with effect from each April, by a percentage equal to the inflation pay award agreed as part of the Local Government Pay Settlement in the previous

financial year, unless otherwise determined by the Council". Since 2021, the decision has been taken not to apply any uplift in allowances.

- 3.7 In terms of the current financial year the National Joint Council Government Services pay agreement has now been confirmed for 2022/23. This year, the offer was a fixed sum rather than a percentage increase. However, a fixed uplift of 4.04% was included in the pay agreement across all allowances. The report from the Independent Panel for the Remuneration of Councillors in London reiterated its previous recommendation that members' allowances should be uplifted annually in line with the pay settlement for employees and are therefore recommending that boroughs also use the 4.04% uplift for their member allowances. It is, however, up to each borough to determine the allowances it pays to members. On this basis, members are therefore asked to consider (following consultation with the Constitution Working Group) applying an uplift of 4.04% across the Basic and Special Responsibility Allowances within the Members Allowance Scheme for 2023/24. If this were to be agreed, it would mean an increase in the Basic Allowance from £12,484 to £12,988 (a difference of £504 for each of the 57 councillors).

Special Responsibility Allowances

- 3.8 With regards to the Special Responsibility Allowances (SRA), Full Council noted at the February 2022 meeting that these would be subject to further review during 2022-23 following the local elections. However, this was subject to the outcome of the further review of councillors remuneration by the IRP during 2022-23. As explained in section 3.2 above this review, which was supposed to assess new patterns of demand and expectations, has not yet been completed with the results due to be presented to the Constitution Working Group in order to consider any changes (other than any annual uplift to be applied and proposal in 3.9 below) in relation to the current level of SRAs payable under the Scheme. Any changes recommended as a result of this further review will need to be subject to approval by Full Council.
- 3.9 It should be noted that the list of Special Responsibility Allowances has also been amended following consultation with the Constitution Working Group to include a proposed payment of £4k for the Leader of the second Opposition Group (in order to reflect the current political membership of the Council). This has been factored into the allowances cost analysis at Appendix 1.

4. Publicity

- 4.1 As soon as reasonably practicable after the making or amendment 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 Corporate Director of Governance be authorised to comply with these requirements.

5. Financial Implications

- 5.1 The actual overall cost of the payment of allowances depends on which Members are appointed to the roles where an SRA is received, as only one such allowance is

payable irrespective of the number of roles held. At the end of each financial year, the payments made to each Member are published in accordance with statutory rules.

- 5.2 Any uplift to the allowance scheme will result in additional expenditure. A table illustrating this can be found at Appendix 1. In summary, the additional expenditure should the uplift and additional SRA be applied would be £46,163
- 5.3 The current budget for members' allowances is £1,170,000. Therefore there is scope to include the changes proposed without overspending the budget, should this be agreed.

6. Legal Implications

- 6.1 The Council's Members' Allowance Scheme must comply 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 adopting or amending the scheme the Council is required to have due regard to the report published by its Remuneration Panel, which is the IRP appointed by London Councils.
- 6.2 The introduction of a Special Responsibility Allowance for the Leader of the smaller opposition group is consistent with the recommendations of the Remuneration of Councillors in London 2022 Report of the Independent Panel, to which the council must have regard. Such an allowance can be paid within band one as identified in the report. The allowance for the principal opposition leader falls within band two. The recommended proportion of a band two allowance that should be paid at band one is approximately 1/3 to 1/2.

7. Consultation with Ward Members and Stakeholders

- 7.1 The outcome of the annual review has been subject to consultation with members of the Constitution Working Group.

8. Equality Implications

- 8.1 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.
- 8.2 "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.

8.3 There are no equality implications arising directly from this report.

9. Human Resources/Property Implications (if appropriate)

None.

Report sign off:

Debra Norman
Corporate Director of Governance