



Full Council
22 February 2021

Report from the Assistant Chief Executive

Members' Allowance Scheme – Annual Review

Wards Affected:	All
Key or Non-Key Decision:	N/A
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:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	James Kinsella, Governance Manager James.Kinsella@brent.gov.uk Tel. 0208 937 2063

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 financial year 2021/22.

2. Recommendations

That Full Council:

- 2.1 Makes a Members' Allowance Scheme in the proposed terms set out in this report for the financial year 2021/212.
- 2.2 That Full Council authorises the Director of Legal, HR Audit & Investigations 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 annual review in February 2020. This followed publication of the most recent report by the Independent Remuneration Panel (IRP) for London Councils in January 2018 entitled "The Remuneration of Councillors in London 2018 – Report of the Independent Panel".
- 3.2 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 such as special responsibility and dependants' carers' 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). The full review undertaken in May 2018 led to a number of changes to the Scheme including the level of basic and special responsibility allowances (SRA), with subsequent changes having been agreed in relation to the payment of travel and subsistence for members with disabilities, dependants' carers' allowances and levels of Special Responsibility Allowances for specific positions.
- 3.3 The most recent independent review can continue to inform the Council's decision-making in respect of its scheme for a maximum period of four years. Therefore, the recommendations in the 2018 IRP report still remain valid.
- 3.4 Members are reminded that the 2018 Report advocates the setting of allowances at a level that enables people to undertake the role of councillor while not acting as an incentive to do so. It is equally important, as acknowledged, that there should not be a financial disincentive.

Annual Uplift

- 3.5 The 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". A 2% uplift for 2020/21 was applied, following the last annual review in February 2020.
- 3.6 Whilst the Local Government Pay Award agreed for 2020/21 was 2.75% it was announced, as part of the last Government Spending Review that a pay freeze impacting the majority of employees in the public sector, would be implemented during 2021/22. On this basis, following consultation with members on the Constitution Working Group, it has been recommended that no uplift is also applied in relation to the Members Allowance Scheme for the 2021/2022 financial year.

Special Responsibility Allowances

- 3.7 The annual review has also included consideration of Special Responsibility Allowance (SRA) payments, with no changes recommended in the current level of SRAs payable under the scheme.

Publicity

- 3.8 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 Director of Legal, HR, Audit & Investigations be authorised to comply with these requirements.

4. Financial Implications

- 4.1 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. 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.

6. Consultation with Ward Members and Stakeholders

- 6.1 The outcome of annual review was been subject to consultation with the Constitution Working Group in January 2021.

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 Independent 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 changes made in relation to members with disabilities and dependents' carers are 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:

Shazia Hussain

Assistant Chief Executive