

HASTINGS BOROUGH COUNCIL

Report of the Independent Remuneration Panel on the review of Members' Allowances for Hastings Borough Council - November 2018

Introduction

- 1.1 This report has been prepared by the Independent Remuneration Panel, established by the Council in September 2018 in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003, the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 and the Statutory Guidance on Members Allowances 2006.
- 1.2 These regulations, which arise out of the relevant provisions contained in the Local Government Act 2000, require all local authorities to establish and maintain an advisory Independent Members Remuneration Panel to review and provide advice on Members Allowances on a periodic basis. All Councils are required to convene their Panel and seek its advice before they make any changes or amendments to their Members Allowance Scheme. They must "pay regard" to the Panel's recommendations before setting up a new or amended scheme.
- 1.3 The report sets out the Panel's findings following the review of the Council's current scheme established following a review of Member Allowances by an Independent Remuneration Panel in December 2010 and updated in November, 2014. The report sets out recommendations in respect of:
 - The level of Basic and Special Responsibility Allowances
 - Independent Co-optee Member Allowances
 - Travelling and Subsistence
 - Dependents `carers` Allowance and Childcare Allowance

2. The Independent Remuneration Panel

- 2.1 The Independent Remuneration Panel has the following membership:

Grahame Handley – retired Local Government Chief Executive (Chairman)
John Marsh – Accountant and former Local Authority Director
Clive Mills – retired Senior Health Service Manager

- 2.2 The regulations require a minimum of 3 Members to constitute an Independent Remuneration Panel.

3. Terms of Reference

- 3.1 The detailed brief for the Panel is attached as Annex 1.

3.2 The principal matters on which the Panel are to make recommendations are:

- The amount of Basic Allowance to be paid to all Members of the Council.
- Those Member posts involving significant additional responsibilities for which Special Responsibility Allowance (SRA) payments are to be made and the levels of those allowances.
- The amount to be paid in respect of Dependents 'carers' Allowance and Childcare Allowance.
- The levels, and appropriateness, of travelling and subsistence allowances.
- The amount of the Co-optees Allowance to be paid to the independent persons serving on the Council's Standards Committee and Museum's Committee.

4. The Panel's Work

4.1 The Panel has considered a range of background information which has included:

- The Council's current Members' Allowance Scheme.
- An online survey of elected Members of which 23 Members (72%) submitted a response.
- Interviews in person or by telephone with 14 Elected Members. The Elected Members interviewed included the Leader of the Council, Leader of the Opposition, Members with a range of Specific Responsibilities Allowances (SRAs) and Members with no SRAs.
- Written responses by 2 Elected Members.
- Interviews with the Continuous Improvement and Democratic Services Manager and the Chief Legal Officer and Monitoring Officer.
- Information on Members' Allowances schemes in operation in the South East provided by Local Authorities in the South East and coordinated by the South East Employers Organisation.

5. The Principles adopted by the Panel

5.1 In the 2004 Report the then Panel adopted the overall objective that the Scheme of Allowances should be "simple, fair and easy to administer".

5.2 The Panels established in 2010 and 2014 agreed that this overall objective was still appropriate and amplified that objective by adopting a number of key principles and that these should be:

- The allowances should take account, as far as possible, of the time commitment given by Members in fulfilling their roles and responsibilities.

- The scheme should ensure, as far as practical, that as wide a range of people as possible should be able to stand for election and that they should not be financially penalised in doing so.
- An element of Members' time in terms of their work as a Councillor should be treated as voluntary, which should not be remunerated.
- The levels of the allowances should not be treated as salary but are an "allowance".
- The assumption that all Members will participate as fully as possible in Council business and play an active part in their wards and that the importance of these two roles should be reflected in the level of the Basic Allowance.
- The Special Responsibility Allowance payments should be banded to reflect both the time commitment and the workload of the identified special responsibilities.
- Members should be recompensed for specific costs and expenses incurred in carrying out their duties.
- The scheme should recognise the complex and often balanced political control of the Council, which has been subject to relatively frequent change given the two-yearly electoral cycle adopted by the Council.
- The scheme should anticipate a number of possible structures which might be adopted by the Council and which would avoid the necessity for comprehensive reviews on a very regular basis.
- The reviewed scheme should take account of payments included in the current scheme and any changes which might be recommended should be balanced with the interests of Council Tax payers in the Borough.

5.3 The current Panel endorses the overall objective and the key principles set out above.

5.4 The background to the current review is one of extreme financial difficulty for all Local Authorities, including Hastings Borough Council. Based on what is known at present, virtually all Local Authorities will be facing possible cuts during the next financial year (2019-2020) and there is likely to be a sustained period of financial constraint for the foreseeable future. However, there may be some relaxation in the overall approach to the public sector and Local Government specifically which could result in additional resources. There have been recent statements by Central Government which could change the current financial situation both in general and specifically such as the rules and regulations relating to Local Authority investment in housing. This difficult but potentially changing future has been taken into account by the Panel.

5.5 For these reasons the Panel has concluded that it is again right to set the appropriate level of Allowances payable for 2019/20. However, the level of Allowances payable should reflect the scale of the resources available to the Council. To ensure that the Council can assess whether it can afford the appropriate level of allowances, the Panel believe that this decision needs to be made annually, and specifically linked to setting the Budget for the Council.

5.6 In such circumstances, the Council could, at its Annual Budget meeting, resolve to reduce all the Allowances by whatever percentage it feels appropriate to achieve budget savings or increase Allowances if additional resources become available

5.7 As the Allowances have been determined to be the appropriate level under current financial circumstances, the Council could in due course, maintain allowances in line with the Panel's basic recommendations, increase allowances in line with the secondary recommendations in this report or if it is necessary to make reductions in any future year but then restore the budget for Members Allowances up to the overall sum and the individual payments as recommended by the Panel should financial circumstances change permitting allowances to be restored to the appropriate level recommended in this report by the Panel.

5.8. The Council should consider these recommendations, taking into account the Panel's advice of not exceeding the recommended levels set out in this report and allowing for the annual uplift dealt with later in the report determine at each annual review linked to setting to the Budget determine the appropriate level of Allowances without further reference to the Panel.

5.9 The Panel RECOMMENDS that the Council set the overall sum payable under the Member Allowance Scheme each year in conjunction with setting the Annual Budget and at that stage determine the overall affordability of the Members Allowance Scheme. It would therefore be possible for Members to maintain the basic recommended level of Allowances set out in this report, increase them in line with the specific secondary recommendations in this report and if adverse circumstances arise reduce the level of allowances, depending on the general level of resources available to the Council each year, subject to the overall scheme recommended by the Panel in this report being adhered to.

6. The Basic Allowance

6.1 Every Local Authority must make provision in its Members' Allowance Scheme for a Basic Allowance payable to every Member of the Authority. The Basic Allowance is intended to reflect the time commitment of Councillors in carrying out their duties and attendance at meetings of political groups. It is also intended to cover incidental costs, for example, telephone calls but not travelling and subsistence.

6.2 The Panel wishes to highlight one of its principles which will be particularly important in the difficult times facing Local Government. That is the assumption that all Members of the Council will participate as fully as possible in Council business and play an active part in their wards and the importance of these two roles is reflected in determining the appropriate level of the Basic Allowance.

6.3 The current Basic Allowance for 2018/19 is £6030.

6.4 The Panel has, in determining its view on the appropriate level of Basic Allowance, taken into account a number of factors which indicate that the pressures on individual Members have increased substantially and these pressure are likely to continue to do so in future years.

6.5 There are a number of factors driving this increase in the pressures on individual Members and these include

- The consequence of cutback to services provided by Hastings B.C. are that many residents refer to elected Members more, especially given the levels of deprivation in a number of wards in the Borough.
- Changes to the national Benefits system have and continue to produce problems for residents and many use the more readily availability of local elected Members as the first point of contact, regardless of whether the service is provided by Hastings B.C..
- The reductions in staffing made by Hastings B.C. have again resulted in greater contact with elected Members who seem to be increasingly used whereas in the past officers would have been the point of contact.
- The increased use of e mails and other social media and the relative ease in contacting elected Members has also resulted in greater contact. The very nature of these forms of contact also generate an expectation of an immediate or fairly quick response. Elected Members frequently stated that they take several hours each day responding to such requests.
- Reductions in services provided by other public sector bodies have resulted in more contact by residents over matters outside the remit of the Borough Council but because of the local elected Members being more contactable these issues are being raised with the expectation that the local Member can intervene and resolve such issues. In such a situation many people, directly or indirectly, are resorting to their locally elected Borough Councillors for help and support.

6.6 The Panel has concluded that the pressures on Members in terms of the time commitment required to fulfil their roles and the range of responsibilities on them has increased even more than when the current level of the Basic Allowance was fixed following the Report in 2014. The current Panel also recognised that Hastings Borough Council has a relatively small number of Members but nevertheless the responsibilities of the Council are the same as any other Council, many with more Members to share the burden. The Panel also recognise that the pressures on Members are likely to increase in the foreseeable future, coping with balancing ever increasing demands for services with constrained and reduced resources.

6.7 From our assessment it would appear that the current level of Basic Allowance compares favourably with other local authorities similar to Hastings Borough Council in the South East.

6.8 We did therefore consider whether the representations for a higher Basic Allowance were justified or appropriate in the current financial circumstances and the Panel concluded there were significant and increased pressures on elected Members but that for 2019/2020 the Panel would recommend that the Basic Allowance should remain at £6030 (the 2018/2019 level) but that the annual uplift linked to the national rise or not to officer salaries be applied to form the appropriate level for the Basic Allowance for 2019/2020 and the next three years.

6.9 The Panel **RECOMMENDS** that the Basic Allowance for 2019/2020 should not be increased and should be the level paid in 2018/2019 - £6030, subject if appropriate, to any annual adjustment determined by the annual uplifting formula applied to all allowances.

6.10 The Panel also concluded that there have been significant increases on the commitment required from elected Members in light of the factors set out above in paragraph 6.5 and that this should also feature in our recommendations. The Panel felt that it would be appropriate in different financial circumstances to have recommended that the level of Basic Allowance be increased by £1000 but could not recommend that at this stage. The Council could however address this should the financial circumstances of the Council change at some stage in the future. In such circumstances it would then be appropriate for the Council to consider increasing the level of the Basic Allowance by up to £1000. This would be in accordance with the general principle set out in paragraphs 5.4-5.8 above that the expenditure on elected Member Allowances must be affordable and reflect the budget situation facing the Council at any time.

6.11 The Panel RECOMMENDS therefore that from 2020/2021, and each year thereafter, for the currency of the Panel's recommendations up to 2022/2023 the Council consider whether its financial circumstances have changed sufficiently for it determine whether the level of the Basic Allowance can be increased by £1000. Any increase should only be awarded in line with the general principle of affordability adopted for determining all Member Allowances.

7. Special Responsibility Allowances

7.1 Special Responsibility Allowances are paid to Elected Members over and above the Basic Allowance for carrying out specific duties which impose additional responsibilities and time commitment on an individual Member for a designated duty determined by the political structure of the Council.

7.2 The Panel has reassessed the special consideration given to issues taken into account by the previous Panel, including the Council's political situation, the special position of Hastings in terms of deprivation and regeneration, the role of Overview and Scrutiny and the now well established functions relating to licensing

7.3 The Panel recognised in particular the specific political situation that has pertained in Hastings. At present, the Labour Group has a working majority but in particular, with the two-yearly election process and a history of political movement in Hastings, such a situation can change. The current political structure reflects this situation with Opposition Members serving on the Cabinet but there have been times when a single party Cabinet has been in place and designated Opposition Group Shadow Portfolio Holders have been invited to speak on issues at Cabinet and received an SRA. This is unusual and it shows Hastings particular context. At present, Opposition Members serving on the Cabinet do not have any portfolio responsibilities but there could be a context where this situation could change.

7.4 The Panel wishes to give Elected Members some certainty with respect to Special Responsibility Allowances for Cabinet Members and Opposition Members. The Panel have previously therefore, made proposals for the following circumstances:

- Majority Group Members of the Cabinet with portfolio responsibilities.
- Opposition Group Members without portfolio responsibilities but serving on the Cabinet. (This reflects the current position)
- Designated Opposition Group Shadow Portfolio Holders not serving on the Cabinet when a single party Cabinet structure is in place.

7.5 The number of Special Responsibility Allowances is determined by the political structure of the Council and the legislative framework for Local Government. The Panel is satisfied however, that the level and mix of SRA s, remain appropriate for Hastings B.C. and its special circumstances.

7.6 The Panel received widespread comments from Members of both Groups, Members in receipt of SRA s and Members in receipt of only the Basic Allowance that the total allowance for the Leader of the Council was no longer appropriate. Elected Members cited the following justifications;

- That the Council was now operating without a Chief Executive and that part of the strategic management function was now being carried out by the Leader of the Council.
- That the management of the Council was now much more complex with reduced resources but no reduction in expectation for service delivery and performance.
- That the Leader was expected to play an enhanced role in relation to partnership working with the County Council, the Police, and other public sector bodies including Health.
- That with e mails and other social media the expectation is that Leader is expected to provide 24/7 availability.

7.7 The Panel therefore considered specifically the payment of SRA s for the Leader of the Council. The Panel takes the view that political direction, management and administration are core activities for the effective political control and management of the Council and should be reflected in the overall allowance allowed for that position. The Panel concluded that the amount currently determined by the various allowances, totalling £23,533.20 for 2018/2019 was no longer appropriate and that the SRA for the Leader of the Council should be increased by the equivalent of the Basic Allowance, i e £ 6030 or the equivalent of the Basic Allowance plus one half of the Basic Allowance, i.e. £6030 plus £3015 totalling £9045. The effect of these possible options would be to increase the overall allowance for the Leader under the current allocation of responsibilities to £29,563.20 or £32,578.20.

7.8 The Panel did therefore consider whether either of the enhanced allowances was appropriate in the current financial circumstances and the Panel concluded although there was significant and increased pressure on the Leader of the Council but for 2019/2020 the Panel would not recommend either of the options, although justified in the Panel's opinion should be recommended for 2019/2020 and thereby setting the starting point for the Leader's Allowance for the period of this review commencing 2019/2020 and the next three years.

7.9 The Panel RECOMMENDS that the Leader's Allowance for 2019/2020 should not be

increased and should be the level paid in 2018/2019 - ££12,059.46, subject if appropriate, to the annual adjustment determined by the annual uplifting formula applied to all allowances.

7.10 The Panel felt that it would be appropriate in different financial circumstances to have recommended that either of the options suggested be considered by the Council. The Council could however address this should the financial circumstances of the Council change at some stage in the future. In such circumstances it would then be appropriate for the Council to consider increasing the level of the Leaders Allowance by either option 1 by £6030 to £ 18,089.46 or option 2 by £9045 to £21,104.46 plus the annual adjustment determined by the annual uplifting formula applied to all allowances. This would be in accordance with the general principle set out in paragraph xxx above that the expenditure on elected Member Allowances must be affordable and reflect the budget situation facing the Council at any time.

7.11 The Panel RECOMMENDS therefore that from 2020/2021, and each year thereafter, for the currency of the Panel's recommendations up to 2022/2023 the Council consider whether its financial circumstances have changed sufficiently for it determine whether the level of the Leaders Allowance can be increased by either option 1 i.e. £6030 or option 2 i.e. £9045 plus, if applicable, the annual uplifting adjustment. Any increase should only be awarded in line with the general principle of affordability adopted for determining all Member Allowances.

7.12 The Panel also received representations that the Deputy Leader's work load has increased substantially and that the Deputy Leader's Allowance no longer reflected the level of responsibility carried, the time commitment made and the overall pressure on the position. The Panel are not minded at this stage to recommend any increase in the Deputy Leader's Allowance but would suggest that should the Panel be reconvened at any time in the next four years should circumstances justify it then this issue be specifically referred to the Panel as one of the issues it should address.

7.13 The Panel re considered the SRA payment to Members of the Planning Committee. This is not the norm for Local Authorities but it is not unique to Hastings Borough Council. Given the importance of regeneration to Hastings and the need for properly trained Members serving on the Planning Committee, the Panel views the payment of an SRA to Members of the Planning Committee continues to be appropriate.

7.14 In relation to Independent Members of the Standards Committee and the Museums Committee, the Panel takes the view that SRAs are important and should be continued to be paid.

7.15 The Panel is aware that at present there are only two political groups on the Council. Should that situation change and any new political group, which must have 2 or more Members on the Council, then there is provision in the SRA structure for a political management payment to be made.

7.16 In overall terms, the Panel does not recommend that the level of SRAs should be increased above the level currently pertaining. The Panel believes that the level of payments are appropriate

compared to other Local Authorities in the South East and no case has been made for them to be increased, in particular in the context of the financial situation facing the Borough Council.

7.17 The Panel believes that the Special Responsibility Allowances should therefore remain the same as in 2018/2019, plus the annual uplift and that this uplifted figure should be the level of payment for future years subject to any annual adjustment.

7.18 The Panel RECOMMENDS that the Special Responsibility Allowances be as follows:

	£		
Leader of the Council (with or without portfolio)	12,059.46	+	plus uplift for 2019/20
Deputy Leader with portfolio	7,842.78	+	“
Cabinet Members with portfolio	6,511.68	+	“
Opposition Group Members serving on Cabinet	3,252.78	+	“
(Designated Opposition Group Members performing Shadow portfolio roles (not serving on the Cabinet) when a single party Cabinet structure is in place. (This is in accord with the principle accepted by the then IRP in July 2009)	1,627	+	“
Chair of Overview & Scrutiny	3017.16	+	“
Vice Chair of Overview & Scrutiny	590.58	+	“
Chair of Planning	3,619.98	+	“
Vice Chair of Planning	1,324.98	+	“
Chair of Licensing	982.26	+	“
Chair of Environment & Safety	575.28	+	“
Chair of Audit Committee	3,017.16	+	“
Ordinary Members of Planning Committee	982.26	+	“
Ordinary Members of Licensing Committee	104.04	per sub-committee membership	+ “

Ordinary Members of Environment & Safety Committee	287.64	+	“
Majority Group Leader per Member (plus Standard Element)	180.54 per Member + 1,291.32	+	“
Majority Group Deputy Leader	180.54 per Member	+	“
All Opposition Group Leaders per Member (plus Standard Element)	180.54 per Member + 1,291.32	+	“
Deputy Leader Main Opposition Group per Member	180.54 per Member	+	“

8. Independent Co-optees Member Allowances

8.1 The Panel RECOMMENDS that the Special Responsibility Allowances be:

Independent Members of the Standards Committee	602.82	+
Independent Members of the Museums Committee	70.38	+

9. Annual Review

9.1 It is necessary that the Panel picks a mechanism for determining the annual adjustment. The Panel believes that the most appropriate mechanism for the period up to 2022/23 should be the annual adjustment to the officers' salary as determined by the National Joint Council (NJC).

9.2 The Panel RECOMMENDS that any annual adjustment of the Allowances should be the annual adjustment to officers' salaries as determined by the NJC Scheme.

9.3 The overall issue of affordability is a separate matter and this has been dealt with in Section 5.

10. Travelling and Subsistence Allowances

10.1 The Panel RECOMMENDS that the HM Revenue & Customs specified mileage rates, currently 45p per mile regardless of the cc be paid and 24p per mile for motorcycles regardless of the cc be paid, with no tax implications until there are any revisions to the above rates and at the time that any revisions are made by HM Revenue & Customs to these rates, then the revised rates be implemented.

10.2 Parking charges and other fixed travelling expenses e.g. tolls be paid at cost and subject to receipts.

10.3 The HM Revenue & Customs specified rate of 20p per mile continue to be paid for bicycle and other “non-motorised” forms of transport.

10.4 The travelling allowance payment for electric or similar specialised vehicles remain at £1.10p per journey regardless of the distance travelled, with no tax implications.

10.5 The Panel RECOMMENDS that the subsistence allowances should be paid up to the maximum rates, as set out for Officers and these are revised in accordance to any changes in these rates.

The recommended rates for 2018-19 are:

Breakfast allowance (more than 4 hours away from normal place of residence before 11.00am) up to	£6.88
Lunch allowance (more than 4 hours from normal place of residence including the lunchtime between 12 noon and 2.00 pm) up to	£9.50
Tea allowance (more than 4 hours away from normal place of residence including the period 3.00pm to 6.00pm) up to	£3.76
Evening meal allowance (more than 4 hours away from the normal place of residence, ending after 7.00pm) up to	£11.76
Overnight subsistence	£93.08
	£106.16
	(Absence overnight in London or at the Annual Conference of the LGA)

10.6 The Panel was asked to consider specifically the payment of travel costs in the Borough and as to whether these should be at Inland Revenue rates or met from within the Basic Allowance.

10.7 The Panel considered the payment of travel costs within the Borough should continue to be met from the Basic Allowance, given the geographical size of the Borough and the wish to avoid undue bureaucracy claiming small sums of money. The Panel also recognised that Members of the Planning Committee are paid an SRA and believe that this should continue to cover site visits and other travelling within the Borough which are over and above the travelling expected by Members not on that Committee.

10.8 The Panel RECOMMENDS that all travelling within the Borough be covered by the Basic Allowance but that Members should continue to be provided with a car park pass or public transport pass for use on official business within the Borough.

10.9 The Panel was previously asked to consider specifically whether attendance at Civic Ceremonies, such as Remembrance Day and other memorial and civic events should be covered for travelling expenses. For similar reasons, the Panel continues to believe that attendance at these events should be covered by the Basic Allowance.

10.10 The Panel RECOMMENDS that no specific travelling and subsistence allowances should be paid for attending civic ceremonies and that any such costs should be met from within the Basic Allowance.

10.11 The Panel wish to record that for the good administration of local government Members' attention should be drawn to the need to provide receipts for all claims under this section and that recommended sums are the maximum sums to be paid, subject to receipts.

11. Dependents' carers' Allowance and Childcare Allowance

11.1 Dependents' carer's Allowance and Childcare Allowance shall be payable in circumstances where a Member of the Council is obliged to engage and pay a carer for another dependent member of his household or a child because that member would be otherwise unable to attend an approved duty due to the need to ensure that care is provided for that dependent person or child.

11.2 The amount of Dependents' carers' Allowance and Childcare Allowance is currently based on the Living Wage and the Panel sees no reason why this should be changed. The Dependents' carers' Allowance and Childcare Allowance should be paid at this rate per hour, including up to 1 hour in total travelling to and from the place at which the approved duty takes place.

11.3 The Dependents' carers' Allowance and Childcare Allowance shall not be paid where the carer is a member of the Councillor's own household.

11.4 The Dependents' carers' Allowance and Childcare Allowance may be claimed for:

- A child or children under the age of 16
- An elderly relative requiring full time care
- A relative with physical disability requiring full time care
- A relative with learning disabilities requiring full time care

The Councillor must notify the Council of the identity of the carer in respect of whose costs the allowance is claimed and the dependant or child(ren) must be registered with the Council in advance of any claim being made. Disabled dependents are excluded where the Member is already in receipt of a carers' allowance.

11.5 The Panel RECOMMENDS that the Dependents' carers' Allowance and Childcare Allowance should be based on the actual costs incurred while undertaking an approved duty up to

the Living Wage hourly rate, including up to 1 hour in total travelling to and from the place at which the approved duty takes place.

12 Renunciation

12.1 A Councillor or Independent Co-optee Member may, by giving notice in writing to the Scrutiny and Democratic Services Manager, elect to forgo all, or part, of his/her entitlement to allowance under this Scheme.

13 Part Year Entitlements

13.1 During the operation of this Scheme, where there is an amendment to the Scheme, or where there is a change in the person receiving the allowance, the Scheme shall be applied on a daily pro-rata basis with any overpayment paid back to the Council.

14 Withholding of Allowance

14.1 Where a Councillor, or independent co-opted member is suspended or partially suspended from his/her responsibilities or duties as a Member, that part of the allowance, or travelling or subsistence payable to him in respect of the period over which he/she is suspended, or partially suspended, shall be withheld subject to such sanction being so recommended by the Council's Standards Committee.

15 Repayment of Allowances

15.1 Where a Councillor, or independent co-opted Member has already received payment of allowances, or travelling and subsistence payments in respect of any period during which they are:

- Suspended, or partially suspended from their responsibilities or duties
- Ceases to be a Member
- Or is in any way not entitled to receive such an allowance in respect of that period

It shall be a requirement that the part of the allowance for the period in question shall be repaid to the Council.

16 Membership of another Authority

16.1 Where a Councillor is also a member of another public Authority from which allowances can be claimed, that Councillor must not claim, nor receive, any allowances from more than one Authority in respect of the same duties.

17 Publicity for the Members' Allowance Scheme

17.1 The Panel has become aware that not all elected Members are fully conversant with the Members Allowance Scheme and their entitlements under it. It is recognised that Hastings B.C. has been under considerable pressure over recent years and that officer resources have been reduced and consequently stretched. However, it is unfortunate that elected Members may be missing out on allowances that the Scheme covers and they could be entitled to. Elected Members should be given annually a summary of the Members' Allowance Scheme covering all allowances and particular care should be taken to inform any new Member joining the Council.

17.2 The Panel RECOMMENDS that elected Members be informed annually through a summary of the Scheme being made available to all elected Members and that all new Members of the Council are appraised of the Scheme. The Council should determine the practicalities of how this is best done but no Member should miss out on any payable allowance through not being aware.

18 Hardship Fund

18.1 The Panel was requested to examine the establishment of a Hardship Fund to assist any elected Member facing financial difficulties which could result in the Member being unable to perform his/her duties or having to resign from the Council.

18.2 The Panel concludes that this is outside the remit of the Panel as its responsibilities are determined by the Local Authorities (Members' Allowances) (England) Regulations 2003.

18.3 If Hastings B.C. wish to introduce such a scheme this, the Panel believes, would be possible using other legislation and should be pursued separately from a scheme relating to Members' Allowances.

19. The Relevance of the Current Members Allowance Scheme

19.1 The Panel operates under a legislative framework established through the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003, the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 and the Statutory Guidance on Members Allowances 2006.

19.2 Clearly this framework correctly leaves the decisions on Members' Allowances to individual Local Authorities and that is right and proper. It is not appropriate for Central Government to involve itself in such matters other than setting the overall framework. The system through the use of an Independent Panel puts the setting of allowances somewhat apart from the Local Authority although elected Members have the final decision on whether the Panel's recommendations are accepted. That also is right and proper as it would be totally wrong if an Independent Panel had the absolute responsibility for setting allowances. The position, if that were the situation, would be that an unelected body was responsible for setting part of the Local Authority's budget. The final decision as to whether the Panel's recommendations are accepted or amended in the context of setting the annual Budget can only be made by elected Members. It is to Hastings B.C. credit and

integrity that it has always accepted the recommendations made by the Independent Panels in the past.

19.3 The operation of the system in a period of severe and long lasting financial constraint, however, is causing severe difficulties. Independent Panels are having to balance recommending the appropriate level of Allowances with the Local Authority's capacity to fund the recommendations. That is particularly the case in Hastings as the Council has experienced substantial and long running financial pressures causing staff losses and service reductions set against substantial deprivation and enhanced demand for its services. The Council has to balance the fairness adopting an appropriate level of Members' Allowances, in the context where the pressures on individual Members are increasing and probably never more than at present with maintaining or most likely reducing services because of severe budget restrictions. In itself that is extremely difficult but Members fully understand that to adopt an increase in Allowances is likely to cause substantial public adverse comment.

19.4 The Panel therefore suggests that the current system of setting Members' Allowances , in the severe financial constraints facing all Local Authorities, is no longer fit for purpose. The Panel would not wish in any way for a greater involvement by Central Government but does believe that a further independent element could be beneficial. The great majority of Local Authorities are members of the Local Government Association and this body could provide that additional independent input to achieve fairness to elected Members and protect the interests of Council Tax payers. This could be possible through establishing a regional level database for Members' Allowances and other factors for example , population ,levels of deprivation, total budget spend etc against which individual Local Authorities could assess their individual Panel's recommendations and the appropriateness of their schemes.

19.5 The Panel RECOMMENDS that Hastings Borough Council raise the issue of the fitness for purpose of the current scheme of Members' Allowances with the Local Government Association with a view of it providing a further independent element to determining the appropriate level of Allowances paid to elected Members.

20 Summary of Recommendations

20.1 The Panel RECOMMENDS that the Council set the overall sum payable under the Member Allowance Scheme each year in conjunction with setting the Annual Budget and at that stage determine the overall affordability of the Members Allowance Scheme. It would therefore be possible for Members to maintain the basic recommended level of Allowances set out in this report, increase them in line with the specific secondary recommendations in this report and if adverse circumstances arise reduce the level of allowances, depending on the general level of resources available to the Council each year , subject to the overall scheme recommended by the Panel in this report being adhered to.

20.2 The Panel RECOMMENDS that the Basic Allowance for 2019/2020 should not be increased and should be the level paid in 2018/2019 - £6030, subject if appropriate, to any annual adjustment determined by the annual uplifting formula applied to all allowances

20.3 The Panel RECOMMENDS therefore that from 2020/2021, and each year thereafter for the currency of the Panel's recommendations up to 2022/2023 the Council consider whether its financial circumstances have changed sufficiently for it determine whether the level of the Basic Allowance can be increased by up to £1000. Any increase should only be awarded in line with the general principle of affordability adopted for determining all Member Allowances.

20.4 The Panel RECOMMENDS that the Leaders Allowance for 2019/2020 should not be increased and should be the level paid in 2018/2019 - £12,059.46, subject if appropriate, to the annual adjustment determined by the annual uplifting formula applied to all allowances.

20.5 The Panel RECOMMENDS therefore that from 2020/2021, and each year thereafter, for the currency of the Panel's recommendations up to 2022/2023 the Council consider whether its financial circumstances have changed sufficiently for it determine whether the level of the Leaders Allowance can be increased by either option 1 i.e. £6030 or option 2 i.e. £9045 plus, if applicable, the annual uplifting adjustment. Any increase should only be awarded in line with the general principle of affordability adopted for determining all Member Allowances

20.6 The Panel RECOMMENDS that the Special Responsibility Allowances for 2019/2020 be as follows:

Leader of the Council (with or without portfolio)	£ 12,059.46	+	plus uplift for 2019/2020
Deputy Leader with portfolio	7,842.78	+	“
Cabinet Members with portfolio	6,511.68	+	“
Opposition Group Members serving on Cabinet	3,252.78	+	“
(Designated Opposition Group Members performing Shadow portfolio roles (not serving on the Cabinet) when a single party Cabinet structure is in place. (This is in accord with the principle accepted by the then IRP in July 2009)	1,627	+	“

Chair of Overview & Scrutiny	3,017.16	+	“
Vice Chair of Overview & Scrutiny	590.58	+	“
Chair of Planning	3,619.98	+	“
Vice Chair of Planning	1324.98	+	“
Chair of Licensing	982.26	+	“
Chair of Environment & Safety	575.28	+	“
Chair of Audit Committee	3,017.16	+	“
Ordinary Members of Planning Committee	982.26	+	“
Ordinary Members of Licensing Committee	104.04 per sub-committee membership	+	“
Ordinary Members of Environment & Safety Committee	287.64	+	“
Chair of the Standards Committee	???	+	“
Majority Group Leader per Member (plus Standard Element)	180.54 per Member + 1,291.32	+	“
Majority Group Deputy Leader	180.54 per Member	+	“
All Opposition Group Leaders per Member (plus Standard Element)	180.54 per Member + 1,291.32	+	“
Deputy Leader Main Opposition Group	180.54 per Member	+	“

20.7 The Panel RECOMMENDS that the Special Responsibility Allowances be:

Independent Members of the Standards Committee	602.82	+	“
Independent Members of the Museums Committee	70.38	+	“

20.8 The Panel RECOMMENDS that any annual adjustment of the Allowances should be the annual adjustment to officers' salaries as determined by the NJC Scheme.

20.9 The Panel RECOMMENDS that the HM Revenue & Customs specified mileage rates, currently 45p per mile regardless of the cc be paid and 24p per mile for motorcycles regardless of the cc be paid, with no tax implications until there are any revisions to the above rates and at the time that any revisions are made by HM Revenue & Customs to these rates, then the revised rates be implemented.

20.10 The Panel RECOMMENDS that the subsistence allowances should be paid up to the maximum rates, as set out for Officers and these be revised in accordance to any changes in these rates.

20.11 The Panel RECOMMENDS that all travelling within the Borough be covered by the Basic Allowance but that Members should continue to be provided with a car park pass or public transport pass for use on official business within the Borough.

20.12 The Panel RECOMMENDS that no specific travelling and subsistence allowances should be paid for attending civic ceremonies and that any such costs should be met from within the Basic Allowance.

20.13 The Panel RECOMMENDS that the Dependents' carers' Allowance and Childcare Allowance should be based on the actual costs incurred while undertaking an approved duty up to the Living Wage hourly rate, including up to 1 hour in total travelling to and from the place at which the approved duty takes place.

20.14 The Panel RECOMMENDS that elected Members be informed annually through a summary of the Scheme being made available to all elected Members and that all new Members of the Council are appraised of the Scheme. The Council should determine the practicalities of how this is best done but no Member should miss out on any payable allowance through not being aware.

20.15 The Panel RECOMMENDS that Hastings Borough Council raise the issue of the fitness for purpose of the current scheme of Members' Allowances with the Local Government Association with a view of it providing a further independent element to determining the appropriate level of Allowances paid to elected Members.

NOVEMBER 2018

Independent Remuneration Panel 2018- Brief

Background

The Council's Independent Remuneration Panel last sat in 2014 to consider Councillors' allowances. Under the Local Authorities (Members' Allowances) (England) Regulations 2003 Reg 10(5) the local authority must not rely on the annual index that it uses for longer than a period of four years before seeking a further recommendation from the Independent Remuneration Panel established in respect of that authority on the application of an index to its scheme. It is therefore necessary to reconvene the Panel to test the index.

Terms of Reference

The terms of reference for the panel are to undertake a full review of Councillors Allowances, expenses and all related issues as permitted by the Local Authorities (Members Allowances) (England) Regulations 2003 and the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003.

Guiding Principles

The reviews should be conducted with the following guiding principles;

- Conform to the legislative requirements and have regard to published guidance.
- The allowances should take account, as far as possible, of the time commitment given by Councillors in fulfilling their roles and responsibilities.
- The scheme should ensure, as far as practical, that a wide range of people as possible should be able to stand for election and that they should not be penalised in doing so. Hastings is an area of deprivation and our Councillors can be from these affected communities.
- An element of Councillors' time in terms of their work as a Councillor should be treated as voluntary, which should not be remunerated.
- The levels of the allowances should not be treated as salary but are an 'allowance'.
- The assumption that all Councillors will participate as fully as possible in council business and play an active part in their wards and that the importance of these two roles should be reflected in the level of the Basic Allowance.
- The Special Responsibility Allowance payments should be banded to reflect both the time commitment and the workload of the identified special responsibilities.
- Councillors should be recompensed for specific costs and expenses incurred in carrying out their duties within the allowance.
- The scheme should recognise the complex and often balanced political control of the council, which may be subject to relatively frequent change given the two yearly electoral cycles adopted by the council.
- The scheme should anticipate a number of possible officer/service structures which might be adopted by the council and which would avoid the necessity for comprehensive reviews on a very regular basis.

- The reviewed scheme should take account of payments included in the current scheme and any changes which might be recommended should be balanced with the interests of council tax payers in the borough.

Specific Requirements

In the interests of economy and administration, the council request that the IRP makes recommendations on allowances for a 4 year period (2019-2023) with an annual adjustment/increase each year, as appropriate. However, it is noted that should Hastings Borough Council make a significant change to its decision-making structure, a further review may be necessary.

In accordance with the regulations the IRP will need to produce a report making recommendations;

- a) As to the responsibilities or duties in respect of which the following should be available-
 - i. Special responsibility allowance
 - ii. Travelling and subsistence allowance; and
 - iii. Co-optees' allowance
- b) As to the amount of such allowances and as to the amount of basis allowance;
- c) As to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;
- d) As to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6);
- e) As to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

In addition to the above Hastings Borough Council have specific requests that it wishes the IRP to consider, as followed

- Bicycle mileage allowance- Currently not specified as part of members travelling allowance
- Hardship fund- Not part of the current members allowances regulations but would want IRPs recommendations on how a scheme for members would work

Officer Support/ Information to be provided

Hastings Borough Council will provide administrative support to the IRP as required. As a minimum the IRP members will receive the following information to facilitate their deliberations:

- Results from an all member questionnaire.
- Current decision making structures and political make-up.
- The latest survey of Members' Allowances by South East Employers for the whole south east.
- Previous years' IRP reports.

