

DERBYSHIRE COUNTY COUNCIL

4 March 2021

**AMENDMENTS TO THE CONSTITUTION – MEMBERS ALLOWANCES
SCHEME**

ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL

Report of the Director of Legal Services and Monitoring Officer

1. Purpose of the Report

1.1 To consider the annual report of the Independent Remuneration Panel and further amendments to the consider amendments to Appendix 15 of the Constitution regarding the Members' Allowances Scheme in order to make recommendations to full Council.

2. Information and Analysis

2.1 The Council is required to adopt and publish a Members' Allowances Scheme and to consider recommendations from the Independent Remuneration Panel. Attached for consideration at Appendix 1, is the report of the Independent Remuneration Panel dated March 2021.

2.2 The Panel recommends that all allowances should remain the same for 2021/2022 as in the current scheme and also sets out its intended work programme for 2021/2022. The Panel also seeks to recruit two further members to the Panel in light of one member having retired at the end of 2020 and a further member being due to retire in June 2021, both having served two full terms of office.

2.3 The Committee is also asked to consider amendments to Appendix 15 – Members' Allowances Scheme within the Constitution. The power to suspend or disqualify a Member in the Local Government Act 2000 was repealed by the Localism Act and this provision now only applies to Wales. Therefore, sections 11 and 12 of the Members' Allowances Scheme as detailed below, need to be removed from the Constitution.

11. Withholding of Payments Made to Members

a) Where a Member is suspended or partially suspended from their responsibilities or duties as a Member of the County Council in accordance with Part III of the Local Government Act 2000, or regulations made under that part, the part of either Basic or Special Responsibility Allowances payable to that Member in respect of duties

or responsibilities from which they are suspended or partially suspended may be withheld by the County Council. The full Council will make any such decision.

12. Recovery of Payments Made to Members

Where a payment has been made to a Member that relates to a period where either the Member concerned: -

a) is suspended or partially suspended from their duties and responsibilities as a member in accordance with Part III of the Local Government Act 2000 or regulations made under that part;

3. Legal Considerations

3.1 Adopting the Members' Allowances Scheme and approval of amendments to the Constitution are both matters which are reserved to full Council.

3.2 However, under its terms of reference at Article 11 of the Constitution, the Governance, Ethics and Standards Committee is required to advise the Council on any matters in connection with the Members' Allowance Scheme, taking into account the recommendations of the Independent Remuneration Panel.

3.3 In addition, the terms of reference also require the Governance, Ethics and Standards Committee to *advise the County Council on the monitoring, amendments to and overall operation of the constitution.*"

3.4 Therefore, the views of the Committee are sought with regard to recommending the proposals of the Independent Remuneration Panel and the amendments to Appendix 15 – Members' Allowances Scheme prior to referral to full Council.

4. Other Considerations

4.1 In preparing this report, the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, human rights, environmental, health, property and transport considerations.

5. Background Papers

5.1 The Constitution and the file held by the Director of Legal and Democratic Services.

6. Officer Recommendation

6.1 That the Committee considers the report of the Independent Remuneration Panel, including the proposal to recruit two members to the

PUBLIC

Panel, and the amendments to the Constitution as detailed in the report and recommends them to Council for approval.

Helen Barrington

Director of Legal and Democratic Services and Monitoring Officer

Report of the Independent Remuneration Panel

Derbyshire County Council

March 2021

Table of Contents:

1. **Background**
2. **Terms of Reference**
3. **Process of the Review**
4. **Results of Review and Recommendations**
5. **Work Programme for 2021/22**
6. **Conclusion**

Appendix 1 – Proposed Special Responsibility

Allowances Appendix 2 – List of Committee Chair

Roles in receipt of an SRA

1. Background

1.1 The current Derbyshire County Council Independent Remuneration Panel comprises five members, none of whom are members of the Council or any of its committees, nor an employee of the Council. The members are:

- **Mrs Pat Boyle**
Magistrate, Governor Royal Hospital, Chesterfield and Independent person on Chesterfield Borough Council Standards and Complaints Committee. Former Bank Official. Member since June 2013.
- **Mr Denis Heaney**
Former Investigations Manager HMRC, previously an Independent Member of the Derbyshire Police Authority Standards Committee and the County Council's Standards Committee. Member since December 2014
- **Mr Andrew Sharpe**
Clerk and Responsible Financial Officer for a number of Parish Councils in Derbyshire. Former Head of Democratic Services and Deputy Monitoring Officer with Erewash Borough Council. Member since December 2014
- **Mr Simon Westwood – elected by the panel as Chair for 2021/22**
Independent Chair of the Safeguarding Children Board for the City of Salford Council. Worked for the County Council until 2000, having held the posts of Head of Planning and Projects and Head of Planning and Strategic Development. Member since December 2014

1.2 The panel met once virtually during the 20/21 year due to COVID restrictions, key officer turnover and supporting officers having to prioritise other key work.

2. Terms of Reference

2.1 The Local Government Act 2000 and the Consolidated Members' Allowances Regulations 2003, and subsequent amendments, require Independent Remuneration Panels to offer advice and rules on what Councillors may claim as expenses and allowances. Specifically, they consider the following allowances:

- Basic allowance
- Special responsibility allowance

- Child care and dependent carer's allowance
- Pensions for members
- Travel and subsistence allowances
- Co-optee allowances
- Provision for suspension of allowances in certain circumstances
- Suitability of an index for allowances and what that index might be.

2.2 All recommendations are to be published and considered by all Councillors and must be voted on by the full Council.

3. **Process of the Review**

The Panel has held a virtual meeting in order to ensure statutory processes are complied with to review the members allowances and expenditure. Officers advised at that meeting that changes in law required amendment to the constitution there for the relevant sections of the scheme have been amended.

4. **Results of Review and Recommendations** **Recommendations:**

4.1 The Panel recommends all allowances should remain the same for 2021/22 as in the current scheme. SRA for the Leader of the Council is the Full Allowance upon which all other SRAs are based.

4.2 SRAs should be uplifted in line with the uplift given to staff from April 2021.

4.3 In 2021 The Panel intends to review the evidence of the workload and allowances for the Civic Chair of Derbyshire County Council and the Chair of the County Council and whether the current allowance reflects the splitting of these responsibilities.

4.4 Indexation of Basic Allowance

The Basic Allowance is linked to pay awards agreed by the National Joint Council for Local Government Services. An increase of 0% is expected to be applied from 1 April 2021 resulting in the Basic Allowance remaining at £11,196.00. The Panel does not recommend any further change.

5. **Work Programme for 2021/2022**

The panel intend to continue to keep under review all aspects of the allowances paid to Members. In particular we will review the workload of the Civic Chair and Vice Chair of Derbyshire County Council to ensure the SRA remains appropriate and the on-going

changes to the Governance of the Council and the impact of this on levels of workload and responsibility.

The panel would welcome input from any Elected Member or Council Official with regard any aspect of the panel's responsibilities.

Meetings are planned to be held in May and September 2021 and January 2022 and can be virtual if required due to the unknown Covid circumstances at the time of the meeting.

6. Conclusion

In preparing this report, and the recommendations contained herein, the Panel wishes to thank the Council Officers who contributed to our discussions and assisted the Panel in its work.