



Epping Forest District Council

MEMBER REMUNERATION PANEL **Thursday, 31st January, 2013**

You are invited to attend the next meeting of **Member Remuneration Panel**, which will be held at:

Group Room, Room 1.19, First Floor, Civic Offices, High Street, Epping
on Thursday, 31st January, 2013
at 5.30 pm .

Glen Chipp
Chief Executive

Democratic Services
Officer

Graham Lunnun, The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel 01992
564244

Members:

D Jackman, Ms R Kelly and S A Lye

1. CHAIRMAN

To elect a Chairman for the meeting.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

4. NOTES OF THE LAST MEETING (Pages 3 - 8)

Attached for consideration.

5. REPORT OF THE PANEL - 2012/13 (Pages 9 - 34)

To consider the attached report of the Panel for 2012/13.

6. MEMBERS' ALLOWANCES SCHEME - REVIEW (Pages 35 - 46)

To consider the attached report.

7. COUNCILLORS' PENSIONS

To note that the Government has commenced a consultation on ending state-funded pensions for councillors. More than 4,000 councillors have joined the Local Government Pension Scheme since 2003. The Government's intention is to deny councillors access to the scheme from April 2014. Those already in it will have the pensions accrued up to that date protected, but will not be able to gather any more benefits after that date.

The Government estimates that this will achieve savings of approximately £7M per annum.

Currently there are two members of Epping Forest District Council in the Local Government Pension Scheme.

8. DATE OF NEXT MEETING

To agree a date for another meeting, if required.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Member Remuneration Panel **Date:** Wednesday, 25 January 2012

Place: Group Room, Room 1.19, First Floor, Civic Offices, High Street, Epping **Time:** 5.30 - 6.45 am

Members Present: D Jackman, Ms R Kelly and S A Lye

Other Councillors:

Apologies:

Officers Present: I Willett (Assistant to the Chief Executive) and G Lunnun (Assistant Director (Democratic Services))

1. CHAIRMAN

RESOLVED:

That Ms R Kelly be elected Chairman for the meeting.

2. MINUTES OF THE LAST MEETING

RESOLVED:

That the minutes of the meeting held on 3 February 2011 be taken as read and signed by the Chairman as a correct record.

3. MEMBER ROLE ACCOUNTABILITY STATEMENTS

The Panel received Member Role Accountability Statements which had been adopted by the Council and had been referred to the Panel to assist in making future recommendations regarding the amounts of allowances.

The Panel agreed that the Statements would be useful in future if there was a need to undertake a form of job evaluation of various member roles.

4. MEMBERS' ALLOWANCES - REVIEW

The Panel was advised that following consideration of its report in 2011, the Council's Overview and Scrutiny Committee had requested that the following aspects be reviewed:

(a) the special responsibility allowance payable to the Chairman of the Overview and Scrutiny Committee in the light of proposed changes to reporting at Council meetings;

(b) the IT Connectivity Allowance; eligibility and payment levels; and

(c) review of the wording in respect of an assessment of hours worked by Councillors as a basis for calculating the basic allowance by reference to the national minimum wage.

(a) SRA – Chairman of the Overview and Scrutiny Committee

The Panel was advised that the SRA for the Chairman of the Overview and Scrutiny Committee had traditionally been the same as the basic allowance (£4,300 per annum in the approved scheme with implementation currently being an amount of £3,150 per annum). It noted that this compared with the SRA for a portfolio holder of £6,450 in the approved scheme with implementation currently being £6,300 per annum.

The Panel was informed that the SRA for the Chairman of the Overview and Scrutiny Committee had been queried by members in the context of recent changes to the Council's Constitution providing for Scrutiny Panel Chairmen, rather than the Overview and Scrutiny Committee Chairman, to present the reports from Panels at full Council meetings.

The Panel considered the report submitted to the Council on 13 December 2011 which had led to the change in the Constitution.

The Panel took the view that any reduction in the SRA would imply a reduction in the responsibilities/time commitment of the Overview and Scrutiny Chairman. The Panel concluded that the change which had taken place had not reduced the responsibilities/time commitment of the Chairman and amounted to an administrative change only.

RESOLVED:

That the Council be recommended to make no change to the SRA for the Chairman of the Overview and Scrutiny Committee in the light of the changes in reporting on Overview and Scrutiny matters at Council meetings.

(b) IT Connectivity Allowance

The Panel was advised that some Overview and Scrutiny members had queried why the Council should continue to pay this sum at a time when the vast majority of councillors had the required access to the Internet in their homes. The Panel noted that members had also suggested the amounts of this allowance were arbitrary and the link between these payments and Connectivity training courses had been queried.

The Panel recalled that the sum of £500 per annum payable to members in their first year of office was expected to assist them with the cost of a personal computer (if necessary), internet connection and any consumables. The payment of £250 per annum in subsequent years was designed to assist with the cost of consumable items for the computer. The Panel discussed the Member Connectivity Scheme and the views expressed by members. The Panel noted that members had also expressed some interest in electronic (rather than paper) agenda despatch linked to handheld mobile computers (tablets) and officers were due to report on this in due course.

RESOLVED:

That further consideration of this issue be deferred pending the outcome of the introduction of possible electronic agenda despatch.

(c) Basic Allowance

The Panel was advised that the basis for calculating the basic allowance had been queried by some members. The Panel was informed that when they had first considered the Members' Remuneration Scheme several years ago there had been a lack of data available on which to base recommendations. As a result one of the indicators taken into account had been the hourly National Minimum Wage multiplied by an average number of hours worked per week (15 per councillor). The 15 hours per week had reflected the nationally held view that time spent by members on Council business should be "discounted" by between 25% and 50% in recognition of the public service element.

The Panel was advised that members had expressed concern about the average number of hours used for the calculation and had questioned how this assessment compared with those of other councils. Use of the National Minimum Wage itself had also been questioned with a comment that councillors were not employees.

The Panel discussed its calculation for the basic allowance. It was pointed out that in more recent years account had also been taken of comparative data available from other councils. The latest available comparison figures showed that the average amount paid by similar councils in the region was £4,500 per annum per member which compared with this Council's basic allowance of £4,300 per annum with implementation currently £3,150 per annum. The Panel noted that a figure for £4,742 was achieved by applying the current National Minimum Wage of £6.08 per hour to a 15 hour week. The Panel also noted that in 2010, members of all local authorities had been invited to complete a census questionnaire which had included a question asking how many hours were spent on Council business each week. Twenty-four of this Council's 58 members had completed the national questionnaire and the average number of hours for those members in relation to that question had been 16.3 hours per week.

In the light of the comments made by Overview and Scrutiny members the Panel requested that further research be undertaken to establish how Panels of other authorities in the region came to their conclusions about the amount of basic allowance.

RESOLVED:

- (1) That to enable the Panel to give further consideration to the basis for calculating basic allowance, the officers collate data from other authorities in Essex and the adjoining areas about the matters taken into account by their Remuneration Panels in recommending the level of basic allowance; and
- (2) That the data collected be reported to a future meeting.

5. TRAVEL EXPENSES - CAR TRAVEL

(a) Approved Duties

The Panel was advised that the current Members' Remuneration Scheme specified approved duties for the purpose of the payment of travelling and subsistence expenses. The Panel noted that the list of duties included "attendance at any

meeting or other official function at the request of the Chief Executive, Deputy Chief Executive or a Service Director including meetings between group representatives for a particular committee and officers".

The Panel considered an addition to the list to reflect meetings attended by councillors at the invitation of other officers.

RESOLVED:

That the Council be recommended to amend paragraph 1(e) of Schedule 2 to the Members' Allowances Scheme to read:

"Attendance at any meeting or other official function at the request of the Chief Executive, Deputy Chief Executive, a Service Director or an Assistant Director, including meetings between group representatives for a particular committee and officers".

(b) Rates of Travel by Car

The Panel was informed that the Council's current scheme provided that the normal rates for car travel were the same as the higher rates paid to officers classed as casual users. These rates were reviewed annually at national level by the Joint Council for Local Government Services.

The Panel was advised that members received a tax free approved amount when using their own vehicles. Currently the "approved mileage allowance payments" (tax free amounts) were 45p per mile for the first 10,000 miles. The Panel noted that the current rates paid to members were in excess of the tax free amounts.

The Panel was informed that one member who had been entitled to the rate of 65p per mile in accordance with the Council's scheme had signed a written statement stating that she wished to restrict all of her future claims to 45p per mile (or higher in line with any future increased tax free amounts) in order to avoid payment of tax on the expenses she received for using her vehicle to Council meetings, etc. The Panel considered whether to make a recommendation suggesting that this approach be applied to all member claims.

RESOLVED:

That having regard to the ability of a member to forego any part of entitlement to an allowance or expense, no change be recommended to the current rates of travel by car.

6. JOINT REMUNERATION PANEL

The Panel noted that in September 2011 Tendring District Council had sought the views of other Essex District/Borough Councils on the "sharing" of an Independent Remuneration Panel. Officers advised that informal views from been had sought from senior members of the Council and the Council's officer Corporate Governance Group and the consensus was that unless some demonstrable benefits could be identified in terms of savings/efficiency there was unlikely to be support for the idea.

RESOLVED:

That the response to the approach from Tendring District Council be noted.

7. BASIS OF MEMBERS' ALLOWANCES

The Panel noted that at its meeting on 1 November 2011 the Council had resolved:

"That this Council calls on the Government, through the Secretary of State for Communities and Local Government, to amend the rules on Councillors' remuneration in order that:

(a) potential candidates who are in receipt of State Benefits are able to seek election without placing those State Benefits at risk if elected; and

(b) remuneration is based on a combination of attendance and basic allowance".

The Panel also noted that a reply had been received stating that the Government had no plans at present to change the rules on allowances.

8. DATE OF NEXT MEETING

RESOLVED:

That the next meeting be held on a date to be agreed.

CHAIRMAN

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**EPPING FOREST DISTRICT
REMUNERATION PANEL
ANNUAL REPORT 2012/13**

Introduction

1. This is the annual report of the District Remuneration Panel for the Epping Forest District. The report summarises the Panel's work during the year 2012/13 and indicates further matters for review in the future.

Legal Background

2. We were established under the Local Government Act 2000, which requires the Council to establish a Remuneration Panel to advise on payment of allowances and expenses to District Councillors.

3. Remuneration schemes agreed under these arrangements are subject to public notification and copies of Remuneration schemes once agreed must be made available to the public for scrutiny as must the payments actually made at the end of each financial year.

Membership:

4. The Panel currently comprises three independent members, namely:

David Jackman
Rosemary Kelly
Stephen Lye

Background:

5. Councils are required to establish and have regard to the recommendations of local Remuneration Panels in setting and reviewing their Allowance Schemes. There are no national limits set. However, whilst acknowledging the value of local flexibility and independence provided by Remuneration Panels, the Government feel that it is important that Panel decisions are informed by good practice elsewhere.

6. The Government's "Guidance on Consolidated Regulations on Local Authority Allowances" outlines the main statutory provisions and gives non-statutory advice. A summary is given below:

(a) Basic Allowance:

Each local authority must make provision for a basic, flat rate allowance payable to all members; the allowance must be the same for each councillor and can be paid as a lump sum or in instalments;

(b) Special Responsibility Allowances (SRAs):

Each authority may make provision for the payment of Special Responsibility Allowances for those councillors who have significant responsibilities; the Panel recommends the responsibilities and the levels of allowances;

(c) Co-optees' Allowance:

Each authority may make provision for the payment of an allowance to co-optees for attending meetings, conferences and seminars;

(d) Childcare and Dependant Carers' Allowances:

Local authorities may make provision for the payment for an allowance to those councillors who incur expenditure on the care of children or dependant relatives whilst undertaking particular duties;

(e) Travel and Subsistence:

Each authority may determine the levels of travel and subsistence allowances and the duties to which they should apply;

(f) Pensions:

Each local authority may specify which councillors, if any, should be eligible for inclusion in the Local Government Pension Scheme and which allowances (Basic and/or Special Responsibility) should be pensionable;

(g) Indexation:

Each local authority may determine its allowances should be increased in accordance with the specified index and can identify the index and set the number of years (not exceeding four) for which it should apply;

(h) Backdating:

Each local authority may determine that, where amendments are made to an Allowances Scheme, the allowances as amended may be backdated.

7. The Epping Forest District Council's Members' Allowances Scheme was initially approved by the Council in December 2002 following consideration of a report from this Panel. The scheme has since been reviewed several times by the Panel with recommendations being considered by the Council.

8. Since 2002, the Council, for budget reasons, has not paid the full amounts of allowances recommended by the Panel as set out in the Council's adopted scheme. At its meeting in May 2008, the Council decided to implement a Basic Allowance at a figure of £3,150 per annum (approximately 73%) of the amount of Basic Allowance set out in the scheme - £4,300 per annum.

9. Similarly the Council implemented Special Responsibility Allowances at amounts less than those included in the approved scheme.

Benchmarking

10. In undertaking reviews in recent years we have taken account of a survey conducted in the Spring/Summer 2008 on behalf of the Local Government Association and the Improvement and Development Agency. A total of 324 (83.9%) of 386 authorities responded to the survey which collected information on Basic Allowance, Special Responsibility Allowances and other allowances paid to members. This is the latest national survey undertaken.

Current Scheme

11. The Council's current scheme includes all of the key elements which the regulations allow, including admission of councillors to the Local Government Pension Scheme, child

and carers' allowances, travel and subsistence expenses.

Basic Allowance

12. Basic Allowance is payable to all members to reflect the time and effort required to attend meetings, site visits and to deal with constituent problems and queries. It should also cover any incidental costs, e.g. telephone calls, paper, envelopes. It should also be borne in mind that the allowance recognises that there is a voluntary element to the work undertaken by members and that it does not set out to fully compensate all work undertaken.

13. As advised earlier, this Council's adopted scheme provides for a Basic Allowance of £4,300 per annum with current implementation being £3,150 per annum. In addition members signing an agreement under the Member Connectivity Scheme receive £500 per annum in their first year of office and £250 in subsequent years.

14. The survey undertaken in 2008 although a little outdated now, showed that the average payment made by other shire districts/boroughs in the same region was £4,505 per annum.

15. We have also taken account of applying the current minimum adult wage to a 15 hour week which achieves a similar amount to the average payment made by other shire districts/boroughs in the same region.

16. Use of the minimum national wage as a basis for calculation was queried during the year by some councillors. When we first considered the Remuneration Scheme several years ago there was a lack of data available on which to base recommendations. As a result one of the indicators which we took into account was the national minimum wage multiplied by an average number of hours worked per week (15 per councillor). The 15 hours reflected the nationally held view that time spent by members on Council business should be "discounted" by between 25% and 50% in recognition of the public service element.

17. We gave further consideration to our calculation for the basic allowance. In more recent years greater weight has been given to the comparative data available from other councils. The latest available comparison figures show that the average amount paid by similar councils in the region is £4,500 per annum per member which compares with this Council's basic allowance of £4,300 per annum with implementation currently £3,150 per annum. A figure for £4,742 is achieved by applying the current National Minimum Wage of £6.08 per hour to a 15 hour week. We noted that in 2010, members of all local authorities had been invited to complete a census questionnaire which had included a question asking how many hours were spent on Council business each week. Twenty-four of this Council's 58 members had completed the national questionnaire and the average number of hours for those members in relation to that question had been 16.3 hours per week.

16. We also noted that there has been no increase in Council staff salaries since 2009/10 and the option of increasing Basic Allowance in line with a staff increase is not therefore open to us.

17. Having regard to the current amount in the adopted scheme, the average amount paid to similar Councils in the same region, the amount achieved by applying the current minimum adult wage to a 15 hour week and the lack of any increase in staff salaries since 2009/10 we did not recommend any change to the amount of Basic Allowance. However, we asked the officers to obtain data from other authorities in Essex and the adjoining areas about the matters taken into account by their Remuneration Panels in recommending the level of basic allowance and we will give this matter further consideration as part of our review for 2013/14.

Implementation

18. We again discussed the Council's level of implementation of the Basic Allowance, currently £3,150 per annum which is considerably less than the amounts paid to councillors in similar authorities in the same region. We reiterate the comments we have made in previous years that by paying a relatively low basic allowance there is a danger of undervaluing the role of councillor which could make it more difficult to attract potential candidates to stand for election in future. We appreciate, however, that implementation is a matter for the Council to determine and there is a need for restraint in setting the Council's budget and achieving savings.

Special Responsibility Allowances (SRAs)

19. The Council's scheme identifies SRAs in common with other authorities, e.g. for the Leader, Cabinet Portfolio Holders, Chairmen of Committees, Panels. The amounts recommended by us in 2008 resulted from multipliers being applied to the recommended amount of the Basic Allowance.

(a) Chairman of the Overview and Scrutiny Committee

20. The SRA for this position has traditionally been the same as the basic allowance (£4,300 per annum in the approved scheme with implementation currently being an amount of £3,150 per annum). This compares with the SRA for a Portfolio Holder of £6,450 in the approved scheme with implementation currently being £6,300 per annum.

21. We reviewed the SRA for the Chairman of the Overview and Scrutiny Committee in the context of changes made to the Council's Constitution providing for Scrutiny Panel Chairmen, rather than the Overview and Scrutiny Committee Chairman, to present the reports from their Panels at full Council meetings.

22. We did not recommend a reduction in the SRA for the Chairman of the Committee as in our view this would imply a reduction in the status/responsibilities/time commitment of the Chairman.

(b) Other SRAs

23. We saw no reason to propose any changes to the amounts of other Special Responsibility Allowances having regard to the similarities and amounts of Special Responsibility Allowances in the Council's current adopted scheme and those of similar authorities in the same region as the Council.

IT Connectivity Allowance

24. We have considered whether this allowance is still applicable at a time when the majority of councillors have the required access to the internet in their homes. A sum of £500 is payable to members in their first year of office to assist them with the cost of a personal computer (if necessary), internet connection and any consumables. A sum of £250 per annum is paid in subsequent years to assist with the cost of consumable items for the computer.

25. We were advised that members have expressed an interest in electronic (rather than paper) agenda dispatch possibly linked to handheld mobile computers (tablets). In the light of this we deferred making any recommendation on this matter and will give it further consideration during our next review.

Travel Expenses – Car Travel

26. We gave further consideration to the classes of “approved duties” for the purpose of payment of travelling and subsistence expenses. The list of approved duties included attendance at any meeting or other official function at the request of the Chief Executive, Deputy Chief Executive or a Service Director.

27. We noted the role of Assistant Directors at the Council, particularly in relation to liaison with councillors and we recommended that the approved duty be extended to include Assistant Directors.

Rates of Travel by Car

28. We gave further consideration to the level of rates for car travel which are the same as the higher rates paid to officers classed as casual users. These rates are reviewed annually at national level.

29. We reviewed these rates in the light of members receiving a tax free approved amount when using their own vehicles. Currently the approved mileage payments (tax free amounts) are 45p per mile for the first 10,000 miles whilst the current rates paid in accordance with the Council’s approved scheme are in excess of the tax free amounts.

30. We were informed that one member who had been entitled to the rate of 65p per mile in accordance with the Council’s scheme had signed a statement specifying that she wished to restrict all future claims to 45p per mile (or higher in line with any future increased tax free amounts) in order to avoid payment of tax on the expenses she received for using her vehicle to Council meetings etc.

31. We decided that having regard to the ability of a member to forego any part of entitlement to an allowance or expense that we would not propose any change to the rates of travel by car.

Joint Remuneration Panel

32. We received an approach from another authority about the possibility of sharing an Independent Remuneration Panel. We were advised that informal views had been sought on this approach from senior members of the Council and the Council’s officer Corporate Governance Group and the consensus was that unless some demonstrable benefits could be identified in terms of savings/efficiency there was unlikely to be support for the idea. Accordingly we decided not to make any recommendation on this approach.

Current Scheme and Level of Implementation

33. Attached to this report is the current Members’ Allowance Scheme and the Statement of Implementation for 2012/13.

EPPING FOREST DISTRICT COUNCIL - REMUNERATION AND EXPENSES SCHEME

The Epping Forest District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) England Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Epping Forest District Council Members' Allowance Scheme and shall have effect for the period 24 May 2012 to 21 May 2013.

2. **In this scheme:**

"Councillor" means a member of the Epping Forest District Council who is a Councillor;

"independent member" means a co-opted member of an Overview and Scrutiny Committee, or the Audit and Governance Committee who is not an elected councillor;

"year" means the 12 months ending with 21 May 2013.

3. **Basic Allowance**

Subject to the Council determining the level of implementation each year and to paragraph 7, £4,300 shall be paid to each Councillor. An annual supplementary basic allowance of £500 per Councillor (in the first year of office) and £250 per Councillor (for each subsequent year of office) shall be payable in accordance with Appendix 1 to this scheme.

4. **Special Responsibility Allowances**

(1) For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the allowances specified in Schedule 1 to this scheme. There is no restriction on the number of separate SRA's which are payable to an individual member.

(2) Subject to the Council determining the level of implementation each year and to paragraph 7, the amount of each allowance shall be the amount specified against that special responsibility in Schedule 1 for the year.

5. **Travelling and Subsistence (including Cycle Allowance)**

(1) These expenses may be claimed by members of the Council in connection with the carrying out of approved duties specified in Schedules 2, 3 and 4 of this scheme.

(2) Payments may be claimed up to the maximum casual user rate set for officers of the Council as adjusted annually by the National Joint Council for Local Government Services (travel expenses) and as and when by the Council (subsistence expenses).

6. **Child Care and Dependant Carers' Allowances**

(1) The maximum rate for this allowance shall be set at a rate of £8.54 per hour.

(2) A member of the Council shall be eligible to claim up to four hours of the allowance for the performance of approved duties under this scheme and for the purpose of contributing to the cost of providing personal care to immediate dependants who are in need of care and supervision.

(3) The rate applicable shall be subject to automatic increases on an annual basis in line with the % increase of the Adult National Minimum Wage.

(4) The allowance is not payable in respect of carers who are members of the member's immediate and close family i.e. parents, children, spouses, co-habitees or members of the same household as the member.

(5) All claims shall be subject to Audit checks and no claim in excess of the maximum level will be payable, whatever the circumstances.

7. Renunciation

A councillor or independent member may by notice in writing given to the Assistant to the Chief Executive elect to forego any part of his entitlement to an allowance under this scheme.

8. Part-year Entitlements

(1) The provisions of this paragraph shall have the effect of regulating the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

(2) If an amendment to this scheme changes and the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

(a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or

(b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the end of the year;

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

(3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout the period mentioned in such-paragraph (2)(a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole of the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.

(5) Where a Councillor has during part of, but not throughout a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole of the same proportion as the number of days during which he/she has such special responsibilities, bears to the number of days in that year.

(6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

9. Claims and Payments

(1) Payments shall be made in respect of basic and special responsibility allowances, subject to subparagraph (2), in instalments of one quarter of the amount specified in this scheme in each of the following months
July/October/January/March;

(2) Where a payment of one-quarter of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which by virtue of paragraph 8(1), he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

(3) Claims must be made within a period of one year of the duty being carried out. Payments after that period will only be made in exceptional circumstances.

10. Uprating for Inflation

There will be no inflationary adjustment to the allowances set out in this scheme except those relating to travel, subsistence and child and dependant carers.

11. Co-optees' Allowance

Co-optees' allowance will be payable to independent members as set out in Schedule 5 to this scheme.

12. Withholding/Recovery of Payments

12.1 Where any councillor or independent member has already received a payment in respect of any period during which they have:

(a) ceased to be a member of the Authority; or

(b) not been entitled in any other way to receive the allowance in respect of that period, the Council may require that such part of the allowance as relates to the period in question shall be repaid to the Authority.

13. Pensionable Status

13.1 Remuneration payable to Councillors of the Epping Forest District Council under this scheme shall be entitled to pensionable status in accordance with a scheme made under Section 7 of the Superannuation Act 1972, if they opt in to the Essex Superannuation Scheme.

13.2 For the purposes of a Paragraph 13.1 above basic allowance and special responsibility allowance will be treated as amounts in respect of which such pensions are payable in accordance with a scheme under that Act.

14. Further Guidance

Further guidance on this scheme can be found in Appendix 2.

SCHEDULE 1

1. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances.

DUTY	ANNUAL AMOUNT OF SRA
Leader of Council	£10,750
Cabinet members	£6,450 (each)
Chairman, District Development Control Committee	£3,225
Chairmen of Area Plans Sub-Committees	£3,225 (each)
Chairman of Overview and Scrutiny Committee	£4,300
Chairmen of Licensing Sub Committee (6)	£3,225 (divided equally between the five appointed Chairmen).
Chairmen of Complaints, Staff Appeals and Housing Appeals and Review Panels	£110 (per meeting held)
Chairman of Audit and Governance Committee	£2,150
Chairman of the Standards Committee	£TBD
Chairmen of Standing Scrutiny Panels	£2,150 (each)

SCHEDULE 2 APPROVED DUTIES

1. The following are specified as an approved duty for the purpose of the payment of travelling and subsistence expenses, attendance at any of the following:
- (a) a meeting of the authority, the Cabinet, a Cabinet Committee, the Overview and Scrutiny Committee and its Panels, the Standards Committee and its Sub-Committees, or as a member of any other Committee or sub-committee, panel, working group, special committee or board of the authority;
 - (b) any other meeting held by the Authority provided that:
 - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - (c) duties relating to the supervision of tender opening as required by the Council's Standing Orders;
 - (d) attendance as representative of the Council at any approved conference or meeting of the outside organisations set out in Schedules 3 and 4;
 - (e) attendance at any meeting or other official function at the request of the Chief Executive, Deputy Chief Executive, a Service Director or an Assistant Director including meetings between group representatives for a particular Committee and officers;
 - (f) any other duty approved by the Council or the Cabinet or any other committee, sub-committee, special committee or Board or Panel or any duty of a class so approved, for the purpose of, or in connection with, the discharge of functions or the body, or of any of its committees or sub-committees;
 - (g) attendance by a Councillor at a meeting of which he or she is not a member for the purpose of explaining a motion referred from the Council;
 - (h) attendance as a Councillor at the invitation of the Local Government Commissioner for Administration for the purpose of investigating a complaint against this Council of maladministration;
 - (i) attendance as an appointed representative of Epping Forest District Council at any meeting of Essex County Council or any of its committees or sub-committees for the purpose of formal consultations on any matter affecting the powers or duties of this Council or the district or any part thereof;
 - (j) attendance on behalf of the Council or the Cabinet or as a Chairman on behalf of a Committee at an official function;
 - (k) attendance at seminars and training courses arranged by the authority;
 - (l) consultation meetings arranged by the authority where the member's attendance is required or where the business directly affects the member's ward;

(m) site visits arranged by Area Plans Sub-Committees or the District Development Control Committee;

(n) informal site visits by individual Councillors in respect of their duties as members of an Area Plans Sub-Committee.

2. There is specified as an approved duty for the purpose of paying travelling and subsistence expenses attendance at any of the outside organisations shown in Schedule 4.

3. Attendance by members of the Council at meetings of outside organisations not shown in Schedule 4 shall NOT qualify for payment of travelling and subsistence expenses.

SCHEDULE 3 CONFERENCE AND MEETINGS

Conference and meetings organised by any person or body who is not doing so by way of trade nor whose objects are wholly or partly political, attendance at which is authorised by or on behalf of the authority and which does not involve an absence overnight from the councillors normal place of residence.

Appropriate subsistence and travelling expenses (ordinary return rail fare or car mileage at the appropriate rate whichever is the less if travel outside the Epping Forest District is required).

Conferences and meetings organised by any person or body who is not doing so by way of trade nor whose objects are wholly or partly political, attendance at which is authorised by or on behalf of the authority and which involves an absence from the Councillors normal place of residence of one or more nights.

Appropriate subsistence and travelling expenses (ordinary rail fare or car mileage at the appropriate rate, whichever is the less if travelling outside the Epping Forest District is required).

SCHEDULE 4 OUTSIDE ORGANISATIONS

Attendance as appointed representative of the Council on any outside organisations.

**SCHEDULE 5
CO-OPTEES' ALLOWANCE**

Independent Chairman of the EFD Standards Committee:	£1000 per annum (until 30 June 2012)
Other Independent Members of the EFD Standards Committee:	£ 500 each per annum (until 30 June 2012)
Co-opted independent members of an Overview and Scrutiny Committee	£ 500 each per annum
Co-opted members of the Audit and Governance Committee	£ 500 each per annum

Member Remuneration Scheme

Members Connectivity Scheme – Agreement between Epping Forest District Council and Members of the Council

Basic Allowances paid to Councillor by Epping Forest District Council (“the Council”) are made in accordance with Section 18 of the Local Government and Housing Act 1989 as amended by Section 99 of the Local Government Act 2000.

Relevant regulations applied in formulating this agreement are The Local Authorities (Members Allowances)(England) Regulations 2003.

Grants in respect of the Member Connectivity Scheme have been considered and agreed by the Council’s Independent Remuneration Panel on 12 October 2005, as being a supplement to the Basic Allowance.

Terms and Conditions of Agreement

1. In signing this agreement the Councillor undertakes to:
 - (i) provide IT equipment to enable them to view agenda and minutes documents, forward plan and such other documents that may be put on the Council’s extranet or internet site;
 - (ii) abide by the Connectivity Scheme (Annex 1) and Standards Committee Guidance on the use of ICT (Annex 2); the Council’s other adopted ICT related policies including the security of any data and remote working policies; and the provisions of the Local Government Act 1972 regarding the transmission of Exempt Business as defined in Schedule 12A (or other exemption categories that may be enacted) outside of the Council and any internal meeting, all of which should be considered confidential until published for public consumption;
 - (iii) treat any contact information relating to officers and members that does not appear on the Council’s public website as confidential;
2. The Council undertakes to provide:
 - (i) An ‘extranet’ (a private intranet) connection to the Council’s IT network using a ‘token’ scheme to control access and a user name and password for each member;
 - (ii) Training on the use of the system;
 - (iii) ICT support relating to 2(i) above and advice from Democratic Services (DS) on 2(ii) above;
 - (iv) A paper copy of the agenda to members of Council, each Committee, Sub-committee or Panel (unless the member indicates in writing otherwise);
 - (v) Email notification of publication of agenda and minutes to all members;
 - (vi) Headed paper and envelopes for use by members for Councillor correspondence.

Payment of Allowances

3. The addition to the Basic Allowance will be paid to each Councillor entering into this agreement quarterly in arrears (currently £500 per annum for the first year in office and £250 per annum for subsequent years).

4. The Council may review the payment of such allowances from time to time as necessary and may change or cease payment upon resolution at Full Council.

Acceptance

I confirm that I have read and accepted the terms and conditions of this agreement.

Signed by Councillor:	Dated:
Name (Please print):	
Signed on behalf of the Council:	Dated:
Ian Willett Assistant to the Chief Executive	

Member Connectivity Scheme

This document provides information on the Member Connectivity Scheme.

Introduction

The Connectivity Scheme has been introduced to enable members to receive electronic notification of and Internet access to papers for Council meetings and associated information. The scheme has been made possible following the introduction of the Committee Management System (CoMS) which publishes our publicly available agenda to the Internet via the Council's website. The Connectivity Scheme will, however, provide members with access to a wider range of information including agenda planning, up-to-date notification of publication, call-in and portfolio holder decision-making.

The Agreed Scheme

The Connectivity Scheme provides members with an additional allowance (payable as part of the existing Scheme of Members Allowances) towards acquiring computer equipment and to use this equipment to access information on the Council's Agendas and Minutes via the Internet.

Members would be expected to use this system to access all agenda and minutes information **and** cease to receive hard copy agenda (except for those of which they are a member or required to attend by virtue of a position).

Under the scheme you will receive £500 per annum (payable normally quarterly in arrears) in your first year of service as a Councillor from which members will be expected to assist with the cost of a Personal Computer (PC) (if necessary); Internet connection and any consumables. This sum will be subject to tax and National Insurance. After the first year, the payment will be £250 per annum as it is designed to assist you with the cost of consumable items for your personal computer.

Equipment Specification

The minimum specification required for PC equipment is:

- (i) A PC that can access the Internet;
- (ii) A broadband connection to your home;
- (iii) A valid email account;
- (iv) Internet Browser software; and
- (v) A printer capable of printing A4 pages.

Data and Equipment Security and Use Guidance

The equipment is the individual member's property and can be used for non-council activities. Members must adhere to:

- (i) The User Policy Statement for the CoMS system;
- (ii) Issued Standards Committee Guidance on the Use of IT by Members;
- (iii) The Council's other adopted ICT related policies including the security of any data and remote working policies;
- (iv) The provisions of the Local Government Act 1972 regarding the transmission of Exempt Business as defined in Schedule 12A outside of the Council.

What the Council will provide:

The Council will:

- (i) Provide an 'extranet' (a private intranet) connection using a 'token' scheme to control access and a user name and password for each member;
- (ii) Training on the use of the system;
- (iii) ICT support relating to (i) above and advice from DS on (ii) above;
- (iv) A paper copy of the agenda to members of each Committee (unless the member indicates in writing otherwise);
- (v) Email notification of publication of agenda and minutes to all members;
- (vi) Headed paper and envelopes for use by members for Councillor correspondence.

What the Council will not provide:

The Council will **not**:

- (i) Provide ICT support for PC's or any peripherals purchased by members under the scheme;
- (ii) Advise on purchase of equipment or choice of ISP.
- (iii) Provide a paper copy of agenda for other Committees if you are not a member. Paper copies of Agenda will be available at the meeting in small quantities.
- (iv) Plain paper and print cartridge consumables.

Glossary of Terms used in this document

Broadband – a system of connecting to the Internet that allows voice, data, and video to be broadcast over the same medium at the same time. They may also allow multiple data channels to be broadcast simultaneously. It is much faster than traditional dial-up methods of connection.

Browser – Software that allows a computer user to find and view information on the Internet.

Committee Management System – A computer system used by EFDC to publish and archive all Agenda and Minutes of Council meetings and publish these to the Internet and Intranet.

Email account – An account provided by your ISP by which you can receive email. Your current or chosen ISP will be able to provide details of how you can set an account up.

Extranet - An extension of the Council's Intranet giving authorised people controlled access to the Intranet from outside of the Council's network.

Exempt Business – Items of business on an agenda that are confidential to the Council and should not be disclosed to third parties.

Internet – A network that links computer networks all over the world by satellite and telephone, connecting users with service networks such as e-mail and the World Wide Web.

Internet Browser – See Browser.

ISP - Internet service provider. A company that provides Internet connection services

IT helpdesk – The Council provides a helpdesk to support its applications. Its contact number is 01992 564321

Password – In this case means a word that when entered on the password screen allows access to the extranet

Peripherals – A piece of computer hardware such as a printer or a disk drive that is external to but controlled by a computer's central processing unit.

Personal Computer (PC) – A computer with its own operating system and a wide selection of software, intended to be used by one person.

Portfolio holder decision-making – Means an executive decision made by a member of the Cabinet

DS – Democratic Services at EFDC.

Remote working – Is another way of describing someone accessing the Council's network from outside of the building i.e. remotely.

Token – A piece of equipment that provides a secondary form of identification when accessing the Council's extranet.

User name – In this instance means your name on the system. Normally a combination of your initials and your surname.

Extract from the protocol on use of Council Facilities by members:

Guidance on the Use of IT by Councillors

1. Purpose of Guidance

- 1.1 The Council provides Councillors with an allowance towards the costs of providing and maintaining equipment, software or other consumables necessary to allow them to access the Committee Management System. This protocol gives advice on use of computer equipment in order to minimise risks to both the Council and to individual Councillors.

2. Security

- 2.1 Under the terms of the Connectivity Scheme, Councillors are responsible for:
- (i) ensuring that their password and secondary authentication equipment remain accessible only by themselves;
 - (ii) abiding by the Council's published ICT policies and standards relating to security of systems and data and remote working;
 - (iii) meeting the requirements of the Local Government Act 1972 and any subsequent Act in relation to exempt and confidential information; and
 - (iv) adhering to specific user policies for systems they are given access to.

3. Use of Equipment

- 3.1 Councillors should be mindful of the onus placed upon them under 2 above. They should ensure that any material down-loaded via the Intranet is kept securely at any remote location. Councillors should ensure that if the computer is shared, proper arrangements are made to limit access to materials stored by the member, that fall into exempt and confidential categories. Such material will be routinely endorsed "Restricted".
- 3.2 Councillors should not store or download any material which:
- (i) causes the Council to be brought in to disrepute;
 - (ii) contravenes the Access to Information or Data Protection Acts or similar legislation;
 - (iii) is illegal or inconsistent with the high standards expected of those in public office;
 - (iv) is defamatory; or
 - (v) breaches the Council's Code of Conduct (including confidentiality).

- 3.3 If a Councillor uses their computer for the preparation of any material of a personal or political nature, he/she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication. Similarly, a Councillor should not express views on any matter relating to the Council without expressly indicating that the views are personal and not those of the Authority.
- 3.4 Councillors should be aware that the internet is a completely unregulated medium and they are not protected in any way from viruses etc.
- 3.5 The Council accepts no responsibility for Councillors' use of IT equipment.

For more information see the Member Connectivity Scheme and related ICT Policies.

MEMBER REMUNERATION SCHEME

EPHING FOREST DISTRICT COUNCIL GUIDANCE NOTE ON ALLOWANCES AND EXPENSES FOR MEMBERS

1. INTRODUCTION

- 1.1 A Councillor is eligible for the payment of attendance allowances and for reimbursement of travel and subsistence expenses in respect of approved duties carried out on behalf of the Council. An approved duty is one which has been authorised by or on behalf of the Council in advance.
- 1.2 The Council has a formal scheme for allowances which is updated from time to time. A copy of the scheme is set out elsewhere in the Constitution binder. This note is of a more informal nature and is designed to assist members in dealing with their claims and explaining the arrangements to the public.

2. BASIC ALLOWANCE (INCLUDING SUPPLEMENTARY BASIC ALLOWANCE)

- 2.1 This is a flat rate allowance payable to all members of the Council. This annual amount is paid in quarterly instalments. Members do not have to claim this amount.
- 2.2 A grant of £500 per annum per member (first year of service) and £250 per annum (second and subsequent years) as a supplement to the basic allowance will be payable to assist members in receiving electronic notification of and Internet access to papers for Council meetings and associated information subject to the member signing an agreement to undertake to meet the terms and conditions set out in the Members' Connectivity Scheme (set out in Appendix 1 attached).

3. SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 This is a special allowance payable to the Leader, Cabinet members and certain Chairmen. It is designed to reflect the additional responsibilities of these office holders. This amount is paid in quarterly instalments during the year and does not have to be claimed.

4. TRAVEL EXPENSES

- 4.1 Members may re-claim reasonable travel expenses (including public transport tickets, taxi fares, parking costs where appropriate subject to submission of evidence of expenditure) in respect of approved duties.

4.2 Car Travel

The normal rates for car travel are the same as the higher rates paid to officers classed as casual users. Claims must be fixed on the rates applicable at the time of the journey. These rates are set out on the reverse of the claim form and are reviewed annually.

4.3 Shortest Distance

Claims for car travel should be by reference to the shortest distance from home to the Council offices or other venue for the approved duty concerned. No claim for additional expenses will be entertained unless there is a valid reason for incurring the additional mileage.

4.4 Travel Direct from Workplace etc

For claims involving direct travel from a Councillor's place of work (or other departure point) for an approved duty, the distance claims shall be limited to the home to meeting venue element of the journey. All such claims must be endorsed "CLAIM LIMITED" on the form.

4.5 Travel Outside the District – Limit on Amount Claimable

For journeys to approved meetings outside the District or by members resident outside the district, claims irrespective of mode of travel must not exceed the lower of:

- (a) second class return rail fare plus underground and other fares from station to destination at each end of the journey; or
- (b) the appropriate car mileage.

This is subject to consideration of any special circumstances as set out in 4.6 below.

4.6 Travel over Long Distances – Special Circumstances

If, for any reason, a councillor undertakes travel over long distances or from outside the District, members are advised to contact the Assistant to the Chief Executive in advance for advice on what would constitute a reasonable claim in the circumstances.

4.7 Use of Public Transport within Epping Forest District

The rate for travel by public transport must not exceed the ordinary fare (or any available cheap fare). Where more than one class of fare is available, the first class fares may be claimed. A member may not claim travelling expenses in respect of a single duty from more than one body. In all such claims evidence of expenditure (i.e. tickets or other receipts) MUST be provided. No claim will be allowed without such evidence.

4.8 Cycle Allowance

This allowance is payable at the highest of the higher casual rates paid to officers classed as casual users.

4.9 Child and Dependant Carer's Allowance

This allowance may be claimed at a rate equivalent to the current rate for the Adult National Minimum Wage. Certain conditions are set out in the Scheme.

5. **SUBSISTENCE EXPENSES**

- 5.1 Subsistence expenses (covering refreshments and meals etc paid for by a member) are claimable by councillor in respect of making attendances connected with approved duties on behalf of the Council. The rates for such expenses are set out (by reference to meal time and periods of absence) on the reverse of the form which is supplied to members on a quarterly basis. These rates may not be exceeded. Periods of absence will be calculated on the basis of departure from home or place of work if it is not possible to return home in the time available.

- 5.2 All claims for subsistence must be accompanied by receipts in respect of meals etc as evidence of expenditure actually having been incurred. No claims will be allowed in the absence of such evidence.
- 5.3 Special arrangements exist in respect of subsistence expenses in respect of duties involving an absence overnight from a councillor's normal place of residence. These are outlined under Section 7 relating to conferences.
- 5.4 A Councillor may not claim subsistence expenses in respect of a single duty from more than one body.

6. CONFERENCES

- 6.1 Attendance at Conferences and payment of allowances and expenses are subject to prior approval by the Council, Cabinet, appropriate committee, Leader or Deputy Leader in all cases.
- 6.2 All conferences deemed to be approved duties shall, in accordance with statutory requirements, be relevant to the District and not wholly or partly commercial or political in their objectives.

Allowances for Attendance at Conferences (Involving An Absence from Home)

Subsistence - Nights Away from Home

- 6.3 For conferences involving one or more night's absence, claims can be made for reasonable day or overnight expenses that are necessarily and exclusively incurred in the attendance as an authorised representative of the Council at a meeting, conference or seminar that it held outside of the Epping Forest District.

Claims for Subsistence

- 6.4 These claims should cover such items as hotel bills, refreshments, meals (other than free meals which should be discounted) and similar items. No claims will be allowed unless evidence is provided of all expenditure being claimed. All relevant bills and receipts should be forwarded to the Assistant to the Chief Executive with claims.

Travel Claims

- 6.5 The guidance outlined under paragraph 4.5 will apply to all conferences.

7. TAXATION AND NATIONAL INSURANCE IMPLICATIONS

- 7.1 Details of the tax and national insurance implications of allowance payments and expenses claimed are available from the Director of Finance and ICT.

8. ALTERATION OF CLAIMS

- 8.1 All claim forms submitted by members are checked by Democratic Services. The Assistant to the Chief Executive (or the Assistant Director - Democratic Services acting on his behalf) is authorised to reduce incorrect claims in the following circumstances:

- (a) where a member does not attend at a claimed meeting;
- (b) where a claimed meeting is not approved;

- (c) where an incorrect amount of allowance is claimed; and
- (d) where a correct date has not been claimed.

8.2 Any changes under paragraph 8.1 will be notified to members after the claim form has been processed. Any other problems with members' claims will be referred back for the claimant and processing of the claim will not take place until the query has been clarified.

9. INTERPRETATION

9.1 These guidelines are subject to the overall interpretation of the Chief Executive as to what constitutes a reasonable claim in any individual circumstances.

SCHEME OF MEMBERS' ALLOWANCES

STATEMENT CONCERNING IMPLEMENTATION 24 May 2012 to 21 May 2013

The Council decided at its meeting on 11 June 2011 to implement the amount of Basic, Special Responsibility and Co-optees Allowances provided in the scheme as set out below:

Basic Allowance: £3,150 per annum per Councillor plus a supplementary basic allowance of £500 (for first year in office) and £250 (in subsequent years) for Member Connectivity (see Appendix 1).

The amounts set out below show the amounts of Special Responsibility Allowance (SRA) payable during the year:

DUTY	ANNUAL AMOUNT OF SRA
Leader	£7,875
Cabinet members (9)	£6,300 each
Chairman of District Development Control Committee	£2,362
Chairmen of Area Plans Sub-Committees (3)	£2,362 each
Chairman of Overview and Scrutiny Committee	£3,150
Chairmen of Housing Appeals and Review, Complaints and Staff Appeals Panels	£ 110 each (per meeting held)
Chairmen of Licensing Sub Committee (6)	£2,362 divided between the 6 Chairmen
Chairman of Audit and Governance Committee	£2,150
Chairmen of Standing Scrutiny Panels	£2,150 each
The amounts payable during the year for independent members are:	
Chairman of the Standards Committee (until 30 June 2012)	£1,000
Co-opted members other than the Chairman of the Standards Committee	£ 500

In addition the Council has resolved to pay the sum of £500 per annum to the three Independent Members of the Remuneration and Parish Remuneration Panels equivalent to the co-optees allowance.

A copy of the full scheme is available on request from Democratic Services, Civic Offices, Epping.

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EPPING FOREST DISTRICT COUNCIL

Committee: Independent Remuneration Panel **Date:** 31 January 2013

Subject: Members' Allowances Scheme – Review

Officer Contact for further information: Graham Lunnun 01992 564244

Recommendation:

To review the Members' Allowances Scheme and recommend to Council any changes to be implemented at the commencement of the 2013/14 municipal year.

Report:

Current Scheme

1. The Panel is asked to review the following aspects with a view to making recommendations to the Council for changes to be implemented for the Municipal Year 2013/14:

- (a) Basic Allowance;
- (b) Special Responsibility Allowances;
- (c) Standards Committee – Chairman;
- (d) Standards Committee - Independent Persons
- (e) IT Connectivity Allowance;
- (f) Travel outside of the District; and
- (g) Meetings of associations or partnerships of authorities of which the Council is a member.

(a) Basic Allowance

2. Last year the Panel was advised that its basis for calculating the Basic Allowance had been queried by some members of the Council. In particular, members had expressed concern about reliance being placed on the hourly National Minimum Wage multiplied by an average number of hours worked per week (15 per councillor).

3. The Panel requested that officers establish from other authorities the matters taken into account by their Remuneration Panels in recommending the level of basis allowance.

4. It is apparent from the contacts with other authorities that the main factor which is now taken into account is comparison data available from other Councils.

5. The latest available comparison figures show that the average amount paid by similar Councils in the region is £4,500 per annum per member compared with this Council's basic allowance of £4,300 per annum with implementation currently at £3,150 per annum.

6. Whilst this Panel has taken account of the National Minimum Wage as one of the indicators for recommending the level of Basic Allowance, particularly in the early days of allowances when there was little comparison data available, it has also regularly taken account of the levels paid at similar authorities.

7. In 2010 a National Census of Local Authority Members showed that the average number of hours spent by Councillors on Council business was 16.3 hours per week. A figure of £5,246 per annum is achieved by applying the National Minimum Wage to a 16.3 hours week.

8. Whilst the difference between the two calculation methods appears to be growing, the Panel may still feel that both methods are worthwhile taking into account in the future.

9. The Panel is asked to give further consideration to the level of Basic Allowance and the methods for calculating it bearing in mind that the Council is still only implementing a figure below the Panel's recommended level.

(b) Special Responsibility Allowances

10. Apart from the Standards Committee Chairman which is referred to in the next section there has been no change in responsibilities which necessitates a review of these allowances.

(c) Chairman of the Standards Committee

11. Under the previous standards regime the Chairman of the Standards Committee was an Independent Member who received an allowance of £1,000 per annum. The new standards regime introduced from July 2012 under the provisions of the Localism Act 2011 requires that only District Councillors can be members of the Standards Committee. As a result the Chairman of the Standards Committee is now a District Councillor. A Member Role Accountability Statement for the Chairman is attached.

12. The only change in the role resulting from the new regime is that the Chairman is unlikely to Chair as many Panels/Sub-Committees dealing with allegations of breaches of the Council's Code of Conduct. Under the previous regime all such allegations about District and Parish/Town councillors were considered by the District Council but under the new regime Parish/Town Councils are able to establish their own Standards Committee. As a result only 6 of the 24 Town/Parish Councils in the District have affiliated to the District Council's Standards Committee and it likely therefore that there will be a reduction in the workload for this Committee/Sub-Committee.

13. The Panel is asked to consider whether a Special Responsibility Allowance for the role now undertaken by a District Councillor should be introduced. No comparisons with other authorities are currently available since the new arrangements were only introduced across the country in July 2012.

(d) Independent Persons

14. Under the previous standards regime, the Standards Committee comprised three District Councillors, three Town/Parish Councillors, and three Independent Members appointed following advertisement, interview etc. All of the members of the Committee had voting rights and an Independent Member chaired the Committee. Also, Independent Members chaired all of the Sub-Committees dealing with allegations of breaches of the Members Code of Conduct. As advised above, the Chairman of the Committee received an allowance of £1,000 per annum and the other two Independent Members received an allowance of £500 per annum.

15. Under the new regime a new role is created, that of Independent Person. The legislation requires that the District Council appoints at least one Independent Person. Following advertisement and interview, this Council has appointed four Independent Persons and, one reserve who will take the place of one of the four (a former Independent Member) who will cease to be an Independent Person on 30 June 2013 in accordance with the legislation.

16. The views of an Independent Person must be sought and taken into account by the Council before it makes a decision on an alleged code breach which it decides to investigate.

17. The views of an Independent Person may also be sought on any other aspect of a complaint, by a District or Town/Parish Councillor who may be the subject of a complaint, or by a complainant.

18. Areas for possible consultation with Independent persons include:

- (a) dispensations;
- (b) sensitive Interests;
- (c) deciding on whether to investigate a complaint or take "other action";
- (d) determining whether breaches of the Code have occurred; and
- (e) sanctions which should be applied for breaches of the Code.

19. In order to avoid potential conflicts of interests, the Monitoring Officer is proposing to consult two Independent Persons on matters relating to an alleged breach of the Code so that, if required, one can express views to the complainant and the other to the subject member.

20. The role of Independent Persons is therefore to express views on a number of issues. Although they will attend meetings of the Standards Committee and the Sub-Committees dealing with allegations of breaches of the Code, they will not be members of the Committee or Sub-Committee and they will not have voting rights. The main roles are expected to be expressing views on allegations to the Council (Standards Committee and/or Monitoring Officer), to subject members and possibly to complainants. All approaches to Independent Persons for views will be made by the Monitoring Officer and her support officers. The role remains somewhat under-defined nationally but it is clear that it is a very different role to that previously undertaken by the Independent Members of the former Standards Committee.

21. There has been some exchange of views between authorities about the payment of an allowance to Independent Persons. Proposals received from other authorities include:

- (a) £300-£500 annual payment plus £30-£50 per matter dealt with;
- (b) travel and subsistence expenses only;
- (c) 25% of the Basic Allowance which for that particular authority equates to £1,072 per annum;
- (d) £1,000 per annum, with a reserve person receiving £250 per annum.

22. A copy of a draft protocol on Independent Persons is attached. This has not yet been approved by the Standards Committee but gives further information on the role of Independent Persons.

23. The Panel is asked to consider whether an allowance should be paid to the Independent Persons and, if so, at what level.

(e) Connectivity Allowance

24. Last year the Panel was advised that some Overview and Scrutiny Committee Members had queried why the Council should continue to pay this sum at a time when the vast majority of councillors have the required access to the Internet in their homes.

25. An amount of £500 per annum is payable to members in their first year of office and this was introduced to assist them with the cost of upgrading or providing personal computers (if necessary), Internet connection and any consumables. The payment of £250 per annum in subsequent years was designed to assist with the cost of consumable items for the computer. There was a degree of "front loading" of this allowance as, at the time of its introduction, councillors' home work stations often needed broadband and other upgrades to be able to access the Council's own IT networks, particularly the Committee Management System.

26. The Panel decided last year that further consideration about the relevance of these allowances should be deferred pending the outcome of the introduction of possible electronic agenda despatch.

27. During last year the Council made an approach to the Department for Communities and the Local Government requesting that consideration be given to a change in the law to allow councils to send agenda, minutes and committee reports to their members by electronic means. A reply was received from Brandon Lewis M.P., Parliamentary Under Secretary of State in which he agreed it is an interesting idea and he would ask his officials to explore how to take this forward.

28. Pending a change in the law the Panel may feel that no change should be made to the current Connectivity Allowances.

(f) Travel Outside of the District

29. The Panel will be aware that Members may reclaim reasonable travel expenses (including rates for car travel, public transport tickets, taxi fares, parking costs where appropriate subject to submission of evidence of expenditure) in respect of approved duties.

30. In relation to travel outside of the District the scheme imposes a limit on the amount claimable. For journeys to approved meetings outside the District or by members resident outside the District, claims irrespective of mode of travel may not exceed the lower of:

(a) rail fare plus underground and other fares from station to destination at each end of the journey; or

(b) the appropriate car mileage.

31. Recently some members have raised concerns about this restriction, in particular when it is applied in relation to destinations which are difficult if not impossible to reach by way of public transport. In accordance with the scheme when members submit car mileage claims for such journeys the amount claimed is often reduced in order to reflect the cost of public transport irrespective of the fact that the use of public transport may involve a long and tortuous route.

32. An example of the above is a member living near Ongar needing to attend a meeting in Cambridge. The claim was for 95 miles at 65p per mile = £61.75. The cost of the anytime return fare from Harlow to Cambridge at that time was £18.40 and the claim was reduced to that amount with the member advised that he could also claim mileage from his home to Harlow Station and a parking fee at the station. In the event he did not claim these additional amounts.

33. In view of the concerns expressed, the Panel is asked to consider whether this aspect of the scheme should be revised.

(g) Meetings of associations or partnerships of authorities of which the Council is a member

34. There is an increasing requirement for members to attend meetings of associations or partnerships of authorities of which the Council is a member, eg South East Local Enterprise Partnership. Often it is the Leader of the Council who attends but on occasions he asks another member to attend on his behalf. Formal appointments are not made to these associations and as a result attendance at such meetings is not covered by the list of "approved duties".

35. The Panel is asked to consider recommending an addition to the list of "approved duties" to allow for the payment of travelling and subsistence expenses to meetings of this nature.

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MEMBER ROLE ACCOUNTABILITY STATEMENT

Role Title: Chairman of Standards Committee

Responsible to: The Council.

Contact with: Members (District and Parish/Town and members of the Standards Committee), Independent Persons, Chief Executive, Monitoring Officer, Deputy Monitoring Officer and other officers supporting the Committee, media, members of the community.

Principal Accountabilities:

- (a) To chair the Standards Committee in accordance with its terms of reference.
- (b) To chair panels as appointed dealing with allegations of breach of the Council's Code of Conduct.
- (c) To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics.
- (d) To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on the District and parish and town councils in the area.
- (e) To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- (f) To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance and on an entirely apolitical basis.
- (g) To act as a spokesperson for the Standards Committee.
- (h) To present any reports or findings to the relevant bodies within the Council.
- (i) To establish and maintain the necessary knowledge and understanding of the Council's structures and processes to facilitate this role.

<p>Leadership Skills</p> <ul style="list-style-type: none"> • Ability to represent the Standards Committee to Members, the community and the media. <p>Chairing Skills</p> <ul style="list-style-type: none"> • Advanced chairing skills. <p>Organisational Skills</p> <ul style="list-style-type: none"> • Prioritising and managing the work of the Standards Committee including the deployment of available resources. <p>Other Skills</p> <ul style="list-style-type: none"> • Assimilating and analysing complex and contradictory information. • Obtaining and weighing up evidence and making decisions based on that evidence. 	<p>Team Working & Relationship Building</p> <ul style="list-style-type: none"> • Relationship building - with the Council's Monitoring Officer, members of the Standards Committee, other councillors, including parish and town councillors, senior officers. <p>Communication Skills</p> <ul style="list-style-type: none"> • Advances listening and questioning skills. • Intermediate presentation skills. • Intermediate public speaking. • Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council is positively represented.
<p>Knowledge</p> <ul style="list-style-type: none"> • Broad knowledge of the role and functions of the Council and its members and of its structures and procedures. • Broad knowledge of the role and function of town and parish councils. • A detailed awareness of the national and local importance and role of the Standards Committee, and the role of the Standards Board for England. • An understanding of the Council's Code of Conduct and the constitutional arrangements relating to the Standards Committee. 	
<p style="text-align: right;">Date: October 2009</p>	

Note: This Role Accountability Statement is issued as a guide to the duties of this position. It may be varied from time to time to meet new working requirements.

INDEPENDENT PERSON PROTOCOL

This protocol relates to the discharge of the Independent Person functions in relation to the assessment of an allegation that a Member of the Borough or Local Councils has failed to comply with the Council's Code of Conduct.

1. Overarching Principles:

- (a) The Independent Person is a statutory appointment under s.28 of the Localism Act 2011.**
- (b) This Protocol applies to all Independent Persons equally and complements the Monitoring Officer Protocol.**
- (c) The Protocol has been prepared in light of the provisions of the Localism Act 2011 and associated regulations and will be kept under review and amended where necessary.**
- (d) The Independent Person will discharge their responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council, in particular:**
 - (i) Instilling public confidence in the process and how complaints are considered by the Joint Standards Committee and Officers in support;**
 - (ii) Complying with the law (including any relevant Codes of Conduct);**
 - (iii) Complying with any general Guidance issued including consideration of Best Practice;**
 - (iv) Complying with the procedures adopted by the Joint Standards Committee following such guidance;**
 - (v) Complying with the Council's Constitution and standing orders;**
 - (vi) Preserving confidentiality at all times; and**
 - (vii) Acting impartially in the interests of fair and natural justice, without prejudice or political bias.**
- (e) The Borough Council's Code of Conduct and Complaints Procedure were adopted by Full Council and took effect on 1 July 2012, this followed the Task and Finish Review and this Protocol operates within those recommendations.**
- (f) The Monitoring Officer is the principal adviser to the Joint Standards Committee. Additional advice and support is provided by two Deputy Monitoring Officers and Officers within Democratic Services.**
- (g) All Independent Persons are non-voting members of the Joint Standards Committee and are permitted to attend for consultative purposes. However, if considering a complaint the attendance may be altered from sitting with the Committee to observer or similar due to the involvement of the Independent Person through the complaints process.**

- (h) The Monitoring Officer, in consultation with the Chair of the Joint Standards Committee, will make the final decision on the type of attendance after considering the specific circumstances of the matter under consideration.**
- (i) The Monitoring Officer will consult with at least 1 Independent Person on all complaints received and throughout the process in accordance with the Complaints Procedure.**
- (j) In circumstances where either the Independent Person witnessed the breach or previously assisted with the complaint, internal procedures will be implemented to ensure a conflict of interest does not exist. These procedures will consist of maintaining an information barrier and restricted access to the matter in consideration; this is referred to as 'conflicted out'.**
- (k) If the Independent Person has any prior or on-going personal relationship with the complainant or the Member the subject of the complaint they should advise the Monitoring Officer at the earliest opportunity.**
- (l) The Council's official complaints form must be used for complaints against Councillors alleging breach of the Code of Conduct. This form is annexed to this Protocol.**
- (m) The Monitoring Officer and supporting Officers will facilitate the contact with Independent Persons for the purposes of discussions with the Member subject of the complaint, the complainant and the Monitoring Officer. Direct contact without the Monitoring Officer's knowledge is not permitted and the Monitoring Officer should be notified immediately by the Independent Person if direct contact is attempted by the parties.**
- (n) Independent Persons will notify the Council's Monitoring Officer of the most suitable times to be available for contact.**
- (o) The Council will not disclose the Independent Persons' personal contact details and the Council will issue Independent Persons with a Council email address or similar. The Independent Person will make the initial contact with the complainant or the subject Member.**
- (p) When discussing the complaint with the complainant or the Member the subject of the complaint, the Independent Person's role is not to give views on the merit of the complaint or the evidence in support but to give advice and reassurance on the process.**
- (q) The Independent Person's role is to provide an independent view on the substance of the complaint and/or the quality of the evidence being considered in order to help the Committee to make an informed decision.**

- (r) **The Independent Person must not discuss the substance of the complaint with any other third party.**
- (s) **The Monitoring Officer will collect any such approved information as is readily available and would assist the Joint Standards Committee in its function of assessing the allegation and attach to the Report.**
- (t) **In providing information, in any manner at any stage in the process, the Monitoring Officer must be satisfied that they have the legal power to do so and the requirements of the Data Protection Act 1998 and Freedom of Information Act 2000 should be considered, as reflected in the Council's Constitution.**

2. Receipt of Allegations:

- (a) The Monitoring Officer shall set up arrangements within the Council to secure that any allegation made in writing that a Member of the Council has or may have failed to comply with the Council's Code of Conduct is referred to one or more Independent Person for consultation.
- (b) In each complaint, the Monitoring Officer will, wherever possible:
 - (i) Consult with 1 Independent Person;
 - (ii) Appoint 1 Independent Person to each party, where necessary and desired by the parties; and
 - (iii) Appoint 1 Independent Person to the Joint Standards Committee.
- (c) Each Independent Person could be appointed to any of roles for each complaint, to ensure fairness and impartiality for all parties concerned. It is possible the Independent Person may not be required for either the Complainant or the Member, the subject of the complaint, as this will be a personal decision.
- (d) Wherever possible the roles will be allocated to the Independent Persons on a rota basis.
- (e) All Independent Persons will be informed of the roles allocated in each complaint.
- (f) Independent Persons will record in writing a note of the general discussions and this will be maintained through a central email address maintained by the Council, with limited access being given.

3. Consultation with the Independent Person:

- (i) An Independent Person will be consulted upon receipt of an allegation before the Monitoring Officer takes a decision as to whether it:

- a. Merits no further action
 - b. Merits early informal conciliation
 - c. Should be referred to the Joint Standards Committee to consider whether the complaint merits further investigation.
- (ii) The Independent Person should consider that, in reaching a decision in respect of how to progress the complaint, the Monitoring Officer will take into account the following factors where appropriate
- Was the Member acting in their official capacity?
 - Was the Member in office at time of alleged misconduct?
 - Is the complaint of a very minor or trivial matter?
 - Is the complaint vexatious or malicious?
 - Are there historical matters?
 - Is there a potential breach of the Code?
 - Assessment of public interest?
 - Is additional information required prior to making a decision?
- (iii) The Monitoring Officer does not have to agree with the Independent Person.