

INDEPENDENT REMUNERATION PANEL

**REPORT ON MEMBERS' ALLOWANCES FROM
1 APRIL 2021 TO 31 MARCH 2022**

FOR

MID DEVON DISTRICT COUNCIL

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1. INTRODUCTION

The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations of an independent panel in agreeing allowances paid to councillors.

The Independent Panel operates under the provisions of the Local Authorities (Members' Allowances) (Regulations) 2003. These regulations require that all councils set up independent panels and take account of their advice before agreeing their councillors' allowances scheme.

2. MEMBERSHIP

Mid Devon District Council's Independent Remuneration Panel consists of:

- Jeremy Filmer-Bennett
- Marianne Hulland
- Karen Stone

3. CONDUCT OF THE REVIEW FOR 2021/2022

The Panel met via Zoom on 25 November 2020 and were supported by the Head of Legal Services (Monitoring Officer) and a Member Services Officer.

In advance of the meeting they had received the current South West Council's survey detailing the allowances paid to councillors in similar local authorities across the South West. They were also appraised of the current situation at Mid Devon regarding a number of factors.

A summary of the general introductory conversation was as follows:

- The Council was in the process of a Governance Review. The current system of Governance was explained as were some of the alternative options. The process and timescale for reporting the review findings to Council in spring next year was outlined as well as the possible implications on Members Allowances depending on the decision made by Council. It was further explained that despite the on-going review a Scheme of Allowances needed to be approved from 1 April 2021 – 31

March 2022 whatever the outcome of the review which may take some time to implement.

- The Panel were informed about how the decision making process had continued at Mid Devon District Council via virtual meetings. This had obviously had a significant impact upon the uptake of Members expenses since Members had not had to travel to Phoenix House and were conducting the majority of their duties from home. A brief discussion took place regarding how duties might be conducted in the future once Covid was under control. This included possible hybrid meetings but there would be financial and practical implications to consider before Members made any decision about how to proceed. Legislation would also be required providing a framework for local authorities to consider. This would not be available until next year.
- Having studied the benchmarked data the Panel continued to be of the opinion that the current allowances at Mid Devon District Council appeared to be in line with other similar authorities and were still 'reasonable' within that context.
- The Panel noted that Members had been asked to provide feedback to them for this meeting regard to their allowances but none had been forthcoming.

4. SCHEME OF ALLOWANCES

4a Basic Allowance

The Panel were not of the opinion that anything had significantly changed to affect the Basic Allowance paid to Members during the past 12 months. It was noted that Members had had to work differently as a result of the pandemic and had had to attend meetings virtually rather than face to face but that the level of responsibility for doing that had not changed.

Therefore the Panel recommend that the Basic Allowance continues to be paid at the same level and that it continues to be linked to the staff pay award.

In doing so the Panel noted that the previous Basic Allowance of £5112.15 p.a. had now increased to £5252.70 p.a. as a result of a staff pay award in 2019/2020.

4b. Special Responsibility Allowances (SRA)

The Local Authorities (Members' Allowances) Regulations 1991 provide that SRA may be paid to those Members of the Council who have "**significant additional responsibilities**" over and above the generally accepted duties of a Councillor. In setting the SRAs, the Panel in the past concluded that the best approach was to use the Basic Allowance as the starting point and then give a weighting to the role attracting the SRA which could be applied to the Basic Allowance.

The Panel remain of the view that the link between the Basic Allowance and SRA is an important one.

The Panel made the following observation:

- If significant changes are made to the Governance arrangements of the Council as a result of the Review then the Panel would need to spend some considerable time reassessing ALL allowances. At the moment there was nothing to suggest a change was needed. However, the Panel were keen to express the view that they were not avoiding the issue but felt recommending change at the current time was not necessary based upon the evidence received. They were also very aware that no representations regarding changes to SRA's had been made by any Members.

Conclusion:

The Panel continue to be of the view that the current levels of SRA are appropriate and that the weightings applied to the agreed Basic Allowance do not need to be adjusted. The Panel therefore recommends a continuation of the current levels until 31 March 2022.

These are as follows:

Position	Weighting x basic (£5252.70 as at December 2020)	SRA
Leader of the Council	3.00	£15,758.10
Deputy Leader	1.50	£7,879.05
Cabinet Member	1.25	£6,565.88
Scrutiny Committee Chair	1.25	£6,565.88
PDG Chair	0.75	£3,939.53
Audit Committee Chair	0.75	£3,939.53
Planning Committee Chair	1.25	£6,565.88
Licensing/Regulatory Chair	0.25	£1,313.18
Standards Chair	0.25	£1,313.18
Chairman of the Council	0.50	£2,626.35

The Panel continues to recommend that Members should not be entitled to claim more than **one** SRA.

4c. Chairman's Allowance

The Panel continue to recommend that the Chairman of the Council receive an SRA which is equivalent to 50% of the Basic Allowance.

However, the Panel wished to make it clear that the Chairman's **Civic budget** is set by Council and is not therefore a matter for the IRP.

A brief discussion took place regarding the fact that most Civic events had been cancelled this year due to Covid19 but that the budget would 'stay in the pot' for next year. The Chairman would have a role to play in helping to 'rebuild the spirit of the District' as well as re-engaging with the public therefore a budget to do this would be necessary.

4d. **Carer's Allowance**

The Panel felt that the existing Carer's Allowance within the Scheme was still 'fit for purpose' but that it needed to be advertised more widely since many Councillors were not aware that it existed.

They wished for their previous recommendation to stand.

This was:

A Councillor can claim a Carer's Allowance for Approved Duties, except where Schedule 2 (stated within the approved Scheme) states that such an allowance is not payable.

The following conditions and limitations apply to any claim for a Carer's Allowance:

- (a) The carer must be over the age of 18 and someone who does not normally live with the Councillor as part of their family or household;
- (b) The person being cared for is a dependent of the Councillor and is:
 - (i) a child under the age of 14;
 - (ii) an elderly person; or
 - (iii) someone with a recognised disability who cannot reasonably be left unsupervised for the period during which the Councillor is going to be absent on an Approved Duty;
- (c) Where the care is booked and paid for by the hour, Councillors may claim the hourly rates set out in sub-paragraph (e) for the time incurred in the Approved Duty, plus the reasonable travelling time taken by the Councillor in –
 - (i) carrying out the Approved Duty; and
 - (ii) dropping off or picking up the dependant at the place of care before and after the Approved Duty;
- (d) Where the care can only be booked and paid for as a fixed period or session, Councillors may claim for the duration of the

fixed period or session plus the reasonable travelling time taken by the Councillor in dropping off or picking up the dependent at the place of care before and after the Approved Duty. If the location or timing of the Approved Duty means that two or more fixed periods or sessions need to be booked, Councillors may claim for those periods or sessions. The amount payable will be the hourly rate set out in sub-paragraph (e), unless the dependent is a child (see sub-paragraph (b)(i)) attending an Ofsted registered nursery, pre-school or playgroup – in such cases, if the hourly rate would not cover the cost of the fixed period(s) or session(s), the actual cost may be claimed;

- (e) The hourly rate is the National Living Wage (25 and over);
- (f) Councillors may also claim for the carer's reasonable expenses incurred whilst the dependent is in their care provided the Councillor produces the relevant receipt from the carer in respect of those expenses.

4e. **Travel and Subsistence Allowances**

Travelling Allowances

The Panel continue to recommend that reimbursement of approved mileage remain at the rates published by HMRC which for 2020/21 are (these figures to be amended in line with the HMRC rates as from 1 April 2021 once they are known):

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 25p per mile for push bikes
- 24p per mile for motorcycles

(All claims to be submitted with receipts)

Subsistence Allowances

The Panel recommends that subsistence allowances should be the same as for employees which for 2020/21 are (these figures to be amended in line with the HMRC rates as from 1 April 2021 once they are known) in each case up to a maximum of:

Breakfast	£7.87
Lunch	£10.86
Tea	£4.27
Dinner	£13.44

(All claims to be submitted with receipts)

4f. IT Allowance

In the previous Panel report a recommendation had been made that the Council consider removing the digital allowance from 2021/22. This had not been challenged by the Council in February 2020. However, the Panel had been made fully aware of Councillors dependence on IT during the pandemic and their increased reliance on technology as a means of conducting their duties. It was therefore felt that to suggest the removal of this allowance would be insensitive and unhelpful at the present moment in time. The Panel wished to be able to review this position at subsequent reviews.

How well Members had coped with virtual meetings was acknowledged by the Panel. It was also noted that whilst decision making had continued at Mid Devon District Council since almost the start of the pandemic many Councils had not fared so well and indeed the Scrutiny function had not recommenced in some areas until September 2020. It was also acknowledged that virtual meetings were now more challenging for Chairmen, took longer to transact the business and contained lengthy procedures in order to maintain openness and transparency.

The Panel continue to recommend therefore that a digital allowance of £150 p.a. be paid to each Member using a digital device for the financial year 1 April 2021 to 31 March 2022.

4g. Councillors with Additional Needs

Mindful of comments made with regard to disability during the interview process in the last Fundamental Review the Panel continue to wish to make a recommendation that if any Councillors have particular needs arising due to a protected characteristic under the equalities act – for example, they have a disability that prevents them using some forms of transport, then the Chief Executive or Monitoring Officer may agree to the payment of any additional claims or support arrangements that fall outside the scope of the scheme, to support their needs.

ELECTIONS

The regulations provide that a Member may, by notice in writing, given to the proper officer (the Director of Finance, Assets and Resources) elect to forgo any part of his or her entitlement to an allowance under the scheme.

SUMMARY OF RECOMMENDATIONS

The Panel recommends that from 1 April 2021 until 31 March 2022:

- a. The Basic Allowance to be paid to all Councillors remains at the current level of £5252.70 p.a., with any increases being linked to but not greater than the staff pay award.
- b. Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£15,758.10
Deputy Leader	1.50	£7,879.05
Cabinet Member	1.25	£6,565.88
Scrutiny Committee Chair	1.25	£6565.88
PDG Chair	0.75	£3,939.53
Audit Committee Chair	0.75	£3,939.53
Planning Committee Chair	1.25	£6565.88
Licensing/Regulatory Chair	0.25	£1,313.18
Standards Chair	0.25	£1,313.18
Chairman of the Council	0.50	£2,626.35

- c. No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d. Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e. That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:
 - 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
 - 25p per mile for push bikes
 - 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2021 once known.

- f. That subsistence allowances only be paid when councillors are conducting approved duties outside of the Mid Devon District Council area (where refreshments are not provided by the host)

and that they be linked to those of the staff, currently these are as follows in each case up to a maximum of:

- Breakfast £7.87
- Lunch £10.86
- Tea £4.27
- Dinner £13.44

NB: To be increased in line with HMRC rates from 1 April 2021 once known.

- g. That all claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h. That an annual digital allowance of £150 continues to be paid to Members using digital devices only.
- i. That the Chief Executive or Monitoring Officer continue to consider the payment of any additional claims or support arrangements that fall outside the scope of the scheme to support Members with additional needs.
- j. That Members of the Authority are not entitled to pensions and therefore neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

Jeremy Filmer-Bennett
Marianne Hulland
Karen Stone

January 2021