

BRIGHTON & HOVE CITY COUNCIL

REVIEW OF MEMBERS' ALLOWANCES SCHEME 2003

REPORT OF THE INDEPENDENT REMUNERATION PANEL

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SECTION 1

CONTEXT FOR THE REVIEW

1.1. New Regulations affecting Members' allowances

Two new sets of Regulations affecting Members' allowances came into force on 1st May 2003. Broadly, they introduce new powers for councils to:

- set the level of travel and subsistence allowances paid to members
- pay a co-optee's allowance
- decide whether their members should have access to the Local Government Pension Scheme.

1.2 The role of the Independent Remuneration Panel

In drawing up its new Members' Allowances Scheme, the Council is required to obtain the advice of its Independent Remuneration Panel, and have regard to our recommendations.

We have found our remit significantly extended by the new regulations, since we have been asked to consider the additional matters outlined in paragraph 1.1. We have met eight times in 2003 and have considered each of the new provisions of the Regulations in some detail.

1.3 Methodology

In order to arrive at our recommendations, we have considered:

1. the findings of the diary sheet exercise completed by 47 Councillors from all political groups in September 2003. This represents a response rate of 89%;
2. a comparison of some of the diary sheet findings between 2002 and 2003;
3. written submissions from 32 Councillors regarding the impact of the reduction in the number of councillors and the ward boundary changes;
4. first-hand, qualitative information we obtained from discussions with a cross-section of councillors nominated by Group Leaders;
5. comparative information on the levels of allowances paid in other authorities, notably, unitary councils of similar population size, London Boroughs, and neighbouring county councils;
6. summarised role profiles for each of the main roles;
7. the latest regional and national earnings information collated by the Office of National Statistics;
8. using a formula to set levels of remuneration.

1.4 Public service principle

Many Members have expressed the view to us that the role of a councillor should not become a full-time, salaried position. Despite the time commitment involved and increasing demands placed upon them, we have noted that the concept of public service and civic duty is one that is clearly upheld by both newly-elected and experienced councillors. We accept that this concept of public service should not be disregarded, and consider that a proportion of any time commitment should be regarded as voluntary commitment. This principle has informed our findings.

Notwithstanding the above, we believe that the council should provide a package of financial support which is reasonable, and will go some way towards addressing disincentives from serving in local politics. Our hope is that this will help to encourage a wider cross-section of people to serve on the council.

1.5 Public Expenditure

We recognise that our proposals set out below will involve an increase in allowances payable across the board, and Members will need to consider our recommendations in the context of the Council's other financial priorities.

SECTION 2 THE BASIC ALLOWANCE

2.1 Councillors' roles

The Panel notes that all councillors have wide-ranging roles and responsibilities, both within the Council and outside. In addition to their approved duties for which allowances are paid, many Members are school governors, are active in charitable organisations and associations, and are invited to attend many events in their capacity as a Councillor.

2.2 Factors affecting workload

We have been made aware through Councillors' written submissions and our discussions with them that:

- a) the population size, and geographical area in many wards have increased significantly as a result of ward boundary changes. Councillors are experiencing difficulties in covering all the additional meetings of local groups and forums within their wards that they are expected to attend;
- b) the reduction in the number of councillors at the May 2003 election from 78 to 54, has generated problems in finding enough Members to sit on all the executive committees, sub-committees, forums, plus scrutiny committees and scrutiny review panels. We are aware that Brighton and Hove City Council is in a unique position as the only unitary authority of this size in the country to operate a committee structure. We note also that councillors work within a hybrid structure, since the constitution also provides for the scrutiny function to operate, thus generating more meetings;
- c) the reduction in the number of councillors is also having an impact on councillors' work at ward level. Casework has increased perceptibly in wards where there are now only two councillors, when there used to be three;
- d) six wards are now "split" politically and additional time is being spent on liaising with members of other parties to negotiate an approach to ward issues
- e) the very large-scale issues facing the city, such as National Park status, the community stadium, a Children's Trust, anti-social behaviour, the future of the Council's housing stock, the King Alfred, and the development of Black Rock, are adding to the workloads of all Councillors;
- f) the political make-up of the council is such that there is now no overall control. We understand that this is requiring members to hold many more informal meetings to discuss policy with other political groups, and to attend more joint briefings with officers than before the elections.

2.3 Time commitment

The Panel considers that the question of time commitment must be a central consideration in developing an appropriate level of basic allowance. It was important for us to be able to quantify the level of Councillors' time commitment, and we have appreciated the excellent response from Councillors in completing diary sheets throughout the 2003 September committee cycle.

The analysis of diary sheets indicates that the average number of hours worked by councillors who do not hold positions of special responsibility has increased from 17 hours per week in 2002 to 28 hours per week in 2003. We note that the level of time commitment depends on the roles undertaken by individual councillors and the constraints of employment.

The hours recorded will not have taken into account that Councillors can receive calls, messages, and callers at any time throughout the day. Time spent on dealing with these is difficult to quantify.

2.4 Setting an appropriate level of Basic Allowance

The Panel notes that the level of basic allowance paid to all Councillors has remained unaltered at £8,000 since it was last reviewed in December 1999.

We have approached our task by seeking to understand the roles that councillors are expected to play, their time commitment and their varying levels of responsibilities. When proposing a level of financial support, we have taken account of the impact on workload of the reduction in the number of Councillors, and of ward boundary changes and factors affecting workload outlined in paragraph 2.2. We have also referred to local average earnings levels, and have noted that, on salary inflation alone, the Basic Allowance would have increased to £9,092 in 2003/4.

When considering the level of basic allowance, our concern has been to ensure that we achieve transparency in our recommendation. We have noted that the Institute of Local Government Studies at the University of Birmingham (INLOGOV) outline a formula that may be used to determine the level of Basic Allowance. This takes into account the numbers of hours worked per week, the local hourly rate of pay and incorporates a percentage which recognises the public service element. This may be expressed thus:

Number of hours/days worked x rate for the job minus public service element.

The actual calculation we have applied is:

28 hours x £11.67 minus 40% public service element

We understand that this principle is being applied in other councils and we consider that it represents good practice that should be adopted.

<p>We recommend a Basic Allowance for all Councillors of £10,195 p.a., with effect from 16 May 2003.</p>

SECTION 3 SPECIAL RESPONSIBILITY ALLOWANCES

3.1 Positions of additional responsibility

The Panel recognises that, in addition to the basic community councillor role, some Members will undertake additional duties and tasks for which it will be appropriate to pay a Special Responsibility Allowance (SRA).

We have been asked to consider the responsibilities for which an SRA should be payable and recommend the levels of allowance for each position. It has been one of our prime concerns to arrive at recommendations that are both transparent and justifiable. We have considered a method that again has been outlined by INLOGOV. This considers the position of Leader of the Council as having a responsibility level of 100%, and expresses the various other positions of responsibility as percentages of the Leader's role. We believe that this arrangement provides flexibility and a structure that can be applied in future reviews.

We are recommending that the following roles be defined as ones carrying special responsibility:

(a) Leader of the Council

The Panel recognises that post of Leader of the council carries a very high level of responsibility, given the complexity, size and budget of the Council. We have learnt from the Leader's diary sheet and written submissions that the time demands of the post are at least equivalent to a full time job.

In order to attach an appropriate monetary value to the Leader's allowance, we have applied the same formula as that used in calculating the Basic Allowance. This takes into account the additional numbers of hours worked by the Leader, the average gross hourly rate of pay for Corporate Managers obtained from the 2002 Labour Market Survey and the public service percentage.

The calculation we have thus applied is:

28 hours x £30 minus 40% public service element.

We recommend a SRA for the Leader of the Council of £26,208 p.a., payable with effect from 16th May 2003.

(b) Deputy Leader of the Council

The Panel recognises that the Deputy Leader has a number of important high profile roles. The scale of responsibility attached to this post has increased significantly since the May 2003 elections, as formerly there were two Deputy Leaders. It is apparent from the diary sheet that the time commitment required of this post has increased. The Panel therefore considers that the Deputy Leader's post should carry 60% of the responsibility of the Leader.

We recommend a SRA for the Deputy Leader of £15,725 p.a., payable with effect from 16th May 2003.

(c) Leader of the Principal Opposition Group

Given the political make-up of the Council after the May 2003 election, we acknowledge that the post-holder is in a position to exert more effective influence over the conducting of Council business. The demands and the profile of the role are thus more significant and the time commitment required to carry out this enhanced role is considerable. We thus consider that the responsibility level of this post is equivalent to 48% of the Leader's.

We therefore recommend a SRA of £12,580 p.a., payable with effect from 16th May 2003.

(d) Deputy Chair of Policy & Resources Committee with responsibility for Finance, Property and Performance

The Panel believes that the post of Deputy Chair of Policy & Resources Committee with responsibility for Finance, Property and Performance carries major responsibility and requires significant time commitment. We believe that responsibility level of this post is equivalent to 42% of the Leader's.

We recommend a SRA for the Deputy Chair of Policy & Resources Committee of £11,007 p.a., payable with effect from 16th May 2003.

(e) Chairs of Executive Committees

The Panel is aware that there is a steady flow of initiatives and national strategies from Central Government that require co-ordination and implementation locally. We recognise that this makes the work of Executive Committee Chairs more onerous. The major issues facing the city referred to above affect especially the responsibility levels of Executive Committee Chairs as they ultimately have lead responsibility for issues affecting their service area. It is clear from the diary sheets that these posts require a significant time commitment. We thus consider that the responsibility level of these posts is equivalent to 38% of the Leader's.

We recommend a SRA for the Chairs of Executive Committees of £9,959 p.a., payable with effect from 16th May 2003.

(f) Chair of Overview and Scrutiny Organisation Committee

We recognise the significant responsibility attached to this post as it involves having ultimate responsibility for the effective operation and development of the Council's scrutiny function. Workload has increased as the post now combines the chairing of two committees and an increasing number of short-term scrutiny reviews. We thus consider that the responsibility level of this post is equivalent to 38% of the Leader's.

We recommend a SRA for the post of Chair of Overview & Scrutiny Committee of £9,959 p.a., payable with effect from 16th May 2003

(g) Council Liaison/Chief Whip

Diary sheets indicate that the time commitment in terms of meetings is greater than last year for this post. We accept that the level of responsibility attached to this post is greater than last year given the political make-up of the Council. We thus consider that the responsibility level of this post is equivalent to 38% of the Leader's.

We recommend a SRA for the post of Chief Whip/Council Liaison of £9,959 p.a., payable with effect from 16th May 2003.

(h) Deputy Chairs of Executive Committees

We note that the number of Deputy Chairs for each of the Executive Committees has been reduced from two to one, and that this has increased the level of responsibility attached to these posts.

We recommend a SRA for the posts of Deputy Chair of Executive Committees of £6,552 p.a., payable with effect from 16th May 2003.

Other roles that reflect additional responsibilities

(i) **Sub-Committee Chairs, Deputy Chairs and Convenors**

- **Chair of Planning Applications Sub-Committee**

We recognise that this committee meets frequently and that the position of Chair involves particular demands, given the high level of public interest in the matters that are considered by this sub-committee.

We therefore recommend a Special Responsibility Allowance for the Chair of the Planning Applications Sub-Committee of £8,649 p.a., payable with effect from 16th May 2003.

- **Chair of Regulatory Functions Sub-Committee**

The Panel notes that the post-holder has a dual role as Chair of the new Licensing Committee, and that it is anticipated that this committee will meet with exceptional frequency and its work will be onerous. We note that the new Licensing Committee is now not expected to consider license applications until next year will parliamentary approval is still awaited for the guidance and legislation. However, we accept that considerable additional work that has already been generated by combining these two posts. However, we are aware that there might be different options for dealing with the day-to-day licensing applications once the Licensing Act 2003 comes into force. This may need to be taken into account at the appropriate time.

We therefore recommend a Special Responsibility Allowance for the Chair of the Regulatory Functions Sub-Committee / Licensing Committee of £7,862 p.a., payable with effect from 16th May 2003.

(j) The Panel recommends that SRAs should be payable to the following posts, with amounts payable with effect from 16th May 2003 shown in brackets:

- Chair of Housing Management Sub-Committee (£6,552)
- Convenor of Sustainability Commission (£6,552)

- Chair of Standards Committee (£3,931)
- Convenor of Equalities Forum (£3,931)
- Convenor of Community Safety Forum (£3,931)

- Deputy Chair of Planning Applications Sub-Committee (£2,621)

(ii) **Opposition positions**

- Deputy Leaders of the Official Opposition (£3,276)
- Leader/Convenor of Minority Groups (£3,276)

- Shadow spokespersons for principal opposition (£1,966)

A summary of the Panel's recommendations relating to SRAs can be found in Table A attached to this report.

SECTION 4 TRAVEL AND SUBSISTENCE ALLOWANCE

4.1 Background information and general principles

The 2003 Regulations permit local authorities to set their own Travel and Subsistence Allowances, having regard to the recommendations of their independent remuneration panels. We have this been requested to make recommendations on:

- a) the most appropriate method for paying such a travel and subsistence allowance and
- b) mileage rates and subsistence rates payable to Councillors on approved duties.

We have discussed at length the advantages and disadvantages of a claims-based travel allowance, paying a flat rate travel allowance or paying a travel allowance as part of the Basic Allowance. Our preferred option is for a claims-based travel allowance, as this is the most transparent system, and could most easily be seen to be transparent by members of the public and auditors.

4.2 Travel rates

Mileage rates, including passenger supplements, were discussed in some detail with reference to comparative information on rates paid to officers and to Members in neighbouring authorities. We have noted that the Inland Revenue have set advisory flat rates of 40p per mile for cars, and 24p for motorcycles, irrespective of engine size. Inland Revenue regard any rates above these figures as a benefit, and Members would need to pay income tax and National Insurance contributions on that part of their mileage expenses above these figures. Other authorities, including a police authority and some universities, have adopted these rates. The Panel sees the merit in adopting mileage rates that are at this tax threshold.

We therefore recommend that car mileage be reimbursed at 40p and motorcycle mileage at 24p for travel by Members when on approved duties.

We consider that passenger supplements should continue to be paid as this provides an incentive for car-sharing.

We thus recommend that a passenger supplement be paid at 3p for the first passenger and 2p for all additional passengers.

We also recommend that a cycle allowance be paid at 20p per mile.

4.3 Subsistence rates

The Panel has been asked to recommend the rates at which meal and accommodation costs incurred by Councillors whilst on approved duties should be reimbursed. We note that travelling and subsistence rates were last amended on 1 April 2000, and our consensus view is that current rates do not now sufficiently approach the actual costs of meals and accommodation.

We have been provided with a detailed breakdown of subsistence allowances paid to officers at Brighton & Hove, and comparative allowances paid by other public bodies and authorities. Given the low starting point of the current meals allowances, we consider it reasonable to recommend that an increase of 25% be applied to rates for breakfast, lunch and tea, with amounts rounded up, and the maximum rate for dinner to also be increased.

We therefore recommend that maximum rates for breakfast, lunch and tea be set at £6.50, £8.50 and £3.50 respectively, and the maximum subsistence rate for dinner be increased to £15.00.

The Panel takes the firm view that it is not appropriate or reasonable for the cost of alcohol purchased by Councillors whilst on approved duties to be borne by the taxpayer. This is the view taken in other local authorities, East Sussex Fire Authority and various other public bodies.

We therefore recommend that the Members' Allowances Scheme should not provide for Councillors to be reimbursed the cost of alcohol purchased whilst on approved duties.

We also recommend that the rules on reimbursement for meals purchased on trains remain unchanged.

With regard to overnight rates, we have considered detailed information about hotel costs in major cities and have increased the maximum overnight rate by 25% to make them reflect current going rates.

We recommend that the overnight rate be increased to £114 in London and £100 per night elsewhere.

In recommending all the increases above, our strong view is that it is incumbent upon all Councillors to obtain the best value for money at all times.

SECTION 5 CHILD CARE AND DEPENDANT CARER'S ALLOWANCE

In 2002, the Panel considered in detail the level of allowances paid to assist councillors with the care of children or dependants whilst they are absent on approved council duties. In 2002 the Council accepted our recommendations (a maximum of £5 per hour for child care, capped annually at £700 per Member, and a maximum of £7.50 per hour for the care of dependants capped annually at £1,000 per Member). We did not consider that there was a case for reconsidering them so soon after the last review.

We therefore recommend that the two components of the Child Care and Dependant Carer's Allowance be maintained at their current levels.

SECTION 6 PENSIONS FOR MEMBERS

6.1 Background Information and general principles

The new Regulations enable the Council to decide whether or not to make membership of the Local Government Pension Scheme (LGPS) available to its Members. The Panel has a role to play in this process since the Council will be able to offer pensions **only** to those Members whom we have recommended for membership of the LGPS.

We have thus been asked to make two recommendations as to:

- (a) which Councillors should be entitled to join the LGPS
- and
- (b) which elements of the Member's allowance (the Basic Allowance or the Special Responsibility Allowance or both) should be made pensionable.

The Government considered that giving pension rights to Councillors may attract a greater cross-section of the community, including people of working age, to stand for election. In arriving at our recommendations, we have borne in mind the many instances we know of where employed members of this Council have decided to reduce the number of days/hours they work so as to find time to deal with their councillor duties. This has resulted not only in loss of earnings but has adversely affected these councillors' pension entitlement, to say nothing of their opportunities for career progression.

The Panel believes that Members should not be unduly disadvantaged on this account. We welcome any action that encourages a wider cross-section of the community to become councillors, and reduces the financial disincentives to standing for election.

It has been helpful for us to hear Members' views in support of pensions for Councillors, and we support the argument that giving pension rights to Councillors could assist in recruiting people of working age as Councillors.

We recommend that all eligible Councillors should be entitled to join the Local Government Pension Scheme ,with effect from 1st April 2004, and that both the basic Allowance and Special Responsibility Allowances should be pensionable.

SECTION 7 CO-OPTED ALLOWANCE

The new Regulations allow councils, for the first time, to pay an allowance to co-opted members of committees. We have thus been asked to consider whether there is a case for paying such an allowance to co-opted members on the Housing Management Sub-Committee; the Education Overview & Scrutiny Panel; the Planning Applications Sub-Committee and the Standards Committee.

The Panel has considered in some detail the role and purpose of co-opted members on each of the aforementioned committees. We have also considered the extent of their time commitment and level of responsibility, and in all cases, we have also taken account of the extent to which expenses incurred by them in attending meetings are met from other sources. Taking all the above factors into account, we reached the view that it is not appropriate to remunerate co-opted members on the Housing Management Sub-Committee, Planning Applications Sub-Committee or the Education Overview & Scrutiny Panel.

In the case of Planning Applications Sub-committee, although the time commitment was more significant than that of other co-opted members, we did not feel in a position to recommend that an allowance be paid until such time as the Council has given some consideration to their role and purpose.

However, the one case where we consider that the level of responsibility and time commitment justifies the payment of an allowance is the Standards Committee. The co-opted member holds the position of Deputy Chair. This involves a higher level of time commitment as the Deputy Chair would attend Chair's meetings which precede the committee meeting, and other briefings as required. We consider that the Deputy Chair has a greater level of responsibility than the other co-optees as he would chair committee meetings in the absence of the Chair, and be required to keep abreast of the latest guidance and regulations governing the committee's work. Under the procedure adopted in September 2003, the Deputy Chair will have responsibility for chairing the Standards Panels as well as responsibility for selecting the members of the panels.

We recommend that a co-optee's allowance of £500 p.a. be paid to the Deputy Chair of the Standards Committee, with effect from 16 May 2003.

SECTION 8 OTHER ISSUES

8.1 Withholding of allowances

The new Regulations allow councils to cease payment to Member who have been suspended or partially suspended from their duties where they have breached the Code of Conduct. We consider this to be entirely appropriate.

We recommend that provision be made within the Members' Allowances Scheme for allowances to be withheld where a Member has been suspended or partially suspended.

8.2 Number of Special Responsibility Allowances

The Council has a unique constitution as it is a unitary authority operating a hybrid decision-making structure which comprises both a committee system and a scrutiny function. We acknowledge that the political context of no overall control adds complexity to the operation of this structure. In recognition of this, and given the reduction in the number of Councillors since May 2003, we accept that there is a need for a measure of flexibility in the number of Special Responsibility Allowances that might be payable. We are therefore recommending that an additional two Special Responsibility Allowances be made available to the Principal Opposition Group, to be assigned at their discretion.

Given that there are various unknowns regarding the future committee structure, we also recommend that the principle of having one further Special Responsibility Allowance in reserve be approved.

8.3 Mayor's and Deputy Mayor's Allowances

Although the Mayor's and Deputy Mayor's Allowances do not form part of the Members' Allowances Scheme per se, we have been requested to make recommendations in this connection also. Our intention is to consider the detail of such allowances in due course. As an interim measure, we are recommending that the Mayor's and Deputy Mayor's Allowance be increased in line with inflation with effect from 16th May 2003.

8.4 Parish Council

The new Regulations allow for allowances to be paid to members of parish councils. We have consulted Rottingdean Parish Council on this matter, and have been informed that parish councillors have unanimously agreed that they would not be seeking allowances.

We have requested that written confirmation be obtained at the beginning of each municipal year as to the Parish Council's wishes in this connection.

SECTION 9 SUMMARY OF RECOMMENDATIONS

In summary, we recommend:

- (a) That a basic allowance of £10,195 p.a. be paid to all councillors, backdated to 16th May 2003
- (b) That following additional payments be made to Councillors with special responsibilities, backdated to 16th May 2003:

Post	Level of allowance
Leader of the Council and Chair of Policy & Resources Committee	£26,208
Deputy Leader of the Council	£15,725
Leader of Principal Opposition Group	£12,580
Deputy Chair of Policy & Resources with Responsibility for Finance, Property and Performance	£11,007
Executive Committee Chairs (4 posts) Chair of Overview & Scrutiny Organisation Committee Council Liaison/Chief Whip	£9,959
Chair Planning Applications Sub-Committee	£8,649
Chair of Regulatory Functions Sub-Committee	£7,862
Deputy Chairs of Executive Committees Chair of Housing Management Sub-Committee Convenor of Sustainability Commission	£6,552
Chair of Standards Committee Convenor of Equalities Forum Chair of Community Safety Forum	£3,931
Deputy Leaders of the Principal Opposition Group Leader/Convenor of Minority Groups	£3,276
Deputy Chair Planning Applications Sub-Committee Deputy Chair Overview & Scrutiny Organisation Committee*	£2,621
Opposition Spokespersons for Principal Opposition Group	£1,966

- (c) That car mileage be reimbursed at 40p and motorcycle mileage at 24p for travel by Members when on approved duties.
- (d) That a passenger supplement be paid at 3p for the first passenger and 2p for all additional passengers.
- (e) That a cycle allowance be paid at 20p per mile.
- (f) That maximum rates for breakfast, lunch and tea be set at £6.50, £8.50 and £3.50 respectively, and the maximum subsistence rate for dinner be increased to £15.00.
- (g) That the Members' Allowances Scheme should not provide for Councillors to be reimbursed the cost of alcohol purchased whilst on approved duties.
- (h) That the rules on reimbursement for meals purchased on trains remain unchanged.

- (i) That the two components of the Child Care and Dependant Carer's Allowance be maintained at their current levels.
- (j) That all eligible Members of the Council should be given the opportunity to join the Local Government Pension Scheme with effect from the 1st April 2004, and that both the Basic Allowance and Special Responsibility Allowance should be pensionable.
- (k) That a co-optee's allowance of £500 p.a. be paid to the independent member who is Deputy Chair of the Standards Committee, with effect from 16 May 2003.
- (l) That provision be made within the Members' Allowances Scheme for allowances to be withheld where a Member has been suspended or partially suspended.
- (m) That an additional two Special Responsibility Allowances be made available to the Principal Opposition Group, to be assigned at their discretion.
- (n) That the principle of having one further Special Responsibility Allowance in reserve be approved.
- (o) That the Mayor's and Deputy Mayor's Allowances be increased in line with the Retail Price Index, with effect from 16th May 2003.