

Report by the Independent Remuneration Panel for Brighton & Hove City Council

Mr Ken Childerhouse (Chair)

Mr Martin Andrews

Mr John Bateman

Ms Rachel Potter

18th June 2021

1. Introduction: The Regulatory Context and Background to the Report

1.1 The Panel was convened under The Local Authorities (Members' Allowances) (England) Regulations 2003. These Regulations require all local authorities to set up and maintain an advisory Independent Remuneration Allowances Panel to review and provide advice on Members' allowances. All councils are required to convene their Allowances Panel and seek its advice before they make any changes or amendments to their allowances scheme, and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.

1.2 The functions of the Panel are set out in the Regulations, namely to produce a report in relation to Members of the Council making recommendations:

- (a) as to the amount of basic allowance which should be payable to Members;
- (b) as to the duties in respect of which such Members should receive a special responsibility allowance and as to the amount of such allowance;
- (c) as to whether the allowance scheme should include allowances in respect of the expenses of arranging for the care of children or dependants of such Members and the amount of such allowances;
- (d) as to the responsibilities or duties in respect of which a travel and subsistence allowance should be available;
- (e) as to the responsibilities or duties in respect of which a co-optees' allowance should be available;
- (f) as to whether payment of allowances may be backdated in accordance with Regulation 10(6) in the event of the scheme being amended at any time;
- (g) as to whether adjustments to the level of allowances may be determined according to an index and, if so, which index and how long that index should apply;
- (h) as to which Members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972;
- (i) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable;
- (j) as to whether any allowances to Members should be withheld in the event of the Member concerned being suspended or partially suspended.

1.3 This report relates to a request for the Panel to advise the Council in relation to proposed changes to the Members Allowances Scheme covering the period 2019 to 2023.

2. The Panel

2.1 Brighton & Hove City Council has appointed the following to its Independent Remuneration Panel, namely:

- Ken Childerhouse (Chair) (retired university lecturer);
- Martin Andrews (civil servant);
- John Bateman (teaches Corporate Governance in the Department of Business and Management at the University of Sussex);
- Rachel Potter (JP, Journalist and Editor specialising in local government and the public sector).

2.2 The Panel was asked to consider the following issues that may require amendments to the Scheme:-

- Job sharing and co-chairing of committees by councillors
- The provision of support for car parking for councillors
- A proposal to provide an allowance for co-optees to Council Committees, where the individual is not representing an organisation

2.3 The Panel considered the issues highlighted through an on-line questionnaire to councillors, virtual meetings with councillors impacted by the new co-chairing arrangements and virtual meetings with the Leaders of the Opposition Groups. The Panel sought to take into account:

- The current Allowances Scheme;
- Councillors' views on the proposed changes to the Scheme;
- The council's decision-making structure;
- The council's budgetary position and savings targets.

2.4 The Panel met on 19th January, 2nd March and 25th May 2021, with councillors in attendance on 2nd March and 25th May. The Panel carefully considered the representations they received from councillors and officers, together with the written information presented, before they reached their conclusions.

3. Recommendations

The following recommendations are put before the Council:-

- 3.1 That the Scheme is amended to reflect the changes in relation to job sharing roles as set out in paragraph 4.8 of this report;
- 3.2 That Option 1 in relation to support for car parking for members is agreed as set out at paragraph 5.5-5.7 of this report;
- 3.3 That an allowance of £500 is included in the Scheme, payable to co-optees and standing invitees to Council Committees who attend in a personal capacity as set out more fully at paragraph 6 below.

4. Job sharing and co-chairing of committees by councillors

- 4.1 In November 2019 full Council considered a report on Women in Local Government and agreed a recommendation that Member positions of special responsibility are open to job share.
- 4.2 At full Council on 13th August 2020 appointments were made to Committees and Sub-Committees, including the appointments to positions of special responsibility. This included a number of roles which were identified as job share roles. A Chair's job share protocol was included for information with the papers for full Council.
- 4.3 In view of the above, the Independent Remuneration Panel (IRP) were invited to consider whether changes or clarification of the agreed Member's Allowances Scheme 2019-2023 was necessary.
- 4.4 On 25th March 2021 full Council considered a report from the IRP and made the following resolutions in relation to the issue of job sharing:-
- (1) That the comments of the IRP regarding their encouragement to the Council to consider further information being shared regarding the nature and practical implementation of job share roles for Councillors be noted;*
- (2) That a report be brought to the next meeting of Policy & Resources Committee to detail which jobs could be job shared in any revisions to the Scheme.*
- 4.5 The Panel noted from previous council debates and decisions that principle of job-sharing seemed to be generally accepted. However, there was concern expressed relating to (a) perceived difficulty in operating the job-share arrangements in terms of members and officers knowing who does what; (b) perceived duplication of representation where both job share members attend meetings and (c) perceived potential additional costs to the Council.
- 4.6 The IRP wish again to make clear in this report that they were confined to considering the allowances applicable to the posts that had been agreed by full Council in August 2020, which included job share roles. The IRP made no comment on the structure or division of roles that had been agreed. They noted that it was a matter for full Council to determine the positions of responsibility and to make any changes to these, including whether or not a role could be a job share. The IRP noted that a job share protocol was in place that was published as part of the Council agenda on 13th August 2021 and further noted that the Council may wish to consider amendments or updating of that protocol to address the concerns that have been raised and to consider keeping that protocol under regular review.
- 4.7 The IRP considered that the Allowances Scheme should enshrine a general principle that arrangements for job sharing should not result in additional costs which would be more than the total cost of the scheme if there was no job sharing ie the arrangements should be cost neutral to the overall Scheme.

- 4.8 The IRP considered the division and application of SRA's between roles that are job shared to be in line with the Fair Remuneration principle set out in the Scheme. The IRP concluded that the proposals to enable the division of SRAs between roles that are job shared will support younger members, working members, and those with other responsibilities, to be able to hold senior positions and have the opportunity to develop in their roles.

Recommendation

- 4.9 Taking the above principles into account, the IRP recommend that the Allowances Scheme is amended to reflect that:
- (a) A Member who job shares a role receives 50% of the SRA for that post;
 - (b) If a Member job-shares two roles, they receive 50% of the SRA for each of the posts they share;
 - (c) A Member should not be allowed to job share more than two roles;
 - (d) Deputy Leader arrangements be rationalised so that:
 - (i) A single Deputy Leader will be expected to Chair a Committee and get the full Deputy Leader Allowance (currently £20,039.)
 - (ii) If 2 Members job share the Deputy Leader position and share the Chairing of the same committee, they share 50% of the Deputy Leader's allowance (currently £10,020)
 - (iii) If the 2 Members job share the Deputy role but also Chair one committee each full time, they shall both receive 50% Deputy Leader's allowance and 50% committee chair's allowance (meaning they would receive a total SRA of £15,030 currently).
 - (e) If the Leader's position is job-shared, the joint Leaders will be expected, between them to chair the equivalent of a full time policy committee (Policy & Resources Committee) and the Leader's allowance will be shared between them equally.
- 4.10 The IRP noted that at Annual Council in May 2021, appointments were made to the role of Leader of the Official Opposition on a job share basis (referred to as Co-Leaders). As set out above, the IRP recommend that each Member job sharing that role should receive 50% of the SRA for that post.

5. The provision of support for car parking for councillors

- 5.1 Independent Remuneration Panels have direct responsibility for making recommendations in relation to travel and subsistence allowances.
- 5.2 At the Budget Council meeting in February 2021 it was agreed that a £25k saving should be attributed to car parking provision for councillors at the Norton Road car park, subject to consideration by the IRP. The IRP were

asked to review the recommendations and consider the implications for the Allowances Scheme.

- 5.3 Full Council on 25th March 2021 made the following resolution in relation to car parking:-

(3) That an Options Paper be brought to the next meeting of Policy & Resources Committee to decide on any revisions to the Members Allowances Scheme with regards to car parking passes, and for the options to include:

- *separating the two car park concessions and reducing them,*
- *for permits to be limited in number per political group,*
- *choosing to have permits for one site only,*
- *allowing Councillors to make a larger monthly contribution for both car parks near the Town Halls*
- *or other suggestions which the IRP believe relevant.*

- 5.4 The IRP considered the representations received from Members and the information presented by officers. The following options were identified:-

Option 1

- 5.5 Car park passes continue to be provided for both Norton Road and the Lanes and councillors make a monthly contribution, (deducted from their basic allowance payment) of £22.60.

- 5.6 The 12 spaces to the rear of the car park at Norton Road are held for councillors on a first come, first served basis. Any additional spaces required would be subject to availability in the main car park and if no spaces were available the councillor would need to find alternative parking and pay for it.

- 5.7 Additional spaces would continue to be reserved in the main Norton Road car park for full Council meetings to ensure all councillors with passes are able to attend.

Option 2

- 5.8 No car park passes are provided, and councillors are expected to use public transport or pay for parking when attending meetings.

- 5.9 The Panel noted that the Members Allowances Scheme provides that the use of taxis when leaving a meeting late at night can be claimed for.

Option 3

- 5.10 Passes are issued to those opting for a car park pass at Norton Road without the 12 designated councillor spaces being reserved to councillors, so that councillors would have to rely on finding an available space when attending meetings. This would free up the 12 spaces currently held in Norton Road and therefore generate a saving.

- 5.11 No passes are issued for the Lanes as the majority of meetings take place at Hove Town Hall, but arrangements would be made to enable those councillors wishing to park when attending full Council meetings are able to do so (Democratic Services to manage the arrangements).

Recommendation

- 5.12 The IRP noted the feedback from elected Members in relation to this issue. There were a wide range of different views expressed, from retaining the status quo to removing all support for Member parking. There was no consensus on the way forward to deliver this saving. The IRP considered the size of the saving that could be made from the withdrawal of the provision of the 12 spaces in Norton Road and balanced this against the representations that had been received and the potential impact on accessibility for councillors to council meetings.
- 5.13 In the absence of a majority view from the Groups supporting one option, the IRP did not consider that a case had been made to significantly alter the current arrangements. The Panel also considered that the potential impact on the accessibility of meetings to councillors and anyone considering becoming a councillor in the future would be disproportionate to the saving that could be achieved. The Panel also felt that this remained in line with the objectives of the Women in Local Government report as it maintained an option of choice for accessibility.
- 5.14 Therefore the IRP recommend Option 1 to full Council, which maintains an option for a monthly contribution for a car park pass to be paid by members who wish to use this (Mon- Fri) on the basis of 12 reserved spaces being available at Norton Road car park, as well as ongoing access to the Lanes car park.

Allowances for co-optees to Council Committees who attend in a personal capacity

- 6.1 On 13th May 2021 Policy & Resources Committee received a report on the Council's constitution which included the following proposal:-

Co-optees and standing invitees

4.11 *It is proposed that the Council's existing arrangements for encouraging input from relevant groups in the area be enhanced by appointing the following additional non-voting co-optees to those of the Council's Committees specified below. It should be noted that options for future representation on other Committees will be kept under review, while the project to explore all available means of supporting co-optees and standing invitees to participate effectively in the Council's decision-making remains ongoing:*

- An additional co-optee to Environment, Transport and Sustainability Committee to represent the perspective of disabled people;*
- A representative from Parent Carers' Council (PaCC) to be co-opted onto Children, Young Persons and Skills Committee.*

4.13 *It is further proposed that a role description is developed for co-optees and standing invitees and that a report is brought back to this Committee to consider whether co-optees and standing invitees who are appointed and attend Council Committee meetings in a personal and voluntary capacity should receive an allowance to acknowledge the value they bring to the Council's decision-making. Such a proposal would also require consideration by the Independent Remuneration Panel.*

6.2 Following this request from Policy & Resources Committee, the IRP have considered the proposal to offer an allowance to co-optees and standing invitees who attend Council Committee meetings in a personal and voluntary capacity. The IRP understand that this proposal would impact on the following roles:-

Committee	Role	Representing	Number of positions
Policy & Resources	Standing Invitee	BME representative	1
TECC	Standing Invitee	BME representative	1
ETS	Non-voting co-optee	Representative of disabled people	1

6.3 Under the current Scheme co-optee's allowances are currently paid to the two Independent Members of Audit and Standards Committee as follows;-

Independent Member of Audit & Standards Committee (x2) £1,058

Independent Member of Audit & Standards Committee (when serving as the Chair of a Standards Hearing Panel) £200

6.4 The IRP considered that there should be a differentiation in the allowances paid to the Independent Members and other co-optees/standing invitees because of the nature of the demands of the audit and standards role. The Independent Member role carries with it prescribed statutory responsibilities outside of the committee cycle which are embedded in the Council's Standards Procedure. These responsibilities require the Independent Members to undertake assessments of complaints of breaches of the Code of Conduct for members and to advise the Monitoring Officer of their findings. They are also involved in member training and policy review in relation to audit, governance and standards matters. They are required to manage and chair Standards Panel Hearings for which they receive a per meeting payment of £200.

6.5 The IRP considered the role of the co-optees and standing invitees against the draft job descriptions that have been prepared. The IRP considered that it was appropriate to apply the principles of the Scheme to those non-voting co-optees and standing invitees who do not represent organisations but attend in

a personal capacity. These principles include supporting the public service ethos, whereby there is a recognition of giving time voluntarily in the public interest, and also the Fair Remuneration principle, which recognises the advantage of a range of people being encouraged and enabled to be involved in local government from all walks of life.

Recommendation

- 6.6 Taking into account the above principles, and the decision of the Council to introduce a number of co-optee and standing invitee roles to its Committees, the IRP considered that an allowance of £500 per annum should be recommended for applicable roles. This sum would be intended to recognise the attendance of co-optees and standing invitees who do not represent organisations but attend in a personal and voluntary capacity at Council Committees (approximately 6-7 per annum) and to recognise their time engaged in preparation for those meetings. The IRP did not consider a per meeting payment would be appropriate because of the additional resource required to administer and time taken to apply for this and because the number of meetings is clearly set out in advance in the Council diary, so is a known quantity.

7. Conclusion

- 7.1 The IRP have listened carefully to all of the different representations from members in relation to the proposals addressed in this report, which have been referred to the IRP to support their consideration of amendments to the current Scheme. The IRP recognise that amendments to the Scheme may be necessary where there are developments in Council arrangements and recommend to full Council the proposed changes to the Scheme as set out in the report.

