

NORTH YORKSHIRE COUNTY COUNCIL

14 DECEMBER 2011

**REPORT OF THE INDEPENDENT PANEL ON
MEMBERS REMUNERATION**

1.0 PURPOSE OF PAPER

- 1.1 (a) To bring to the attention of the County Council the report of the Independent Panel on Members Remuneration.
- (b) To seek approval to the recommended scheme of allowances, the list of approved duties, and the Protocol for Members Attendance at Conferences, for 2012/13.
- (c) To present recommendations on arrangements to replace two retiring members of the Panel with effect from May 2012.

2.0 BACKGROUND

- 2.1 The report of the Independent Panel on Members Remuneration is attached as **Appendix A** for consideration by the County Council.
- 2.2 The County Council needs to consider the report and its recommendations and decide whether it wishes to amend its allowance scheme.
- 2.3 Two members of the current Panel will stand down in May 2012, in line with the arrangements agreed by the County Council in December 2010. The report deals with the proposed procedure to make two further appointments from May 2012.

3.0 ISSUES AND DISCUSSION

(a) Scheme of Allowances

- 3.1 In making its recommendations, the Panel considered the allowances paid at the current time, in the context of the performance achieved by the County Council, and the overall financial climate. It also considered comparator information from other Councils.
- 3.2 The County Council must approve a Scheme of Allowances before the start of the financial year. The proposed scheme, which takes account of the recommendations made by the Panel, is attached at **Appendix B**.
- 3.3 In summary, the main recommendations of the Panel are:
- Basic Allowances and Special Responsibility Allowances to be paid at the same rate as in the current year (Section 8 and 9 of the Panel Report).

- A continuation of the alignment of the scheme of travelling and subsistence allowances with that in place for officers. (Section 10 of the Panel Report).
- Small changes to the wording of the Scheme for child care and dependent carers allowance. (Section 11 of the Panel Report).

3.4 The County Council must also agree a scheme of approved duties and a related Protocol on Members Attendance at Conferences. No changes to the schemes are proposed. The wordings recommended for adoption for 2012/13 are attached as **Appendix C** and **Appendix D**.

3.5 Details of the costs of the proposed scheme are show in **Appendix E**.

(b) Other matters which the Panel would wish to be considered by the County Council

3.6 Following the consideration of the Panel's report at the County Council in December 2010, the Chairman of the Panel met with the Leader of the Council and the Leader of the Liberal Democrat Group to discuss issues around the recording of Members attendance at meetings. The aim was to seek a common understanding of what information might be available to the public to provide an indication of the level of time and commitment put in by members, over and above the core meetings that have been recorded in recent years for the attendance monitoring schedule. The Panel were informed on the progress made on these matters, and this is covered in paragraph 6.7 of the Panel report.

3.7 Further work will be undertaken to determine the best way to record the additional work undertaken by members above and beyond their attendance at formal meetings. This will include further developing and refining a role description which can be appended to the Constitution. This work will be undertaken with the Constitution Working Group.

3.8 As well as payments under the terms of the Members Allowances Scheme, the County Council also makes payments to independent members of Education Appeals Panels, under specific regulations that apply to the arrangements for such Panels. For a number of years, members of Education Appeals Panels have received the same mileage rates as those paid to Members covered by the main Scheme, and this link is a formal part of the scheme of payments to Education Appeals Panel members.

3.9 Following the decision to reduce the mileage allowance under the main Scheme, concerns were expressed about this action by some Education Appeals Panel members. A paper was presented to the Panel asking for their views on the link between the two schemes. In particular, there view on any knock on effect to the main scheme if there were to be a proposal to end the alignment of the rates paid for mileage under the different schemes.

3.10 This is covered in more detail in Section 13 of the Panel report. The conclusion of the Panel, as set out in that report was:

“The Panel had some sympathy with the position of the Appeals Panel members but considered that it could not make a judgement on this matter because it is for the County Council to balance the need to deal with the issues raised by Appeal Panel Members, with any potential for impacting upon the current arrangements for the Members Allowances Scheme which had been carefully developed over time, and which is now based on a specific link to the Officers Scheme.”

3.11 A separate paper on this matter is included elsewhere on today’s agenda, and the County Council may wish to take account of the views of the Panel when reaching a decision on this matter.

(d) Appointments to the Independent Panel

3.12 The County Council is required by Regulation to form an Independent Remuneration Panel to advise on certain matters which are set out below. The Panel must consist of at least 3 members. None of these can be a member of the Authority or one of its Committees or Sub Committees and cannot be disqualified from being, or becoming a member of the Authority.

3.13 The Role of the Panel is to consider and report to the Authority, making recommendations on the following issues:

- The amount of the basic allowance.
- The responsibilities in respect of which special responsibility allowance, travelling and subsistence allowance, and co-optees allowance should be available and the amount of such allowances.
- Whether dependent carers allowance should be payable and if so, the amount of such an allowance.
- Matters relating to access to the Pension Scheme.
- If applicable, issues regarding indexation of allowances and backdating of decisions.

3.14 The County Council constituted the Panel in its present form in 2010. There are currently four members of the Panel. Two members were appointed in 2010 for a term of 4 years in the first instance. Two further members have served since 2002. It was agreed as part of the transitional arrangements that their term should run to May 2012 to give continuity within the Panel, in terms of the knowledge base on how the County Council works.

3.15 The proposed process to replace these two Panel members is set out in **Appendix F** for Members consideration.

4.0 RESOURCE CONSIDERATIONS

4.1 **Appendix E** summarises the proposed expenditure on Basic and Special Responsibility Allowances, Co-optee Allowances and travelling and subsistence allowances.

- 4.2 As well as reflecting the recommendation to hold rates payable at the same levels as those that apply in 2011/12, this appendix takes account of a review of other costs, for example in respect of National Insurance and Pensions. Changes to the thresholds for National Insurance, at a time when allowances have remained fixed for three years, has led to a reduction in the budget required for those costs. The allowance for pensions costs reflects the current uptake of Members in the Pension Scheme. Finally, the amount allowed for mileage and subsistence costs, reflects recent trends of claims.
- 4.3 The effect of all of this is to lead to an overall reduction of £22k in the budget required, compared with the position in 2011/12.

5.0 CONSULTATION AND COMMUNICATION

- 5.1 In line with the Regulations and previous practice, a notice publicising the report of the Panel has been placed in the Yorkshire Post and on the County Council's website. In addition, an item has been placed in the December issue of North Yorkshire Now, the County Council's e-newsletter. A copy of the Report has been made available for public inspection at County Hall.
- 5.2 If the County Council adopts the proposed Allowances Scheme then it must ensure that copies of the Scheme are available for inspection by the public. In addition the Council must publish in one or more newspapers circulating in their area a notice which states that the Council has made/amended the Allowances Scheme and specify the period of time for which the Scheme has effect. It must also describe, amongst other things, the main features of the Scheme, specify the amounts of each allowance, state that the Council has had regard to the recommendations of the Independent Remuneration Panel and describe the main features of the Panel's recommendations, highlighting any issues where the decision of the County Council differs from that recommendation. In line with previous practice, this notice will be placed in the Yorkshire Post, and on the County Council's website.

6.0 RECOMMENDATION

- 6.1 That the County Council approves:
- (a) a Scheme of Allowances (as attached at **Appendix B**), scheme of approved duties (as attached at **Appendix C**), and Protocol for Members Attendance at Conferences (as attached at **Appendix D**) for 2012/13.
 - (b) the procedure for the appointment of two replacement members of the Independent Panel, to take up their role in May 2012, as set out in **Appendix F**.

Report prepared by: Geoff Wall, Assistant Director – Central Finance

Background papers: None

RICHARD FLINTON
Chief Executive

County Hall
Northallerton

1 December 2011

**INDEPENDENT PANEL ON THE REMUNERATION OF MEMBERS OF
NORTH YORKSHIRE COUNTY COUNCIL**

**REPORT OF THE INDEPENDENT PANEL ON THE REMUNERATION
OF MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL**

November 2011

1.0 Introduction

1.1 The Independent Panel was reconstituted in May 2010. Our composition is as follows:-

| | |
|--|---|
| Mr Clive W Leach CBE Appointed 2002 | - Chairman of the Universe Media Group, Chairman of the Durham County Cricket Club, Chairman of Serene Pavilions Ltd. Recent Chairman of Financial Services Skills Academy for Yorkshire and the Humber, President of Harrogate International Festival Ltd, Chairman of Yorkshire Enterprise and Yorkshire Fund Managers (The Yfm Group), Chairman of Yorkshire Culture and Chairman of the Yorkshire and Humber Regional Learning and Skills Council. |
| Mr David Kirby Appointed 2002 | - Accountant, Deputy Chairman of South Tees Hospitals NHS Foundation Trust and former local government officer. |
| Mr Trevor Nuttall Appointed 2010 | - Trustee and Administrator of the Trust for Education, Chairman of Chapel Allerton Tennis and Squash Club. Formerly Chief Executive of Yorkshire and Humberside Development Association, Consultant with Arthur Andersen, Chief Executive Leeds Financial Services, School Governor |
| Mrs Denise Wilson Appointed 2010 | - Chairman of Craven Council's Standards Board. Recently retired Policy Manager/lobbyist working on behalf of small and micro businesses at both regional and national level. Former local government officer. |

1.2 The Panel met on one occasion to consider its recommendations for the Scheme to apply from April 2012.

1.3 Our Terms of Reference are as follows:-

- (i) To consider issues relating to Members' remuneration and expenses
- (ii) To consider representations; and
- (iii) To make recommendations and provide advice to the County Council.

2.0 **Background**

2.1 We have considered background papers on issues relating to:

- Progress made on implementing our recommendations made last year
- Overview of the County Council's Performance over the last 12 months
- Ethics/Standards Update
- Members' Attendance at meetings
- Pension Scheme Issues
- Basic, Special Responsibility Allowances and Co-optee Allowances
- Travel and Subsistence and Other Allowances
- Payments made to members of Education Appeals Panels, and implications for the Members Allowance Scheme.

2.2 We received a briefing from your Chief Executive on some of the current issues and challenges facing the County Council. This included the way in which the County Council, and its staff are meeting the challenges of the tight financial framework within which the Council is operating, and the prospects for the next few years in the light of the government's economic policy.

3.0 **Implementing the 2010 Recommendations of the Panel**

3.1 The Panel were pleased to hear that their recommendations made in 2010 in respect of the Scheme year 2011/12, had been accepted by the County Council, and that some of the other proposals had also been implemented. These included changes to the format of the annual statement of Members Allowances, which now highlights the percentage attendance at meetings, the issuing of an updated guidance document, and the designation of a single point of contact for interpretation of scheme rules. We were also pleased that the Council have given wider publicity to the work of the Panel and the decisions taken by the County Council over the previous year. We believe that such an approach should be adopted in the future, to ensure that members of the public have visibility on these matters, and are aware that the Independent Panel is acting on behalf of the community, in making recommendations to the County Council on the details of the Members Allowances Scheme.

3.2 We were made aware of some concerns that had been expressed by appointed members of Education Appeals Panels. The arrangements in place for the expenses scheme applying to them, aligns the mileage allowance paid with that used in the main Members Allowances Scheme. This meant that they unexpectedly received a reduction in the mileage allowance payable to them from April 2011. We considered this matter further at our meeting.

3.3 We also considered progress on discussions about recording additional meetings attended by members as part of the attendance monitoring arrangements. This, together with a draft document setting out the wider role of the member, were considered as a separate item at our meeting, and are dealt with later in this report.

4.0 Overview of the County Council's Performance over the last 12 months

4.1 The Panel were made aware of the changes to the performance management regime, arising out of the government's decision to end the Comprehensive Area Assessment in 2010. This had not been replaced by any overarching performance monitoring regime.

4.2 We were told that service level performance assessments are still carried out by different regulatory bodies. The County Council continues to perform extremely well in these assessments, consistently achieving outcomes of "excellent" or "performing well". There was continuing evidence of improvement in areas where performance had only been average in previous years.

4.3 The Chief Executive shared his view, that for the future, the County Council needed to focus on achieving even stronger front line services, and needed to deal with some variability in service performance levels across different parts of the County Council, where these could not be explained by different resources. Overall, there is a need for continuing emphasis on customers.

4.4 The Chief Executive recognised that this was a difficult year of transition, and there are difficult times ahead but that the County Council and its staff appeared to be bearing up well, in spite of the many changes required because of the difficult financial position faced by the Council.

4.5 The Panel confirmed their view that the presentation presented a very positive picture, and commended the Council on the way it had been dealing with these service changes and maintaining good staff and union relations during this difficult period.

5.0 Update on Ethics and Standards

5.1 The Panel received a report updating on the progress made on implementing changes to the current arrangements. We were told that there is still some uncertainty about the final format of future arrangements, and the matters that would be required by the new regulations. We were pleased to hear, however, that local consideration indicated the continuing need for a Standards Committee, albeit one that might be able to work without some of the more bureaucratic processes in place under the current regulations.

5.2 We noted that there had only been one new complaint raised against a Member since we met a year ago.

6.0 **Members Attendance**

- 6.1 As in previous years, we were interested to see evidence of the level of Members engagement and attendance at the main meetings of the County Council. We were pleased to see that overall attendance had increased to 85% in 2010/11, compared with 83% in 2009/10, with this pattern of improved attendance being evident across the different types of meeting covered by the monitoring data.
- 6.2 We were pleased that our recommendation to highlight individual percentage attendance on the annual publication of Members allowances, had been implemented.
- 6.3 This publication highlighted that, at an individual level, most Members achieved very high attendance levels. Only one Member achieved attendance of less than 50% at these core meetings in 2010/11.
- 6.4 In the past, we have made a particular point about the importance of a high level of attendance. We recognise that there are circumstances that mean that attendance at specific meetings may not be possible. For example, a Member may be engaged elsewhere on other important Council business. There will also be other reasons, for example illness, that may prevent attendance. Finally, we recognised that working Members may find it less easy to achieve high attendance, compared with those who are now retired. We are of the view that individual cases of low attendance are matters that need to be taken up within the political groups.
- 6.5 Overall, we are clear that the overall attendance levels are on average well in excess of the Panel's view that an attendance of over 75% at core meetings is a reasonable expectation.
- 6.6 Following our recommendations last year regarding attendance levels, there was, of course, discussion at the County Council meeting in December 2010 and this led to a review meeting involving the Chairman of the Panel, the Leader of the Council, and the Leader of the Liberal Democrat Group to discuss these matters. The aim was to seek a common understanding of what information might be available to the public to provide an indication of the level of time and commitment put in by Members, over and above the core meetings that have been recorded in recent years for the attendance monitoring schedule.
- 6.7 We noted that two pieces of work had been progressed since that meeting. The first was the compilation of a list of other meetings involving Members, where it would be possible in principle to put in place a monitoring system to record attendance. The Panel, whilst recognising the range of meetings listed, did not believe that it was necessary to record this information and make it available to the public. For example, it may lead to some confusion on the part of the public about the relative importance of attendance at different types of meeting. It could have the effect, for some Members at least, of affecting the current high level of attendance shown for the core meetings. As a Panel we considered that it might be appropriate for us to consider such information at future Panel meetings and to take this into account as part of our deliberations, bearing in mind that our role is to represent the interests of the community at large within the County, when considering matters relating to the Members Allowance Scheme.

- 6.8 We recognised that this is a matter for the County Council to consider further, and we await further information on decisions taken by the County Council with interest.
- 6.9 The second issue discussed at the meeting mentioned above, was the need to have a simple and transparent way of sharing with the public at large, information about the wider role of the elected Member. We considered a first draft of a document setting out that wider role. We felt that the final version of this, to be made available to the public, would benefit from being more summarised, simply picking out key points within a shorter document. Once drafted in such a format, we believe that this document should be published alongside the annual statement of expenses and attendance, and specifically drawn to the attention of those accessing that information, and hence provide useful contextual information.
- 6.10 We also considered information on the extent of training available to Members over the last 12 months. As previously, this represented a wide range of differing topics, particularly those picked up as part of Members Seminars. We were also pleased to hear that Members continue to take advantage of ICT training sessions, and that the County Council has put in place particular arrangements to support Members as it introduces the new Microsoft suite of programmes over the months ahead.

7.0 Members of the Pension Scheme

- 7.1 We received an update on scheme membership. The position on scheme membership remained as reported last year, with 28% of Members being in the Scheme.
- 7.2 We were informed that there had been no requirement to apply the scheme of discretionary elements, over the last 12 months.

8.0 Basic Allowance

- 8.1 We considered the previous approach of recognising the differing levels of responsibility amongst Members i.e. to base allowances on units of responsibility - the greater the level of responsibility, the more units the particular role would attract. This has stood the test of time and we recommend its continued use. We consider that a system of unitisation is both clear and enables the relative weighting of different functions to be easily recognised.
- 8.2 In relation to the Basic Allowance, the Panel received information about the level of allowances paid in other Local Authorities within the County Council's comparator group. The relative position within this group of 16 counties had stayed at 9th for the third year. The relative financial position is that the North Yorkshire Basic Allowance is 4.1% below the average for the group. It was noted that all Authorities in the group like North Yorkshire, had not increased the allowance in 2011/12.
- 8.3 The Panel considered that there is no case on the grounds of either comparability or changing role, for the number of units of responsibility to be reviewed, and that our consideration this year should be restricted to considering the case for an increase in the value of a unit, including the affordability of such an increase.

- 8.4 Information was considered on levels of increases made in recent years, together with information on officer pay awards, the prospects for public sector pay for 2012/13, and the rate of inflation, which continues at a high level.
- 8.5 We also considered the background to the general economic situation, and the financial prospects for the Authority, as shared with us by the Chief Executive. We have also taken account of the impact of recent decisions on staff terms and conditions of service.
- 8.6 Taking account of all the factors, it is our view that a NIL increase is justified at this time, and this is our recommendation to the County Council. We would wish to stress, however, that as a Panel we continue to appreciate and value the role of the Councillor, the work you are carrying out and the excellent standards being maintained.
- 8.7 In summary, the Panel is recommending that the Basic Allowance from 1st April 2012 is based on 5.825 units and at a unit value of £1,544. This would lead to a Basic Allowance of £8,994 i.e. the same amount payable since 2009/10.

9.0 **Special Responsibility Allowances**

- 9.1 The Panel believes that the system based on units of responsibility continues to be appropriate. The review of the County Council's Special Responsibility Allowances (SRA) compared with those in the comparator group of counties was considered, although it was recognised that the definitions of roles and hence the responsibility undertaken, could clearly vary across different authorities. As with the Basic Allowance, we noted that most Authorities had not increased their payment in 2011/12, mirroring the position in North Yorkshire, with changes made more likely to be related to reviews of particular roles, rather than any overall change to a scheme.
- 9.2 In terms of the comparative position, it was noted that the payments to the County Council were, in all cases, in the third or fourth quartile.
- 9.3 Following the reviews carried out in 2010, we were informed that there were no matters than needed to be drawn to our attention in respect of changes to roles or responsibility levels, for either elected members, or co-optee roles.
- 9.4 In summary, we concluded that there was no case for a change in any of the units of responsibility linked to any of the Responsibility Allowances, and that these should continue as in the current year.
- 9.5 Following the previous approach, the value of the unit should be set in line with the value attached to the Basic Allowance. It follows, therefore, that we recommend no increase in Special Responsibility Allowances for 2011/12. The proposals for each allowance, reflecting that NIL increase are shown in **Appendix 1**.

10.0 **Travel and Subsistence Allowances**

- 10.1 The review of the Scheme last year led to a recommendation that achieved an alignment between the rates payable to officers of the County Council, and those

payable to Members, with most eligibility details for example for entitlement to subsistence and out of pocket expenses also aligned.

10.2 Our strong view is that this principle of alignment should be retained. It provides a fair and equitable approach.

10.3 We noted that the collective agreement with staff includes a review of the mileage rate in March 2012. If this review leads to any change, then we would expect the County Council to include a change in Member rates as part of the assessment of affordability to the Council.

11.0 Child Care and Dependent Carers Allowance

11.1 We consider that the general framework for the payment of Child Care Allowances remains appropriate, but have been informed that changes to the national minimum wage definitions means that the wording of the Scheme should now reflect the main minimum wage rate applying to adults aged 21 or over.

11.2 Taking account of this change, the revised wording to the scheme should be:

“5(b) For childcare, the allowance payable will be the lower of actual expenditure and the national minimum wage for adults aged 21 or over.”

11.3 Changes are also required to the wording of the Scheme for Dependent Carers Allowance, to take account of the renaming of Adult and Community Services to Health and Adult Services, and to take account of changes to the home care charging scheme implemented by the County Council in May 2011.

11.4 Taking account of these changes, the revised wording to the scheme should be:

“5(c) For care for others, the allowance will be the lower of actual expenditure and the appropriate charge, dependent on the period of care, set as part of the home care charging scheme by NYCC Health and Adult Services.”

12.0 Approved duties for the payment of travelling and subsistence and other allowances

12.1 The Scheme of Approved Duties was amended for 2011/12, and took account of consideration by the Panel.

12.2 No issues have arisen during the year that indicate that further amendments to the Scheme of Approved Duties are required.

13.0 Payment of allowances to members of Education Appeals Panels

13.1 The Panel considered a paper which set out the background to the payment of allowances to Independent Members of Education Appeals Panels. The Regulations governing these payments are separate to those that govern the Members Allowances Scheme, and hence decisions on those payments are not

matters that fall within the responsibility of the Independent Panel to make recommendations to the County Council.

- 13.2 It was noted, however, that in respect of the mileage and subsistence allowances aspect of the Scheme, it had traditionally been the County Council's policy to align these with the payments made under the Members Allowances Scheme.
- 13.3 This meant that from April 2011, the higher mileage rate had been reduced from 48.5p to 40p, and members of the Education Appeals Panels had been unaware of this until the change was implemented. This had raised a level of concern, and a number of Panel Members contacted the County Council to express a view that this reduction in rate should not have been made.
- 13.4 This issue was raised with the Panel, because whilst it was a matter on which the County Council needed to make a decision, there was a potential knock on effect to the Members Allowances Scheme if any proposal led to an ending of the alignment of the rates paid for mileage under the different Schemes.
- 13.5 The Panel had some sympathy with the position of the Appeals Panel members but considered that it could not make a judgement on this matter because it is for the County Council to balance the need to deal with the issues raised by Appeal Panel Members, with any potential for impacting upon the current arrangements for the Members Allowances Scheme which had been carefully developed over time, and which is now based on a specific link to the Officers Scheme.

14.0 **Arrangements for the new Panel for 2012**

- 14.1 In 2010, arrangements were made to reconstitute the Panel, and Trevor Nuttall and Denise Wilson became new members of the Panel for a four year term commencing May 2010. The intention, at the time, was for the next set of appointments to be made to take effect from May 2012, to allow a rolling replacement to membership of the Panel, hence ensuring continuity and expertise remained in the Panel as new appointments are made. As Chairman of the Panel since 2002, I, together with David Kirby, also a Panel Member since 2002, will both step down at the end of this civic year.
- 14.2 As a Panel we noted the arrangements that will be put in place in Spring 2012 to seek two further appointments to the Panel from May 2012.
- 14.3 As I leave my position of Chairman after some 10 years, I would like to pay tribute and give my thanks to the Executive Staff of the Council who have supported us over that time. They underpin the high standard of the North Yorkshire County Council.

CLIVE W LEACH CBE
Chairman

2011/12 Special Responsibility Allowances and Co-optee Allowances

APPENDIX 1

| | <u>NO OF UNITS</u> | <u>2011/12 ALLOWANCE</u> £ | <u>Number Of Allowances</u> | <u>FULL YEAR COST OF ALLOWANCE</u> £ |
|--|--------------------|-------------------------------|-----------------------------|---|
| Value of a Unit | | 1,544 | | |
| SPECIAL RESPONSIBILITY ALLOWANCES | | | | |
| Chairman of the County Council | 6 | 9,264 | 1 | 9,264 |
| Vice Chairman of the County Council | 2 | 3,088 | 1 | 3,088 |
| Leader of the County Council | 16 | 24,704 | 1 | 24,704 |
| Deputy Leader | 10 | 15,440 | 1 | 15,440 |
| Other Executive Members | 9 | 13,896 | 5 | 69,480 |
| Chairman Of Health Overview and Scrutiny Committee | 6 | 9,264 | 1 | 9,264 |
| Chairman of Other Overview and Scrutiny Committees | 3 | 4,632 | 4 | 18,528 |
| Vice-Chairman of Overview and Scrutiny Committees (Note 2) | 1 | 1,544 | 5 | 7,720 |
| Chairman of Area Committees | 2 | 3,088 | 7 | 21,616 |
| Chairman of Planning and Regulatory Functions Committee | 2 | 3,088 | 1 | 3,088 |
| Chairman of Appeals Committee | 2 | 3,088 | 1 | 3,088 |
| Chairman of Employment Appeals Committee | 1 | 1,544 | 1 | 1,544 |
| Chairman of Pensions Committee | 3 | 4,632 | 1 | 4,632 |
| Chairman of Scrutiny Board | 1 | 1,544 | 1 | 1,544 |
| Chairman of Audit Committee | 2 | 3,088 | 1 | 3,088 |
| Champion for Young People | 3 | 4,632 | 1 | 4,632 |
| Champion for Older People | 3 | 4,632 | 1 | 4,632 |
| <u>Leaders of Political Groups</u> | | | | |
| Second largest group membership (Liberal Democrats) | 3 | 4,632 | 1 | 4,632 |
| Third largest group membership (Independent) | 1.5 | 2,316 | 1 | 2,316 |
| <u>Secretaries of Political Groups</u> | | | | |
| Largest Group Membership (Conservatives) | 1.5 | 2,316 | 1 | 2,316 |
| Second largest group membership (Liberal Democrats) | 1 | 1,544 | 1 | 1,544 |
| Third largest group membership (Independent) | 0.5 | 772 | 1 | 772 |
| CO-OPTEE ALLOWANCES | | | | |
| Chairman of Standards Committee | 2 | 3,088 | 1 | 3,088 |
| Independent Members of the Standards Committee | 0.5 | 772 | 3 | 2,316 |
| Total Special Responsibility Allowances | | | 39 | 216,932 |
| Total Co-Optee Allowances | | | 4 | 5,404 |

Members' Allowances Scheme

In exercise of the powers conferred by Local Authorities (Members' Allowances) (England) Regulations 2003, the County Council has made the following scheme for the payment of allowances.

The scheme will be reviewed from time to time by an independent review panel in accordance with the relevant Regulations.

1. This scheme may be cited as the North Yorkshire County Council Members' Allowances Scheme, and shall have effect from **1 April 2012**.
2. In this scheme

"councillor" means an elected member of the North Yorkshire County Council;

"year" means the 12 months ending with 31 March.

Basic Allowance

3. Subject to paragraph 10, for each year a basic allowance of **£8,994** shall be paid to each councillor.

Special Responsibility Allowances

4. (a) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in paragraph 1 of schedule 1 to this scheme.

(b) Subject to paragraph 10, the amount of each allowance shall be the amount specified against that special responsibility in that schedule.

Childcare and Dependant Carers' Allowance

5. (a) A childcare and dependant carers' allowance shall be paid to all members of the Council in respect of costs necessarily incurred by them in making arrangements for the care of children (under 14) or other dependant relatives (requiring care because of age and/or disability) to enable them to perform an approved duty (other relatives include parents, partners, siblings and others agreed by the Chief Executive Officer).

(b) For childcare, the allowance payable will be the lower of actual expenditure and the national minimum wage for adults aged 21 or over.

(c) For care for others, the allowance will be the lower of actual expenditure and the appropriate charge, dependent on the period of care, set as part of the home care charging scheme by NYCC Health and Adult Services.

(d) All claims for childcare should be accompanied by a statement signed by both the Councillor and carer certifying that the childcare has been provided, that the expenditure has been incurred and that the carer does not live in the same household as the Councillor. If the childcare is provided by a professional carer then a receipted invoice is required.

- (e) All claims for the care of elderly and/or disabled dependant relatives should be supported by a receipted invoice. It is expected that this care will be provided by professional carers.

6. Travel and Subsistence Allowance

The following allowances shall be payable under the scheme in respect of travel and subsistence.

Travelling Allowance

- (a) Public Transport

All rail travel is made in standard class accommodation and claimed at the most economical reasonable rate dependant on the rail company's prevailing ticket policy. However, with the approval of the Leader of the Council, Members are able to claim for first class rail journeys where this is appropriate.

Air travel at standard rate may also be claimed with the approval of the Leader of the Council where this is appropriate.

- (b) Travel by Member's own private vehicle

Travel by member's own private vehicle will be paid at the rate payable under the officers scheme. The current rate is shown below. If, during the year, the rates payable to officers is reviewed, then the scheme will be amended to pay the revised officer rates:-

for a motor or tri car:-

| | |
|--|--------------|
| Up to 10,000 miles per annum | 40p per mile |
| Additional miles in excess of 10,000 per annum | 25p per mile |

for a motor cycle:-

To match the rates payable under the Officer Scheme

- (c) The amount claimed for a journey may be increased by not more than the amount of any expenditure incurred on tolls, ferries or parking fees. Wherever possible receipts should be submitted.
- (d) Travel by bicycle may also be reimbursed at the rate of £2.00 per week for a regular user, or 40p per day for an occasional user.

Subsistence Allowance

- (a) Current rates and eligibility based on time of day are shown below. It is expected that claims will be made only where there are genuine and unavoidable additional expenses incurred. If during the year the rates payable to officers are reviewed then the scheme will be amended to pay the revised officer rates.

- (b) For an absence not involving an absence overnight from the usual place of residence, the maximum subsistence rates for Members operate on a meals basis and will be paid in line with the officer scheme.
- | | | |
|-------|---|--------|
| (i) | Breakfast allowance (when a journey commences before 7.30am) | £6.50 |
| (ii) | Lunch allowance (when a journey commences before 12 noon and continues after 2pm) | £9.00 |
| (iii) | Tea (when the absence continues after 6:30 pm) | £3.50 |
| (iii) | Evening meal allowance (when the absence continues after 8.30pm) | £11.00 |

Note: In line with the officer's scheme, it should be noted that where a dinner allowance is claimed, a tea allowance may not be claimed for the same day.

- (c) When main meals (ie a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to daytime subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the time limits specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.
- (d) In line with the officers scheme, maximum overnight allowances for Bed and Breakfast are £76.50 outside London and £90.00 in London. Other meals taken during the absence are payable in line with the rates set out in section (b) above. These allowances apply where a Member makes their own arrangements for accommodation and reclaims an allowance. Where the arrangements are made by officers on behalf of the Member, then the County Council Travel Contract will be used to arrange appropriate accommodation at the most cost effective rate. Again in line with the officers' scheme it is recognised that there may be exceptional circumstances where consideration needs to be given to paying above these maximum rates. This may be necessary where other costs, eg conference fees, are part of a package, or where accommodation in a particular town or city are high and it can be shown that efforts have been made to find hotels or guest houses within the limits. Where such difficulties are likely to occur, it will normally be appropriate to ask officers to make the necessary arrangements using the County Council Travel Contract.
- (e) Subsistence allowances are limited to the reimbursement of actual expenditure, for which receipts are required, subject to the maximum rates set out in this scheme. Where any meal is provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates no further allowance should then be claimed.

General Provisions

All claims shall only be payable if received within three months of the date of the entitlement arising.

7. Payments to Co-optees

A “Co-optee” is defined as a person who is not an elected member of the County Council, but who has been appointed to serve on one or more of the County Council Committees.

Co-optees Allowance

For each year a co-optees allowance will be paid to the Chairman and Independent Members of the Standards Committee in accordance with paragraph 2 of Schedule 1.

Travelling Allowance

All Co-optees are entitled to claim travelling allowance in line with Section 6 in the same way as Members of the Council.

8. Pensions

A councillor, subject to scheme eligibility criteria, may participate in the Local Government Pension Scheme if they wish. The councillor should give notice in writing to the Corporate Director – Finance and Central Services that they wish to participate. Pension contributions would then be payable on basic and special responsibility allowances that the councillor is entitled to and they would receive benefits in line with the regulations of the Local Government Pension Scheme for a councillor member.

9. Renunciation

A councillor may by notice in writing given to the Corporate Director – Finance and Central Services elect to forego any part of his entitlement to an allowance under this scheme.

10. Part-year Entitlements

- (a) The provisions of this paragraph shall have effect to regulate 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.
- (b) Where a councillor does not hold office as such throughout a year, or the scheme is amended to change entitlement to basic allowance during a year, the basic allowance to which the councillor is entitled shall be treated as calculated on a daily basis, so that the entitlement shall be to the aggregate of the daily entitlements for each day on which the councillor holds office.
- (c) Where a councillor who receives a special responsibility allowance does not have the special responsibilities in question throughout a year, or this scheme is amended in a way which changes his or her entitlement to a special responsibility allowance during a year, the special responsibility allowance to which the councillor is entitled shall be treated as calculated on a daily basis, so that the entitlement shall be to the aggregate of the daily entitlements for each day on which the councillor has the special responsibilities.

- (d) A daily entitlement to basic allowance or special responsibility allowance is the annual amount of that allowance as it applies on the day in question, divided by the number of days in the year.
- (e) The Corporate Director – Finance and Central Services is authorised to automatically adjust the special responsibility allowances to reflect changes in the numerical strength of the Political groups. In these circumstances any such changes will take effect from the beginning of the month after which such a change has taken place.

11. Withholding of Allowances for Members under Suspension

- a) The Standards Committee shall have the ability to withhold any part of a Member's basic allowance, special responsibility allowance, co-optees allowance or travel and subsistence allowance payable for any period where, or in respect of duties from which, s/he is suspended or partially suspended under Part III of the Local Government Act 2000;
- b) The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and
- c) That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local Government Act 2000 and associated legislation. In the event of any appeal being successful in removing the suspension or partial suspension, then any withheld or repaid amount may be reimbursed to the Member where appropriate.

12. Claims and Payments

Payments shall be made in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month. Payments shall be made in respect of childcare and dependant carers' allowances, and travelling and subsistence allowances, on the last working day of the month in respect of claims received by the processing deadline.

13. Attendance by Councillors

- (a) Individual councillors are expected to attend meetings of the Executive/Committees to which they are appointed. Periodic reports of attendance level will be made to the Standards Committee.
- (b) Individual councillors' attendance will be published annually.

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:

| Post | <i>Allowance Per annum per Member</i> £ |
|--|--|
| Chairman of the County Council | 9,264 |
| Vice Chairman of the County Council | 3,088 |
| Leader of the County Council | 24,704 |
| Deputy Leader of the Council | 15,440 |
| Other Executive Members (5): | 13,896 |
| Chairman of Health Overview and Scrutiny Committee | 9,264 |
| Chairmen of Overview and Scrutiny Committees (4): | 4,632 |
| Vice-Chairmen of Overview and Scrutiny Committees (5): | 1,544 |
| Chairmen of Area Committees (7): | 3,088 |
| Chairman of Planning and Regulatory Functions Committee | 3,088 |
| Chairman of the Appeals Committee | 3,088 |
| Chairman of the Employment Appeals Committee | 1,544 |
| Chairman of Pensions Committee | 4,632 |
| Chairman of Scrutiny Board | 1,544 |
| Chairman of Audit Committee | 3,088 |
| Champions (2) | 4,632 |
| Leaders of Political Groups: | |
| Where group is second party in terms of group membership | 4,632 2,316 |
| Other parties, where group has over 10% of all Members | |
| Secretaries of Political Groups | |
| Where group is first party in terms of group membership | 2,316 |
| Where group is second party in terms of group membership | 1,544 |
| Other parties, where group has over 10% of all Members | 772 |

These allowances are payable in addition to the basic allowance.

2. The following is specified as the co-optee allowance payable, and the amount of that allowance:

| | |
|--|-------|
| Chairman of the Standards Committee | 3,088 |
| Independent Members of the Standards Committee (3) | 772 |

**SCHEME OF APPROVED DUTIES -
Eligibility for travel and subsistence allowances**

All Members of the County Council are entitled to receive payment of travelling and subsistence allowances in respect of expenditure necessarily incurred by them for the purpose of enabling them to perform an **Approved Duty**.

List of Approved Duties

- (a) All meetings of the County Council, the Executive, and any Committees of the Council or of the Executive, and any Sub-Committees, Panels or Working Parties they may establish.
- (b) Visits by Executive Members, Chairmen and Vice-Chairmen of Overview and Scrutiny Committees on County Council business associated with those roles.
- (c) Meetings, outside of formal Council meetings, attended by Members with officers, for the purpose of progressing County Council business, provided that:
 - the journey is strictly necessary for the matter to be resolved in an effective way;
 - the issue could not be dealt with at the same time that other business is being undertaken, for example on the same day as a formal meeting, so as to avoid an unnecessary journey; and
 - is reasonably undertaken in pursuit of the Council's work.
- (d) Attendance of Members at training courses and seminars approved by the Chief Executive.
- (e) Attendance at conferences, subject to the specific arrangements set out in the **Protocol on Members Attendance at Conferences** within the County Council's Constitution.
- (f) Attendance as an authorised representative of the County Council at meetings of specified outside bodies listed in Sections 1 and 2 of Schedule 5 of Part 3 to the Constitution. (Note: Expenses will not be payable where they are payable by the body appointed to, in which case case, the claim should be submitted to the body concerned.) In particular it should be noted that the Police, Fire and National Park Authorities have their own arrangements in relation to the payment of these allowances.
- (g) Attendance at Parish Council Meetings in connection with the work of the County Council.

Certain duties, specifically relating to formal meetings of the County Council are covered by Regulations made under the Local Government Act 1972. At its meeting on 19 July 2000 the County Council gave the Chief Executive authority to designate approved duties arising from any changes to these Regulations.

Duties for which travelling and subsistence will not be paid

It should be noted that travel/subsistence allowances are not payable to Members of the County Council for the following purposes:

- Acting as Governors of primary or secondary schools
- Constituency business
- Social functions

PROTOCOL

ON

MEMBERS ATTENDANCE AT CONFERENCES

1. The County Council will not meet the cost of conference attendance, including any related travelling and subsistence expenses, unless attendance at that conference has been authorised. A number of conferences have been approved by the Executive, as set out in paragraph 6 below. All other conferences will require specific authorisation as set out in this protocol.
2. All arrangements for attendance at conferences should be made through the Staff Officer to the Chief Executive.
3. Travelling and subsistence allowances will be paid in accordance with the Members Allowances Scheme. In general, the County Council will not meet the cost of accommodation associated with attending a conference held within the County although arrangements will be flexible dependent on the associated transport costs compared with accommodation costs.
4. If any Member obtains information on a conference they would wish to attend, they should contact the Staff Officer to the Chief Executive, to discuss the possible attendance. In the event of there being several expressions of interest, attendance will normally be restricted to a maximum of five members (three members from the controlling group and two from other groups).
5. Attendance at party political and political conferences is specifically excluded from this protocol. All expenses associated with attendance at these events will be met by the relevant group, or the individual concerned.
6. The following conferences have been approved by the Executive for the attendance detailed below. Further authorisation from the Staff Officer to the Chief Executive is not required. In all cases, however, she will need to be informed of arrangements made. All references to Executive and Scrutiny Members should be taken to mean those Members with the relevant portfolio.
 - Local Government Association Annual Conference and the CCN Annual Conference – representatives appointed at the annual meeting of the County Council, unless they are unable to attend, in which case they may appoint an alternative Member to attend in their place.
 - North of England Education Conference – Executive Members plus Scrutiny Chair and Vice-Chairs.
 - Council of Local Education Authorities – Executive Members plus Scrutiny Chair and Vice-Chairs.
 - Public Libraries Association Conference – Executive Member plus Scrutiny Chair and Vice-Chairs.
 - RTPI Conference – Executive Member and the Chairman of Planning and Regulatory Functions Committee.
 - Trading Standards Conference – Executive Member plus Scrutiny Chairs and Vice-Chairs.

- CIPFA Conference – Leader and Deputy Leader.
 - Areas of Outstanding Natural Beauty Conference – attended by the Executive member.
 - National Transport Conference – Executive Members and Scrutiny Chairs and Vice-Chairs.
 - The National Children and Adults Services Conference – Executive Members.
7. In the case of conferences associated with training events, Members will be entitled to claim expenses if that conference attendance is approved by the Chief Executive. In the first instance, the request should be passed to the Staff Officer to the Chief Executive.
 8. It is open, at any time, to an individual member to attend a conference on their own initiative provided they meet all travel, subsistence and attendance costs including registration fees.
 9. Attendance by Officers at Conferences will be a matter for the relevant Directorate both in arrangement and funding terms.

ITEM 7(a)

APPENDIX E

Recommended Allowances - 2012/13

| | <u>NO OF UNITS</u> | <u>RECOMMENDED 2012/13 ALLOWANCE</u> | <u>Number Of Allowances</u> | <u>TOTAL COST OF RECOMMENDED ALLOWANCE 2012/13</u> |
|---|--------------------|--------------------------------------|-----------------------------|--|
| | | £ | | £ |
| Value of a Unit | | 1,544 | | |
| BASIC ALLOWANCE | 5.825 | 8,994 | 72 | 647,554 |
| SPECIAL RESPONSIBILITY ALLOWANCES | | | | |
| Chairman of the County Council | 6 | 9,264 | 1 | 9,264 |
| Vice Chairman of the County Council | 2 | 3,088 | 1 | 3,088 |
| Leader of the County Council | 16 | 24,704 | 1 | 24,704 |
| Deputy Leader | 10 | 15,440 | 1 | 15,440 |
| Other Executive Members (Note 1) | 9 | 13,896 | 5 | 69,480 |
| Chairman Of Health Overview and Scrutiny Committee (Note 2) | 6 | 9,264 | 1 | 9,264 |
| Chairman of Other Overview and Scrutiny Committees (Note 2) | 3 | 4,632 | 4 | 18,528 |
| Vice-Chairman of Overview and Scrutiny Committees (Note 2) | 1 | 1,544 | 5 | 7,720 |
| Chairman of Area Committees | 2 | 3,088 | 7 | 21,616 |
| Chairman of Planning and Regulatory Functions Committee | 2 | 3,088 | 1 | 3,088 |
| Chairman of Appeals Committee | 2 | 3,088 | 1 | 3,088 |
| Chairman of Employment Appeals Committee | 1 | 1,544 | 1 | 1,544 |
| Chairman of Pensions Committee | 3 | 4,632 | 1 | 4,632 |
| Chairman of Scrutiny Board | 1 | 1,544 | 1 | 1,544 |
| Chairman of Audit Committee | 2 | 3,088 | 1 | 3,088 |
| Champion for Young People | 3 | 4,632 | 1 | 4,632 |
| Champion for Older People | 3 | 4,632 | 1 | 4,632 |
| <u>Leaders of Political Groups</u> | | | | |
| Second largest group membership (Liberal Democrats) | 3 | 4,632 | 1 | 4,632 |
| Third largest group membership (Independent) | 1.5 | 2,316 | 1 | 2,316 |
| <u>Secretaries of Political Groups</u> | | | | |
| Largest Group Membership (Conservatives) | 1.5 | 2,316 | 1 | 2,316 |
| Second largest group membership (Liberal Democrats) | 1 | 1,544 | 1 | 1,544 |
| Third largest group membership (Independent) | 0.5 | 772 | 1 | 772 |
| CO-OPTEE ALLOWANCES | | | | |
| Chairman of Standards Committee | 2 | 3,088 | 1 | 3,088 |
| Independent Members of the Standards Committee | 0.5 | 772 | 3 | 2,316 |
| Total Basic Allowances | | | 72 | 647,554 |
| Total Special Responsibility Allowances | | | 39 | 216,932 |
| Total Co-Optee Allowances | | | 4 | 5,404 |
| National Insurance Costs | | | | 56,000 |
| Pension Scheme Costs | | | | 58,000 |
| Estimated Travel and Subsistence (Note 3) | | | | 135,000 |
| Total Costs | | | | 1,118,890 |

Note 1 : The number of Executive Members was reduced by the County Council in July 2010 from 7 to 5

Note 2 : In July 2010, the review of Overview and Scrutiny arrangements led to a reduction in the number of Committees from 9 to 5 (including the Scrutiny of Health Committee)

Note 3: The cost of travelling and subsistence includes claims made by Co-opted Members as well as Elected Councillors

Appointments to the Independent Panel

1. The Panel will consist of four members.
2. These members will be recruited by open advert.
3. The term of office will normally be for four years, and will take effect from the beginning of a municipal year in May.
4. Individuals may be appointed for a further term of up to four years.
5. To ensure continuity in the work of the Panel, a recruitment process will be held every two years. Two Panel members will be appointed on each occasion, to provide an overlap in Panel membership.
6. The Chairman of the Panel will be appointed by the Panel members.
7. Appointments will be made by the Leaders of formal groups of the Council, the Chief Executive and the Monitoring Officer.