

NORTH YORKSHIRE COUNTY COUNCIL

20 FEBRUARY 2013

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 and the list of approved duties, for 2013/14.
- (c) To present recommendations on arrangements to appoint two additional members to the Panel with effect from May 2013.

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 previous Panel stood down in May 2012, in line with the arrangements agreed by the County Council in December 2010. It was not possible to make appointments to fill these vacancies. In the light of this, one of the retiring members of the Panel, David Kirby, was asked to join the Panel again for a further year. The report deals with the proposed procedure to make two further appointments from May 2013.

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 (Sections 8 and 9 of the Panel Report).
- A need to review the Scheme to deal with changes in the arrangements for the Standards Committee, and the creation of the new Police and Crime Panel. In addition, the Scheme reflects an increase in the number of Executive Members, and the approach to dealing with the new Health and Wellbeing Board, although this does not lead to the payment of an additional SRA. (Sections 9 and 10 of the Panel Report)
- A continuation of the alignment of the scheme of travelling and subsistence allowances with that in place for officers. (Section 11 of the Panel Report).

3.4 The County Council is asked to agree some consequential minor changes to the Scheme of Approved Duties. The wording recommended for adoption for 2013/14 is attached as **Appendix C**.

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

(b) Appointments to the Independent Panel

3.6 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.

3.7 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.

3.8 The County Council has traditionally had a Panel comprising four members. Following the work of the Panel in 2011/12, two of the longer standing members of the Panel retired. It was the intention to appoint two new members from May 2012 to serve for a term of four years in the first instance.

3.9 It was not possible to make new appointments due to the response to the recruitment, probably because of the alignment of the recruitment exercise alongside a wider exercise that the Council undertook to seek other independent persons to act on the newly constituted Standards Committee, and the Police and Crime Panel.

3.10 In the light of this, the Council invited David Kirby, a previous member of the Panel from 2002 – 2011, to rejoin the Panel for one year.

3.11 It is proposed to carry out the process to appoint two new members to the Panel, to take effect from the new civic year from May 2013. The process approved last year, is set out in **Appendix E** for Members consideration.

4.0 **RESOURCE CONSIDERATIONS**

4.1 **Appendix D** 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 2012/13, and the addition of the changes described in the report, this appendix also takes account of a review of other costs.

4.3 In particular, there has been a review of expenditure on travelling and subsistence expenses. This leads to a proposal to reduce the budget for those allowances by £6.5k in the light of recent patterns of claims.

4.4 The changes reflected in this report have been taken into account in determining the overall reduction in the Members Services and Chairman's Fund budgets totalling £70k that form part of the 2013/14 budget proposals .

4.5 The County Council, as the administering authority for the Police and Crime Panel, is required to set any Scheme of Allowances for Panel Members. As set out in the report of the Remuneration Panel, the cost of the proposed Special Responsibility Allowances will be met by a grant made available to the Council to undertake this role, and will not, therefore, impact on the overall County Council budget. Any travelling allowances paid to the Independent Members of the Police and Crime Panel will also be met from the grant. The direct impact of the new arrangements on the County Council budget will therefore relate to any travelling and subsistence allowances incurred by the County Council's nominated member on the Panel. These will be met from the overall provision for such allowances included in Appendix D.

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 was placed in the January 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**), and changes to the Scheme of Approved Duties (as attached at **Appendix C**) for 2013/14.
- (b) the procedure for the appointment of two replacement members of the Independent Panel, to take up their role in May 2013, as set out in **Appendix E**.

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

Background papers: None

RICHARD FLINTON
Chief Executive

County Hall
Northallerton

8 January 2013

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

December 2012

Executive Summary

The Panel considered the financial prospects of the County Council in 2013/14, and a range of other information as set out in our report. In terms of our key role of recommending changes to the Members Allowance Scheme to the Council, we are making the following recommendations:

- (a) No increase to the Basic Allowance.
- (b) No increase to the main scheme of payments for Special Responsibility Allowances (SRA) and Co-optee allowances.
- (c) A need to reflect some changes in the arrangements that the Council has put in place to manage its business, and in particular:
 - an SRA for an additional Executive Member, reflecting the move back to an Executive comprising the Leader of the Council and seven Executive Members.
 - changes to the arrangements for the newly constituted Standards Committee.
 - the creation of the new Police and Crime Panel.
 - an approach to dealing with the new Health and Wellbeing Board, although this does not lead to the payment of an additional SRA.
- (d) No changes to the scheme for travelling and subsistence allowances, with a recommendation that these continue to be aligned to the Officers Scheme. Since there have been no increased rates payable to Officers over the last 12 months and no changes are planned, it follows that there will be no increases for Members at this time.
- (e) Some consequential minor changes to the Scheme of Approved Duties for the payment of travelling and subsistence and other allowances.

1.0 Introduction

1.1 The membership of the Panel in 2012 is as follows:-

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	- Retired Policy Manager/lobbyist and former local government officer. Currently holds positions on a number of community and trust organisations.
Mr David Kirby Reappointed for one year 2012	- Accountant, Deputy Chairman of South Tees Hospitals NHS Foundation Trust and former local government officer.

- 1.2 Following the completion of the Panel's business in 2011, the intention had been for the Council to seek two new members to replace the previous Chairman, Clive Leach, and member David Kirby. These new appointments were to be made in advance of the work of the Panel in 2012.
- 1.3 It was not possible to make new appointments due to the response to the recruitment, probably because of the alignment of the recruitment exercise alongside a wider exercise that the Council undertook to seek other independent persons to act on the newly constituted Standards Committee, and the Police and Crime Panel.
- 1.4 The legislation requires a Panel to have a minimum of 3 members. In the circumstances, the Council invited David Kirby, a previous member of the Panel from 2002 to 2011, to rejoin the Panel for one year, and we were pleased to welcome David back for this year's review.
- 1.5 The Panel met on one occasion to consider its recommendations for the Scheme to apply from April 2013. It was agreed that Trevor Nuttall should chair the Panel for the current year.
- 1.6 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

2.2 We received a briefing from your Chief Executive on some of the current issues and challenges facing the County Council. This included an overview of the current financial position of the Council, including the prospects for the next two years. We were informed of the way in which the County Council and its staff are meeting the challenges of the continuing tight financial framework within which the Council is operating.

3.0 Implementing the 2011 recommendations of the Panel

3.1 The Panel were pleased to hear that their recommendations made in 2011 in respect of the Members Allowance Scheme for 2012/13, had been accepted in full by the County Council.

3.2 Whilst not part of the formal remit of the Panel, we had been asked to comment on an issue relating to payment of expenses to appointed members of Education Appeals Panels. We had expressed some concern at the implications of making changes to that Scheme since these would lead to a difference between the rates paid to members of those Panels, compared with those paid more generally to elected Councillors and other co-opted Members covered by the Members Allowances Scheme. It was, however, our view that balancing the needs of the Appeals Panel members and the Members allowance scheme was a judgement for the Council to make and not this Panel. We were informed that the matter had been considered carefully by the County Council and that a decision had been taken in February 2012 to increase the payment to Education Appeal Panel members to 45p per mile, in line with the HMRC rate for taxation purposes at that time. We were informed that the Council had accepted that there were special circumstances that justified this decision, and that it was not to be considered as a precedent for any change to the main Members Allowance Scheme. We are satisfied from our discussions in the Panel this year, that this does appear to be the case.

3.3 Other matters discussed last year, including issues concerning the recording of additional meetings attended by Members, were returned to in our discussions this year, and are covered 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 further changes to the performance management regime since our previous consideration of these matters.

4.2 We received a report describing the outcomes of the reviews carried out over the last 12 months under the current national inspection frameworks. The information shows that the County Council continues to perform well with evidence of improvement in key areas such as Children's Safeguarding, and compare favourably with the information provided on the national position.

4.3 We also received information on other performance information collated by the Council.

5.0 Update on Ethics and Standards

- 5.1 The Panel received a report on the new arrangements for the Standards Committee introduced during 2012 in the light of the Localism Act 2012.
- 5.2 Whilst the change means that the former statutory requirement for such a Committee is no longer in place, the Council has decided that such a Committee continues to be an appropriate part of its overall governance arrangements, although it will operate on a "lighter touch basis" meeting twice a year unless required to deal with specific complaints.
- 5.3 We noted that the Chairmanship of the Committee is now seen as a role for a County Councillor, and that two Independent Persons have been appointed to the Committee. We considered the implications of these changes for the Members Allowances Scheme, and in particular Special Responsibility Allowances and Co-optee Allowances as part of our consideration of these matters, referred to later in this report.
- 5.4 Authorities must have a Code of Conduct, and whilst the new arrangements allow more discretion, we noted that the Council has agreed a new Code based largely upon the previous national model code, but incorporating registration of interests requirements on disclosable pecuniary interests in line with the new regulations.
- 5.5 The new arrangements are based on a different role for the Council's Monitoring Officer, supported by the Independent Persons on the Committee, to give initial consideration to any complaints received, and determine any further action required. Since the new arrangements were implemented in July, there have been three complaints in relation to Members. Two of these required no further action after initial consideration. Another complaint, has been the subject of investigation and report to the Standards Committee. The Committee determined that no further action was required arising from consideration of this complaint.

6.0 Members Attendance

- 6.1 We reviewed the level of Members engagement and attendance at the main meetings of the County Council. We were pleased to see that overall attendance had been maintained at 85% in 2011/12, the same level achieved in 2010/11. Whilst there had been a small reduction in the attendance achieved at meetings of the County Council itself, improved attendance had been recorded for both Executive and Scrutiny meetings.
- 6.2 Overall, attendance levels were considered to be satisfactory. We noted that 85% of Members achieved attendance of a minimum of 75% of meetings. For a number of years, the Panel has considered that level to be a reasonable minimum expectation for attendance. This means that only 15% or 11 Members have not reached that threshold. The Panel also noted that Members are from time to time involved in other essential meetings, often for County Council purposes, which can affect their attendance at some formal meetings and therefore attendance levels. This is referred to further below. The Panel did however note the particularly low level of attendance for one Member of the Council.

- 6.3 A number of Members have raised the issue that on some occasions at least they were not able to attend meetings because they were undertaking other unavoidable Council business on the date of that meeting. A proposal had been made, therefore, that Members be given the option of recording such occasions, which might then be included as a note to the annual report published on Members Attendance and Allowances.
- 6.4 Whilst accepting that there would be some merit in this approach, we were concerned that the criteria that should be adopted for determining unavoidable business should be tightly drawn. We consider that if the Council is to introduce such an approach, it must do so on the basis of publishing some clear guidance to define these circumstances.
- 6.5 We noted the position taken on developing an additional list of meetings that might be published alongside the overall attendance record. We were informed that the draft list of meetings is to be considered by the Council's Constitution Working Group to determine how the list might be used to illustrate the broader commitment of elected members. We look forward to considering this matter again at a future meeting of the Panel
- 6.6 Last year, we considered a draft document that described the wider role of the elected Member. Our view was that the note might benefit from being more summarised. We were informed that this had been considered further, but the view had been taken that summarising might have the effect of removing detail on key aspects of the Member's role. It was suggested, therefore, that a longer document would be helpful because it was able to give this fuller picture.
- 6.7 We endorsed the principle of having a clear statement of the Member's role, in a way that was accessible to the wider public. We asked that further consideration be given to how the document might be used. For example, could it form part of the Council's Constitution? To what extent could it be widely publicised through the Council's communications with the public? In particular, we consider that it would be helpful for this information to be made available to the public in advance of the Council elections in May 2013.
- 6.8 We received and noted 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.

7.0 Pension Scheme Issues

- 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. Whilst this appears to be a relatively low take up, we noted that membership of the scheme is voluntary.
- 7.2 We queried whether the new legislation regarding auto enrolment to pensions schemes would affect scheme membership for Councillors. A national interpretation of the legislation has concluded that this will not impact on this group of potential scheme members.

7.3 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 consider that the long standing approach of using the concept of units of responsibility to determine allowances should continue. This is a simple way 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.

8.2 In relation to the Basic Allowance, we received information about the level of allowances paid in other Local Authorities within the County Council's comparator group. In line with the position taken by the Council, no other authority in that group had increased the Basic Allowance in 2012/13 compared with 2011/12. The relative position of the Council within this group of 16 counties had stayed at 9th for the fourth year. The relative financial position is that the North Yorkshire Basic Allowance is 4.1% below the average for the group.

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. In view of the information we received on the financial position of the Council, we believe that affordability is the key issue in considering the case for any increase.

8.4 We were informed that there had been no pay award to Council staff for the last three years, and that, whilst the position in 2013/14 is not yet clear, any increase is likely to be low, and that the Council is currently basing its budget work allowing for a 1% pay award. We were informed of a range of other changes that had been made to staff terms and conditions over this period including the requirement for most staff to take two days unpaid leave per year and the reduction in the number of enhanced payments for example for overtime.

8.5 We noted that price inflation has continued to run at a high level, and that this is likely to continue into the immediate future.

8.6 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.

8.7 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.

8.8 In summary, the Panel is recommending that the Basic Allowance from 1st April 2013 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 and Co-optee 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 in general Authorities had not increased their payment in 2012/13, mirroring the position in North Yorkshire. There was only one significant change related to one authority where the previous member structure had been amended to one in which a Committee system has been reintroduced. The comparator data also reflected the uncertainty during 2012/13 on future arrangements for Standards Committees, and it was noted that no reliable comparator data was available for the role of Chair of a Standards Committee in that year.
- 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 We were informed of a number of matters that needed to be considered because of new or changed roles which impact on the payment of either an SRA or a co-optee allowance.
- 9.4 We considered the decision taken to review the **portfolio roles on the Executive**, and to increase the size of the Executive in May 2012, returning it to the number of posts that had been in place up to July 2010. At the time of the initial reduction in numbers, we noted that no increase had been made to the relevant SRAs to reflect the reduced size of the Executive. The additional post has been paid at the usual SRA rate for an Executive member. The reason for this decision was the level and complexity of the workload across different portfolios, and the recognition that the previous reduction of one position on the Executive had impacted on effectiveness. Given the background to the earlier review, and the revised position from July 2012, we were happy that the existing number of units attached to the roles of Executive Members continues to be appropriate, and no changes are proposed for 2013/14.
- 9.5 We considered the implications of **roles on the new Standards Committee**. The Chair of the previous Standards Committee had been allocated to one of the Independent Members, and had been paid as a co-optee allowance based on two units of responsibility. We were informed that the new Standards Committee meets on only two occasions per year, unless specific urgent business arises, and that the revised complaints handling arrangements have an impact on the responsibility level of the Chair bearing in mind the new role for the Council's Monitoring Officer. We consider, therefore, that the proposal to pay an allowance based on one unit of responsibility is appropriate, and since this is a role taken by a County Councillor, that this should become a new Special Responsibility Allowance. The equivalent co-optee allowance should be deleted.
- 9.6 The new arrangements include roles for two Independent Persons, who are not co-optees, replacing the previous Independent Member role. Because of the role of these individuals in dealing with the first stage of the complaints process, we consider that the previous allowance to Independent Members based on half a unit of responsibility, should continue at that level for a new Independent Person role.

- 9.7 We were informed that the arrangements for the new Committee have been put in place during 2012/13, and we consider it appropriate that the proposals that we are making for the 2013/14 scheme should also apply during 2012/13 for the period from which the new arrangements commenced.
- 9.8 We considered the arrangements being put in place for the **Health and Wellbeing Board**. This is an important and significant additional responsibility for the Council. We noted the proposed approach, in which the Leader of the Council has taken the role of Chair of the Board during its shadow period, with the intention that he will continue in that role once the Board takes up its formal responsibility in April 2013. We also noted that there was no recommendation at this time to review the level of the Leader's responsibility allowance. We would endorse that approach, but consider that this is a matter that the Panel will need to review in future years in the light of experience of the workload of the Board.
- 9.9 Other than the Police and Crime Panel, dealt with below, we concluded that there was no case for a change in any of the units of responsibility linked to any of the other Responsibility Allowances, and that these should continue as in the current year.
- 9.10 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 2013/14. The proposals for each allowance, reflecting that NIL increase are shown in **Appendix 1**.

10.0 Allowances for the Police and Crime Panel

- 10.1 The Panel received a report on the background to the new Police and Crime Panel and how the work of the Panel will be funded.
- 10.2 We were informed of the role of the County Council, as Administering Authority of the Joint Committee. In particular, decisions on any Special Responsibility Allowances paid to members of the Panel need to be made on the recommendation of the Independent Panel of the Administering Authority.
- 10.3 The Panel's role is broadly a scrutiny role rather than an executive role, although it has specific powers of veto in relation to the setting of the precept by the Police and Crime Commissioner (PCC), and also on certain appointments, most notably that of the Chief Constable.
- 10.4 The Panel also has the responsibility for ensuring the proper handling of complaints against the PCC.
- 10.5 Taking these factors into account, we concluded that the leadership and commitment expected of the Chairman and the two Vice Chairmen is analogous to that of a County Council Scrutiny Committee. We recommend, therefore, that the role of Chairman is paid an SRA equivalent to three units of responsibility, with the Vice Chairmen each paid on the basis of one unit of responsibility. This would give allowances at current rates of £4,632 and £1,544.

- 10.6 Other Members of the Panel will be nominated Councillors from the constituent authorities in York and North Yorkshire, including the seven District Councils. The agreement reached as part of developing the arrangements for the Panel, is that travelling and subsistence allowances for all elected Councillors on the Panel will be met by their own authority.
- 10.7 There are two positions on the Panel for Independent Members. It is not proposed to pay a co-optee allowance to these individuals. The cost of any travelling expenses incurred by these Independent Members would, however, be met by the County Council through the relevant grant. It is appropriate that these payments are made under the terms of the North Yorkshire County Council Members' Allowances Scheme. A provision of £400 has been made for these costs.
- 10.8 Hence only the cost of the Special Responsibility Allowance and the Independent Member expenses will need to be met by the County Council as host authority, recharged to the Police and Crime Panel budget and an overall provision of £8,120 has been made for this purpose.
- 10.9 The Panel met in shadow mode in advance of the election of the Police and Crime Commissioner, but took on their role formally at a first meeting held on the 22nd November 2012. We recommend that the allowances noted above should be paid from that date, and should be reflected formally in the Council's scheme of Special Responsibility Allowances for 2013/14.

11.0 Travel and Subsistence Allowances

- 11.1 Most aspects of the Scheme are aligned with those payable to officers of the Council. We were informed that there had been no changes to the arrangements for officers over the last 12 months, and that there were no current proposals for change in the future. In particular, we were informed that the review of the mileage allowance paid to officers, in advance of the 2012/13 financial year, have not led to any increase because of affordability issues.
- 11.2 We consider that the alignment with the Officers scheme continues to be appropriate. On that basis, no changes need to be made to the Scheme for 2013/14.

12.0 Child Care and Dependent Carers Allowance

- 12.1 We noted that one member of the Council takes advantage of the childcare allowance scheme, and no member takes advantage of the dependent carers scheme.
- 12.2 The terms of these schemes align the rates payable to the relevant national minimum wage, or the rate for homecare charges made by the Council's Health and Adult Services.
- 12.3 We consider that the wording of the scheme remains appropriate.

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

- 13.1 The creation of the Health and Wellbeing Board and the Police and Crime Panel means that it is appropriate to reflect these formally in the Scheme of Approved Duties.
- 13.2 We were also informed that questions raised during 2012/13 about the status of political group meetings means that it is appropriate to amend the Scheme of Approved Duties to clarify that such group meetings are not to be classed as an approved duty for the claiming of travelling and subsistence allowances.
- 13.3 Our proposed amendment to the scheme, highlighting these changes, is attached as **Appendix 2**.

14.0 Public Consultation

- 14.1 Some years ago, the Panel took steps to consult the public and other stakeholders, including Members of the Council, about issues that they might wish the Panel to consider. We discussed whether there was a need, at this stage, to think again about undertaking such an exercise. We concluded that such an exercise was not justified at this stage.

TREVOR NUTTALL
Chairman of the Panel

December 2012

Special Responsibility Allowances, Co-optee Allowances, and Allowances for the Police and Crime Panel

	<u>NO OF UNITS</u>	<u>ALLOWANCE</u> £	<u>Number Of Allowances</u>	<u>COST OF ALLOWANCE 2012/13</u> £	<u>COST OF ALLOWANCE 2013/14 at current units and values</u> £
Value of a Unit		1,544			
SPECIAL RESPONSIBILITY ALLOWANCES - NYCC					
Chairman of the County Council	6	9,264	1	9,264	9,264
Vice Chairman of the County Council	2	3,088	1	3,088	3,088
Leader of the County Council	16	24,704	1	24,704	24,704
Deputy Leader	10	15,440	1	15,440	15,440
Other Executive Members (increase from 5 to 6 from 16/5/2012)	9	13,896	6	81,663	83,376
Chairman Of Health Overview and Scrutiny Committee	6	9,264	1	9,264	9,264
Chairman of Other Overview and Scrutiny Committees	3	4,632	4	18,528	18,528
Vice-Chairman of Overview and Scrutiny Committees	1	1,544	5	7,720	7,720
Chairman of Area Committee	2	3,088	7	21,616	21,616
Chairman of Planning and Regulatory Functions Committee	2	3,088	1	3,088	3,088
Chairman of Appeals Committee	2	3,088	1	3,088	3,088
Chairman of Employment Appeals Committee	1	1,544	1	1,544	1,544
Chairman of Pensions Committee	3	4,632	1	4,632	4,632
Chairman of Scrutiny Board	1	1,544	1	1,544	1,544
Chairman of Audit Committee	2	3,088	1	3,088	3,088
Chairman of New Standards Committee (Proposal from 29/10/12)	1	1,544	1	1,303	1,544
Champion for Young People	3	4,632	1	4,632	4,632
Champion for Older People	3	4,632	1	4,632	4,632
<u>Leaders of Political Groups</u>					
Second largest group membership (Liberal Democrats)	3	4,632	1	4,632	4,632
Third largest group membership (Independent)	1.5	2,316	1	2,316	2,316
<u>Secretaries of Political Groups</u>					
Largest Group Membership (Conservatives)	1.5	2,316	1	2,316	2,316
Second largest group membership (Liberal Democrats)	1	1,544	1	1,544	1,544
Third largest group membership (Independent)	0.5	772	1	772	772
CO-OPTEE ALLOWANCES - NYCC					
Chairman of Former Standards Committee (up to 30/6/2012)	2	3,088	1	777	0
Independent Members of the Former Standards Committee (up to 30/6/2012)	0.5	772	3	576	0
Independent Persons on the New Standards Committee (Proposal from 18/7/2012)	0.5	772	2	1,087	1,544

	wef 1/4/2013		
Total Special Responsibility Allowances	41	230,418	232,372
Total Co-Optee Allowances	2	2,440	1,544
Total	43	232,858	233,916

SPECIAL RESPONSIBILITY ALLOWANCES - POLICE AND CRIME PANEL					
Chairman of the Panel	3	4,632	1	2,934	4,632
Vice Chairmen of the Panel	1	1,544	2	1,956	3,088
Total Special Responsibility Allowances			2	4,889	7,720

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 2013**.
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 – Strategic Resources 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 – Strategic Resources 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 – Strategic Resources 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. 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.

12. 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 – ALLOWANCES PAID PER ANNUM PER MEMBER

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	£
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 (6):	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
Chairman of the Standards Committee	1,544
Champions (2)	4,632
Leaders of Political Groups:	
Where group is second party in terms of group membership	4,632
Other parties, where group has over 10% of all Members	2,316
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:

Independent Persons of the Standards Committee (2)	772
--	-----

3. The following are specified as the special responsibilities in relation to the Police and Crime Panel in respect of which Special Responsibility Allowances are payable and the amounts of those allowances:

Chairman of the Panel	4,632
Vice Chairmen of the Panel (2)	1,544

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 and the Executive
- (b) Any Committees of the Council or of the Executive and any Sub-Committees, Panels or Working Parties they may establish.
- (c) Meetings of the Police and Crime Panel
- (d) Meetings of the Health and Wellbeing Board
- (e) Visits by Executive Members, Chairmen and Vice-Chairmen of Overview and Scrutiny Committees on County Council business associated with those roles.
- (f) 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.
- (g) Attendance of Members at training courses and seminars approved by the Chief Executive.
- (h) Attendance at conferences, subject to the specific arrangements set out in the **Protocol on Members Attendance at Conferences** within the County Council's Constitution.
- (i) 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, 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.
- (j) 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
- Political group meetings

Special Responsibility Allowances, Co-optee Allowances, and Allowances for the Police and Crime Panel

	<u>NO OF UNITS</u>	<u>ALLOWANCE</u>	<u>Number Of Allowances</u>	<u>COST OF ALLOWANCE 2013/14</u>
		£		£
Value of a Unit		1,544		
BASIC ALLOWANCE	5.825	8,994	72	647,554
SPECIAL RESPONSIBILITY ALLOWANCES - NYCC				
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 (increase from 5 to 6 from 16/5/2012)	9	13,896	6	83,376
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	1	1,544	5	7,720
Chairman of Area Committee	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
Chairman of New Standards Committee (Proposal from 29/10/12)	1	1,544	1	1,544
Champion for Young People	3	4,632	1	4,632
Champion for Older People	3	4,632	1	4,632
Leaders of Political Groups				
Second largest group membership (Liberal Democrats)	3	4,632	1	4,632
Third largest group membership (Independent)	1.5	2,316	1	2,316
Secretaries of Political Groups				
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 - NYCC				
Independent Persons on the Standards Committee	0.5	772	2	1,544
Total Basic Allowances			72	647,554
Total Special Responsibility Allowances			41	232,372
Total Co-Optee Allowances			2	1,544
National Insurance Costs				45
Pension Scheme Costs				60
Estimated Travel and Subsistence (see Note 1)				107
Total of NYCC Allowances				881,682

Note 1: The cost of travelling and subsistence includes claims made by Co-opted Members as well as Elected Councillors

SPECIAL RESPONSIBILITY ALLOWANCES - POLICE AND CRIME PANEL				
Chairman of the Panel	3	4,632	1	4,632
Vice Chairmen of the Panel	1	1,544	2	3,088
Total Special Responsibility Allowances (see Note 2)			3	7,720
Estimated Travel and Subsistence for Independent Members				400
Total of Police and Crime Panel Allowances				8,120

Note 2: National Insurance and pension scheme oncosts may apply to these payments, but this will depend on the circumstances of appointees to these positions. No estimate has been included, but any costs arising will be met from the relevant grant.

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.