

**A Review**

**Of**

**Members' Allowances**

**(Chair of the Trustee Committee, Co-optees  
Travel Allowances and Indexation)**

**For**

**Slough Borough Council**

---

**A Report**

**By the**

**Independent Remuneration Panel**

**Fred Ashmore  
Pat Davies  
Dr Declan Hall (Chair)**

**February 2019**

## EXECUTIVE SUMMARY

The Panel recommends the following:

### **The Chair of the Trustee Committee**

That the SRA for the Chair of the Trustee Committee is set at £1,982, backdated from the date of the Chair's appointment in May 2018. The Panel will revisit this recommendation at the time of the next review to see if the ad hoc workload of the committee has developed as envisaged.

### **Issue Arising I – SRA for Vice Chair of the Trustee Committee**

The Panel is not minded to recommend a SRA for the Vice Chair of the Trustee Committee at this stage.

### **Travel Allowances for Co-optees**

That the allowances scheme is amended so that Co-optees appointed by the Council are exempt from the rule that in-Borough travel expenses cannot be claimed and that when they attend an approved duty within the Borough they can claim the mileage allowance or if using other forms of transport actual costs subject to most cost effective provisions.

### **Continuation of Indexation**

That indexation of allowances is continued as follows:

- **Basic Allowance, Special Responsibility Allowances, Co-optees' Allowances, the annual cap on the DCA and the remuneration of the Independent Person:**
  - Indexed to the annual percentage salary increase for local government staff as agreed by the NJC (at new spinal column 43) to be adopted from 1<sup>st</sup> April 2019 and to run for 4 years (31<sup>st</sup> March 2023).
- **Travel Allowances (Outwith Borough Only):**
  - **Mileage:** indexed to the HMRC rates
  - **Other Travel:** actual costs subject to most cost effective provisions
- **Travel Allowances (Co-optees within the Borough only):**
  - **Mileage:** indexed to the HMRC rates
  - **Other Travel:** actual costs subject to most cost effective provisions
- **Subsistence and Overnight Allowances (Outwith Borough Only):**
  - Indexed to the maximum rates payable under the South East Employers Subsistence scheme

### **Issues Arising II – Licensing Sub-Committees and Co-optees’ Allowances**

The Panel considered but does not recommend an SRA for Members sitting on Licensing Hearing Sub-Committees.

Similarly, the Panel considered but does not recommend that the current Co-optees’ Allowance is revised.

The Panel notes that there are proposals for the Council to look further at its structures and bearing in mind the Panel has not conducted a full review of the allowance scheme, giving it a health check, it will be more appropriate to look further into issues arising at the next review.

### **Implementation**

That its recommendations contained in this report are implemented as follows:

- **SRA for the Chair of the Trustee Committee:**
  - backdated to date of appointment at Annual Meeting of the Council 17<sup>th</sup> May 2018 (on the basis that recommendations are considered and agreed by Council before 31<sup>st</sup> March 2019)
  
- **Travel Allowances for Co-optees:**
  - from the date the recommendations are considered by the next meeting of the Council on 21<sup>st</sup> February 2019
  
- **Indices:**
  - from 1<sup>st</sup> April 2019

# Slough Borough Council

## Report by the Independent Remuneration Panel

### A Review of Members' Allowances

#### Chair of the Trustee Committee, Co-optees' Travel Allowances

And

#### Indexation

February 2019

#### The Regulatory Context

1. This report contains the recommendations arising out of the independent review, carried out January – February 2019, of Members' Allowances for Slough Borough Council by the Council's statutory Independent Remuneration Panel ('IRP' or 'Panel'). It also lays out the deliberations of the Panel so as to show elected Members, Officers and the public the rationale for the Panel's recommendations or where relevant non-recommendations.
2. The Panel was convened under The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) (the 2003 Regulations). These regulations, arising out of the relevant provisions in the Local Government Act 2000, require all local authorities to maintain an independent remuneration panel to review and provide advice on the Council's Members Allowances. This is in the context whereby the Council retains powers to determine the scope and levels of Members' Allowances.
3. All Councils are required to convene their Panel and seek its advice before they make any changes or amendments to their members' allowances schemes and they must 'pay regard' to the Panel's recommendations before setting a new or amended members' allowances scheme.
4. In this particular instance, the Panel has been reconvened under the 2003 Regulations (paragraph 10. 5) which states:

Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.

5. This provision, known as the '4-year rule', is utilised to oblige all Councils to reconvene their independent remuneration panels at least every four years so that, in a context where councils retain final responsibility for determining their own allowances, they are subject to periodic scrutiny and accountability. It is under the requirement of the 4-year rule that the Panel has undertaken this (seventh) review of Members' Allowances for Slough Borough Council

### Terms of Reference

6. While the review was required to provide advice on the applicability of the indexation of allowances two further issues had also arisen. Thus the Panel was presented with a specific terms of reference:
  - a) As to whether there should be a Special Responsibility Allowance (SRA) for the Chair of the Trustee Committee and if so the amount of this allowance
  - b) As to whether there should be in-borough Travel Allowances for Co-opted Members
  - c) As to whether annual adjustments of allowance levels may be made by reference to an index, and if so, for how long such a measure should run

### The Panel

7. Slough Borough Council reconvened its Independent Remuneration Panel, constituting of the following appointees:
  - Fred Ashmore
    - Retired senior police officer (Thames Valley), former independent (co-opted) Chair of Slough Borough Council Standards Committee and former Slough Borough Council Independent Person appointed under Localism Act 2011
  - Pat Davies:
    - A solicitor and local businesswomen
  - Declan Hall PhD (Chair)
    - A former academic at the Institute of Local Government, the University of Birmingham and now independent consultant specialising in members' allowances and who was appointed by the Council as Chair of the Panel
8. The Panel was supported by Catherine Meek, Head of Democratic Services, who acted as the 'Panellists' Friend' and whose role was to support the Panel, and take the organisational lead in facilitating the whole process

## Process and Methodology

9. The Panel carried out this review as a “virtual” Panel as it was asked only to consider three specific issues rather than consider potential changes to the Members’ Allowances scheme. In particular, the Panel was asked to make amendments to the scheme (an SRA for the Chair of the Trustee Committee and Co-optees Travel Allowances) and the continuation of a previous recommendation (indexation).
10. As such, to physically convene the Panel would incur disproportionate costs or inputs on the part of the Council in relation to the results required and would not be an efficient use of Council resources; thus the use of a virtual Panel in this instance.
11. All Panel Members were sent the relevant information regarding the terms of reference (see Appendix 1). The Chair of the Panel visited the Civic Centre St Martins' Place Slough on 30<sup>th</sup> January 2019 to meet with relevant Members and Officers (see Appendix 2). In addition, all Members and Co-optees were sent an email inviting their written views on the Allowances Scheme, with one written submission received.
12. The Chair of the Panel, after considering the evidence and representations, then took the lead in formulating recommendations and writing the first draft of the report for comment and further amendment by other Panel members. When all Panel members agreed on the recommendations it was only then that the report has been submitted to the Council for confirmation.

## The Chair of the Trustee Committee

13. The Council is the corporate trustee of the three following charities:
  - The War Memorial Garden at Slough
  - The Salt Hill Playing Fields
  - Langley War Memorial Fields
14. The Council continues to act as the corporate trustee for the three charities. However, rather than requiring all decisions to be reached by full Council it has chosen to appoint, from the start of the municipal year 2018/19, a Trustee Committee to discharge its responsibilities as corporate trustee.
15. There are seven Members appointed to the Trustee Committee who are selected having regard to such skills and experience as property, finance, charity law, compliance and sector specific knowledge and expertise such as education or recreation. All members of the Trustee Committee have been required to have induction/training on their duties and responsibilities.

16. The Trustee Committee has initially scheduled two meetings per year but it can meet as and when required to fulfil its terms of reference. It is expected that the committee will have to meet more frequently to deal with, for instance, future developments at the Salt Hill Playing Fields and may take on responsibility for further charities in the future.
17. As such, the Chair merits a SRA. Benchmarking cannot assist in this context as the Trustee Committee is relatively specific to Slough. However, as the future programme of work has yet to be developed the Panel has opted to peg the Chair's SRA to that paid to the Chair of the Employment and Appeals Committee (£1,982) which has been set at 10% of the Leader's SRA, a methodology that is in accordance with advice set out in the 2006 Statutory Guidance on Members' Allowances (May 2006).
18. **The Panel recommends that the SRA for the Chair of the Trustee Committee is set at £1,982 and backdated from the date of the Chair's appointment in May 2018.** The Panel will revisit this recommendation at the time of the next review to see if the ad hoc workload of the committee has developed as envisaged.

#### **Issue Arising I – SRA for Vice Chair of the Trustee Committee**

19. During the review the question of whether the Vice Chair of the Trustee Committee should receive an SRA arose. The Panel is not minded to make such a recommendation at this stage as there was no evidence that the Vice Chair of the Trustee Committee has discrete responsibilities beyond the traditional roles of standing in when required and generally supporting the Chair in their role. Moreover, the only Committee Vice Chairs that are currently remunerated in Slough are those of the statutory committees – Overview and Scrutiny, Planning and Licensing.

#### **Travel Allowances for Co-optees**

20. There is no provision for Co-optees or elected Members to claim travel expenses for attending in-Borough approved duties. As is typical in compact councils the Basic Allowance is deemed to cover all in-Borough travel expenses. The Co-optees on the Audit and Corporate Governance Committee are in receipt of the Co-optees Allowance (currently £537). There are also Co-optees on Scrutiny Panels and appointments to Task and Finish Groups who receive no allowance but can incur travel cost in attending meetings they are invited to particularly if specialist transportation is required..
21. It was never the intention of the Panel for any Co-optee to be out of pocket and as such is content that the allowances scheme should be amended so that this anomaly is addressed.
22. **The Panel recommends that the allowances scheme is amended so that Co-optees appointed by the Council are exempt from the rule that in-**

**Borough travel expenses cannot be claimed and that when they attend an approved duty within the Borough they can claim the mileage allowance or if using other forms of transport actual costs subject to most cost effective provisions.**

### **Continuation of Indexation**

23. The representation received by the Panel was supportive of the principle of indexation. It ensures that the allowances are not eroded over time thus avoiding the need for periodic substantial increases just to maintain their original value. Moreover, the current position of indexing the main allowances to annual percentage increase in Officers salary as agreed annually or bi-annually by the National Joint Council for Local Government Staff was accepted at the most fair and equitable index (also known as the NJC index). It treats Members and Officers equally; if Officers receive no annual increase then the same is applicable to the main allowances for Members. Finally, the majority of Members' Allowances schemes have indexation provisions including the NJC index.
24. The Panel supports the continuation of indices for allowances payable under the Slough Borough Council Members' Allowances scheme and recommends the following indices:
- **Basic Allowance, Special Responsibility Allowances, Co-optees' Allowances, the annual cap on the DCA and the remuneration of the Independent Person:**
    - Indexed to the annual percentage salary increase for local government staff as agreed by the NJC (at new spinal column 43) to be adopted from 1<sup>st</sup> April 2019 and to run for 4 years (31<sup>st</sup> March 2023).
  - **Travel Allowances (Outwith Borough Only):**
    - **Mileage:** indexed to the HMRC rates
    - **Other Travel:** actual costs subject to most cost effective provisions
  - **Travel Allowances (Co-optees within the Borough only):**
    - **Mileage:** indexed to the HMRC rates
    - **Other Travel:** actual costs subject to most cost effective provisions
  - **Subsistence and Overnight Allowances (Outwith Borough Only):**
    - Indexed to the maximum rates payable under the South East Employers Subsistence scheme
25. It is pointed out that if the Council adopts all or any of the indices recommended it is under no obligation to implement a particular index each year. If adopted,



the Council has a choice and retains the right not to implement an index or if it decides to implement an index then it can implement an alternative index. However, if the principle of indexation is not adopted by the Council then it cannot index its allowances and if any, even minor, uplifts for inflation are sought by the Council it must come back to the Panel for its advice. Having the principle of indexation in place removes the requirement to seek advice from the Panel for a maximum period of 4 years, unless the Council seeks a review sooner.

## Issues Arising II – Licensing Sub-Committees and Co-optees’ Allowances

26. During the course of the review two further roles were highlighted for consideration for an SRA:

- Members sitting on Licensing Hearing Sub-Committees - Members of the Licensing Committee are appointed to sit on the Licensing Sub-Committee. The argument was that meetings were during the day and can be onerous. There also appears to be a slight increase in the number of Hearings since the last review when this issue was considered. However, this slight increase applies to 2017/18 and it is not known whether this trend will continue for 2018/19 and going forward.
- The current Co-optees’ Allowance – The argument regarding the Co-optees’ Allowance was that it was reduced in 2015 in light of the restricted powers and remit of the Standards regime post-Localism Act 2011 but since then Standards Advisory Committee has merged with the Audit Committee the Co-optees workload and responsibility has expanded accordingly. It is noted that since the previous review the Standards Determination Sub-Committee has only met twice. On the other hand, the parent committee, Audit and Corporate Governance, now meets four times per year. The level of remuneration was also cited as potentially underlying the Council’s struggling to recruit Co-optees.

27. However, the nature of this review was such that the Panel did not have the opportunity to explore in depth the strength of these representations. Moreover, there are proposals for the Council to look further at its structures and bearing in mind the Panel has not conducted a full review of the allowance scheme, giving it a health check, it will be more appropriate to look further into issues arising at the next review.

## Implementation

28. **The Panel further recommends that its recommendations contained in this report are implemented as follows:**

- **SRA for the Chair of the Trustee Committee:**

- backdated to date of appointment at Annual Meeting of the Council 17<sup>th</sup> May 2018 (on the basis that recommendations are considered and agreed by Council before 31<sup>st</sup> March 2019)
  
- **Travel Allowances for Co-optees:**
  - from the date the recommendations are considered by the next meeting of the Council on 21st February 2019
  
- **Indices:**
  - from 1<sup>st</sup> April 2019

## **Appendix 1: Information Received & Reviewed by the Panel**

1. Panel Terms of Reference
2. Slough Borough Council Members' Allowances Scheme 2018/19
3. Report to Council by the Monitoring Officer, "Establishment of the Trustee Committee", 24<sup>th</sup> April 2018
4. Trustee Committee Agenda, 16<sup>th</sup> January 2019 including Report to Trustee Committee, "Income and Expenditure Accounts 2017/18" and minutes from Trustee Committee meeting 10<sup>th</sup> December 2018
5. Slough Borough Council, Terms of Reference and Operating Arrangements for the Trustee Committee
6. Council's Calendar of Meetings for 2018/2019
7. The Eighth Report of the Independent Remuneration Panel February 2015
8. National Joint Council for Local Government Services 2018 and 2019 Payscale & Allowances including up rating figures, 10<sup>th</sup> April 2018
9. Statutory Guidance on Consolidated Regulations for Local Authority Allowances May 2006
10. Statutory Instrument 2003 No. 1021, The Local Authorities (Members' Allowances) (England) Regulations 2003

## **Appendix 2: Representations and Briefings Received by the Panel**

### **Members:**

Cllr W. Strutton	Leader of Majority (Conservative) Opposition Group
Cllr J. Swindlehurst	Leader of Council & Labour Group and Cabinet Member for Regeneration & Strategy

### **Officers who provided a briefing to the Panel:**

Josie Wragg	Chief Executive
Catherine Meek	Head of Democratic Services