

Report to Council

Thursday, 25 January 2024

By the Chief Executive

DECISION REQUIRED



Not Exempt

Appointment to the Independent Remuneration Panel

Executive Summary

The Council is required to appoint an Independent Remuneration Panel (IRP) comprising at least three members in order to consider Members' Allowances.

The IRP completed a full Member Allowance review in April 2021 and interim reviews were concluded in both February and September 2023.

One of the current IRP members has passed away and, as such, the Council does not currently have a fully appointed IRP.

Whilst a full review of Members' Allowances will not be required until late 2024, an interim review of Members' Allowances is required to account for the staff pay award that was agreed in November 2023, for the 2023/24 financial year.

An advert for an IRP member has been published and will remain open until a suitable candidate is identified. Interviews have been scheduled with the Monitoring Officer and the Democratic Services & Elections Manager. It is therefore recommended that the Monitoring Officer is delegated authority to appoint to the IRP, should a suitable candidate be identified through the interview and recruitment process.

Recommendations

That the Council is recommended:

- i) to delegate authority to the Monitoring Officer to appoint a panel member to sit on the Independent Remuneration Panel

Reasons for Recommendations

- i) To ensure that the Council has a fully appointed IRP, in a timely manner, in order that it can undertake an interim review and proffer recommendations as to how to reflect the latest staff pay award in Members' Allowances.

Background Papers

None

Wards affected: All

Contact: Aisha Nottage, Democratic Services and Elections Manager.

Background Information

1 Introduction and Background

- 1.1 Members' Allowances must be considered by an IRP at least every four years.
- 1.2 Councils are obliged to appoint an IRP to consider the level of allowances that are appropriate for the various responsibilities that Members undertake, including a basic allowance for all Members.
- 1.3 One of the IRP members passed away and it is therefore necessary to appoint a replacement member to the IRP, so that the IRP is fully appointed and can carry out an interim review during the 2023/24 financial year to consider the effect of the most recent staff pay award.

2 Relevant Council policy

- 2.1 To have a fully appointed IRP to facilitate the review of Members' Allowances.

3 Details

- 3.1 The IRP was appointed in October 2020, with a replacement member being appointed in April 2022.
- 3.2 The current scheme requires that the rates of Members' Allowances are index linked to staff pay awards.
- 3.3 An interim review was undertaken in September 2023 as the most recent staff pay award was expressed in monetary value rather than percentage terms. Consequently, the IRP made recommendations and Full Council agreed that fixed pay awards should be applied to Members' Allowances, using the median pay point to achieve a percentage figure.
- 3.3 The 2023/24 staff pay award that was agreed was neither a percentage pay award, nor a fixed value pay award. Instead, a mix of percentage and fixed awards have been applied, depending on the salary point of the employee. Thus, an interim review is required. The IRP will complete this review and make recommendations to Full Council as to how the staff pay award may be reflected in Members' Allowances.
- 3.4 The recommendations from the interim review, would need to be received and decided upon at the Full Council meeting on 21 February 2024, to ensure that the changes can be implemented in the current financial year. It is therefore important that a fully appointed IRP is put in place in a timely manner.

4 Next Steps

- 4.1 Once the interview process is complete and the Council has delegated authority to the Monitoring Officer to appoint to the IRP, the relevant appointment will be made.

- 4.2 Once the IRP is fully appointed, it will be able to undertake an interim review, as required, to enable the employee pay award to be applied to the Members' Allowances.
- 4.3 Officers will consider the production of a formulaic mechanism (to be contained in the constitution) which provides for value and percentage (or a combination of both) staff pay awards to be reflected in Members' Allowances.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 Not applicable.

6 Other Courses of Action Considered but Rejected

- 6.1 The Council is required by statute to have a fully appointed IRP and, as such, there are no alternative courses of action that can be taken. Whilst a full review is not required at present, having a fully appointed IRP will allow the interim review to be carried out in the current financial year to consider how to reflect the latest staff pay award in Members' Allowances. A delay to the decision would have negative budgetary implications, and potential negative impacts on individual Councillor's tax arrangements.

7 Resource Consequences

- 7.1 There are no resource consequences arising from the subject delegation contained in this report save that administratively a record of the delegation shall be retained.
- 7.2 There are no direct financial consequences relating to the subject IRP appointment but the Council has in the past paid a fee to each member of the IRP in recognition of their work. IRP members received £500 each, for the conduct of two interim reviews in 2023. The next full review will take place in 2024/25 and the one-off payment for this will be determined at that time.
- 7.3 There may also, in due course, be financial consequences arising from the recommendations of the IRP.

8 Legal Considerations and Implications

- 8.1 The legislative framework for Members' Allowances is contained in the Local Government and Housing Act 1989 ("the 1989 Act"), the Local Government Act 2000 ("the 2000 Act") and the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 8.2 Local Authorities are required to establish and maintain an IRP (of at least three individuals) which will broadly provide the local authority with advice on its scheme, the amounts to be paid. Local Authorities must have regard to this advice.

9 Risk Assessment

- 9.1 If the Council does not appoint a replacement member to the IRP, the IRP will not be properly constituted pursuant to legislative provisions and would not be able to undertake the interim review of Members' Allowances within this financial year.

10 Procurement implications

- 10.1 None.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are not any equalities impacts arising from the delegation of the authority to the Monitoring Officer to appoint a member to the IRP.
- 11.2 Public sector equalities duties are considered by the IRP when undertaking reviews.

12 Environmental Implications

- 12.1 None.

13 Other Considerations

- 13.1 None.