

CUMBERLAND JOINT COMMITTEE

Meeting date: 30 March 2022

Report of: Linda Fisher – Monitoring Officer and Technical Lead Legal and Democratic Work Stream (South Lakeland District Council)

Subject: Members Allowances - Update and Progress

1.0 SUMMARY:

1.1 This report provides an update on the work which has been undertaken in relation to preparation of a scheme of members allowances for the Shadow Authority for Cumberland including the setting up of an Independent Remuneration Panel. It is one of the functions of the Joint Committee to recommend a scheme of allowances to the first meeting of the Shadow Authority for Cumberland.

2.0 RECOMMENDATION:

2.1 The Joint Committee is recommended to note the contents of the report and endorse the proposals in relation to the formation and work of the Independent Remuneration Panel.

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

3.1 The Cumbria (Structural Changes) Order 2022 provides that the Shadow Authority for Cumberland must prepare and adopt a scheme for the payment of allowances to its Members. It also provides that the Local Authorities (Members' Allowances) (England) Regulations 2003 apply in relation to the Shadow Authority.

3.2 The 2003 Regulations provide that before an authority makes a Scheme for Members' Allowances it shall have regard to the recommendations made by an Independent Remuneration Panel (IRP). The regulations provide that an IRP must consist of at least three members, none of whom are a Member of the authority in respect of which it makes recommendations or are disqualified from becoming a Member of such authority.

3.3 In order to ensure that the IRP can complete its work in a comprehensive and timely manner with the outcome of producing recommendations prior to the first meeting of the Shadow Authorities the following pragmatic steps using the inherent authority contained within the SCO were proposed and are being followed.

3.3.1 An IRP for Local Government Reorganisation (LGR) purposes has been formed with six members drawn from the IRPs representing the existing seven authorities. This IRP has been asked to prepare recommendations for both the Shadow Authority for Cumberland and the Shadow Authority for Westmorland and Furness. The IRP has been asked to consider:

- (a) the payment and amount of a Members basic allowance;
- (b) the responsibilities or duties which should lead to the payment of a Special Responsibility Allowance and the amount of any such allowance;
- (c) duties for which a travelling and subsistence allowance can be paid and the amount of any such allowance;
- (d) the amount of co-optees' allowance; and
- (e) whether the allowance scheme should include a dependents' carer allowance and the amount of any such allowance.

3.3.2 In advance of the IRP convening, the Independent Persons (IPs) have been provided with an IRP briefing pack which includes details of:

- (a) background and context to LGR;
- (b) purpose of an LGR IRP;
- (c) the current Members' Allowances Scheme in each of the existing seven authorities in Cumbria; and
- (d) Member Allowance Schemes of established unitary authorities for the purposes of benchmarking information (including Buckinghamshire; Bournemouth; Christchurch and Poole; Cornwall; North Northamptonshire and West Northamptonshire).

3.3.3 The first meeting of the IRP was held on 23 February 2022, and the IRP has agreed a schedule of further meetings as follows:

- (a) Friday, 4 March – to discuss, agree and populate the Scheme;
- (b) Friday, 18 March – to discuss any outstanding matters / prepare draft Scheme; and
- (c) Monday, 28 March – to finalise the Scheme.

The Joint Committee will have an opportunity to consider the recommendations before they are considered by the Shadow Authority.

3.3.4 Following the IRP finalising the proposed scheme on 28 March, a report with the recommendations from the IRP and proposals for the Members' Allowance Scheme for the Shadow Authority will be prepared for the joint committees to assist the joint committees in making recommendations to the first meetings of the Shadow Authorities. The Shadow Authorities will be required to have regard to the recommendations of the IRP, but it does not necessarily need to accept or approve the scheme either in its entirety, or in part. It is anticipated that this will be presented to the third Joint Committee meeting.

3.4 In confirming membership of existing IP to the LGR IRP, it has been proposed that members of the IRP may be paid expenses in line with the existing arrangements with the District or County Council on whose IRP they currently sit.

3.5 It is recognised that, in due course, there will be a reconvening of an LGR IRP as the Shadow Authorities will further need to consider and formulate proposals for the payment of allowances to the members of the new unitary authorities in readiness for vesting day at 1 April 2023.

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

4.1 Members are asked to note the contents of the report and endorse the proposals for preparing a scheme of allowances for Members to recommend to the Shadow Authority including the setting up of the IRP.

4.2 Members could make alternative proposals for preparing a scheme of allowances for members to recommend to the Shadow Authority.

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

5.1.1 It is proposed that the expenses of the IRP members will be paid by the existing seven councils in line with their existing arrangements with the relevant member.

5.1.2 It is intended that allowances for Members of the Shadow Authority will be from the agreed and established Implementation Reserve for LGR.

5.2 Staffing:

5.2.1 The IRP is being supported by Democratic Service Officers from the Cumberland District Councils.

5.3 Legal:

5.3.1 The Cumbria (Structural Changes) Order 2022 provides that the Cumberland Council Shadow Authority must prepare and adopt a scheme for the payment of allowances to its Members. It also provides that the Local Authorities (Members' Allowances) (England) Regulations 2003 apply in relation to the shadow authority.

5.3.2 The 2003 Regulations provide that before an authority makes a scheme for Members' allowances it shall have regard to the recommendations made by the IRP. The regulations provide that an IRP must consist of at least three members, none of whom are a Member of the authority in respect of which it makes recommendations or are disqualified from becoming a Member of such authority.

5.4 Information Governance:

5.4.1 There are no direct information governance implications associated with this report.

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.0.1 The proposals have no health and sustainability impacts and so no assessment of the health and sustainability impact of the proposal has been carried out.

6.1 EQUALITY AND DIVERSITY IMPACT:

6.1.1 No equality and diversity impact assessment of the proposal has been carried out.

7.0 RISKS:

7.1 There was a risk that if the IRP did not convene and commence its work in February, prior to the Joint Committee's first meeting that they would not complete their necessary considerations and meetings work in time to make recommendations to the Shadow Authority at its first meeting.

8.0 CONCLUSION:

8.1 The Joint Committee is recommended to note the contents of the report and endorse the proposals in relation to the formation and work of the Independent Remuneration Panel.

Report Author – Sarah Pemberton - Deputy Chief Executive (Copeland Borough Council)

APPENDICES

No Appendices.