

CENTRAL BEDFORDSHIRE SHADOW COUNCIL
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10 APRIL 2008

SUBJECT	MEMBERS' ALLOWANCES FOR THE SHADOW COUNCIL 2008/09
	<p>(To consider: -</p> <p>(a) establishing an independent remuneration panel for the purpose of making recommendations in respect of a Scheme of Members' Allowances for the Central Bedfordshire Shadow Authority and proposals for a Scheme of Members' Allowances to be adopted by Central Bedfordshire Council; and</p> <p>(b) the appointment of the members of the independent remuneration panel as a parish remuneration panel for the purpose of making recommendations to any parish council within the area of Central Bedfordshire that seeks to pay a basic allowance or travelling and subsistence allowances to its members during 2009/10.)</p>
REPORT OF	Monitoring Officer of Mid Bedfordshire District Council
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IMPLICATIONS

SUSTAINABILITY	The provision of a fair scheme of Members' Allowances is an essential part of the democratic process.
FINANCIAL	The cost of adopting any recommendations that may be made by the Panel for the Shadow Authority in the year 2008/09 must be divided among the County Council and the district councils in such proportion as may be agreed by the authorities.
LEGAL	The Bedfordshire (Structural Changes) Order 2008 and The Local Authorities (Members' Allowances) (England) Regulations 2003.
PERSONNEL/EQUAL OPPORTUNITIES	A Scheme of Members' Allowances may include a Dependents' Carers' Allowance to provide Equal Opportunity.
COMMUNITY DEV/SAFETY	None.
TRADE UNIONS	None.
HUMAN RIGHTS	None.

OTHER DOCUMENTS RELEVANT TO REPORT

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

RECOMMENDATIONS:

that the Shadow Council:

- (a) authorise the Interim Head of Staff for the Shadow Authority to appoint two members from each of the independent remuneration panels appointed by Bedfordshire County Council, Mid Bedfordshire District Council and South Bedfordshire District Council for the purpose of setting up an independent remuneration panel for Central Bedfordshire.**
- (b) authorise the Interim Head of Staff to pay, as a transitional cost, the expenses of the members of the panel in carrying out its functions;**
- (c) authorise the payment, as a transitional cost, of an allowance of £120 per meeting to each member of the newly formed independent remuneration panel.**
- (d) indicate whether the independent remuneration panel are required to make recommendations for a Scheme of Members' Allowances for the Members of the Shadow Authority for the current financial year.**
- (e) authorise the Interim Head of Staff to appoint members of the independent remuneration panel to serve as a parish remuneration panel to make recommendations to any parish council within Central Bedfordshire wishing to make payments to its members as from 1 April 2009.**

1. The Bedfordshire (Structural Changes) Order 2008 introduces a revised structure of local government in Bedfordshire as from 1 April, 2009.
2. The Central Bedfordshire Shadow Authority was created as from 28 March 2008, consisting of all the Members of Mid and South Bedfordshire District Councils, together with those Members of the County Council who represent electoral divisions within Mid and South Bedfordshire.
3. The office of Members of the Shadow Authority will end on the fourth day after the 2009 election day. This would normally be 7 May 2009 but in the year of a European Parliamentary general election, the Secretary of State has the power to make an Order, in accordance with section 60 of The Local Government and Public Involvement in Health Act 2007, changing the date of ordinary local government elections to the date set for the poll for the European Parliamentary election. The date of the European Parliamentary election is subject to agreement by European Member States but is expected to be 11 June 2009. If the Secretary of State is minded to exercise the powers to change the date of the ordinary local government elections, the Order must be made by no later than 11 November 2008.

4. The adoption of a scheme of allowances for the Members of the Shadow Authority is, by Article 16(9) of The Bedfordshire (Structural Changes) Order 2008, a duty that must be exercised by the Shadow Authority in accordance with the terms of The Local Authorities (Members' Allowances) (England) Regulations 2003. (The 2003 Regulations). This is not a duty that can be exercised by the Shadow Executive.
5. The 2003 Regulations require that before an authority makes or amends a Scheme of Members' Allowances, it shall have regard to the recommendations made to it by an independent remuneration panel.
6. The 2003 Regulations go on to specify that the independent remuneration panel shall produce a report making recommendations-
 - (a) as to the responsibilities or duties in respect of which the following should be available-
 - (i) special responsibility allowance;
 - (ii) travelling and subsistence allowance; and
 - (iii) co-optees' allowance;
 - (b) as to the amount of such allowances and as to the amount of basic allowance;
 - (c) as to whether dependents' carers' allowance should be payable to members of an authority, and as to the amount of such allowance;
 - (d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated.
7. The Regulations also specify;
 - (a) that there shall not be more than one panel which makes recommendations in respect of an authority;
 - (b) that an independent remuneration panel shall consist of at least three members none of whom is a member of an authority in respect of which it makes recommendations or is disqualified from being a member of an authority;
 - (c) that the authority may pay the expenses incurred by an independent remuneration panel in carrying out its functions and may pay the members of the panel such allowances as it determines.
8. The allowances paid by the existing authorities, to members of their panels are: -

Mid Beds	£210 per Member per annum plus travelling expenses.
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South Beds £900 for the chairman, to include preparation of the report and £120 to each of the other two members plus travelling expenses.

Bedfordshire £80 per hour plus travelling expenses.
County
Council

9. It will be noted that there is a need to establish an independent remuneration panel for the purpose of making recommendations for a Scheme of Members' Allowances both for the Members of the Shadow Authority and for a Scheme of Members' Allowances for the Members of Central Bedfordshire Council.
10. The Shadow Council must have regard to the recommendations of the panel before adopting a Scheme of Members' Allowances for the Shadow Authority or for Central Bedfordshire Council.
11. For the purposes of continuity there is, when considering the establishment of an independent remuneration panel, merit in drawing upon the members of the panels established by the three constituent authorities. The members of those Panels will have an understanding of the role and responsibilities of Members.
12. It is suggested that a panel of six members be appointed, and tasked with making all recommendations concerning Schemes of Members' Allowances.
13. As Members of the Shadow Authority will already be in receipt of allowances paid by their respective authorities until 1 April 2009, it may be that it is not considered necessary to adopt a Scheme to pay additional allowances for the financial year 2008/09. However unless a Scheme of Allowances is adopted, having regard to the recommendations of the independent remuneration panel, it would not be possible to pay any allowances, including those for travelling and dependents' carers'.
14. When convening an independent remuneration panel, a local authority is expected under the statutory guidance to ensure the panel is clear about its remit and to provide it with information about the business of the council, the roles of its councillors and the way in which the authority operates and discharges its functions. The panel should have regard to this information and may consider recent research on the role of councillors or the findings of other independent remuneration panels.
15. If the Shadow Authority wish the panel to make recommendations for a Scheme of Members' Allowances for that part of the transition period within the financial year 2008/09, it will be necessary for the panel to be provided with information as to the additional workload that Members of the Shadow Authority will have that is over and above their normal duties and responsibilities as a Member of one of the existing authorities.

16. In regard to Central Bedfordshire Council, the panel will be asked to have regard to the discrepancies between existing allowance levels in the three authorities, as well as the average levels paid in unitary local authorities similar to Central Bedfordshire. Options will be presented to assist the panel in making recommendations that harmonise the existing arrangements to ensure a fair Scheme of Allowances for the 66 Members elected on the 2009 election day. Account will also be taken as to the level of allowances from 1 April 2009 to the 2009 election day, being the period during which all of the Members of the Shadow Authority will lose the basic and any special responsibility allowance paid to them by one or more of the existing authorities as these will be wound up on that date.
17. Finally the 2003 Regulations provide that a parish remuneration panel may be established, consisting of those persons who are also members of the independent remuneration panel. The purpose of the parish remuneration panel being to make recommendations to any parish, within the area of the establishing authority that wishes to consider the payment of allowances to its members in accordance with Part 5 of the Regulations. It is suggested that the independent remuneration panel members be appointed as the parish remuneration panel with effect from 1 April 2009.

Background Papers: None
Location of Papers: Not Applicable