

# **A Review of Members' Allowances for the Royal Borough of Windsor & Maidenhead The Eleventh Report by the Independent Remuneration Panel**

**Air Vice-Marshal Andrew Vallance (Chairman)  
Chris Stevens  
Karnail Pannu**

**September 2020**

## EXECUTIVE SUMMARY

Recommended Schedule of Allowances	Nos	Ratio	Payable per Allowance	Sub Total Payable
<b>Basic Allowance</b>	41	n/a	£8,260	£338,660
<b>Special Responsibility Allowances</b>				
Leader	1	n/a	£24,780	£24,780
Deputy Leader	1	55%	£13,629	£13,629
Deputy Chairman of Cabinet	1	55%	£13,629	£13,629
Other Lead/Cabinet Members	7	50%	£12,390	£86,730
Chairmen Development Management Panels	3	25%	£6,195	£18,585
Chairman Licensing Panel	1	25%	£6,195	£6,195
Chairmen Overview and Scrutiny Panels	4	20%	£4,956	£19,824
Chairman Audit and Governance Committee	1	20%	£4,956	£4,956
Chairman Pension Fund Panel	1	20%	£4,956	£4,956
Leaders of Opposition Groups (shared; see detail)	1	25%	£6,195	£6,195
Mayor (SRA only, not incl. Civic Allowance)	1	n/a	£3,060	£3,060
Deputy Mayor (SRA only, not incl. Civic Allowance)	1	n/a	1,020	£1,020
Members of Appeals Panels	NA	Meetings up to 3 hours	£33	n/a
		Meetings over 3 hours	£66	n/a
<b>Subtotal SRAs (not incl. Appeal Panels)</b>	-	-	-	<b>£203,559</b>
<b>Total (Basic plus SRA, not incl. Appeal Panels)</b>	-	-	-	<b>£542,219</b>

The Panel also recommends that changes be made to the allowances schemes as follows (see report for full detail and rationale):

#### Discontinued SRAs

The following SRAs be discontinued:

- Licensing and PSPO Sub Committee

### **Chairmen of Statutory Committees**

The SRA for the Chairmen of Overview and Scrutiny Panels be reset at 20% of the Leader's recommended SRA, therefore £4,956.

The SRA for the Chairman of the Audit and Governance Committee be set at 20% of the Leader's recommended SRA, therefore £4,956.

### **Leaders of Opposition Groups**

The SRA for the Leader of the Main Opposition Group and Leader of Minority Opposition Groups (with at least 5 Members) be removed from the scheme and replaced with an SRA for Opposition Group Leaders of £6,195, to be split between Group Leaders based on the number of members in each Group. The requirement for a minimum number Members in a Minority Opposition Group to be reset to 3.

### **The Dependants' Carers' Allowance**

The terms and conditions of the Dependants' Carers' allowance be maintained, subject to the following amendment:

The total amount claimable per approved duty is capped at 5 hours and within any one week a maximum of 20 hours can be claimed to allow for reasonable 'settling in' time.

### **Indexation**

In accordance with the '4 year rule' (2003 Regulations 21. (1) (e)) the indexation of allowances should run for the maximum period of 4 years, until October 2024.

### **Implementation**

The recommendations contained in this report be implemented immediately and backdated to the start of the 2020/21 municipal year (subject to comments detailed in the main report).

## **Introduction: The Regulatory Context**

1. This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel (the Panel) appointed by the Royal Borough of Windsor & Maidenhead (RBWM) to advise the Council on its Members' Allowances scheme.
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 (also known as an IRP) to review and provide advice on the council's Members' Allowances Scheme. This is in the context whereby full Council retains powers of determination regarding Members' allowances, both levels and scope of remuneration and other allowances/reimbursements.
3. The Panel was convened to undertake a full review of the scheme, as the previous period of indexation had ended in December 2018. At that time, it had been agreed that a full review should not take place until at least 6 months after the May 2019 local elections. Given the reduction in councillors from 57 to 41 as a result of a Boundary Commission Review, it was important that the review took into account any subsequent changes in councillor workload and responsibilities. The Panel therefore initiated the review process in November 2019.

## **Terms of Reference**

4. The Panel was given the following terms of reference, namely to make recommendations on:
  - I. The amount of Basic Allowance that should be payable to the elected Members and the expenses it includes
  - II. The categories of Members who should receive a Special Responsibility Allowance (SRA) and the amount of such an allowance
  - III. The amount of Co-optee allowances where applicable
  - IV. Terms and conditions for the Travel and Subsistence Allowances
  - V. Terms and conditions for Dependants' Carers' Allowance
  - VI. Whether the allowances should continue to be adjusted in line with the average pay increases negotiated through the National Joint Committee for Local Government Employees or with reference to any other index or none
  - VII. The implementation date for the recommendations of the Panel
  - VIII. The Civic Allowances

## **The Panel**

5. The Royal Borough of Windsor & Maidenhead reconvened its Panel and the following Members were appointed to carry out the independent allowances review, namely:
  - Air Vice-Marshal Andrew Vallance CB OBE MPhil FRAeS  
Served in the RAF for 38 years, and from December 2004 to February 2017 was Secretary of the UK's Defence Press and Broadcasting Advisory Committee (now known as the Defence and Security Media Advisory Committee). Between 2009 and 2019 he was also Chairman of the Services' Sound and Vision Corporation, and is currently Chairman of the Ascot Arts Society, President of 459 (Windsor) RAF Air Cadets and is actively involved in his local church of St Michael and All Angels, Sunninghill, in addition to several local charitable bodies.
  - Chris Stevens  
Was born in Sunningdale, schooled at Windsor Grammar and has lived in Windsor for the past 39 years. He worked at The Sun for 30 years where he was Assistant Editor, and is now Senior Sub-Editor at the Daily Mail. Married with two daughters, he is a keen supporter of the Alexander Devine Children's Hospice Service.
  - Karnail Pannu  
Chairperson of Windsor and Maidenhead Community Forum, President of the local Sikh temple and a governor of Newlands Girls' School. He has served as member of Housing Solutions, the Royal Borough's Standards Board as independent member for 18 years, a governor of East Berks College and Berkshire College of Agriculture for 8 years each. He taught for 37 years in Buckinghamshire.
6. The Panel was supported by Karen Shepherd, Head of Governance, and Elaine Browne, Head of Law, at the Royal Borough of Windsor and Maidenhead.

## **Process and Methodology**

### **Evidence Reviewed by the Panel**

7. The Panel met at the Town Hall, Maidenhead, on 7 November 2019 to receive refresher training on allowance reviews. Following the training the Panel agreed a timetable for the review to take place during the first half of 2020.
8. In January 2020, an online survey was issued to all Members to seek their views on all aspects of the Members' Allowance Scheme; 30 Councillors completed the survey.
9. The Panel met again at the Town Hall, Maidenhead on 29 January 2020 to consider the responses to the survey. Following discussions, the Panel

requested to meet with a number of councillors to discuss issues in further detail. Interviews were scheduled for March 2020 but were subsequently delayed due to the outbreak of COVID-19. The Panel met virtually on 5 August 2020 to hold the postponed Councillor interviews.

10. Given the length of time since the original Member survey, all Members were contacted via email and given a further opportunity to submit written representations to the Panel in July/August 2020.
11. The Panel held their final (virtual) meeting on 26 August 2020 to consider the evidence and finalise the recommendations. The Panel took into consideration the written submissions from Members, verbal comments made during the interviews in August 2020 and also reviewed relevant written information, such as council and committee meeting schedules, benchmarking data, statutory guidance, etc<sup>1</sup>. The Panel meetings were held in private session to enable the Panel to meet with Members and Officers and consider the evidence in confidence.

### **Benchmarking - the RBWM comparator group of councils**

12. The Panel has reviewed and evaluated the evidence and representations within a comparative context. In particular, the Panel has benchmarked the scope and levels of allowances paid in the Royal Borough of Windsor and Maidenhead against those paid in a comparator group of councils utilised for benchmarking purposes. The latest data set available to the Panel was the South East Employers 2019 annual survey of Member Allowance Schemes.
13. The Panel had access to data for all types of authorities across the south east, but focused on unitary authorities, including the five other Berkshire unitary authorities, for the comparator group:
  - a. Wokingham
  - b. West Berkshire
  - c. Bracknell Forest
  - d. Reading
  - e. Slough
  - f. Medway
  - g. Isle of Wight
  - h. Milton Keynes
  - i. Portsmouth
  - j. Southampton
  - k. Brighton and Hove<sup>2</sup>
14. In making its recommendations, the Panel has not been driven by the levels of allowances paid across the comparator authorities, but it was deemed important to understand how the issues under review have been addressed elsewhere, i.e., what is the most common and good practice. Moreover, the Panel felt that it was important to place the Royal Borough

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<sup>1</sup>See Appendices 1 & 2 for further details

<sup>2</sup>See Appendix 3 for more details.

of Windsor and Maidenhead Members' Allowances Scheme in a comparative perspective.

## **Principles and Key Messages**

### **The purpose of a Members' Allowances scheme**

15. The representations made to the Panel varied widely, with some Members expressing the view that the level of allowances payable under the current scheme did not fully compensate the work and responsibilities undertaken by Members and were not enough to attract a wide variety of candidates. However, the Panel was mindful that the prime purpose of Members' allowances schemes was not to 'attract' candidates for Council. Member allowances were never intended to be paid at full 'market rates', otherwise they would have to be at a level so high as not to be publically acceptable. If elected Members were standing for and remaining on the Council due to financial appeal it would run contrary to the public service ethos. As expressed by a number of interviewees, the desire to serve local communities and residents is the prime motive for being a Councillor.
16. The policy intention behind the requirement to establish a Members' Allowances scheme for all English councils is to enable and facilitate Members' roles and responsibilities as far as practically possible while taking into account such factors as the nature of the council, local economic conditions and good practice. Thus the Panel has sought to recommend a scheme that seeks to minimise financial barriers to public service so as to enable a wide range of people to become a Councillor without incurring undue personal financial cost.

### **Royal Borough of Windsor & Maidenhead Members' Allowances Model**

17. The comparative data used by the Panel showed that the Basic Allowance currently paid was slightly below average, with a number of Special Responsibility Allowances slightly above average for the comparator group. The Panel took the opportunity to discuss this in some depth and concluded that any upward revision of allowances should therefore be relatively marginal.
18. The Panel also took into account that, unlike many other councils, RBWM committee vice chairmen are not paid an SRA. Thus the total paid out in allowances was not excessive in the comparative context.
19. It is also noted that in the Royal Borough of Windsor and Maidenhead a Member can draw down one SRA only, regardless of the number of remunerated posts a Member may hold. As there are usually Members who hold more than one remunerated post then all the available SRAs do not usually get paid. By maintaining the one SRA principle, it means that the marginal increases in most SRAs arising out of the Panel's recommendations would be limited.

## **The Scheme in the current context**

20. During the last full review in 2015, the Panel had highlighted that its recommendations were made in the context of the specific governance model at the Royal Borough of Windsor and Maidenhead at the time, characterised by being strongly Member-driven with a plethora of executive associated roles.
21. In the intervening years, the Panel had undertaken interim reviews resulting in a number of significant changes to the scheme. These changes reflected the revised governance model at the council, including a slimmed down executive, following a full review of the constitution in 2018. SRAs that had been deleted from the scheme in May 2019 included:
  - Principal Members
  - Deputy Lead Members
  - Chairman of the Rights of Way and Highway Licensing Panel
  - Chairman of the Audit and Performance Review Panel
  - Chairman of the Sustainability Panel
22. Given the significant amendments to the scheme since May 2019, the Panel were of the opinion that the current review should aim to update the scheme so that it reflected the current governance model, rather than look to undertake a fundamental restructure.
23. The Panel noted that since the last review in 2015, both the Basic Allowance and all SRAs had increased marginally following indexation. As per the scheme, this was in line with the average pay increase given to Royal Borough employees. The Panel noted that there had been no officer pay increase for the current financial year.
24. In all their deliberations, the Panel were very mindful of the financial context. The Royal Borough, as with all local authorities, had been significantly affected by the COVID-19 crisis in terms of a loss of income relating to services such as parking and leisure, and increased costs in areas such as adult social care. At the time of the review, it was not clear what, if any, funding would be provided by central government to local authorities in the following financial years to address the financial impacts of the crisis.

## **Recommendations - the Basic Allowance**

### **Recalibrating the Basic Allowance**

25. In arriving at the recommended Basic Allowance in 2015 the Panel followed the formulaic approach as laid out in the 2003 Statutory Guidance (paragraphs 67-69) which recommends the consideration of three variables - namely time, public service and worth of remunerated time. If the Panel 'recalibrated' the Basic Allowance by repeating the formulaic

approach but updated the variables to take into account the most recent data available it would give the following values:

- Time required to fulfil duties: 132.0 days per year
- Public Service Discount: 49%
- 2019 Rate of Remuneration: £122.70 per day

### **Time to fulfil duties for which the Basic Allowance is paid**

26. The Basic Allowance is primarily a time-based payment (see 2003 Statutory Guidance paragraph 10). In the 2015 review the Panel utilised 129.6 days per year as the minimum required input from a Member to fulfil those duties for which the Basic Allowance is paid, including preparing for and attending meetings: both formal and informal, addressing constituents' concerns, representing and engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with officers.
27. The most up-to-date information available on what is a reasonable time expectation for which the Basic Allowance is paid comes from the 2018 Local Government Association Councillors Census. Data supplied to the Panel showed that Councillors in unitary councils who hold no positions of responsibility report that they put in on average 22.0 hours per week on "council business". This equates to 132.0 days per year based on a 48 week working year and an 8 hour working day - the same working year/day used in 2015.
28. Thus, the Panel for the purposes of recalibrating the Basic Allowance for this review has updated the expected time input from Members to the equivalent of 132.0 days per year.

### **The Public Service Discount (PSD)**

29. The Public Service Discount (PSD) recognises the principle that not all of what a Councillor does should be remunerated – there is an element of public service. This principle is realised by discounting an element of the expected time inputs associated with the Basic Allowance. In 2015 the Panel used a figure of 49%.
30. The proportion of 49% is at the top end of the spectrum used by Panels in England, typically ranging from 33% to 50%. The Panel therefore considered whether this should be amended, given that the 2018 Census of Councillors shows that 47% of all work undertaken by all English Councillors<sup>3</sup> is either:

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<sup>3</sup>See [Census of Local Authority Councillors 2018](#), (LGA), Chart 3, page 5, on average all Councillors spend 10.3 hours per week on dealing with constituents and community groups, out of a total weekly input of 22.0 hours per week. Data is not broken down for unitary councils in this instance.

- "Engaging with constituents, surgeries, enquiries"
  - "Working with community groups"
31. In determining the appropriate PSD to use in the current review, the Panel took into account responses in the Member survey. This showed that although there were a few respondents who felt the PSD was either 'too high' or 'too low', a significant majority of 75% stated that they felt it was 'about right'. In addition, the Panel asked questions about the PSD in the interviews and concluded that there was no overwhelming evidence to amend the PSD.
32. However, before it finalised its deliberations the Panel considered the recalibration of the Basic Allowance using a number of variables including the options of 47% and 49% (see paragraph 36).
33. In conclusion, the Panel agreed to maintain the PSD of 49%. Thus, of the expected time input of 132.0 days per year 49% of that time, or 64.68 days per year, are deemed public service, leaving 67.32 remunerated days per year.

### The rate of remuneration

34. In 2015 the Panel used a rate of remuneration that most closely reflected the typical earnings of Members' constituents: £120 per day, the median gross daily salary for all full time employee jobs in RBWM as published by the Office of National Statistics (ONS) in its 2014 Annual Survey of Hourly Earnings (ASHE).
35. The latest statistics showed that the median gross daily salary for all full time employee jobs in RBWM was £131<sup>4</sup> as published by the Office of National Statistics (ONS) in its 2019 Annual Survey of Hourly Earnings (ASHE).
36. For comparison, the Panel noted that the figure for the Royal Borough of Windsor and Maidenhead (£131) was substantially higher than the equivalent figure for the south east: £122.70. The figure for the south east was still higher than any other UK region (excluding London).<sup>5</sup>
37. Before it finalised its deliberations in relation to the Basic Allowance, the Panel calculated potential figures using the formula (*time required to fulfil duties - PSD*) x *rate of remuneration* based on a number of variables as discussed in paragraphs 25-35:

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<sup>4</sup>See [ASHE, 2019](#), Figure 8 - Median weekly pay - gross - for full time employee jobs in the RBWM. This shows the weekly figure to be £655.00 and divided by 5 working days equals £131.00 per day. The ONS advises that the median is a more accurate measure of average earnings due to a handful of high earners and large number of employees earning the minimum wage or just above it.

<sup>5</sup>See [ASHE, 2019](#), Figure 6 - Median weekly pay - gross - for full time employee jobs in the south east. This shows the weekly figure to be £613.50 and divided by 5 working days equals £122.70 per day

- 132.0 days minus 47% PSD, multiplied by £131 per day = £9,165
  - 132.0 days minus 49% PSD, multiplied by £131 per day = £8,819
  - 132.0 days minus 47% PSD, multiplied by £122.7 = £8,584
  - 132.0 days minus 49% PSD, multiplied by £122.7 = £8,260
38. In determining the appropriate figures to use in calibrating the Basic Allowance, the Panel was mindful of the council's financial context as detailed in paragraph 24, and took into consideration representations made to it during the interviews in August 2018 on the appropriateness of any increase in the costs of the allowance scheme at this time.
39. The Panel considered that an argument could potentially be made to use any of the calculations in paragraph 36 but concluded that the Panel's recommendation should reflect the lowest possible figure based on credible statistics. The Panel also noted that although it was required to use the formulaic approach in recommending a Basic Allowance, the full Council was not bound by these requirements and could opt to modify the recommendation or even reject an increase outright.
40. The Panel decided to re-set the rate of remuneration to £122.70 per day resulting in a recalibrated Basic Allowance of £8,260.
41. In comparison to the other Berkshire unitary authorities a Basic Allowance of £8,260 would be the second highest. However, in comparison to all unitary authorities in the south east who completed the survey, it would remain lower than the average.
42. For the purposes of this review the Panel has been guided by the recalibrated Basic Allowance of £8,260.
43. The Panel reviewed the detail contained in paragraph 4 of the current scheme:
- This [Basic] allowance is intended to recognise the time each Councillor spends on their work, and associated costs which includes all Council related telephone calls (including calls on mobile phones) broadband costs, postage and stationery, routine travel (such as meetings with Ward residents) and subsistence costs and other incidental costs, such as office equipment for home use.*
44. The Panel noted that due to the COVID-19 situation all council meetings were being held virtually and therefore Members were using their home broadband on a more regular basis for council work. However it was also noted that Members were consequently not incurring travel costs or spending time travelling to and from meeting venues

45. The Panel was content that the current wording in paragraph 4 of the scheme was appropriate, but that any future review should include a more detailed examination of the costs of digital communications.
46. **RECOMMENDATION 1: The Panel recommends that the Basic Allowance payable in the Royal Borough of Windsor and Maidenhead is set at £8,260.**
47. **RECOMMENDATION 2: The Panel further recommends that the Basic Allowance continues to cover the range of expenses as currently set out in the Members' Allowances scheme (paragraph 4 of Part 9A of the constitution).**

### **Special Responsibility Allowances - the Leader's SRA**

48. The Panel noted that currently the Leader's SRA (£24,428) was slightly above average compared to the unitary authorities benchmarking group.
49. Looking at the role of Leader of the Council in the Royal Borough of Windsor & Maidenhead, it remains the fact that the Leader's overall commitment, regardless of the individual, was not explicitly a full time role, but requires a significant time commitment.
50. In common with all Leaders, the Leader of RBWM since the implementation of the relevant sections (in 2011) of the Local Government and Public Involvement in Health Act 2007 now holds all executive powers and the discharge of these functions. It is the Leader who chooses the Cabinet and assigns their portfolios and the extent of delegations. The Panel were aware that the two former Leaders had undertaken a very 'hands on' role. The current Leader was employed full time in a private capacity, but was still required to commit a significant amount of time to the role of Leader of the Council.
51. The Panel received no evidence to suggest the multiplier of 3 in calculating the SRA for the Leader of the Council should not continue.
52. Consequently, the Panel proposes the Leader's SRA be set at 3 times the recommended Basic Allowance (£8,260), which equates to £24,780.
53. **RECOMMENDATION 3: The Panel recommends that the SRA for the Leader be set at £24,780.**

### **Arriving at the other SRAs**

54. In arriving at the other recommended SRAs the Panel continued with the pro rata approach as set out in the 2003 Statutory Guidance (paragraph 76). In most cases the current ratios as expressed as a percentage of the

Leader's SRA have been maintained, except where there is a case to reset the original ratio.

### **The Deputy Leader and Deputy Chairman of the Cabinet**

55. The Panel noted, with some surprise, that the somewhat unique set up of having both a Deputy Leader and a Deputy Chairman of Cabinet continued at the Royal Borough of Windsor and Maidenhead. The Panel noted that the Leader had currently only appointed a further 6 Cabinet Members when a total of a further 7 would be possible under the legislation. The Panel acknowledged that it had no remit to advise on the number of Lead Members however felt that if all 7 positions had been appointed to, it would have been more likely to take a different view on the need for both a Deputy Leader and Deputy Chairman of Cabinet to receive an SRA higher than that of a Lead (Cabinet) Member.
56. The Panel noted that currently the Deputy Leader SRA (£13,434) was slightly above average compared to the unitary authorities benchmarking group. However, the Panel received no evidence to suggest the figure of 55% in calculating the SRA for the Deputy Leader of the Council and Deputy Chairman of Cabinet should not continue.
57. **RECOMMENDATION 4: The Panel recommends that the SRA for the Deputy Leader and Deputy Chairman of the Cabinet be set at 55% of the Leader's recommended SRA, £13,629.**

### **The other 7 Lead (Cabinet) Members**

58. The Panel noted that currently the Lead (Cabinet) Member SRA (£12,215) was slightly above average compared to the unitary authorities benchmarking group. However, the Panel received no evidence to suggest the figure of 50% in calculating the SRA for the Lead (Cabinet) Member SRA should not continue.
59. **RECOMMENDATION 5: The Panel recommends that the SRA for the other Lead (Cabinet) Members be set at 50% of the Leader's recommended SRA, £12,390.**

### **The Chairmen of the main Statutory Committees**

60. Currently, the Chairmen of the main statutory committees each receive an SRA, originally set in 2008 at 25% of the Leader's SRA, as follows:
  - 2 Area Development Management Panels - £6,107
  - 1 Borough-wide Development Management Panel - £6,107
  - 4 Overview and Scrutiny Panels - £6,107
  - 1 Licensing Panel - £6,107

61. The Panel noted that currently the Overview and Scrutiny Panel Chairmen SRA and the Licensing Panel Chairman SRA were above average compared to the unitary authorities benchmarking group. However the DM Panel Chairman SRA was slightly below average compared to the unitary authorities benchmarking group.
62. It was also noted that in a number of the comparator authorities, the allowance schemes included SRAs for Deputy Chairmen of statutory committees, which was not the case at the Royal Borough of Windsor and Maidenhead.
63. The Panel received no evidence to suggest the current ratio of 25% for Chairmen of Development Management Panels and the Licensing Panel required resetting.
64. The Panel were aware of the recommendations contained in the CIPFA report on governance at the Royal Borough of Windsor and Maidenhead, including the establishment of a separate Audit and Governance Committee. The Panel took into account a variety of feedback from a number of Members on the appropriateness of (and if appropriate a suitable level for) an SRA for the Chairman of the Audit and Governance Committee.
65. The Panel considered that the workload had not changed but was now spread across 4 O&S Panels and 1 Audit and Governance Committee rather than the previous 4 O&S Panels. The Panel therefore considered the simple addition of an equivalent SRA at 25% for the Chairman of the Audit and Governance Committee would be disproportionate. The Panel noted that the average SRA for the Chair of an Audit Committee in the unitary authorities benchmarking group was £3,749.
66. The Panel therefore considered resetting the percentage for Overview and Scrutiny Panels to be 20% and setting the percentage for the Audit and Governance Committee to also be 20%.
67. **RECOMMENDATION 6: The Panel recommends that the SRA for the Chairmen of the Area Development Management Panels and the Licensing Panel be set at 25% of the Leader's recommended SRA, £6,195.**
68. **RECOMMENDATION 7: The Panel recommends that the SRA for the Chairmen of Overview and Scrutiny Panels be reset at 20% of the Leader's recommended SRA, £4,956.**
69. **RECOMMENDATION 8: The Panel recommends that the SRA for the Chairman of the Audit and Governance Committee be set at 20% of the Leader's recommended SRA, £4,956.**

70. **RECOMMENDATION 9: The Panel also recommends that the number of remunerated Chairmen in this category remains capped as follows:**
- **Area Development Management Panels: a maximum of 2**
  - **Overview and Scrutiny Panels: a maximum of 4**
  - **Licensing Panel: a maximum of 1**
71. The Panel received a significant amount of feedback from Members in relation to the SRA for the Chairmen of the Borough-wide DM Panel, the majority of which suggested an SRA was inappropriate as the Panel had held no meetings since May 2019.
72. The Panel were appraised of the current interim arrangements regarding Development Management Panels that had been put in place in light of the COVID-19 situation, and noted the situation was due to be reviewed in December 2020. The Panel was content to make the recommendations detailed in the paragraphs above until the review was completed, commenting that if the structure of 2 Area DM Panels and 1 Borough-wide DM Panel was simply reinstated, the Panel would be minded to review the allowances for this area of the scheme.

#### **The Chairman of the Berkshire Pension Fund Panel**

73. The Chairman of the Berkshire Pension Fund Panel currently receives an SRA of £4,886, 20% of the Leader's SRA. The Panel received no evidence to suggest the figure of 20% in calculating the SRA should not continue.
74. **RECOMMENDATION 10: The Panel recommends that the SRA for the Chairman of the Berkshire Pension Fund Panel be set at 20% of the Leader's recommended SRA, £4,956.**

#### **The Members of the Licensing and PSPO Sub Committee**

75. Currently Members sitting on a Licensing and PSPO Sub-Committee are paid an SRA of £33 per meeting (for meetings up to a maximum of three hours in length) or £66 per meeting (for meetings over 3 hours in length). The function of the Sub Committee relates primarily to the discharge of functions under the Licensing Act 2003 and Gambling Act 2005, including considering applications for premises licenses where there has been an objection, and reviews of premises licences. The Sub Committee comprises any 3 Members drawn from the full Licensing Panel and meets as and when required.
76. At the last full review in 2015, the Panel recommended that the SRA be removed from the allowance scheme on the basis that the original rationale for the SRA had significantly weakened. Following the introduction of the Licensing Act 2003, all licensed premises were required to reapply for a license and the Sub Committee was meeting frequently. The number of Sub Committee meetings had significantly decreased over

time, and the Panel noted that this continued to be at a very low level (four meetings had been held since May 2019). The reality is that Members sitting on Licensing and PSPO Sub Committees are not undertaking a greater role than Members of the Development Management Panels in discharging a statutory regulatory function. Licensing Sub Committee work can be regarded as part of the regulatory role that all Members can reasonably expect to carry out and for which the Basic Allowance is payable.

77. Despite the recommendation to remove the allowance at the 2015 review in 2015, this was not accepted by full Council and therefore the allowance had continued to be paid. The Panel reiterated their recommendation that the SRA should be removed from the allowance scheme.
78. **RECOMMENDATION 11: The Panel recommends that the SRA for Members attending meetings of the Licensing Panel and PSPO Sub-Committee be discontinued. The recommendation to backdate changes to May 2019 would not apply in this instance, i.e. any allowances already paid out since May 2019 would not need to be repaid.**

#### **Members of the Appeals Panel**

79. Currently Members sitting on an Appeals Panel are paid an SRA of £33 per meeting (for meetings up to a maximum of three hours in length) or £66 per meeting (for meetings over 3 hours in length). These Panels consist of 3 Members drawn from any elected Member across the Council and meet as and when required. Appeals Panels mainly meet to consider
- School Transport Appeals - to consider and determine appeals against decisions made by officers under delegated powers relating to applications for home to school transport and discretionary awards.
  - Appeals in relation to the refusal to grant, suspension or revocation of Private Hire or Hackney Carriage Driver or Vehicle Licences.
80. In comparison to the Licensing and PSPO Sub Committee, the Appeals Panel meets on a regular basis (15 meetings since May 2019). Where possible, Panels aim to deal with 2-3 appeals in a single sitting, thus making each meeting fairly substantial.
81. Ironically while the potential membership of Appeals Panels is wider than for Licensing and PSPO Sub Committees the reality is that the work of the Appeals Panel falls on a small coterie of Members, namely those who are available and willing to undertake mandatory training and then sit on an Appeals Panel. Consequently the Panel considers this SRA should be continued with the levels maintained at £33 per meeting up to 3 hours and £66 for meetings that last over 3 hours.

82. **RECOMMENDATION 12: The Panel recommends the SRA for Members of the Appeals Panel be maintained at £33 per meeting up to three hours and £66 for meetings that last over 3 hours.**

**The Leader of the Main Opposition Group and Minority Opposition Group[s]**

83. The Panel noted that currently the Leader of the Main Opposition Group SRA (£4,886) was below average compared with the unitary authorities benchmarking group. The current Leader of Minority Opposition Groups (minimum 5 Members) SRA (£1,221) was also slightly below average compared to the unitary authorities benchmarking group.
84. The Panel recognises that regardless of the size of the Opposition there are a number of roles to undertake. For instance, Group Leaders still have to scrutinise and challenge budget and policy proposals. Indeed, the importance of a properly resourced Opposition is enshrined in the 2003 Regulations (5. [2b]) by the requirement to pay an SRA to at least one Member who is not a member of the controlling group, where the council is divided into political groups and one or more from the administration.
85. The current allowance scheme provides for an SRA of 20% of the Leader's SRA to the Leader of the Main Opposition Group and 5% of the Leader's SRA for the Leader of any minority Opposition Group (with a minimum of 5 Members). It also includes the caveat that :

*where there are two or more Opposition Groups of equal size, the [Leader of the Main Opposition Group] allowance to be divided equally among the Opposition Group Leaders*

86. The Panel was aware of the changes in the overall number of Opposition Members from a low of 3 in 2015 to the current total of 19, comprising two Opposition Groups (10 Liberal Democrats; 8 Local Independents) and one Independent Member. The caveat detailed in paragraph 85 did not account for a situation, such as was currently the case, where there were two Opposition Groups of similar but not equal size.
87. The Panel considered that the overall budget (25% of the Leader's SRA) for Opposition Group Leaders should be maintained but should be more equitably split between Group Leaders. The Panel therefore recommend that the current Opposition Group Leader SRAs be removed and only one SRA be included in the scheme of £6,195, paid to Opposition Group Leaders proportionate to the relative number of Members in each Group. The caveat that if there were two or more groups of equal size the allowance would be split equally, would remain. The requirement for a minimum number of Members in a Minority Opposition Group be reduced to 3.
88. If the recommendation were implemented, this would mean the current Leader of the Main Opposition Group would receive an SRA of £3,442.

The Leader of the Minority Opposition Group would receive an SRA of £2,753.

89. **RECOMMENDATION 13: The Panel recommends that the SRA for the Leader of the Main Opposition Group and Leader of Minority Opposition Groups (with at least 5 Members) be removed from the scheme and replaced with one SRA for Opposition Group Leaders of £6,195, to be split proportionately between Group Leaders based on the number of Members in each Group. The requirement for a minimum number of Members in a Minority Opposition Group to be reset to 3. If approved, the changes should take effect from 28 October 2020 rather than being backdated to May 2019.**

### **Working Group Chairmen**

90. The Panel considered whether Chairmen of Working Groups should receive an SRA. The Panel received no evidence to suggest an SRA should be payable for such roles, which were often time-limited and in a number of cases were undertaken by the Lead (Cabinet) Member for the subject area, and could therefore be considered as covered by the Lead (Cabinet) Member SRA.
91. **RECOMMENDATION 14: The Panel recommends that no SRA be introduced for Chairmen of Working Groups.**

### **Confirmation of the 1-SRA only rule**

92. The 2003 Regulations do not prohibit the payment of multiple SRAs to Members, but as per good practice, the Royal Borough of Windsor & Maidenhead has adopted a 1-SRA only rule. In other words, regardless of the number of remunerated posts individual Members hold they can only be paid 1 SRA. Moreover, this cap on the payment of SRAs to Members means that posts are not simply sought out for financial reasons; i.e. collecting remunerated posts does not enhance remuneration. Indeed, the logic of the 1-SRA only rule is that it helps to spread such posts around more. It also makes for a more transparent allowances scheme and acts as a brake on the total paid out each year in SRAs, as in practice it will be highly unusual if all SRAs are paid out annually, resulting in a saving to the council.
93. **RECOMMENDATION 15: The Panel recommends that the 1-SRA only rule continues to apply in the Members' Allowances scheme.**

### **Co-optee Allowances**

94. The Panel noted that there were a number of co-optees on Council committees and panels (mainly Overview and Scrutiny Panels) but no evidence was received during the review to suggest the roles merited a Co-optee Allowance.

95. **RECOMMENDATION 16: The Panel recommends that a Co-optee Allowance should continue to not be included in the Member's Allowances scheme.**

## **The Allowances for expenses**

### **The Subsistence Allowance**

96. The Royal Borough does not provide for a Subsistence Allowance for Members whether they are attending an approved duty within or outside its boundaries. No evidence was received to suggest this should be revised.
97. It was noted that refreshments had been withdrawn from all council meetings from April 2020.
98. **RECOMMENDATION 17: The Panel recommends that Subsistence Allowances should continue to not be included in the Members' Allowances scheme.**

### **Travel Allowances**

99. No evidence was received to suggest a need to revise the current terms and conditions and rates payable for travel allowances.
100. However, the Panel considered a number of minor amendments to the list of approved duties for the payment of Travelling Allowances (Schedule 2 in the current scheme) proposed by the Head of Governance to provide clarity and transparency. Amendments are shown as tracked changes below:

*Approved Duties for the purpose of paying the Travelling Allowances are as follows:-*

*For all Councillors in receipt of a Special Responsibility Allowance*

- *All duties carried out in connection with that responsibility*

*For all Councillors:*

- Meetings of the full Council*
- Attendance as a voting Member at Cabinet, Committee, Panel, Forum, working ~~group~~party, Task & Finish Group or steering group set up by the Council, Cabinet, Committee or Panel which is properly established by the Council, Cabinet, Committee or Panel and formally and properly convened (i.e. there is a resolution to this effect).*
- Attendance as a non-voting Member to discuss the Member's own motion that has been referred to Cabinet/Committee/Panel by the Council;*

- d) *Attendance at meetings of a Committee or Panel when the Councillor concerned is not a Member of that Committee or Panel but is attending to represent the views of the Ward on a specific matter relating to that Ward.*
- e) *Attendance at meetings of any other body as the fully authorised appointee, representative or nominee of the Council or on any committee or Sub-Committee of such body (excluding an appointment as a School Governor).*
- f) *Attendance at a meeting of any association of authorities of which the Council is a member as the Council's appointed representative which includes meetings of any committee or Sub-Committee of that body.*
- g) *Attendance as the Council's appointed representative at meetings of any external organisation ('outside body'), its Committees or Sub-Committees (except where such organisations pay the Councillor's expenses)*
- h) *Attendance at a meeting, briefing, training and development session or event (other than those excluded below) at the invitation of a Director, Head of Service or their named nominee.*

*Members cannot claim allowances for the following type of meetings:*

- *Political group or party meetings.*
- *School Governing Bodies*
- *Events primarily of a social nature*
- *Meetings with Ward residents (covered by Basic Allowance)*

**101. RECOMMENDATION 18: The Panel recommends that the current terms and conditions and the rates payable for Travel Allowances are maintained, subject to the amendments to Schedule 2 detailed in paragraph 100 above.**

#### **The Dependants' Carers' Allowance (DCA)**

102. The Panel considered feedback that the allowance should include reasonable 'settling in' time, in addition to the time a Member would be in attendance at, or travelling to/from, a Council meeting. It was also noted that some recent full Council meetings had lasted around four hours.

103. The Panel took into consideration that at the current time all council meetings were being held virtually due to the COVID-19 situation, therefore very few claims were being submitted for travel or DCA allowances. However at some point in-person meetings would take place and the allowance scheme should be updated as appropriate.

104. The current scheme stated:

*The total amount claimable per approved duty is capped at 4 hours and within any one week a maximum of 18 hours can be claimed.*

105. The Panel felt that the cap should be extended to 5 hours per approved duty and a maximum 20 hours per week. The extension of the cap to 5 hours would allow for 30 minutes 'settling in' time at either end of the claim for the vast majority of meetings.

106. The Panel were of the opinion that widening the scope of the allowance would enable individuals with different personal circumstances to undertake the role of councillor, thereby supporting democracy as people from different backgrounds would be more inclined to consider being a candidate.

**107. RECOMMENDATION 19: The Panel recommends that the terms and conditions of the Dependants' Carers' allowance be maintained, subject to the following amendment:**

**The total amount claimable per approved duty is capped at 5 hours and within any one week a maximum of 20 hours can be claimed to allow for reasonable 'settling in' time.**

### **Maternity, Adoption and Paternity Leave**

108. The scheme had been updated in September 2018 following the Ninth Panel report to full Council. The Panel noted that the Royal Borough of Windsor and Maidenhead had been one of the first council's to expand its allowances scheme to include 'family friendly' policies such as shared parental leave. The Panel received no evidence to suggest changes should be made to this element of the scheme.

**109. RECOMMENDATION 20: The Panel recommends that no changes be made to the section on Maternity, Adoption and Paternity Leave in the current scheme.**

### **The Mayoral and Civic Allowances**

110. While not formally within the remit of the 2003 Regulations the current Civic Allowances that are payable to the Mayor and the Deputy Mayor of the Royal Borough are included in the scheme for transparency and indexation purposes.

111. The Civic Allowances are paid under the Local Government Act 1972 (sections 3.5 and 5.4) not as remuneration but to meet the expenses of holding the offices of Mayor and Deputy Mayor of the Royal Borough. Not all the Civic Allowance is paid directly to the Office holder, a proportion is held by the Mayor's Office to pay a number of expenses directly on their

behalf.

112. The Mayor and Deputy Mayor also receive SRAs (£3,060 and £1,020 respectively) as part of the Members' Allowances scheme. The SRAs were introduced in May 2017 following the Eighth Panel report to full Council, to acknowledge the fact that chairing Council meetings was a significant responsibility and to broaden the appeal of the position of Mayor from a wider range of Members.
113. The Panel received no evidence that either the Mayoral or Civic Allowances should be amended.
114. **RECOMMENDATION 21: The Panel recommends that no changes be made to the Civic Allowances or Mayor/Deputy Mayor SRAs contained in the current scheme.**

### **Indexation**

115. In accordance with the '4 year rule' (2003 Regulations 21. (1) (e)) the Panel confirmed that the indexation of allowances should run for the maximum period of 4 years, until October 2024.
116. **RECOMMENDATION 22: Consequently the Panel confirms and recommends that the following allowances continue to be indexed (up to October 2024) at the following rates:**
  - **Basic Allowance, SRAs, Civic Allowances, and the Financial Loss Allowances:** updated annually in line with the average pay increase given to Royal Borough employees (and rounded to the nearest pound as appropriate). Any implementation of this index should continue to be applicable from the same date that it applies to officers.
  - **Mileage Allowance:** adjusted on the 1 April each year by reference to the HMRC AMAP (Authorised Mileage Allowance Payments) approved rates.
  - **Other travel:** will be reimbursement of actual costs taking into account the most cost effective means of transport available and the convenience of use.
  - **Dependants' Carer's Allowance:** paid at the maximum hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or, for carers of dependants on social/medical grounds, the Royal Borough's average hourly homecare charge
  - The adjustments recommended above to be made each year for a period of up to 4 years (November 2020 to October 2024) without the need for a review by the Remuneration Panel, unless such a review is requested by the Panel or the Council.

## **Implementation**

117. The Panel had begun the review in November 2019, with the anticipation that a report would be submitted to full Council in April 2020. The COVID-19 situation had delayed the review by a number of months and in any case the April full Council meeting had been cancelled. If a report had been considered in April 2020, the likely recommendation would have been for any changes to the scheme to be implemented for the new municipal year starting May 2020. Therefore the Panel recommend that, if approved, the recommendations be implemented with immediate effect and backdated to May 2020 (with the exception of proposed changes to Appeals Panel SRAs and those related to Opposition Group Leaders as detailed above).
118. **RECOMMENDATION 23: The Panel recommends that the recommendations contained in this report be implemented immediately and backdated to the start of the 2020/21 municipal year, with the exception of proposed changes to Appeals Panel SRAs and those related to Opposition Group Leaders which should be implemented from 28 October 2020.**

## **Appendix One**

### **Members who met (virtually) with the Panel**

Cllr Johnson	Leader of the Council
Cllr L. Jones	Leader of the Minority Opposition Group
Cllr Rayner	Deputy Leader of the Council, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor
Cllr Stimson	Leader Member for Climate Change, Sustainability, Parks and Countryside
Cllr Werner	Leader of the Main Opposition Group

### **Members who responded to the online survey and/or provided a written representation**

Cllrs Baldwin, Baskerville, Bhangra, Bond, Bowden, Brar, Cannon, Carroll, Clark, C. Da Costa, W. Da Costa, Coppinger, Davies, Davey, Del Campo, Haseler, Hilton, Hunt, Johnson, G. Jones, L. Jones, Larcombe, McWilliams, Price, Rayner, Singh, Stimson, Targowski, Taylor and 1 anonymous.

## **Appendix Two**

### **Information Received by the Panel**

1. [The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003](#)
2. New Council Constitutions: Guidance on Regulation for Local Authority Allowances
3. IRP [Terms of reference](#) (contained in Part 6 of the RBWM Constitution)
4. [Current Members' Allowances scheme](#) (Part 9A of RBWM Constitution)
5. [Previous IRP reports](#)
6. Statutory publication of RBWM allowances and expenses paid to and claimed by Members [2019/20](#)
7. [Current Panel Memberships](#) (Part 9B of RBWM Constitution)
8. Schedule of Council meetings 2019/20
9. [Role Profiles](#) (Part 9C and addendum of RBWM constitution)
10. [Council Plan 2017-2021](#)
11. [Boundary review context](#) (LGBCE Summary report)
12. [Budget context](#) – financial update reports to Cabinet
13. Comparative data (South East Employers 2019 Members Allowances survey including unitary authorities summary) – see Appendix 3
14. [2018 LGA Councillors Census](#) showing mean hours per week by council type and positions held
15. [Office of National Statistics, 2019 Annual Survey of Hourly Earnings](#)
16. [CIPFA Review of Governance at RBWM](#)

### Appendix 3 - Extract from South East Employers 2019 Members' Allowances survey – unitary authorities summary

Allowance 2019/20	Basic Allowance	Leader	Deputy Leader	Cabinet Member	Chair Audit Cttee	Chair Licensing Cttee	Deputy Chair Licensing Cttee	Planning Cttee Chair	Deputy Chair Planning Cttee	O&S Cttee Chair	Deputy Chair O&S Cttee	Chair/ Civic Mayor	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader
Bracknell Forest Council	£8,687.00	£28,954.00	£17,372.00	£15,926.00	£2,201.00	£5,626.00	£553.00	£7,239.00	£723.00	£5,791.00	£0.00	£12,703.00	£4,234.00	£9,651.00	£965.00	£0.00
Brighton & Hove City Council	£13,002.00	£32,505.00	£19,503.00	£0.00	£4,876.00	£11,377.00	£975.00	£11,377.00	£975.00	£0.00	£0.00	£9,752.00	£1,950.00	£11,377.00	£6,501.00	£6,501.00
Isle of Wight Council	£8,011.08	£16,022.16	£10,013.85	£8,011.08	£3,204.43	£2,403.32	£0.00	£6,408.86	£1,602.22	£8,011.08	£1,602.22	£5,607.76	£1,602.22	£1,602.22	£0.00	£785.40
Medway Council	£10,421.00	£31,263.00	£20,842.00	£15,632.00	£7,295.00	£0.00	£0.00	£12,505.00	£5,211.00	£10,421.00	£3,647.00	£13,874.00	£6,991.00	£12,505.00	£6,253.00	£6,253.00
Milton Keynes Council	£10,710.00	£31,212.00	£15,606.00	£11,444.00	£5,722.00	£8,323.00	£0.00	£8,323.00	£0.00	£4,682.00	£0.00	£11,444.00	£5,722.00	£645.00	£0.00	£645.00
Portsmouth City Council	£11,175.00	£20,115.00	£0.00	£7,823.00	£3,911.00	£3,911.00	£0.00	£3,911.00	£0.00	£2,794.00	£0.00	£7,823.00	£1,118.00	£6,705.00	£0.00	£2,235.00
Reading Borough Council	£8,220.00	£18,500.00	£11,300.00	£9,500.00	£3,039.00	£6,076.00	£1,074.00	£6,076.00	£1,074.00	£0.00	£0.00	£9,200.00	£2,400.00	£6,076.00	£0.00	£3,039.00
Royal Borough of Windsor and Maidenhead	£8,143.00	£24,482.00	£13,434.00	£12,215.00	£0.00	£6,107.00	£0.00	£6,107.00	£0.00	£6,107.00	£0.00	£3,060.00	£1,020.00	£4,886.00	£0.00	£1,221.00
Slough Borough Council	£7,779.00	£20,224.00	£14,156.00	£11,123.00	£3,033.00	£3,033.00	£1,011.00	£5,056.00	£1,684.00	£7,080.00	£1,415.00	£7,626.00	£2,990.00	£6,067.00	£0.00	£0.00
Southampton City Council	£12,636.00	£25,272.00	£0.00	£12,636.00	£6,318.00	£6,318.00	£0.00	£6,318.00	£0.00	£6,318.00	£0.00	£0.00	£0.00	£9,477.00	£0.00	£0.00
West Berkshire Council	£7,697.00	£19,242.00	£11,545.00	£9,622.00	£2,887.00	£2,887.00	£0.00	£4,810.00	£0.00	£4,810.00	£0.00	£5,773.00	£1,155.00	£7,697.00	£0.00	£1,902.00
Wokingham Borough Council	£7,784.00	£20,000.00	£0.00	£10,000.00	£2,500.00	£2,500.00	£0.00	£5,000.00	£0.00	£5,000.00	£0.00	£7,420.00	£1,960.00	£7,500.00	£0.00	£0.00