

Report Title:	Members' Allowances Scheme
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council - 19 July 2022
Responsible Officer(s):	Emma Duncan, Deputy Director, Law and Strategy / Karen Shepherd, Head of Governance
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

The Independent Remuneration Panel (IRP) for the Royal Borough of Windsor and Maidenhead has undertaken an interim review of Member allowances, following a request by Full Council.

The IRP's report (attached as Appendix B) details a number of recommendations to amend the Members' Allowances Scheme for consideration by full Council.

Regular reviews of the scheme support the Corporate Plan objective 'A Council trusted to deliver' as they ensure the Members' Allowances Scheme is up to date and in line with best practice.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and:

- i) Considers the recommendations of the Independent Remuneration Panel set out in paragraph 2.3 and detailed in Appendix B**
- ii) Where changes to the Members' Allowance Scheme are approved, delegates authority to the Monitoring Officer to amend the scheme in the council's constitution.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
To consider proposed amendments to the scheme to update and clarify the allowances payable to Members This is the recommended option	Members can approve, amend or reject any of the recommendations of the IRP
Do nothing	The council has a duty to consider the recommendations of the IRP

- 2.1 Local authorities are required to appoint an Independent Remuneration Panel (IRP) to advise Council on the terms and conditions of their Scheme of Members' Allowances. No changes may be made to the scheme unless the IRP has first considered the matter and reported to Council. The only exception is in relation to annual indexation adjustments and then only for up to four years without an IRP report.
- 2.2 The interim review was initiated by a resolution of full Council in February 2022. The IRP has made three recommendations for amendments to the scheme, summarised below. The IRP report, including detailed explanation and rationale for the recommendations, is attached as Appendix B.

RECOMMENDATION 1: The following wording be removed from paragraph 17 (first bullet point) of the Members' Allowances Scheme:

Brought back to full Council each year for decision on whether to go ahead dependent on situation.

RECOMMENDATION 2: The following amendments (*in italics*) be made to Paragraph 15 (Renunciation) of the Members' Allowances Scheme:

Councillors may by notice in writing given to the Head of Governance elect to forgo any part of their entitlement to an allowance under this scheme. To minimise the administrative burden of managing the scheme:

- *All Members are requested to provide such notification, or to confirm they do not wish to renounce any part of their allowances, by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.*
- *All Members are requested to confirm to Payroll their wish to participate in the GAYE scheme by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.*

RECOMMENDATION 3: The Panel recommends that the SRA for the Chairman of the Borough-wide DM Panel be removed from the scheme with immediate effect.

RECOMMENDATION 4: The Panel recommends the amendments detailed above be implemented with immediate effect.

3. KEY IMPLICATIONS

3.1

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Members' allowance scheme in the constitution updated as appropriate	Scheme not updated	Scheme updated	n/a	n/a	July 2022
Statutory notice placed in a local newspaper	Statutory notice not placed	Statutory notice placed	n/a	n/a	August 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Panel's recommendations in relation to indexation have no impact on the Members' Allowances budget, but will improve efficiency in terms of officer time required to manage the scheme.
- 4.2 The recommendation to delete the SRA for the Chairman of the Borough-wide DM Panel would represent a saving of £6,355 per annum, however it should be noted that, as the Panel has not existed since May 2020, the allowance has also not been paid out during this time.

5. LEGAL IMPLICATIONS

- 5.1 The Local Authorities (Members' Allowances) (England) Regulations 2003/1021 require the Council to:
- (a) have regard to a report issued by the Independent Remuneration Panel prior to making any amendments to the allowance scheme;
 - (b) ensure that a copy of the report is made available for inspection by the public; and
 - (c) publish in one or more newspapers circulating in its area, a notice which—
 - (i) states that it has received recommendations from an independent remuneration panel in respect of its scheme;
 - (ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority.

6. RISK MANAGEMENT

- 6.1 The Council is required to have regard to recommendations of the IRP before making any changes to the Members' Allowances Scheme.

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Amendments made to the Members' Allowance Scheme without consideration of IRP recommendations	MEDIUM	Full Council presented with detailed recommendations from the IRP	LOW

7. POTENTIAL IMPACTS

- 7.1 Equalities. No impacts identified. An Equality Impact Assessment screening document is available as Appendix A.
- 7.2 Climate change/sustainability: No impacts identified.
- 7.3 Data Protection/GDPR. No impacts identified.

8. CONSULTATION

- 8.1 All Members were given the opportunity to complete an email survey on the Members' Allowance Scheme in May 2022. The IRP invited four Members to meet with them in person to discuss issues in detail in June 2022.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The IRP has recommended that the amendments be implemented immediately.

Table 4: Implementation timetable

Date	Details
19 July 2022	Full Council consideration of IRP recommendations
August 2022	Members' Allowance Scheme in the constitution updated as appropriate
August 2022	Statutory notice placed in a local newspaper
19 August 2022	All Members to notify the Head of Governance if they wish to renounce the indexation element (or any other amount) of their allowances for the 22/23 financial year; or to confirm they do not wish to renounce any part of their allowance

10. APPENDICES

- 10.1 This report is supported by two appendices:
- Appendix A – Equality Impact Assessment
 - Appendix B – The Twelfth Report of the RBWM IRP

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- The current [Members' Allowances Scheme](#) (Part 9 A of the council constitution)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	1/7/22	6/7/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	1/7/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	1/7/22	
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	N/A
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	1/7/22	1/7/22
Andrew Durrant	Executive Director of Place	1/7/22	1/7/22
Kevin McDaniel	Executive Director of Children's Services	1/7/22	4/7/22
<i>Heads of Service (where relevant)</i>			
Nikki Craig	Head of HR, Corporate Projects and IT	1/7/22	1/7/22
<i>External (where relevant)</i>			
	N/A		

Confirmation relevant Cabinet Member(s) consulted	Councillor Johnson, Leader of the Council and Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor	Yes
---------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 07766 778286

APPENDIX A - EQUALITY IMPACT ASSESSMENT

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
----------	--	--------	--	------	--	---------	--	-------------------	---

Responsible officer	Karen Shepherd	Service area	Governance	Directorate	Law and Strategy
---------------------	----------------	--------------	------------	-------------	------------------

Stage 1: EqlA Screening (mandatory)	Date created: 29/6/22	Stage 2 : Full assessment (if applicable)	Date created : N/A
--------------------------------------------	-----------------------	--------------------------------------------------	--------------------

Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): K. Shepherd

Dated: 29/6/22

Guidance notes

What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the “protected characteristics” under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1: Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

Local authorities are required to appoint an Independent Remuneration Panel (IRP) to advise Council on the terms and conditions of their Scheme of Members' Allowances. No changes may be made to the scheme unless the IRP has first considered the matter and reported to Council. The Council's IRP has met to undertake an interim review the scheme, the report to Council on 19 July 2022 presents the IRP's recommendations.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
Disability	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
Gender re-assignment	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
Marriage/civil partnership	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
Pregnancy and maternity	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
Race	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
Religion and belief	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor

Sex	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor
Sexual orientation	Relevant	Low	Positive	The structure of the Allowance Scheme should enable people from all backgrounds to consider putting themselves forward as a candidate, and if elected, to undertake the role of a councillor

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	N/A		
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	N/A		

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).