

DECISION TAKEN BY THE MONITORING OFFICER

Decision title: Appointments to the Somerset Council Independent Remuneration Panel and Somerset Parish and Town Council Remuneration Panel

Officer making decision: Scott Wooldridge, Monitoring Officer

Contact Details: 01823 357628

Date of Decision: 4 January 2023

Details of decision:

The Monitoring Officer confirmed and agreed :

1) the appointments of Philip Gait, Mel Hillman, Bryony Houlden, David Lamb and Dr Paull Robathan as appointed members of the Council's Independent Remuneration Panel for an initial term of three years with immediate effect.

2) that the IRP members also be appointed to serve on the Somerset Parish and Town Council Remuneration Panel to operate from 1 April 2023, in order to meet the new Somerset Council's obligations under Regulation 5 of The Local Authorities (Members' Allowances) (England) Regulations 2003.

Note - the IRP will initially make recommendations to Somerset County Council and then subsequently to the new Somerset Council from 1 April 2023.

Reasons for proposed decision:

Currently the County Council and the four district councils operate members' allowances schemes entitling all members to receive a basic allowance in recognition of the community representative role that they undertake. In addition, within the existing schemes, recognition is also given to those members who have special responsibilities attached to the roles they perform within the Council. For example, the role of the Leader of the Council, Chair of the Council and Committee Chairs, etc.

In July 2022 Full Council supported the need for a fundamental review of the scheme of members' allowances for 2023/24 and for this to be reported to the Council at its meeting on 22 February 2023. The recommendations also agreed to recruit a new Independent Remuneration Panel (IRP) to conduct this work for the County Council and in due course the new Somerset Council (terms of reference attached at Appendix 1). The Council agreed to give delegated authority to the Monitoring Officer to undertake the recruitment process and make the appointments to the Panel in consultation with political group leaders.

In September 2022 a recruitment process commenced with vacancies advertised on the Council's website, local medial websites, social media, parish and town councils and through the social media of the four district councils in Somerset. Unfortunately this recruitment process only attracted two candidates, so the recruitment process was

extended and the roles were advertised through the same means set out above and the Council's Volunteer Team. At the end of this process a total of 8 candidates had come forward.

The Monitoring Officer and Service Manager (Member Support & Development) undertook a series of candidate interviews during December.

Following interview, the recommendation from the officers is to appoint:

- Philip Gait
- Mel Hillman
- Bryony Houlden
- David Lamb
- Dr Paull Robathan

These recommended appointments are endorsed by the five political group leaders.

These appointments will be initially for a three-year term. These appointments can be extended by a further term of office but this will be subject to a subsequent decision before the end of the three year term.

Legal

The statutory duties relating to member allowances which the council is obliged to follow are contained in The Local Authorities (Members' Allowances) (England) Regulations 2003. Regulation 20(2) requires that an independent remuneration panel shall consist of at least three members none of whom:

- (a) Is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or
- (b) Is disqualified from being or becoming a member of an authority

The Council has a duty under the Regulations to have regard to the recommendations made to it by the IRP before making or amending a scheme of allowances. The Council does not have to accept the Panel's recommendations but should give reasons for departing from them. The Council must publish the scheme it approves.

Regulation 5 requires any parish and town councils wishing to pay an allowance to its members to have regard to the recommendations of a parish remuneration panel. It is recommended that the IRP members also be appointed to the new Somerset Council's Somerset Parish and Town Council Remuneration Panel. The statutory guidance issued for these regulations for Parish Allowances or Members of Parish Councils states:

91. Parish councils may choose to pay their members an allowance, known as 'parish basic allowance', to recognise the time and effort they put into their parish duties. There is no obligation on parish councils to pay such allowances. Each parish council may make an allowance available to its chair only, or to each of its members. Where all members receive an allowance, the amount payable to the chair may be different to that paid to

other members, but otherwise the amount paid to each member must be the same. Parish basic allowance is a discretionary allowance. It may be paid in a lump sum, or at intervals throughout the year.

92. If a parish council wishes to pay a basic allowance, it should have regard to a recommendation from its parish remuneration panel. This is a panel set up to make recommendations to parishes in its area. The membership of a parish remuneration panel will be the same as the independent remuneration panel of the district or county council within whose area the parish is situated. The panel will make a recommendation as to whom basic allowance should be paid, and the level of the allowance."

(New Council Constitutions: Guidance on Regulation for Local Authority Allowances, DCLG, 2003)

Financial

The Council will agree the final 2023/24 scheme of members' allowances and associated budget at its meeting on 22 February 2023 as part of setting the annual 2023/24 budget for the new Somerset Council.

Alternative options considered and rejected:

All five political group leaders have been consulted.

The below has been completed:	Name(s)	Date
Leader of the Council consulted	Cllr Bill Revans	23/12/2022
Leader of the Opposition consulted	Cllr David Fothergill	23/12/2022
Leader of the Labour Group consulted	Cllr Leigh Redman	23/12/2022
Leader of the Green Group consulted	Cllr Martin Dimery	23/12/2022
Leader of the Independent Group consulted	Cllr John Hunt	23/12/2022

Decision Maker

I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.

Signed:



Name: Scott Wooldridge

Post: Monitoring Officer

Date: 4 January 2023

Appendix 1

Terms of reference for Independent Remuneration Panel for Somerset County Council and the new Somerset Council (agreed by the County Council in July 2022)

1. Function

Under the Local Authorities (Members' Allowances) (England) Regulations 2003, Local Authorities must establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to the Local Authority about the allowances to be paid to Members.

2. Role and Responsibilities

2.1 The Independent Remuneration Panel ("IRP") shall advise and make its recommendations to Somerset County Council until 31/3/23 and then subsequently to the new Somerset Council (a new unitary council established by the Somerset Structural Changes Order 2022 involving the reorganisation of the existing County Council and four district councils in Somerset).

2.2 The Independent Remuneration Panel ("IRP") shall through the form of a report to Somerset County Council :

(i) recommend to Council a Members' Allowances Scheme for implementation from 1st April 2023 for the new Somerset Council, which sets out recommendations for :-

- the amount of basic allowance that should be payable to elected members;
- the roles, responsibilities and duties for which special responsibility allowances should be paid and the amounts for such allowances;
- whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
- whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount of these allowances and the means by which they are determined;
- whether a basic allowance should be paid to co-opted members and if so, the amount;
- 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 as permitted in law;
- whether any annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should apply.

(ii) on a four yearly basis, or if otherwise requested, propose recommendations as to any required amendments to the Members' Allowances Scheme in relation to the following matters:

- the amount of basic allowance that should be payable to elected members;
- the roles, responsibilities and duties for which special responsibility allowances should be paid and the amounts for such allowances;
- whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
- whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount of these allowances and the means by which they are determined;
- whether a basic allowance should be paid to co-opted members and if so, the amount;
- 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 as permitted in law;
- whether any annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should apply.

2.2 In making its recommendations at paragraphs 2.1 (i) and (ii) above, the IRP shall undertake a full review of the Members' Allowance Scheme as well as obtaining the views of officers and members of the Council to which it relates and having regard to the following general principles:

- that members undertake their council work for the sake of public service and not private gain;
- the varying demands placed upon members, dependent upon their roles and responsibilities;
- the need to fairly and equitably compensate members, so far as the panel thinks appropriate, for the time and effort they can reasonably be expected to devote to their work as a member of the council;
- the need for the scheme to be economic, efficient to administer and effective;
- the requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate;
- That recommendations should confirm with existing legislation and anticipate likely future legislation so far as possible

The Panel will also have regards to comparative data on the allowances paid by other similar local authorities.

2.3 The IRP shall be required in reporting its recommendations to include guidance on what is to be encompassed by each relevant allowance so as to ensure that the Members' Allowance Scheme is consistently applied.

3. Panel Membership and Appointment

- 3.1** The (“IRP”) shall be comprised of 5 members of the public (“IRP Members”).
- 3.2** IRP Members will be sought via advert in accordance with the Council’s standard recruitment arrangements. Recruitment should be by public advertisement and direct approach to appropriate business and community/voluntary sector organisations who command local respect and public confidence and would be able to nominate persons who should have the necessary skills, integrity, independence and who are recognisable members of the local business and voluntary/community sectors within their respective areas.
- 3.3** As part of this a person specification shall be drawn up to ensure that candidates who are appointed:
- are able to demonstrate a high degree of personal integrity;
 - are not members of any local authority and are not disqualified from being or becoming a member of a local authority;
 - have, if possible the appropriate level of skill, knowledge and understanding of setting remunerations;
 - have the necessary time and commitment for the role;
 - Are not affiliated to any political party – candidates must disclose the extent of their connections to a political party and whether these are such as to risk the effective discharge of the IRP’s functions were the candidate to be appointed;
 - A knowledge of local government is preferable however a lack of familiarity will not be a bar to appointment.
- 3.4** IRP Members will be shortlisted, interviewed and appointed by the Monitoring Officer, in consultation with political group leaders.
- 3.5** The term of office of IRP Members will be three years in the first instance and a Panel Member may be reappointed for a further consecutive 3 year term. A Panel member shall not serve more than two terms – 6 years in total. The Council or its Constitution & Governance Committee may remove an IRP Member in circumstances where:
- the IRP Member is disqualified from being a member of an authority or is found guilty of any conduct which brings the office into disrepute e.g. being found guilty of a criminal offence, an act of dishonesty or other serious misconduct; or
 - the IRP Member is considered to have demonstrated a serious lack of diligence or incompetence; or
 - the IRP Member becomes an elected or co-opted member (or an employee) of the authority.

3.6 The IRP shall:

- appoint its own Chair at the first meeting of each municipal year;
- require a quorum of 3 at all meetings;
- meet a minimum of once per municipal year with additional meetings convened as necessary;
- Otherwise devise its own rules for the conduct of meetings in consultation with the Council's Monitoring Officer providing that they are consistent with legislative requirements and general good governance requirements.

4. Panel allowances

In order to avoid any perception of personal gain involved with membership of the IRP, only travel and subsistence allowances will be paid to IRP Members, at the rate approved by the Council annually within the limits determined by the Secretary of State. No other allowances will be paid to IRP Members.

5. Lead officer and support arrangements for the Panel

The Council's Monitoring Officer will be the lead officer and principal contact officer for the IRP. Democratic Services will provide support to the Panel.

Lead Officer:

Scott Wooldridge
Monitoring Officer
Somerset County Council

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