

 <b>Executive</b> <b>31 May 2018</b>		<b>Agenda Item No.</b> <b>4</b>
<b>Title</b>	Minor Amendments to the Members' Allowances Scheme for Warwick District.	
<b>For further information about this report please contact</b>	Graham Leach Democratic Services Manager & Deputy Monitoring Officer, 01926 456114 <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No
The report brings forward amendments to provide clarification to the current scheme and one additional aspect.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	8/5/2018	Andrew Jones
Head of Service		
CMT	8/5/2018	
Section 151 Officer	8/5/2018	Mike Snow
Monitoring Officer	8/5/2018	Andrew Jones
Finance	8/5/2018	Jenny Clayton
Portfolio Holder(s)	9/5/2018	Andrew Mobbs
Consultation & Community Engagement		
Warwick District Independent Review Panel – 8 May 2018		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
If approved the amendments would form a recommendation to Council on 20 June 2018.		

## 1. **Summary**

- 1.1 The report brings forward two minor clarifications to the Members' Allowances Scheme and proposes provision for Councillors to reclaim the fee for registering as a Data Controller with the Information Commissioners Office.

## 2. **Recommendation**

- 2.1 That the Executive recommend to Council that the Members' Allowances Scheme for Warwick District is amended to enable Councillors to claim for car parking fees when attending events outside the District.
- 2.2 That the Executive recommend to Council that the Members' Allowances Scheme for Warwick District is amended to confirm that the subsistence values within the scheme are the maximum amounts that can be claimed.
- 2.3 That the Executive recommend to Council that the Members' Allowances Scheme for Warwick District is amended so that it reads "*That where a Member is deemed to be a data controller under either the Data Protection Act (or subsequent regulation/Act) and required to pay an annual fee, on submission of receipts they can reclaim this fee from Warwick District Council*"

## 3. **Reasons for the Recommendation**

- 3.1 While responding to a question on the allowances scheme it was identified that at present Councillors are not entitled to claim for parking expenses incurred when attending an event outside Warwick District. This was considered unreasonable as the cost incurred would directly relate to their role as a Councillor.
- 3.2 While responding to a question on the allowances scheme it was identified that the subsistence rates did not provide clarification that they were intended either as a maximum value or an indicative rate. After checking with the Council's IRP for Members' Allowances, they confirmed this should be a maximum level, in line with the subsistence rates for officers.
- 3.3 The proposed inclusion of the Data Controller registration fee with the Information Commissioners Office (ICO), allows for only those who need to register to claim for the fee rather than a set sum being provided to all Councillors.
- 3.4 The registration fee is a cost imposed by legislation/regulation and there would be no obligation for the individual who is a Councillor to register as a data controller unless they were a Councillor. Therefore, it is reasonable that they should be able to reclaim this expense
- 3.5 The Councillor will, where they consider appropriate, need to register themselves with the ICO, because they would be individually accountable to the ICO and therefore need to make sure their registration is correct each year. Thus, it is more appropriate for them to make the payment, then claim it back.
- 3.6 The ICO has provided guidance that Councillors who are elected to more than a single authority would only need to register once. In addition the Executive should be mindful that potentially the need to pay a registration fee would cease from 25 May 2018, however, at this time this looks unlikely to happen.

- 3.7 In line with legislative requirements the Council's Independent Review Panel for Members' Allowances, have been consulted on the proposed changes and they are in agreement with all of them.

#### 4. **Policy Framework**

##### 4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
None	None	None
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
None	None	None

**4.2 Supporting Strategies** – This report does not relate to one of the supporting strategies of Fit for the Future.

**4.3 Changes to Existing Policies** – The report proposes to amend an aspect of the Constitution, as set out within the report.

**4.3 Impact Assessments** – The report brings forward amendments to provide clarification to the current scheme and one additional aspect which are deemed not to require an impact assessment.

## **5. Budgetary Framework**

5.1 The report does not impact on the Budgetary Framework for the Council. The maximum this would cost the authority is £1610 (based on the current fee of £35 per data controller). It is considered this could be met within exiting budgets, but this will be monitored and reviewed as part of the budget setting process over the coming months.

## **6. Risks**

6.1 The main risk associated with the report relates to not implementing the changes to enable Councillors to be duly reimbursed for the expense they incur as a result of their work as a Councillor.

## **7. Alternative Option(s) considered**

7.1 The Executive could consider continuing with the current arrangement but this is considered not appropriate as it does not allow for reimbursement of costs incurred by Councillors in their role.

7.2 The Executive could decide to vary the amounts allowed to be claimed but any proposals would need to be referred to the Council's Independent Review Panel (IRP) first. This is because the Council must be mindful of the IRP view before altering the Members' Allowances Scheme.

7.3 The Council could pay for all Councillors in one go, but this was dismissed because the responsibility lies with the individual and not with the Council as a whole. In addition, it could be problematic when an individual has already paid the fee in line with their membership with another authority (e.g. WCC).