

# **A Review Of Members' Allowances For Warwick District Council**

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## **A Report by the Independent Remuneration Panel**

**Declan Hall PhD (Chair)  
Christopher Purser  
Alan Wilkinson**

**September 2021**

## Executive Summary – Recommendations

The Table below sets out the Panel's recommendations for the Basic Allowance and Special Responsibility Allowances (SRAs (2021/22), including methodologies, total number of SRAs and maximum amounts payable. In reality the total paid out in SRAs is likely to be less due to the 1-SRA only rule.

Warwick Sept 2021 Review	Recommended Maximum Payable 2021/22				
POSITION	No. Paid	Basic Allowance	Method to arrive at SRA	Total P/Mbr (BA+SRA)	Sub Total Per Category
<b>BASIC ALLOWANCE</b>	44	£5,632			£247,808
<b>SPECIAL RESPONSIBILITY ALLOWANCES</b>		<b>SRA annual</b>			
<b>EXECUTIVE</b>					
Leader & Strategic PH	1	£16,333	2.9 X BA	£21,965	£16,333
Deputy Leader & Transformation PH	1	£8,167	50% X Leader	£13,799	£8,167
Other Cabinet/ Portfolio Holders	7	£7,350	45% X Leader	£12,982	£51,449
<b>OVERVIEW AND SCRUTINY (O&amp;S)</b>					
Chairs O&S Committees	2	£4,083	25% X Leader	£9,715	£8,167
<b>REGULATORY</b>					
Chair Planning Committee	1	£5,717	35% X Leader	£11,349	£5,717
Other Members Planning Committee	10	£572	3.5% X Leader	£6,204	£5,717
Chair Licensing & Regulatory Committee	1	£4,083	25% X Leader	£9,715	£4,083
Chair Employment Committee	1	£817	5% X Leader	£6,449	£817
Chair Standards Committee	1	£1,633	10% X Leader	£7,265	£1,633
<b>OPPOSITION POSTS</b>					
Leader Main Opposition Group	1	£4,083	25% X Leader	£9,715	£4,083
Leader Other Opposition Groups (Where Group has reached threshold of 4 Members)	2	£1,633	10% X Leader	£7,265	£3,267
<b>OTHER</b>					
Chair Conservation Advisory Forum	1	£817	5% X Leader	£6,449	£817
Chairs Programme Advisory Boards	9	£327	2% X Leader	£5,959	£2,940
<b>Sub Total - Basic Allowance</b>	<b>44</b>				<b>£247,808</b>
<b>Sub Total - SRAs</b>	<b>38</b>				<b>£113,188</b>
<b>Total (BA+SRAs)</b>					<b>£360,996</b>



## **The IRP also recommends:**

### **Vice Chairman Planning Committee**

That the SRA for the Vice Chairman of the Planning Committee is discontinued.

### **Main Opposition Groups of equal size**

That if there are two Main Opposition Groups of equal size then the Main Opposition Group Leader's SRA of £4,083 is divided equally between each Main Opposition Group Leader, which equates to £2,042. The same principle should be extended in the highly unlikely event that there are more than two Main Opposition Groups of equal size.

### **Maintaining the 1-SRA Only Rule**

That the rule that Members can receive no more than 1 SRA should be maintained.

### **The Co-optees' Allowance**

That provision for a Co-optees' Allowance at £300 is maintained and to be paid to any standing Co-optees the Council appoints.

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

That the Dependants' Carers' Allowances is differentiated to recognise two categories of dependants, namely

- |                         |   |
|-------------------------|---|
| • Childcare             | maximum hourly rate claimable set at National Living Wage   |
| • Elderly/Disabled care | maximum hourly rate claimable set at hourly rate charged by Warwickshire County Council for a Home Help |

### **Travel & Subsistence Allowances - for within the District**

That there should be no change to current situation in that Members cannot claim travel and subsistence allowances for attending any duties within the district.

### **Travel and Subsistence Allowances - Outwith the District**

That the current Travel and Subsistence approved duties and rates should be maintained for Members undertaking approved duties outwith the district and that the scheme should be amended to specify that where Member is attending an approved duty outwith the district by travelling in a hybrid/electric vehicle then the mileage rates are the same as when travelling by a petrol/diesel vehicle, namely the HMRC Approved Mileage Allowance Payment (AMAP) rate, which is currently 45p per mile.

### **The Civic Allowance – Council Chair and Vice Chair**

That the Civic Allowance for the Council Chair is reset at 25 per cent of the Leaders' recommended SRA, which equates to £4,083 and that the Civic Allowance for the Deputy Chair remains at 28.5 per cent of the Chair's Civic Allowance, which equates to £1,164.

### **Other Issues Arising I – Administration/IT Support**

The IRP is not making any recommendations regarding Member administration and IT support.

### **Other Issues Arising II – Job Descriptions or Role Profiles for Members**

The IRP is not making any recommendations regarding the adoption of “job descriptions” or role profiles for elected Members.

### **Other Issues Arising III – Maternity, Paternity and Adoption Leave**

That the allowances scheme is amended to include a statement that clarifies the continued right of remuneration for a Member when they are required to take maternity, paternity or adoption leave for up to a period of 12 months, subject to the legal attendance requirements.

### **Indexation**

That the following indices are applied to the allowances paid to Members of Warwick District Council:

#### **Basic Allowance, SRAs, Civic and Co-optees' Allowances:**

- Indexed to the annual percentage salary increase for local government staff (at spinal column 43) as agreed each year by the National Joint Council for Local Government Services and applicable to the same year it applies to Officers but with an implementation date from the start of the municipal rather than financial year.

#### **Mileage Allowance (Outwith only):**

- Members' mileage allowances rates should be indexed to HMRC Approved Mileage Allowance Payment (AMAP) rates.

#### **Subsistence Allowances (Outwith only):**

- Subsistence allowances should be indexed to the same rates that are applicable to Officers.

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

- Child care: maximum hourly rate claimable indexed to the National Living Wage.
- Elderly/Disabled care: maximum hourly rate claimable indexed to the hourly rate charged by Warwickshire County Council Social Services Department for a Home Help.

The IRP also recommends that indexation should run for four years (2021-2025), which is the maximum length of time permitted by the 2003 Regulations (10. (5)).

### **Implementation**

That the new scheme of allowances based on the recommendations contained in this Report is adopted from the date of the Council's meeting on 20<sup>th</sup> October 2021 for implementation on 1<sup>st</sup> November 2021, or any date thereafter agreed by the Council. The exception to this is that the allowances need to be revised to allow for indexation based on the pay award to Officers for 2021/22 which is yet to be agreed.

# **A Review of Members' Allowances**

**For**

**Warwick District Council**

**Independent Remuneration Panel**

**September 2021**

## **Regulatory context**

1. This Report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the Panel or IRP) for Warwick District Council to advise the Council on its Members' Allowances scheme.
2. The IRP was convened under The Local Authorities' (Members' Allowances) (England) Regulations 2003 (SI 1021) ("the 2003 Regulations"). These regulations, which arise out of the relevant provisions contained in the Local Government Act 2000, require all local authorities to establish and maintain an advisory Independent Remuneration Panel to review and provide advice on Members' allowances on a periodic basis.
3. All Councils are required to convene their IRP and seek its advice before they make any changes or amendments to their Members' Allowances Scheme. They must 'pay regard' to their IRP's recommendations before setting a new or amended Members' Allowances Scheme. On this particular occasion, the IRP has been reconvened under the 2003 Regulations [10. (5)], which states:

Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.

4. It is this mechanism, known as the '4 year rule', that ensures IRPs are convened at least every four years if a council wishes to continue indexing their allowances. It also provides an opportunity for IRPs to publicly scrutinise their Councils allowances schemes and enhance public accountability.

## Terms of Reference

5. The Council has asked the IRP to consider the current scheme in its entirety and if it is still appropriate in terms of allowances paid and the type of SRA provided. The Council also welcomed the opportunity for Members to reply to an aide memoire for Councillors to provide open feedback to the IRP.
6. As such the IRP adopted specific terms of reference (as set out in and adapted from the 2006 Statutory Guidance paragraph 61) to make recommendations to the Council on:
  - I. The amount of basic allowance that should be payable to its elected members and the expenses that it is deemed to include
  - II. The responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
  - III. The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance
  - IV. The co-optees to be paid a co-optees' allowance and the amount
  - V. Whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
  - VI. Whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
  - VII. Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run
  - VIII. Additional expenses and support received by Members
  - IX. The payment of a Civic Allowance and the amount of such an Allowance
  - X. Any matters that are brought to the attention of the IRP by Members in their consultation with Members and factual briefings from Officers

In arriving at their recommendations the IRP also took into account:

- A. The views of Members both written and oral
- B. Factual briefings on the Council from relevant Officers
- C. Allowances paid in comparable councils, namely the other Warwickshire district councils and Warwick District Council's 8 Nearest Neighbours (CIPFA 2014 model)



## **Membership of the Independent Remuneration Panel**

7. The appointees to the Warwick District Council Independent Remuneration Panel are as follows:<sup>1</sup>
- Dr Declan Hall: an independent consultant specialising in members' allowances and support and a former academic at the Institute of Local Government, The University of Birmingham.
  - Christopher Purser: Former Chairman of Warwick District Council Standards Committee and former Governor of Warwickshire College. Previously the Group Treasurer of a multinational corporation. A Chartered Accountant and Chartered Secretary
  - Alan Wilkinson: Former Councillor, Warwick District Council and former Leamington Town Councillor and Town Mayor. Previously a Sales Manager in a local electronic business
8. The IRP was supported by Graham Leach, Democratic Services Manager and Deputy Monitoring Officer who was the organisational lead in facilitating and supporting the work of the IRP.

## **The Review Process and Methodology**

9. The IRP met in a hybrid fashion in light of the continuing Covid-19 pandemic imposed restrictions. The IRP met virtually via MS Teams on 4<sup>th</sup> and 5<sup>th</sup> August 2021 and physically met at the Town Hall to conduct final interviews and reach consensus on its deliberations on 11<sup>th</sup> August 2021. The IRP meetings were in closed session to enable it to meet with Members and Officers and conduct its deliberations in confidence.
10. A representative range of elected Members were invited to meet with the IRP and any other Members requesting the opportunity to meet with the IRP were also accommodated. In accordance with the request from the Council all Members were sent an aide memoire that addressed the issues the IRP was required to consider. The IRP received 26 responses to this aide memoir. The principal purpose of the aide memoire was to identify and assess the strength of any issues of concern on the part of the wider membership. The aide

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<sup>1</sup> The Council had appointed a 4<sup>th</sup> IRP member, Zafar Bhatti, who was unable to take part in this review as he contracted Covid 19

memoire also had the methodological advantage of ensuring all Members were being asked a common set of questions, the main point being that all Members had at least one opportunity to exercise their voice during the review.

11. In addition, the IRP met with a number of Officers for factual briefings on political structures and constitutional changes since the last review and to obtain an overview on the challenges facing the Council.
12. The IRP also took cognizance of the range and levels of allowances paid in comparable local authorities, namely the four other Warwickshire district councils and Warwick District Council's eight Nearest Neighbours as defined by the Chartered Institute of Public Finance and Accountancy or CIPFA (2014 model), which are used by councils for benchmarking purposes.
13. The full range of written information received and considered by the IRP is listed in the appendices as follows:
  - **Appendix 1:** List of information and evidence that was included in the Information Pack for IRP Members
  - **Appendix 2:** Members who met with the IRP
  - **Appendix 3:** Officers who briefed IRP
  - **Appendix 4:** Summary of benchmarking of Warwick District Council Allowances against other Warwickshire Districts and CIPFA 8 Nearest Neighbours

### **Key Messages – The Warwick Model of Remuneration**

14. Compared to peers the majority of SRAs paid in Warwick District Council are low and do not reflect a fair rate. This in itself is not a watertight case to increase SRAs but when applying the recommended methodology to arrive at the recommended SRAs, they are indeed low in both relative and real terms.
15. Aside from the issue of parity there is one of equity, largely the current SRAs undervalues the work of Members. While the SRAs were never intended to reflect the 'market value' of the workload and responsibilities undertaken by Members, they are intended to go a large way to recognising that there is a substantial time commitment and complexity to being a post holder that is not recognised in their current remuneration.
16. This is highlighted by the original policy underpinning the work of remuneration panels when considering the principles for establishing a Members Allowances Scheme<sup>2</sup>:

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<sup>2</sup> Modern Local Government – In touch with the People: Cm 4014 July 1998, 3.54

The financial support for Councillors must also reinforce the culture of the modern council and address, as far as possible, any disincentives to serving in local politics. People do not enter public service to make their fortune. But neither should they pay a price for serving the public.

17. The IRP largely addressed the low Basic Allowance being paid at Warwick District Council in its previous review of 2017, while only partially addressing the low SRAs that were paid. In this review the IRP has placed the emphasis on the SRAs as they mostly remain low both in absolute and relative terms. This has been done once more on the fundamental principle that it addresses "as far as possible, any disincentives to serving in local politics."

### **The proposed merger with Stratford District Council**

18. A strong theme emerging from the representations received was that the IRP should set the Warwick Basic Allowance and SRAs in line with those paid in Stratford-on-Avon District Council. This view arises out of the proposed merger between the two Councils. Already there is a joint Waste Management contract and a single set of Heads of Service. Furthermore, the numbers and remit of Portfolio Holders at Warwick District Council has been aligned with those at Stratford-on-Avon District Council.
19. If the proposed merger goes ahead it will not be for another 18 months at a minimum. As such, the fact remains that Warwick and Stratford-on-Avon District Council are distinct and separate corporate bodies. Furthermore, there is less number of elected Members at Stratford-on-Avon District Council, which partly accounts for the higher Basic Allowance paid there than is being proposed for Warwick District Council. If and when the two Councils do merge then there will be a need to have a new IRP to review the appropriate Basic Allowance and SRAs. The role of this IRP during this review is to address the Warwick District Council Members' Allowances scheme as it is presently constituted and address any anomalies arising.

### **Relating Members' Allowances to performance**

20. Once again, a subsidiary theme emerging from both the written and oral representations was that there should be a link between the Basic Allowance and the differential in what Members put in. In particular, it was felt by some Members that the payment of a flat rate Basic Allowance was inequitable when they felt that some Members were working harder than others in return for that Basic Allowance, with some suggesting that an attendance element to remuneration should be introduced.

21. The IRP can only repeat what it pointed out in the 2017 review. The simple fact is that the IRP is unable to vary the Basic Allowance to differentiate between the work loads of Members. Under the 2003 Regulations a Member by virtue of being elected is entitled to the full Basic Allowance. Apart from resigning the only way not to pay the Basic Allowance is for a Member to be in breach of the 'six month' rule. If a Member does not attend an approved duty within a six month period then they cease to be a Councillor and therefore no longer paid as such. This light touch had more logic 40 years ago when Members' work was more focused on meetings. As the principal remuneration was through an attendance allowance it meant if a Member did not attend their scheduled meetings they did not get paid.
22. The IRP explored this issue in depth and decided that it was not avenue it could go down on the following grounds:
- The attendance records show that by and large Members do attend most of the scheduled meetings of their committees and panels, i.e., is not a major issue
  - While indeed there are Members who are appointed to fewer committees than others and thus have fewer meetings to attend this is a function of the political process and not the remit of the IRP
  - Putting an emphasis on attendance does not take into account the work Members do outside the formal structures of the council
  - The 2003 Regulations do not permit the payment of an 'attendance allowance'

### **The IRPs Recommendations - Recalibrating the Basic Allowance**

- |   |        |
|---|--------|
| • Warwick current Basic Allowance:                | £5,632 |
| • Recalibrated Basic Allowance:                   | £5,582 |
| • Benchmarking (BM) Group Mean Basic Allowance:   | £5,691 |
| • Benchmarking (BM) Group Median Basic Allowance: | £5,519 |
| • Recommended Basic Allowance 2021/22:            | £5,632 |

23. In arriving at the recommended Basic Allowance in 2017 the IRP had to pay regard to the 2006 Statutory Guidance which states:

Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which councillors ought to be remunerated.<sup>3</sup>

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<sup>3</sup> 2006 Statutory Guidance on Members' Allowances paragraph 67.

24. This guidance highlights three considerations when arriving at the recommended Basic Allowance, namely:
- The 'hours' or time required to be an effective ordinary Member
  - The amount of this time that should be remunerated, often known as the Public Service Discount (PSD)
  - The rate of remuneration
25. The IRP has recalibrated the current Basic Allowance for this review by replicating the methodology set out in the 2006 Statutory Guidance but with updated variables where appropriate.

Time required being a Member

26. As the Basic Allowance is primarily a time-based allowance that must be paid equally to all Members, it should take into account the full range of duties and activities that Members are expected to undertake including:
- Attending meetings of the Council, Executive, Committees and related panels, forums and task and finish groups, including training events
  - Ward casework and constituent meetings
  - Attendance at meetings of external organisations (Outside Bodies) including local community groups and stakeholder organisations
  - Emails, reading reports, agendas and research, preparation and travel time where relevant
27. The most up to date source of what time is required to be an effective Member is from the Local Government Association (LGA) Census of Councillors 2018 which shows that an elected Member of a district council who does not hold any position of significant responsibility puts in on average 14.3 hours per week on 'Council business'.<sup>4</sup> In effect, it is the equivalent of just under two days per week spread over a whole week and in a context whereby there is an increasing need for some Members to meet informally during the day.
28. As in 2017 when the equivalent figure was 14 hours per week the IRP has not opted to utilize 14.3 hours per week as the time element to calculate the recalibrated Basic Allowance as the IRP is recognising the extra time put in by Planning Members (which is included in the Councillor Census 14.3 hours per week) separately - see below. Consequently the IRP has continued to use an average of 12 hours per week as the time required from a 'backbench' Member

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<sup>4</sup> This does not include on average an additional 3.7 hours per week on group/party business. Breakdown of means hours by type of council and by positions held supplied to Chair of Panel in email from S. Richards, LGA 21<sup>st</sup> October 2019

to fulfil all their duties. This equates to 78 days per year on an 8 hour working day.

### Recognising the Public Service Principle

29. In arriving at the recalibrated Basic Allowance the IRP has to recognise that not all the time put in by Members should be remunerated as there is an element of public service (or *pro bono publico*) in being a Member.
30. While, the normal range is between 30% and 40% the standard amount of time that is discounted by IRPs for public service is typically around one third on the basis that of the average time spent on Council business by all English Councillors almost 30% is the proportion that is spent "engaging with constituents, surgeries and enquiries."<sup>5</sup> The Panel has opted for a public service discount at the higher end of the normal range, which is 40%, as Members of district councils have more direct contact with constituents than would be the case for County Councillors who are responsible for strategic services.
31. Thus, out of an assessment of an average of 78 days per year required to be an effective 'back bench' Member, 40% of that time (31.2 days) should not be remunerated. This leaves a remunerated time of 46.8 days per year.

### Rate for Remuneration

32. In the past IRPs were issued advisory guidance from the Local Government Association (LGA) setting out a 'day session' rate that IRPs could (and did) adopt in setting a Basic Allowance. In 2010 this day session rate was £152.77<sup>6</sup>. The LGA discontinued the publication of the day session rate the following year by which time it was almost £160 per day, partly because many IRPs found such a rate hard to defend or justify methodologically (it was weighted to reflect male non-manual average earnings) and partly because there has been a change in how average earnings are published in that they are now set out on a local authority area basis.
33. IRPs now typically base the rate for remuneration on the average earnings for all full time employees resident in their particular council district. A locally based rate of remuneration relates the Basic Allowance to the average earnings of those whom Members represent and thus has a greater robustness. The IRP one again obtained the most recent data available (2020) from the Office of National Statistics (ONS) as published in its Annual Survey of Hours and

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<sup>5</sup> See Councillors Census 2018, LGA, Table 7 page 15. This is for all English Councillors regardless of type of council and position held - the only data available.

<sup>6</sup> See LGA alert 62/10, Members' Allowances, 23 June 2010

Earnings (ASHE) shows the median gross weekly earnings for all full time employee jobs in the District of Warwick as £596.40, which equates to £119.28 per day<sup>7</sup>.

34. Consequently, in consideration of the three variables utilized to arrive at a recalibrated Basic Allowance the IRP has adopted the values as set out in Table 1 below:

**Table 1: Variables and sources in arriving at the recalibrated Basic Allowance**

<b>Variable</b>	<b>Amount</b>	<b>Evidence provided</b>
<b>Time (per year)</b>	78 days	Based the LGA Councillor Census 2018 figure of 14.3 hours per week minus a 2.3 hour per week discount for Planning Members SRA = 12 hours per week multiplied by 52 weeks and divided by an eight hour working day
<b>Public Service Discount</b>	40% (31.2 days)	Based on LGA Councillors Census 2018 Table 7 & taking into account nature of district councils
<b>Rate for Remuneration</b>	£119.28 per day	Based on ONS ASHE Table 7.1a: median gross weekly earnings of all full time employees resident in Warwick District 2020 (£596.40)

35. By following the approach set out in the 2006 Statutory Guidance the Panel arrived at a recalibrated Basic Allowance based on the following calculation:

- 78 days minus 40% = 46.8 remunerated days X £119.29 per day = £5,582

36. Recalibration of the Basic Allowance (£5,582) shows that the current Basic Allowance (£5,632) has through indexation more or less maintained its original value. In fact, the recalibrated Basic Allowance would have been marginally higher rather than marginally lower than the current Warwick District Council Basic Allowance if it was not for the fact that the rate of remuneration (Warwick median earnings 2020) fell by five per cent last year (the Covid-19 pandemic effect). Regardless, recalibration does not provide a case to revise the current Basic Allowance.

## **Benchmarking**

37. Similarly, benchmarking does not provide a case to revise the current Basic Allowance. Benchmarking shows that the current Warwick District Council Basic Allowance (£5,632) is comparable to that paid to peers, with a mean

<sup>7</sup> See ASHE, Table 7.1a, Weekly pay - Gross - all full time jobs - work geography, ONS provisional results 2020. The Panel has used median rather than mean (£710.90 per week) as ONS advises median is a more accurate reflection of 'average' earnings as it better reflects the higher number of earners on or close to living wage and evens out the distortion in the mean by a relatively few very high earners.

Basic Allowance of £5,691 and a median of £5,519 paid in the comparator group of councils.

### **Representation received**

38. Finally the general view in the representation received both oral and written was the current Basic Allowance was largely fit for purpose. There was some representation received that argued for an increase in the current Basic Allowance; more specifically that it should be on par with the Basic Allowance (£6,129) paid in Stratford-on-Avon as a result of the proposed merger of the two Councils. As mentioned previously the IRP has not accepted that there should be a convergence between the allowances paid at Warwick and Stratford-on-Avon District Councils as they remain two distinct entities.
39. More, specifically regarding the Basic Allowance, the IRP notes that Stratford-on-Avon District Council is seeking to increase the numbers of elected Members from 36 (having reduced numbers from 54 a few years ago). The Stratford-on-Avon IRP has indicated that if this does occur it may well reduce the current Basic Allowance. Secondly, there is a different model of remuneration at Stratford-on-Avon District Council that may well support a higher Basic Allowance. Stratford-on-Avon District Council does not pay a large number of smaller SRAs as is the case in Warwick District Council, namely to members of the Planning Committee and Chairs of the Programme Advisory Boards. In effect the availability of these SRAs in Warwick District Council means that nearly all back bench Members have the opportunity to have a small SRA that is not available in Stratford-on-Avon District Council. As a result it brings the effective remuneration of the wider membership of Warwick District Council much closer to the Basic Allowance paid in Stratford-on-Avon District Council.
40. **The IRP recommends that the Basic Allowance should be maintained at £5,632, subject to any applicable indexation.**

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

• Leader's current SRA:	£12,671
• BM Group Leaders Mean SRA:	£16,302
• BM Group Leaders Median SRA:	£16,592
• Recommended Leader's SRA:	£16,333

41. The Leader's current SRA (£12,671) is set at a multiple of 2.25 times the Basic Allowance in accordance with a methodology set out in the 2006 Statutory Guidance (paragraph 76), known as the factor approach.



42. Since the previous review in 2017 the Leader's role has continued to evolve, with more demands being placed on role. While being Leader of Warwick District Council does not require a full time commitment it demands a time commitment that makes it difficult to sustain full time paid employment in the normal sense. The Leader attends Council offices regularly and even when not at the Council Offices the Leader has to be available to talk to or email Officers and other Members every day. Moreover, the current political context, namely running a minority administration, means the Leader has to engage with the other political group Leaders simply to ensure an orderly operation of Council business. For example, the Leader now attends, with the other Group Leaders, the Leadership Co-ordination Group twice a month where upcoming issues are discussed and ways forward agreed upon (where this can be done).
43. Then there are all the external demands on the Leader's time which have increased, particularly at the regional and sub-regional level. Warwick District Council is an associate Member of the West Midlands Combined Authority and the Leader attends all the meetings of that body. The Leader also attends as the Council's representative the Coventry and Warwickshire Local Enterprise Partnership (CWLEP). Similarly the Leader is appointed to the West Midlands Leaders Board, Coventry and Warwickshire Local Enterprise Partnership (LEP) and LLP Board and West Midlands Employers (formerly West Midlands Councils). Moreover, central government now places greater emphasis on leadership in local government and expect Leaders' to rise to that challenge, making the Leader more visible and involved across the board. The Leader (as does the Deputy Leader and the relevant Warwick District Council Portfolio Holder) also now attends the Joint Cabinet/Executive Committee of Stratford-on-Avon and Warwick District Councils. This committee is to enable the two Councils to work more closely to develop a combined Local Plan for South Warwickshire. The IRP is also mindful of the challenges brought about by the Covid-19 pandemic that has also placed greater demands on the Leader in particular.
44. The Leader has all executive powers vested in the post and is responsible for the discharge of all executive functions. In particular, the Leader is now appointed for 4 years and in turn appoints the Deputy Leader and Executive Portfolio Holders, determines the remit of the executive members and any delegation of executive powers to committees; all these were previously Council functions. In effect the Leader now has the same level of responsibility as an elected Mayor - it is their method of appointment and tenure that differs. In Warwick District Council. The Leader has responsibility for:
- Appointing the Executive and delegations of executive arrangements,
  - Chairing the Executive;

- Chairing other Boards and Working Groups as appropriate;
  - As Lead Member, or Portfolio Holder, for Strategic Leadership the Leader is also responsible for strategic projects, maintaining a corporate oversight of issues and addressing issues which crossover areas of portfolio responsibility;
  - External relations, within Warwickshire, West Midlands and at a national level.
45. In the representation received by the IRP the strongest view that emerged was that the Leader's SRA needed to be revised. This view is also supported by the benchmarking which shows a mean Leaders SRA of £16,302 and a median SRA of £16,592 across the comparator group of councils. While the Leader's SRA is not the lowest in the benchmarking group it is close to being the lowest.
46. The evidence is such that the Leader merits an increase in their SRA. In arriving at the appropriate figure the IRP has maintained the factor approach but increased it from 2.25 times the current Basic Allowance to 2.9 times. The IRP selected a multiple of 2.9 of the Basic Allowance on the basis that benchmarking shows that the mean Leaders' SRA (£16,302) is 2.9 times the mean Basic Allowance (£5,691). This equates to £16,333, which brings it in line with the average Leaders SRA paid in the benchmarking group.
47. **The IRP recommends that the SRA for the Leader of the Council should be reset at a multiple of 2.9 times the recommended Basic Allowance (£5,632), which equates to £16,333 per annum, subject to any indexation going forward.**

### **The Deputy Leader of the Council**

48. Previously, in recommending other SRAs the IRP has in the main followed the approach laid out in the 2006 Statutory Guidance (paragraph 76) which states:
- A good starting point in determining special responsibility allowances may be to agree the allowance which should be attached to the most time consuming post on the Council (this maybe the elected mayor or the leader) and pro rata downwards for the other roles which it has agreed ought to receive an extra allowance.
49. This is known as the 'pro rata' approach in that the other remunerated posts are assessed as a ratio or percentage of the Leader's role. By definition the size of the Leader's roles is 100%. The IRP has chosen to maintain this approach and adjusted the ratio for SRAs where there is a demonstrable case to do so.
- Deputy Leader's current SRA: £6,336

- BM Group Deputy Leaders' Mean SRA: £9,670
- BM Group Deputy Leaders Median SRA: £8,527
- Deputy Leader's recommended SRA: £8,167

50. Currently, the SRA for the Deputy Leader is set at 50 per cent of the SRA paid to the Leader. Benchmarking also shows that the Deputy Leader's SRA is not only substantially below the mean SRA (£9,670) and median SRA (£8,527) paid to Deputy Leaders in the comparator group of councils but is the lowest, where a differential SRA is paid to a Deputy Leader.
51. The Deputy Leader undertakes the traditional role of attending briefings with the Leader, acting as a sounding board and stepping in for the Leader in the Leader's absence, which occurs more frequently as the Leader has had to undertake a larger regional role. Indeed it means that the Deputy Leader (as do most other executive members but to a lesser extent) has acquired a larger regional role simply because the demands upon the Leader have grown so much that specific tasks are delegated to the Deputy Leader such as leading on special projects as assigned. The Deputy Leader also attends the Joint Cabinet/Executive Committee for Stratford-on-Avon and Warwick District Councils. Similarly, in the representation received there was also a view that the SRA for the Deputy Leader as with all other Executive Members was on the low side.
52. The IRP remains of the view that current ratio of 50 per cent of the Leader's SRA is still appropriate and has maintained that ratio vis-à-vis the recommended SRA for the Leader in arriving at the recommended SRA for the Deputy Leader, which equates to £8,167.
53. **The IRP recommends that the SRA Deputy Leader/Portfolio Holder remains at 50 per cent of the Leader's recommended SRA (£16,333), which equates to £8,167, subject to any indexation applicable.**

### **Other Executive/Portfolio Holders (x7)**

- Other Executive Members current SRA: £5,702
- BM Group Other Executive Members Mean SRA: £8,411
- BM Group Other Executive Members Median SRA: £6,895
- Other Executive Members recommended SRA: £7,350

54. Legislation puts a cap on the number of Executive Members at a maximum of 10, including the Leader and Deputy Leader. Currently there are seven other Executive Members, an increase of one since the last review so they have each acquired a slightly reduced remit. Again the Portfolio Holders SRA is

significantly below the benchmarked mean (£8,411) and median (£6,895) SRAs for other Executive Members.

55. As with the Leader and Deputy Leader all executive roles have evolved with more partnership working arrangements and working with a greater range of stakeholders. Currently the SRA for the other Executive Members has been set at 45 per cent of the Leader's SRA. The IRP received no evidence not to maintain this ratio vis-à-vis the Leader's recommended SRA (£16,333), which equates to £7,350, placing this SRA between the mean and median SRAs paid in the comparator councils.
56. **The IRP recommends that the SRA for the 7 other Members of the Executive/Portfolio Holders remains at 45 per cent of the Leader's recommended SRA (£16,333), which equates to £7,350, subject to any indexation that is applicable.**

### **Chairman of Planning Committee**

- Planning Chairman current SRA: £4,487
- BM Group Planning Chairmen Mean SRA: £5,487
- BM Group Planning Chairmen Median SRA: £5,083
- Recommended Planning Chairman SRA: £5,717

57. Currently the Chairman of the Planning Committee receives an SRA (£4,487) set at 35 per cent of the Leader's SRA. Benchmarking shows that a mean (£5,487) and median (£5,083) SRA for chairmen of Planning Committees in the comparator group.
58. Planning is a statutory function and where planning applications are not delegated to Officers then that function must be discharged by a committee. Decisions of the Planning Committee are quasi-judicial in that they have the force of law. It is noted that 90% of planning applications now delegated to and decided by Officers, although often after consultation with the Planning Chairman. However, due to development pressures in the district planning is a high profile committee that meets more often than any other committee, on a four week cycle as opposed to the normal six week cycle. Planning had 37 meetings last year, twice as many as the next nearest – Overview and Scrutiny with 18 meetings. In addition there are six site visits per year on a Saturday morning that is organised by the Council, although they were temporarily suspended during the Covid-19 pandemic they are resuming. The Chairman has to chair what are often raucous and contentious meetings and is subject to a great deal of lobbying, as are all Members of the Planning Committee.

59. The IRP accepts that the Chairman of Planning has a larger workload and responsibility than other committee chairs, with the Planning Committee being the most active and high profile committee of the Council and the SRA for the Chairman should reflect that reality in that their SRA should be the highest of the remunerated committee chairmen while differentiating sufficiently from other Executive Members to recognise the distinction in their constitutional responsibilities. Consequently, the IRP has maintained the current ratio of 35 per cent of the Leader's recommended SRA (£16,333) in arriving at the recommended SRA for the Chairman of the Planning Committee, which equates to £5,717. This is slightly higher than the average SRA paid to Planning Committee Chairmen in the benchmarked councils but the IRP is content with that on the basis that there are greater planning pressures within Warwick District Council than in most of the other comparator councils.
60. **The recommended SRA for the Chairman of the Planning Committee is £5,717, which is 35% of the Leader's recommended SRA, subject to any indexation that is applicable.**

### **Vice Chairman Planning Committee**

• Planning Vice Chairman current SRA:	£1,109
• BM Group Planning Vice Chairmen Mean SRA:	£1,853
• BM Group Planning Vice Chairmen Median SRA:	£1,664
• Recommended Planning Vice Chairman SRA:	Discontinue

61. The Vice Chairman of the Planning Committee is the only Committee Vice Chairman that is paid an SRA, currently £1,109. There was representation received that queried the validity of this SRA largely on the grounds that it appeared to be an anomaly due to its uniqueness. This is partly backed up by benchmarking; only seven out of the 12 other comparator councils remunerate such a post. The mean benchmarked SRA is £2,111 but with a sample size of seven the mean is distorted by a single high payer (Chelmsford at £3,957).
62. The IRP in the 2017 review decided to continue this SRA principally on the grounds that the Vice Chairman of Planning is required to chair the advisory Planning Forum twice a year, the only Vice Chairman who had such a discrete assigned responsibility. However, this is no longer the case as the advisory Planning Forum no longer exists. As such the responsibility of the Planning Vice Chairman is no greater than that of other Committee Vice Chairmen, namely keeping abreast of their committee brief and standing in for their respective Chairman when required. While the Planning Committee Vice Chairman has to attend more meetings than any other Committee Vice Chairmen this has been addressed through the payment of the Planning

Committee members SRA (see below). Consequently the IRP has concluded that the SRA for the Chairman of the Planning Committee should be discontinued.

63. **The IRP recommends that the SRA for the Vice Chairman of the Planning Committee is discontinued.**

### **Other Members of the Planning Committee (x10)**

64. In the 2017 the IRP recommended that the other Members of the Planning Committee were paid an SRA simply set at a flat rate of £250. It was recommended to recognise the additional workload of Planning Committee members being above and beyond that expected from other elected Members. In addition there was a Warwick District Council specific additional workload carried out by all Planning Members in the requirement to undertake council organised site visits 6 times per year on Saturday mornings which is not typically the case in other councils.
65. There was strong representation that this SRA should be increased. Benchmarking shows that such a SRA is only paid in two of the 12 other comparator councils (Harrogate £784 and Colchester £1,121) which albeit it a very limited comparison does suggest a case to increase this SRA.
66. The IRP has accepted the case to increase this SRA and in doing so it has reset it at 3.5 per cent of the Leader's recommended SRA, which equates to £572.
67. **The IRP recommends that the SRA for the other 10 Members of the Planning Committee is reset at 3.5 per cent of the Leader's recommended SRA, which equates to £572.** The Chairman is not eligible for this SRA as they are already being recommended an SRA that takes into the account their wider workload and responsibilities on the Planning Committee. In addition where an ordinary Member of the Planning Committee is in receipt of another SRA then they are still bound by the 1-SRA only rule - see below.

### **Chairman of Licensing & Regulatory Committee**

- |  |        |
|--|--------|
| • Licensing & Regulatory Chairman current SRA:     | £3,801 |
| • BM Group Licensing Chairman Mean SRA:            | £3,153 |
| • BM Group Licensing Chairman Median SRA:          | £2,692 |
| • Recommended Licensing & Regulatory Chairman SRA: | £4,083 |

68. The Licensing & Regulatory Committee and its sub Panels discharge the statutory functions in accordance with the Licensing Act 2003 and Gambling Act 2005 which mainly relates to working on the Council's licensing policy and hold hearings where there are objections to licensing applications. The current SRA (£3,801) is alone in being above that paid to peers in the benchmarking group, with a mean SRA of £3,153 and median SRA of £2,692. However, unlike most other councils where Licensing Committees (and their panels) mainly relate to licensed premises, gambling and taxi licensing, the Warwick Licensing & Regulatory Committee has additional functions such as elections and electoral registration, boundary reviews, anti-social behaviour and public footpaths.
69. However, the largest part of this work relates to liquor and gambling applications that are the subject of objections and requests made for the review of licenses. In turn these are now considered by one of the five Licensing Sub Panels, consisting of three Members drawn from the full committee. All Licensing and Regulatory Committee Members are assigned a Sub Panel with each Sub Panel scheduled to meet in rotation so the workload is spread across the full membership. In 2020/21 there was 13 Licensing and Regulatory Sub Panels, with 21 scheduled meetings for 2021/22. It is difficult to ascertain whether this spike in workload will continue going forward but in the post-Rotherham context taxi licensing hearings have become a larger feature than in the past and it is an increasing area of the Chairman's workload and responsibility, not least in keeping up to date with Child Sexual Exploitation issues and proposed legislation in this area.
70. Consequently the IRP feels that based on the multiple functions of the Licensing & Regulatory Committee and the post Rotherham context that the SRA for the Chairman should broadly be maintained at its current level and has reset the at 25% of the Leader's recommended SRA, which equates to £4,083..
71. **The IRP recommends that the SRA for the Chairman of the Licensing and Regulatory Committee is reset at 25 per cent of the Leader's recommended SRA which equates to £4,083.**

### **Chairmen of Overview and Scrutiny Committees (x2)**

- Overview & Scrutiny Chairmen's current SRA: £3,168
- BM Group Overview & Scrutiny Chairmen's Mean SRA: £4,327
- BM Group Overview & Scrutiny Chairmen's Median SRA: £3,608
- Recommended Overview & Scrutiny Chairman's SRA: £4,083



72. The current SRA (£3,168) for the Chairmen of the Scrutiny Committees has been set at 25 per cent of the Leader's SRA.
73. Overview and Scrutiny is the process whereby executive decision-makers are held to account and is a statutory function which has to be discharged by at least one Overview and Scrutiny Committee. They are also tasked with reviewing specific issues within their relevant service areas. The two committees are
- Overview and Scrutiny Committee - prime purpose is to review items to be considered by the Executive, review past decisions, policy development, health and wellbeing issues and any specific issues and problems with any service area
  - Finance & Audit Scrutiny Committee - prime purpose is to provide independent assurance of the adequacy of the risk management framework and the associated control environment and scrutiny of the council's financial and non-financial performance vis-à-vis exposure to risk and audit issues
74. Benchmarking shows that the current SRA (£3,168) paid to Scrutiny Chairmen is below that paid to equivalent posts in the benchmarked councils, with a mean SRA of £4,327 and median SRA of £3,608. However, the benchmarking is somewhat clouded by the unusual scrutiny model in Warwick District Council, in that Finance scrutiny is combined with the Audit function. In all the other comparator councils (except North Warwickshire) they have a separate Audit Committee, with a mean Chairman's SRA of £2,569 and median SRA of £2,692. In this context the SRA paid to the Warwick District Council Scrutiny Chairmen represents value for money through the combination of finance scrutiny and audit functions in one committee.
75. Nonetheless, the IRP has decided that the current ratio of 25 per cent of the Leader's recommended SRA is still appropriate, which equates to £4,083. This places the SRA for the Chairmen of the Scrutiny Committees on a par with the recommended SRA for the Chairman of the Licensing and Regulatory Committee and between the mean and median SRA paid to equivalent posts in the benchmarked councils.
76. **The IRP recommends that the SRA for the Chairmen of the Overview and Scrutiny Committees (x2) remains at 25 per cent of the Leader's recommended SRA, which equates to £4,083 subject to any applicable indexation.**

## **Chairman of the Employment Committee**



- Employment Committee Chairman's current SRA: £1,267
- BM Group Employment Chairman's Mean/Median SRA: NA
- Recommended Employment Committee Chairman's SRA: £1,633

77. The Employment Committee is responsible for approving any policies affecting staff employment, including terms and conditions and oversees arrangements for determining staff appeals. The IRP considered whether the Chairman of the Employment Committee still merited an SRA on the basis that it is scheduled to meet less than most other committees, four times per year and it is not a post that is typically paid elsewhere. However, the IRP has decided to maintain this SRA at 10 per cent of the Leader's recommended SRA as it is a full committee of the Council and it has and will continue to undertake work on staff reorganisation and policies seeking to align with Stratford-on-Avon District Council, in preparation for the proposed merger. For example, while the Employment Committee had four scheduled meetings in 2020/22 it actually met seven times – a pattern the IRP sees no reason to think will not be repeated for 2021/22.

78. **The IRP recommends that the SRA for the Chairman of the Employment Committee remains at 10 per cent of the Leader's recommended SRA, which equates to £1,633, subject to any applicable indexation.**

### Chairman of the Standards Committee

- Standards Committee Chairman's current SRA: £1,267
- BM Group Standards Chairman's Mean SRA: £1,362
- BM Group Standards Chairman's Median SRA: £1,362
- Recommended Standards Committee Chairman's SRA: £817

79. Since the implementation of the Localism Act 2011 there is no longer a requirement to maintain a Standards Committee although the Council still retains residual statutory standards functions. However the Council has decided to maintain a Standards Committee to discharge most of the residual functions. Currently, the Chairman is remunerated on a par with the Chairman of the Employment Committee, i.e., the SRA has been set at 10 per cent of the Leader's SRA.

80. The Standards Committee has five scheduled meetings for 2021/22 but it typically cancels two of them due to lack of business while adding an extra meeting in response to issues arising. Moreover, post Localism Act 2100 the Standards Committee has a reduced remit, in particular complaints now being dealt with by the Monitoring Officer and the statutory post of Independent

Person in the first and typically last instance. There has not been a Standards Hearing since 2014.

81. Consequently, the IRP considered whether an SRA was still merited for this post. It is not typically a remunerated post elsewhere, with only four out of the other 12 comparator councils still maintaining and remunerating a Standards Committee Chairman. The IRP has decided to maintain this SRA on the basis that it is a full committee of the Council and there was a potential role for the Chairman in leading on any hearings arising from complaints against elected Members. However, the IRP has decided not to be guided by the SRA paid to equivalent posts in the comparator councils as the Standards Committees elsewhere often have an additional remit such as governance. In arriving at the recommended SRA the IRP has reset it at five per cent of the Leader's recommended SRA (£16,333), which equates to £817.
82. **The IRP recommends that the SRA for the Chairman of the Standards Committee (x1) is reset at five per cent of the Leader's SRA, which equates to £817, subject to any indexation applicable.**

#### **Chairman of the Warwick District Towns Conservation Advisory Forum (CAF)**

83. The Warwick District Towns Conservation Advisory Forum (or CAF) is a Warwick District Council specific body that reflects the District's special historic and architectural nature. CAF's purpose is to assist in protecting and enhancing the District's historic and architectural character. It consists of stakeholder representatives and two elected Members of the Council who have an interest in the historic environment and planning matters and are appointed as Chairman and Vice Chairman. The Chairman also acts as the Council's Heritage Champion. CAF normally meets every 4 weeks to reflect the planning cycle so that it can make recommendations to the Planning Committee where applications have an impact on historical buildings or where they are of special nature. It is an informal consultative body organised at the Council's discretion.
84. Again the IRP considered whether the Chairman of CAF continued to merit an SRA particularly as it is not a full committee and is advisory in nature. The IRP decided to maintain this SRA as it does make a value contribution to the work of the Planning Committee. However due to its unusual and advisory nature the IRP has decided to reset this SRA at five per cent of the Leader's recommended SRA (£16,333), which equates to £817.
85. **The IRP recommends that the SRA for the Chairman of the Warwick District Towns Conservation Advisory Forum is reset at five per cent of the Leader's recommended SRA, which equates to £817, subject to any indexation applicable.**

## Chairmen of Programme Advisory Boards (PABs X 9)

86. In September 2020 the Council introduced six Programme Advisory Boards (PABs). The aim was to enable backbench Members to have a greater involvement in shaping the Cabinet decisions, particularly on services, key projects and programmes (but no day to day operations). It was envisaged that it would also help to utilise the skills, knowledge and talent of all Members in a more effective way and become a means of nurturing future senior Members. They have four scheduled meetings per year, although additional meetings can and have been scheduled for some of the PABs.
87. In September 2020 the IRP (meeting virtually) recommended an SRA of £260 (now £267 – on a par with the SRA for Planning Members) for the PAB Chairmen on the basis that these SRAs would be reviewed in this full review. In July 2021 it was agreed that the number of PABs should be increased from six to nine to align with the executive portfolios.
88. The IRP has decided that these SRAs are still merited but not on a same level as the IRP has recommended for the SRA for the members of the Planning Committee. While it was recognised “that the work of the PABs had had a positive effect”<sup>8</sup> the IRP heard that the work of each PAB was variable with little consistency across the work and their impact and they were still yet to be fully developed. As such the IRP has reset this SRA at two per cent of the Leader’s recommended SRA, which equates to £327.
89. **The IRP recommends that the SRA for the Chairmen of the PABs (X9) is reset at two per cent of the Leader’s recommended SRA, which equates to £327, subject to any applicable indexation.**

## Opposition SRAs - Leader of the Main Opposition Group

- Main Opposition Group Leader current SRA: £3,201
- BM Group Main Opposition Group Leaders Mean SRA: £3,614
- BM Group Main Opposition Group Leaders Median SRA: £3,388
- Recommended Main Opposition Group Leader SRA: £4,083

90. The 2003 Regulations require that where the Council is controlled by one or more political groups (defined as having a minimum of two Members) then at least one SRA must be paid to an Opposition Member. The current Warwick District Council allowances scheme fulfils this requirement and more by not

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<sup>8</sup> Cabinet Report, “Review and Revisions of Programme Advisory Boards”, 8<sup>th</sup> July 2021

only making provision for Opposition SRAs but through appointing Opposition Members to Chair a number of Committees.

91. Currently the main Opposition Group Leader receives an SRA (£3,201), originally set at 25 per cent of the Leader's current SRA, which is only marginally below that paid to equivalent posts in the comparator councils. The IRP has decided to keep the SRA at 25 per cent of the Leader's recommended SRA, which equates to £4,083.
92. The IRP notes that this is somewhat above the mean SRA (£3,614) and median SRA (£3,388) paid in the comparator group of Councils. However, the IRP is content with this as the role of the Leader of the Main Opposition Group is larger than in most other councils due to the current political context that places additional demands on the Leader of the Main Opposition Group such as attendance at the Leadership Co-ordination Group twice a month. The current political context will in all likelihood not change significantly over the next few years. This is in addition to principal duty of the Leader of the Main Opposition Group to provide a challenge to the controlling administration.
93. **The IPR recommends that the SRA for the Leader of the Main Opposition Group remains at 25% of the Leaders' recommended SRA, which equates to £4,083, subject to any applicable indexation.**
94. **The IRP further recommends that the current provision that if there are two Main Opposition Groups of equal size then the Main Opposition Group Leader's SRA of £4,083 is divided equally between each Main Opposition Group Leader, which equates to £2,042, is maintained. The same principle should be extended in the highly unlikely event that there are more than two Main Opposition Groups of equal size.**

### **Leaders of Other Opposition Groups with at least four Members**

- Other Opposition Group Leaders current SRA: £1,267
- BM Group Other Opposition Group Leaders Mean SRA: £1,948
- BM Group Other Opposition Group Leaders Median SRA: £1,559
- Recommended Other Opposition Group Leaders SRA: £1,633

95. Currently, where other Opposition Groups attain a minimum of four members then their Group Leader receives an SRA of £1,267. This was originally set at 10 per cent of the Leader's SRA. In the current political context this SRA applies to two other Opposition Group Leaders, although under the 1-SRA only rule it means that the respective Group Leaders of other Opposition Groups are not paid this SRA as they hold other remunerated posts.

96. The IRP received no evidence that the current ratio of 10 per cent of the Leader's SRA was still not appropriate in arriving at the recommended SRA for the Leaders of other Opposition Groups, subject to having four group members.
97. **The IRP recommends that where an Other Opposition Group reaches the qualifying criteria of having a minimum of four Group Members then they receive an SRA set at 10 per cent of the Leader's recommended SRA, which equates to of £1,633, subject to any indexation applicable.**

### **Other SRAs considered**

98. The IRP considered whether there was a case to remunerate other posts not currently in receipt of an SRA, particularly Members appointed to Licensing Sub Panels, but the evidence to support any additional SRAs was limited so the IRP is not making any recommendations in this regard.

### **Maintaining the 1-SRA Only Rule**

99. In common with most Councils Warwick District Council has adopted what is known as the 1-SRA only rule; in that regardless of the number of remunerated posts held by an elected Member they can be paid 'one SRA only. Out of the 12 councils in the benchmarking group only Harrogate puts no limit on the number of SRAs a Member can be paid, with Charnwood paying 50 per cent of a second SRA a Member may be eligible for. No evidence was received to change the 1-SRA only rule for Warwick District Council.
100. **The IRP recommends that the 1-SRA only rule is maintained.**

### **The Co-optees' Allowance**

101. The scheme contains provision for a Co-optees' Allowance (£300 per year) for non-elected Co-optees appointed to the Council's committees and panels in accordance with Part III the Local Government Act 2000. At the present time there are no standing Co-optees on any Council committee but this may not be the case in the future. To future proof the scheme **the IRP recommends that provision for a Co-optees' Allowance at £300 is maintained, subject to any indexation applicable, and to be paid to any standing Co-optees the Council appoints.**

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

102. While no issues were raised with the IRP by Members regarding the DCA it is noted that it has not been claimed for a number of years despite a handful of Members being eligible to claim it. The IRP understands that there may be reluctance on the part of eligible Members to claim the DCA as it appears as a published expense against a Members' name in the annual statutory publication of remuneration and reimbursements received by each Member.
103. The IRP takes this opportunity to point out that this allowance was given recognition in statute and is specifically designed to reduce a potential barrier to being an elected Member for those with caring responsibilities. The IRP suggests that if it is known that a Member has caring responsibilities then the DCA is specifically brought to their attention. It should also be noted that approved duties for which the DCA may be claimed are determined by statute.
104. However, the DCA does require some clarification and updating particularly regarding differentiating between different types of care. Currently, the maximum rate for which the DCA may be claimed is the National Living Wage (NLW) (£8.91 per hour for those aged over 23) regardless of the type of care provided. The scheme also points that this is a contribution to the cost of caring for dependants while on approved duties, rather than designed to cover all costs of dependants' care while a Member is carrying out an approved duty.
105. The IRP supports the childcare element to continue to be set at the maximum rate of the National Living Wage (NLW) but as with many DCA schemes in other Councils also feels that a separate category of care and maximum rate should be added. In particular, the DCA should add the category of elderly/disabled dependants' care, which by definition will be more costly than childcare. The IRP, in common with practice elsewhere, has decided that the maximum hourly rate for the new category of elderly/disabled dependants' care should be set at the hourly rate charged by Warwickshire County Council Social Services for a Home Help.
106. **The IRP recommends that the Dependants' Carers' Allowances is differentiated to recognise two categories of dependants, namely**
- **Childcare** maximum hourly rate claimable set at National Living Wage
  - **Elderly/Disabled care** maximum hourly rate claimable set at hourly rate charged by Warwickshire County Council for a Home Help

### Travel & Subsistence Allowances - for within the District



107. The IRP received some representation that Members should have provision for claiming in-authority travel restored, after the IRP had discontinued it following the 2017 review. The issue was particularly raised in relation to travel costs of Members who represent the more rural wards and need to undertake not insignificant travel to visit constituents. It was also raised in relation to those Members who attend Parish and Town Council meetings within their electoral division in that they should be able to claim a travel allowance for such meetings.
108. The IRP has not accepted this representation. Visiting constituents and attending Parish Council meetings were never defined as approved duties even when Members had the right to claim in-authority travel. In any case, part of the rationale behind the recommended increase in the Basic Allowance back in 2017 was so that it was deemed inclusive of all such expenses.
109. **The IRP recommends that there should be no change to current situation in that Members cannot claim travel and subsistence allowances for attending any duties within the district.**
110. The IRP points out that Members retain the ability as individuals to seek tax relief for any costs incurred in carrying out their council related duties for which they cannot otherwise claim reimbursement as long as they can show such "travelling expenses were "necessarily incurred in the performance of the duties of their office."<sup>9</sup>

### **Travel and Subsistence Allowances - Outwith the District**

111. It is a different context when a Member has to travel outwith the District to represent the Council at regional and national meetings or attend conferences. In these cases Members are incurring expenses that are beyond 'incidental' and are not typically incurred through a Member's routine work. The IRP received no evidence to change the current approved duties and conditions for which the Travel and Subsistence Allowances may be claimed outwith the district with one minor amendment. The scheme should be amended to specify the applicable mileage rate if a Member is attending an approved duty outwith the district by travelling in a hybrid/electric vehicle. The HMRC mileage rates are the same as when travelling by a petrol/diesel vehicle, namely 45p per mile.
112. **The IRP recommends that the current Travel and Subsistence approved duties and rates should be maintained for Members undertaking approved duties outwith the district and that the scheme should be amended to specify that where Member is attending an approved duty**

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<sup>9</sup> See 2006 Statutory Guidance paragraph 108.

**outwith the district by travelling in a hybrid/electric vehicle then the mileage rates are the same as when travelling by a petrol/diesel vehicle, namely the HMRC Approved Mileage Allowance Payment (AMAP) rate, which is currently 45p per mile.**

### **The Civic Allowance – Council Chair and Vice Chair**

113. Although the payment of the Civic Allowance is outside the remit of the 2003 Regulations the IRP has been asked by the Council, in the absence of any other external validation, to provide a view on the payment of the Civic Allowance to the Council Chair and Vice Chair.
114. The Civic Allowance is payable under the 1972 Local Government Act (s3(5) and (s5(4) whereby a Council “may pay the chair and vice chair an allowance which it thinks reasonable for the purpose of meeting the expenses of those offices.”<sup>10</sup> The current Civic Allowance for the Council Chair is £4,435 and the Vice Chair £1,267, which is 28.5 per cent of the Chair Civic Allowance.
115. The IRP was informed that the role of the Civic Head (and by extension the Deputy Civic Head) had radically altered in the past year with a dramatic reduction in the number of external events the Council Chair is required to attend down to a handful a year. This has also dramatically reduced the “expenses of those offices.” Although the Civic Allowance is not an SRA the IRP does note that the Council Chair is still required to chair eight Council meetings per year and recognises that the Civic Allowance does in effect partially recognise this responsibility.
116. However, in light of having a dramatically reduced number of external events to attend and therefore much reduced costs the IRP has reset the Chair’s Civic Allowance at 25 per cent of the Leader’s recommended SRA, which equates to £4,083. The IRP has further decided to maintain the current ratio of the Deputy Chair’s Civic Allowance vis-à-vis the Chair’s recommended Civic Allowance, which is 28.5 per cent, which equates to £1,164.
117. **The IRP recommends that the Civic Allowance for the Council Chair is reset at 25 per cent of the Leaders’ recommended SRA, which equates to £4,083 and that the Civic Allowance for the Deputy Chair remains at 28.5 per cent of the Chair’s Civic Allowance, which equates to £1,164. Both the Council Chair and Deputy Chair’s Civic Allowances should also have relevant indexation applied.**

### **Other Issues Arising I – Administration/IT Support**

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<sup>10</sup> 2006 Statutory Guidance, paragraph 90



118. An issue raised with the IRP related to the level of IT and administrative support that Members receive. Members are issued with an iPad but it was argued that a laptop may be more pertinent for their needs. Similarly, it was argued that for senior Members in particular enhanced administrative/secretarial support would be useful.
119. However, the IRP was informed that the extent of IT and administrative support that is provided to Members is a decision reserved to full Council and if Council felt that current provisions needed revision then it could do so. As such, **the IRP is not making any recommendations in this regard.**

### **Other Issues Arising II – Job Descriptions or Role Profiles for Members**

120. Another issue raised with the IRP was the lack of “job descriptions” for elected Members. This was raised particularly in relation to senior Members in that they should be given some indication of the demands and commitments required before they take on a senior role.
121. This is a tricky issue to address. Legally Members are not employees so they cannot be given “job descriptions” or role profiles that are binding in terms of required time commitments and the demands of the roles. The reality is that the time commitment of the backbench role can be deduced from the fact that the Basic Allowance is based on an expectation of an average of 12 hours per week input. For post holders, it is more difficult as different individuals bring different ways of working to their posts and have differing capacities. All the IRP can do is note that there is nothing in English local government law that recognises even senior Members as a full time professional role, even though it is noted that currently the demands on the Leader of Warwick District Council have increased to the point where there are many weeks it is effectively a full time role.
122. Whilst the IRP had some sympathy with the notion of job descriptions it felt that was a matter for the Council as it was beyond the remit of the IRP. In particular, that in moving from a “the job is what you make it” philosophy to a more prescriptive regime of defined job descriptions, the Council may be unduly burdening itself. This is due to the raft of work required to create and agreeing job descriptions and then the consequent burden of keeping them up to date, meaningful and relevant in a constantly changing environment; not to mention what is to be done if they are ignored as they have no legal standing.
123. Consequently, due to the legal context and differing perceptions and capacities regarding how in particular senior roles are taken on **the IRP is not making any recommendations regarding the adoption of “job descriptions” or role profiles for elected Members.**

### **Other Issues Arising III – Maternity, Paternity and Adoption Leave**

124. Finally, the issue was raised with the IRP that there was lack of clarity regarding allowances payable if and when a Member had to take maternity leave. Again, as Members are not legally classified as employees they have no statutory maternity (or paternity or adoption) leave rights.
125. However, there is nothing to stop a Council voluntarily agreeing to pay allowances for when a Member is required to take maternity leave. As long as a Member abides by the requirement of the six month rule (which requires them to attend an approved duty at least once every six months unless given an exception by the Council) they can continue to be paid their Basic Allowance and if applicable their SRA. The IRP supports such a policy and it should also be extended to include not just maternity leave but also paternity and adoption leave.
126. **The IRP recommends that the allowances scheme is amended to include a statement that clarifies the continued right of remuneration for a Member when they are required to take maternity, paternity or adoption leave for up to a period of 12 months, subject to the legal attendance requirements.**

### **Indexation**

127. The IRP has historically supported the right of the District Council to index allowances in accordance with the 2003 Regulations (10. (4)). It is now common practice across all English local authorities and was almost universally supported in the representation received. Historically and in common with most other English local authorities the principal indexation utilised has been what is known as the NJC index. This is the annual percentage salary increase for local government staff (at spinal column 43 – top spinal point since 2019) as agreed each year by the National Joint Council (NJC) for Local Government Services. The IRP has no reason to change its policy on the indexation of Members Allowances in Warwick District Council. It helps to prevent allowances losing their relative value, which necessitates periodic substantial increases simply to maintain their value.
128. **The IRP recommends that the following indices are applied to the allowances paid to Members of Warwick District Council:**

**Basic Allowance, SRAs, Civic and Co-optees' Allowances:**

- Indexed to the annual percentage salary increase for local government staff (at spinal column 43) as agreed each year by the National Joint Council for Local Government Services and applicable to the same year it applies to Officers but with an implementation date from the start of the municipal rather than financial year.

**Mileage Allowance (Outwith only):**

- Members' mileage allowances rates should be indexed to HMRC Approved Mileage Allowance Payment (AMAP) rates.

**Subsistence Allowances (Outwith only):**

- Subsistence allowances should be indexed to the same rates that are applicable to Officers.

**The Dependants' Carers' Allowance:**

- Child care: maximum hourly rate claimable indexed to the National Living Wage.
- Elderly/Disabled care: maximum hourly rate claimable indexed to the hourly rate charged by Warwickshire County Council Social Services Department for a Home Help.

129. **The IRP also recommends that indexation should run for four years (2021-2025), which is the maximum length of time permitted by the 2003 Regulations (10. (5)).**

**Implementation**

130. **The IRP recommends that the new scheme of allowances based on the recommendations contained in this Report is adopted from the date of the Council's meeting on 20<sup>th</sup> October 2021 for implementation on 1<sup>st</sup> November 2021, or any date thereafter agreed by the Council. The exception to this is that the allowances need to be revised to allow for indexation based upon the pay award to Officers for 2021/22 which is yet to be agreed.**

## **APPENDIX 1 - - Information reviewed by the IRP**

1. IRP Terms of Reference
2. Warwick Council Members' Allowances Scheme 2020/21 including full schedule of SRAs payable and travel and subsistence allowances including approved duties
3. The Councils annual statutory publication of Members' allowances and expenses received by each Members including category sub totals, 2020/21, including other support/items provided to Members.
4. Members' Allowances Review, IRP Report March 2017
5. Minutes recording decision re: March 2017 IRP Report as set out in Report to Executive, 128<sup>th</sup> June 2017 and Council 20<sup>th</sup> September 2017
6. Diagram/Flowchart of Warwick District Council Committee structure
7. Calendar of Council Meetings 2020/21, including the number of:
  - Meetings that were cancelled in 2020/21
  - Licensing and/or Regulatory Panel meetings for last 4 years and who chaired them
  - Standards hearings for past 4 years and who chaired them
8. Calendar of Council Meetings 2021/22
9. Terms of Reference for Committees, Panels, etc., including the membership of the Executive and Committees and who chairs them
10. Summary of main changes to Constitution/Committees since 2017
  - Verbal report from Graham Leach, Democratic Services Manager and Deputy Monitoring Officer
11. Council Minutes, 2<sup>nd</sup> September 2020, SRA for Programme Advisory Board Chairs and Report to Cabinet, Review & Revisions of Programme Advisory Boards, 8<sup>th</sup> July 2021
12. Copy of replies to aide memoire sent to all elected Members
13. Members Allowances Statutory Guidance May 2006
14. Local Government Association, summary of hours worked (mean per week) by Councillors (by Council type/positions held), Census of Councillors 2018
15. Annual Survey of Hours and Earnings (ASHE), Table 7.1a, average weekly earnings (gross) for all full time employee jobs in the District of Warwick, provisional results, October 2020
16. National Employers for Local Government Services: Local Government Pay July 2021, National Employers pay offer of 1.75% (on all NJC Pay points 2 and above), 27<sup>th</sup> July 2021

17. Benchmarking data 1 - summary of allowances paid in the benchmarked councils 2020/21 or the latest data available
  - WDCs CIPFA 8 Nearest Neighbours + 4 other Warwickshire District Councils
18. Benchmarking data 2 – NHS structure to align remuneration for Chairs & Non-Executive Directors of NHS Trusts and Foundation Trusts, November 2019
19. Office for Low Emissions Vehicles, Ultra Low Emission Vehicles Tax Benefits, 2018
20. Copy of power point Presentation to IRP on Reviewing Allowances and the Warwick District Council model by IRP Chair
21. The Local Authorities (Members' Allowances) (England) Regulations 2003, SI 2003/1021

## APPENDIX 2 - Member Interviewees

- |     |                         |  |
|-----|-------------------------|--|
| 1.  | Cllr A. Boad:           | Leader Liberal Democrat Opposition Group & Chairman of Planning Committee  |
| 2.  | Cllr I. Davison         | Leader of Green Opposition Group   |
| 3.  | Cllr A. Day             | Leader of Council & Conservative Group and Portfolio Holder for Strategic Leadership                                       |
| 4.  | Cllr A. Evans           | Back Bench Member (Green Party)  |
| 5.  | Cllr G. Illingworth TD: | Chairman of Standards Committee (19/20) & Chairman of Licensing & Regulatory Committee (20/21) (Conservative)              |
| 6.  | Cllr T. Heath           | Leader Whitnash Residents Association & Chairman of Licensing & Regulatory Committee (19/20), Vice Chairman of the Council |
| 7.  | Cllr J. Nicholls        | Labour Group Opposition Leader & Chairman of Finance & Audit Scrutiny Committee  |
| 8.  | Cllr R. Hales           | Deputy Leader & Portfolio Holder for Transformation (Conservative)   |
| 9.  | Cllr M. Mangat          | Chairman of Transformation Programme Advisory Board (Labour)   |
| 10. | Cllr J. Matecki         | Portfolio Holder for Homes, Health & Well Being (Conservative)   |
| 11. | Cllr R. Margrave        | Chairman of Employment Committee (19/20) & Chairman of Standards Committee (20/21) (Whitnash Residents Association)        |
| 12. | Cllr T. Morris          | Vice Chairman of Planning Committee (Conservative)   |
| 13. | Cllr S. Syson           | Chairman of Warwick Town Advisory Forum (Liberal Democrat)   |

### **APPENDIX 3 - - Officer Briefings**

Chris Elliot

Chief Executive

Graham Leach:

Democratic Services Manager and Deputy  
Monitoring Officer

**APPENDIX 4 – Benchmarking**

<b>BM1 Warwick DC Benchmarking Group - Warwicks DCs + 8 CIPFA NN: BA + Exec + Scrutiny SRAs (2020/21 *unless stated)</b>									
Comparator Council	BA	Leader	Leader Total	Deputy Leader	Other Cabinet	Cabinet Deputies	Chair Main O&S	Vice Chair Main O&S	Chairs Scrutiny Panels etc.
<b>Chelmsford</b>	£6,111	£23,982	£30,093	£15,822	£11,989	£5,994	£7,914	£2,997	
<b>Cheltenham</b>	£5,698	£16,592	£22,290	NA	£13,997		£2,947	£1,473	
<b>Maidstone</b> (19/20)	£5,065	£20,002	£25,067	committee system					NA
<b>Harrogate</b>	£5,519	£17,421	£22,940	£8,710	£5,807		£5,807	£1,161	
<b>Stafford</b> (21/22)	£4,859	£11,337	£16,196	£8,098	£6,154		£3,455		
<b>Colchester</b> (21/22)	£7,116	£21,347	£28,463	£13,449	£12,808				£7,474
<b>Charnwood</b> (21/22)	£5,318	£12,883	£18,201	£9,017	£5,153	£2,209	£3,864	£1,547	£3,608
<b>Tunbridge Wells</b> (19/20)	£5,500	£19,250	£24,750	NA	£11,000		£1,375		
<b>North Warwicks</b> (18/19)	£5,077	£11,207	£16,284	committee system					NA
<b>Nuneaton &amp; Bedworth</b>	£5,134	£12,835	£17,969	£8,344	£7,336				£4,040
<b>Rugby</b> (19/20)	£6,822	£18,605	£25,427	NA	£5,685				£3,344
<b>Stratford-on-Avon</b> (21/22)	£6,129	£13,790	£19,919	£7,585	£6,895		£5,516		
<b>Warwick</b>	<b>£5,632</b>	<b>£12,671</b>	<b>£18,303</b>	<b>£6,336</b>	<b>£5,702</b>				<b>£3,168</b>
<b>Mean</b>	£5,691	£16,302	£21,992	£9,670	£8,411		£4,411	£1,795	£4,327
<b>Median</b>	£5,519	£16,592	£22,290	£8,527	£6,895		£3,864	£1,510	£3,608
<b>Highest</b>	£7,116	£23,982	£30,093	£15,822	£13,997		£7,914	£2,997	£7,474
<b>Lowest</b>	£4,859	£11,207	£16,196	£6,336	£5,153		£1,375	£1,161	£3,168
<b>SRAs Mean Ratios/mean Leaders SRA</b>		2.9 X BA		59%	52%		27%		27%



<b>BM2 Warwick DC Benchmarking - Other Warwicks &amp; 8 NNs DCs: Regulatory SRAs (2020/21 * unless stated)</b>									
<b>Comparator Council</b>	<b>Chair Planning</b>	<b>Planning Vice Chair</b>	<b>Members Planning</b>	<b>Chair Licensing</b>	<b>Licensing Vice Chair</b>	<b>Chairs Licensing Panel &amp;/or Appeals</b>	<b>Chair Standards</b>	<b>Chair HR &amp;/or Employment</b>	<b>Chair Audit &amp;/or Governance</b>
<b>Chelmsford</b>	£7,914	£3,957		£5,994					£1,203
<b>Cheltenham</b>	£3,767	£1,881		£884	£589		£326		£737
<b>Maidstone</b> (19/20)	£8,000			£4,000		£82 p/mtng			£4,000
<b>Harrogate</b>	£5,807	£1,161	£784	£2,323				£1,161	£1,161
<b>Stafford</b> (21/22)	£4,535			£1,728		£1,728	£1,080		£2,483
<b>Colchester</b> (21/22)	£7,471		£1,121	£6,404					£4,269
<b>Charnwood</b> (21/22)*	£3,864	£1,547		£2,576	£773		£1,547		£3,608
<b>Tunbridge Wells</b> (19/20)	£5,500	£1,320		£1,375			£2,588		£1,375
<b>North Warwicks</b> (18/19)	£5,083	£1,780		£1,780					
<b>Nuneaton &amp; Bedworth</b>	£4,771			£2,692					£2,692
<b>Rugby</b> (19/20)	£3,981			£3,981		£569			£3,286
<b>Stratford-on-Avon</b> (21/22)	£6,206	£2,069		£3,448		£1,724			£3,448
<b>Warwick</b>	£4,435	£1,109	£267	£3,801			£1,267	£1,267	
<b>Mean</b>	<b>£5,487</b>	<b>£1,853</b>	<b>£724</b>	<b>£3,153</b>		<b>£1,340</b>	<b>£1,362</b>		<b>£2,569</b>
<b>Median</b>	<b>£5,083</b>	<b>£1,664</b>	<b>£784</b>	<b>£2,692</b>		<b>£1,724</b>	<b>£1,267</b>		<b>£2,692</b>
<b>Highest</b>	£8,000	£3,957	£1,121	£6,404		£1,728	£2,588		£4,269
<b>Lowest</b>	£3,767	£1,109	£267	£884		£569	£326		£737
<b>Mean Ratio SRA/Leaders SRA</b>	34%			19%		8%	8%		16%

<b>BM3 Warwick DC Benchmarking Group: Other Warwicks &amp; 8 NNs DCs - Group &amp; Misc SRAs 2020/21</b> (*unless indicated)				
<b>Comparator Councils</b>	<b>Main Opposition Group Leader</b>	<b>Deputy Leader Main Opposition</b>	<b>Minor Opposition Group Leader</b>	<b>Other SRAs &amp; Comments</b>
<b>Chelmsford</b>	£7,914		£1,203	Chair Policy Board £7,914, Chair Governance £1,203
<b>Cheltenham</b>	£656		£656	Chair Development Policy £7,380, Chair Governance £1.119
<b>Maidstone</b> (19/20)	£403 p/Mbr		£403 p/Mbr	Licensing Panel Members £62 per meeting
<b>Harrogate</b>	£2,903		£1,742	Licensing Panel Members £580 after 5 meetings, Chair General Purposes £1,161, Any Mbr chairing ad hoc Board or Panel £29 p/mtnng, Annual IT Allowances £288, >1 SRA payable
<b>Stafford</b> (21/22)	£4,319			Chair Employee Appeals £1,026 and Vice Chair Planning £972 - latter 2 SRAs only paid if Mbr has chaired meeting in preceding quarter
<b>Colchester</b> (21/22)	£5,183		£4,714	Chairs Crime & Disorder, Local Plan, Policy Board, Environment & Sustainability £4,269, Licensing Members £480
<b>Charnwood</b> (21/22)	£4,319			Vice Chairs Scrutiny £1,443, 2 Vice Chairs Licensing each get £773 SRA, All Mbrs receive a PC or tablet, printer & appropriate software & support. No broadband paid
<b>Tunbridge Wells</b> (19/20)	£3,575		£1,375	Chairs General Purposes + Joint Transportation Board £1,375
<b>North Warwicks</b> (18/19)	£4,041	£1,780	£1,780	Chairs Safer Communities + Special Sub Committees £1,780
<b>Nuneaton &amp; Bedworth</b>	£2,692			£383 annual Telephone Allowance
<b>Rugby</b> (19/20)	£2,844		£2,844	Vice-Chair Audit & Ethics £1,401
<b>Stratford-on-Avon</b> (21/22)	£1,724			2 Vice Chairs Planning each get SRA £2,069
<b>Warwick</b>	<b>£3,201</b>		<b>£1,267</b>	<i>Chair Warwick Towns Conservation Forum £1,267, Chair a Programme Advisory Board £267</i>
<b>Mean</b>	<b>£3,614</b>		<b>£1,948</b>	
<b>Median</b>	<b>£3,388</b>		<b>£1,559</b>	
<b>Highest</b>	<b>£7,914</b>		<b>£4,714</b>	
<b>Lowest</b>	<b>£656</b>		<b>£656</b>	
<b>Mean Ratio/mean Leaders' SRA</b>	<b>22%</b>		<b>12%</b>	