

9. INDEPENDENT REVIEW OF MEMBERS ALLOWANCES (AMC)

1. Purpose of the report

To consider the report of the Independent Person appointed to carry out a review of the Authority's Members' Allowances Scheme.

Key Issues

- **The Authority's Member Allowance Scheme was subject to a comprehensive independent review in 2018 and the current Scheme was approved for 4 years from the beginning of April 2019 until the end of March 2023.**
- **This independent review is to check if, as it approaches the end of 4 years, the current Scheme requires any further amendments.**
- **The independent review has been conducted by Dr Declan Hall who conducted the comprehensive review in 2018 and Dr Hall will be present at the meeting.**
- **The Authority's Member Code of Conduct provides that, despite having a prejudicial interest, Members may speak and vote on matters relating to an allowance, payment or indemnity given to Members subject to disclosing that interest at the meeting.**

2. Recommendations

1. **To note the findings of the Independent Review of Members Allowances produced by Dr Declan Hall and set out in Appendix 1.**
2. **To consider whether to accept, reject or modify the following recommendations set out in the Independent Review Report:**
 - a. **To increase the Basic Allowance paid to all Members to £2,568 subject to any applicable indexation for 2022/23.**
 - b. **To continue paying an additional Special Responsibility Allowance to the following six positions of responsibility at the rates indicated:**
 - i. **Chair of the Authority at a multiple of 2.6 times the recommended Basic Allowance**
 - ii. **Deputy Chair of the Authority at 50% of the allowance paid to the Chair of the Authority**
 - iii. **Chair of Planning Committee at 50% of the allowance paid to the Chair of the Authority**
 - iv. **Vice Chair of Planning Committee at 60% of the allowance paid to the Chair of Planning Committee**
 - v. **Chair of Programmes and Resources Committee at 40% of the allowance paid to the Chair of the Authority**
 - vi. **Vice Chair of Programmes and Resources Committee at 50% of the allowance paid to the Chair of Programmes and Resources Committee.**
 - c. **To confirm that no additional Special Responsibility Allowance is paid to:**
 - i. **All Members of Planning Committee**
 - ii. **Member Champions.**
 - d. **To continue the allowance paid to Co-optees at 25% of the Basic Allowance.**

- e. **To continue the allowance paid to the Independent Persons at 50% of the Basic Allowance.**
 - f. **To maintain the existing travel rates so that they continue to match the rates paid to employees, subject to the inclusion of a statement in the Members Allowances Scheme to state that claims made for travel by hybrid/electric vehicles are also payable at HMRC rates, currently 45p per mile.**
 - g. **To maintain the existing subsistence rates so that they continue to match the rates paid to employees.**
 - h. **To note that the Authority does not have the statutory power to set or pay an allowance to contribute to the cost of care for Members' Dependents while they are engaged on Authority business and also that the Authority does not have the power to vary the amount of Basic Allowance paid to Members based on attendance at Meetings.**
 - i. **To index the approved payments set out in the Authority's Members' Allowances Scheme as follows:**
 - i. **Basic Allowance, Special Responsibility Allowances, Co-optees' Allowance and Independent Persons annual remuneration are indexed to the annual percentage salary increase for local government employees (at spinal column 43 or the equivalent level if the spinal column points are revised), to be applied from the same year that applies to employees.**
 - ii. **Travel Allowances including Mileage Rates, and Subsistence Allowances indexed to the same rate that is applicable to employees, except the Passenger Supplement Mileage rate.**
 - j. **To apply these indices for four years from date of the first application of the relevant indices to the Basic Allowances and Special Responsibility Allowances on 1st April 2023 to the end of the financial year 2027.**
3. **To confirm that any changes to the Scheme will be effective from 1st April 2023 and not backdated.**

How does this contribute to our policies and legal obligations?

3. The principal legislation and guidance governing allowances is:
 - The Local Government and Housing Act 1989 (as amended by the Local Government Act 2000), provides the Authority with the powers to pay Members basic, special responsibility and other allowances.
 - The Local Authorities (Members Allowances) (England) Regulations 2003 ("the Regulations") and supporting guidance ("the Guidance"). The Regulations do not give a National Park Authority the power to pay a dependent carer allowance.
4. Under the provisions of the legislation the Authority is required to make a Scheme of Allowances and can exercise local discretion on the amounts to pay under the Scheme. In approving the Scheme and setting these payments the Authority is not required to establish an Independent Remuneration Panel.

Background Information

5. The Authority's current Members allowance scheme was agreed by the Authority in July 2018 following a comprehensive independent review by Dr Declan Hall, a former academic who specialises in the field of Members' allowances and support. The scheme was approved for a period of 4 years from April 2019 to March 2023 (Minute No 30/18).
6. As the end of the approved 4-year period for the current scheme is approaching it was considered prudent to ask Dr Hall to conduct a further check of the scheme to ensure it was still comparable with other relevant authorities' schemes and the Chair of the Authority agreed. Dr Hall was commissioned to conduct a review of the current scheme, which included inviting evidence from Members and Officers and gathering comparative data from local authorities and other national park authorities. Full details of his review and proposals are given in Appendix 1 of this report.

Proposals

7. A copy of Dr Hall's report and recommendations are attached as Appendix 1. An Executive Summary of the report is provided on pages 2 and 3 of the Appendix.
8. Members are asked to consider the report and its recommendations. In approving any changes to its Members' Allowances Scheme the Authority does have discretion on whether to implement the recommendations in the report. Members are free to accept, reject or amend any or all of the recommendations. Dr Hall will be present at the meeting to present his findings and answer any questions.

Are there any corporate implications members should be concerned about?

Financial:

9. Costs from carrying out the review can be contained in the Member Services budget.
10. If all the proposals set out in the report are approved the total full year cost of basic and special responsibility allowances would be £98,970 (Before tax and National Insurance deductions). This represents an increase of £4,957 from the rates paid in 2021/22 (This includes the April 2021 increases arising from the previously agreed index). The increase will be met by increasing the Member Services baseline budget.

Risk Management:

11. There is a risk that if the Authority does not have a robust Allowances Scheme that has been considered in the context of a recommendation by an Independent Person the Authority may have difficulty in recruiting and retaining Members.

Sustainability:

12. No issues.

Equality, Diversity and Inclusion:

13. The scheme applies to all Authority Members.

14. Climate Change

No issues.

15. Background papers (not previously published)

None.

16. Appendices

Appendix 1 - An Independent Review of Members Allowances for the Peak District National Park Authority – A Report by Declan Hall PhD, August 2022.

Report Author, Job Title and Publication Date

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