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To: The Chair and Members  
of the Procedures  
Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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Date: 25 January 2023

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**PROCEDURES COMMITTEE**

Thursday, 2nd February, 2023

A hybrid meeting of the Procedures Committee is to be held on the above date at 8.45 am at Microsoft Teams / Roborough Room to consider the following matters.

Jan Spicer  
Interim Chief Executive

**A G E N D A**

**PART I - OPEN COMMITTEE**

1 Apologies for absence

2 Minutes

Minutes of the meeting held on 20 September 2022.

3 Items requiring urgent attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

## **MATTERS FOR DECISION**

- 4 Report of the Independent Members Allowances Remuneration Panel for 2023/2024 (Pages 1 - 34)

Report of the Independent Members Allowances Remuneration Panel for 2023/2024, attached.

The Chair of the Panel will be in attendance.

*Electoral Divisions(s): All Divisions*

## **MATTERS FOR INFORMATION**

NIL

## **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED**

NIL

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# REVIEW OF MEMBERS ALLOWANCES

Independent Remuneration Panel

HEATHER MORGAN  
BRYONY HOULDEN  
STEVE BARRIBALL

FEBRUARY 2023

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## 1.0 **Background**

1.1 The Panel first reported in March 2000 and have reported every year since then, including a large scale review in 2003. Further large scale reviews were completed in 2015 and again in 2018.

1.2 The last few years have seen an unprecedented period of austerity, restrictions and budget restraints in Local Government spending which has impacted on both staff wages and consequently Members allowances. The Panel have kept a close brief on national issues, budgets, policy directions, consultations, the impact of COVID-19 on Councillor work and also the local landscape including allowances schemes and the actions of other Local Authorities. Current considerations also include the cost of living crisis.

1.3 The last report of the Panel (February 2022) commented on and recommended the following:

*8.1 The Panel has concluded that the structure of the Allowance Scheme for Devon is fit for purpose and based on sound principles.*

*8.2 The Panel has conducted a wide-ranging review, taking into account the usual benchmarking data, organisational structures, view of other Authorities, workloads of Councillors and the most recently conducted census survey, the views of Members and other relevant factors.*

*8.3 Up until 2017, the Panel had consistently recommended increases in the Basic Allowance, with corresponding increases in the level of SRAs and the recommendations had not been implemented, hence the level of allowances in Devon had fallen behind. The Panel were pleased that in 2018, 2019 and 2020, the Council listened to their recommendations and their strong evidence base to increase the Basic Allowance. The Council also agreed with the Panel in 2021 to freeze allowances.*

*8.4 Taking into account the evidence available and for the reasons set out above, the panel recommends that:*

- i. The basic structure of the current scheme is endorsed and retained;*
- ii. The Panel feels it important not to depart from the panel's established formula of calculating the basic allowance and that the basic allowance continues to increase by the NJC Staff Pay Award for 2021/22 (still being negotiated at the time of writing this report) to take effect from May 2022 and the multipliers be recalculated accordingly;*
- iii. that the overnight rate for London remain at £153.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London from 2019 (noting that the most recent figures are very much skewed due to the impact of the pandemic on the hospitality sector*

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- iv. *Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;*
- v. *The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;*
- vi. *That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and*
- vii. *The Panel wish to place on record their appreciation to Councillors for their Leadership throughout the pandemic, noting that Members had worked tirelessly in their communities, especially given concerns raised in paragraph 3.5, and also adapted to remote working practices to ensure democratic processes continued.*

1.4 The Procedures Committee, on the 8 February 2022, welcomed the Report of the Independent Panel and thanked its Members for their work and asked the County Council to accept the recommendations outlined below.

(a) that the Report of the Independent Panel be welcomed and its Members be thanked for their work;

(b) that the Committee notes the Report's conclusions and asks the County Council to accept the recommendations outlined below.

- i. that the basic structure of the current scheme is endorsed and retained;
- ii. that Council does not depart from the panel's established formula of calculating the basic allowance and that the basic allowance continues to increase by the NJC Staff Pay Award for 2021/22 (still being negotiated at the time of writing this report) to take effect from May 2022 and the multipliers be recalculated accordingly (*Note – the award was subsequently 1.75% – see paragraph 2.11*);
- iii. that the overnight rate for London remains at £153.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London from 2019 (noting that the most recent figures are very much skewed due to the impact of the pandemic on the hospitality sector);
- iv. Careful consideration be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;
- v. that the sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;
- vi. that Group Leaders take a robust approach to the performance management of their Members and note the Panel's thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and
- vii. that Council note the Panel's appreciation to Councillors for their Leadership throughout the pandemic, noting that Members had



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worked tirelessly in their communities, especially given concerns raised in paragraph 3.5 of the Report, and also adapted to remote working practices to ensure democratic processes continued.

1.5 The composition of the Panel is:

Heather Morgan – (Chair) Tribunal Judge (since 2002)

Bryony Houlden – Chief Executive of South West Councils (since 2015)

Steve Barriball – Former Chief Executive of Citizens Advice, Exeter (since 2017)

1.6 The Panel's appointments are until May 2025, having been re-appointed in 2021 through the Annual meeting of the Council.

1.7 The primary role of the Panel has been to assess the allowances for being an elected Councillor, representing the diverse communities that make up Devon now and into the future. The Panel's contribution has been to ensure that Councillors have the financial recognition to fulfil some of the most demanding roles that exist in public life.

1.8 In preparation for this years report, the Chair has maintained regular contact with the Council, regularly meeting both the IRP advising officer and then the Leader of the Council (on 15 September 2022) to obtain feedback on the 2022 Panel Report, kept abreast of events and changes affecting the Council such as Budgets, the Council's budget position and the eight point plan, Staff Pay Award, workloads and any national policy changes that might impact. The Chair also attended the annual IRP Chairs and advisers meeting.

1.9 The Panel met on the 17 August and 9 November (meeting with Political Group Leaders on this day) and 21 December 2022, to consider events since the last Panel report, the national context (for example, budgetary issues and COVID-19), the current scheme, comparisons with other authorities, benchmarking data (South-West Council's and National Census data) and potential recommendations and content for the final report.

1.10 The Panel also made themselves available on the day of the Council meeting on 8<sup>th</sup> December to receive feedback from Members of the Council.

1.11 The Panel agreed their timetable for the review at their first meeting and this is outlined below.

<u>Date</u>	<u>Action</u>	<u>Notes</u>
17 Aug 2022	Panel meeting	In Person – Taunton

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15 September 2022	Panel Chair to meet Leader of the Council	In Person
9 November 2022 (on rising of Cabinet)	Panel meeting with Group Leaders followed by Panel Meeting	Hybrid Meeting
8 December 2022	Panel to meet Members of the Council	In Person
During December 2022	Draft final report	Julia Jones / Karen Strahan
21 December 2022 ( <i>Note – Moved to 4 January 2023</i> )	Panel Meeting to consider draft of final report	Virtual Meeting
Early January 2023	Finalise report based on panel comments	Julia Jones (comments via email)
23 <sup>rd</sup> January 2023	Final Report to be ready for dispatch with Procedures papers	
2 <sup>nd</sup> February 2023 @ 10.30am	Procedures Committee	Remote Meeting
16 <sup>th</sup> February 2023	Council meeting	Consideration of Panel recommendations alongside the budget for 2023/2024

## **2.0 Events Since the Panel's Last Report**

- 2.1 The biggest change since the previous report were the Devon County Council Elections held in May 2021. These did not result in any change of political administration; however, there was a decrease in the Conservative majority (from 42 to 39), an increase in Liberal Democrat Members (7 to 9) and an additional Green Party Member. There were 21 new Councillors, 17 Members had stood down and 4 were not re-elected. There have been no changes to the Committee structure and therefore no impact on allowances. The number of Cabinet Members was reinstated to 9 after the Leader had previously taken the Finance Portfolio on a temporary basis after the Cabinet Member became Chairman of the Council last year.
- 2.2 COVID-19 had a huge impact on the working practices for both the Council and of course Councillors. In the early days of the pandemic, a fast-moving and unprecedented situation, Councillors' had a significant role in supporting communities, as well as delivering normal services. Their role as civic and community leaders required visible, responsible leadership that linked community-led support with council structures to help build and sustain overall resilience.
- 2.3 Whilst during COVID, Government had put in place a number of grant funding streams to help support Local Authorities with Covid-19, the aftermath of the pandemic along with unprecedented global impacts and inflation has created a period of significant financial uncertainty.
- 2.4 Within the Council, there are still significant pressures in areas of social care (both children and adults) and the most recent budget monitoring reports (month 6) show this to be the case with Adult Care and Health Services who are forecast to both overspend.
- 2.5 At month 6 it is estimated that budgets will overspend, excluding the dedicated schools grant deficit. Through the Financial Sustainability work the Council is making £36 million of savings this financial year (April 2022 to March 2023), being achieved across all services and includes holding vacancies in non-frontline areas and stopping some routine road maintenance. The Council is also squeezing contracts with external service providers and reviewing things like school transport for children with disabilities, as well as delaying planned investments in IT and infrastructure projects, and reducing office energy costs. The high-cost activity in both Children's and Adult Services will also be reviewed with the focus on transforming and improving the support we give while saving resources. The Council is also reviewing its properties and will be looking to dispose of assets where they are no longer needed.
- 2.6 Even with the savings identified, there is a need to find a further £37 million this financial year, largely because of rising demand in adult and children's social care, higher prices for care packages and a higher national pay award to reflect the cost of living increases.

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- 2.7 The rising cost-of-living and geopolitical situation has created huge financial pressures nationally and the County Council is not immune from that. Using the CPI increase (applied to pension increases) as at September 2022, this is currently 10.1%. Immediate action, as outlined above has been taken to safeguard the financial sustainability of the authority for the current financial year and work continues to identify further in-year cost containment measures.
- 2.8 The Council is also projecting that savings of £75 million will be needed next financial year (April 2023 to March 2024) unless the Government intervenes.
- 2.9 Since the last period of austerity, the Council's workforce had significantly reduced with various vacancy management processes (undertaken in 2010/2011), which recommenced in 2014 and then a recruitment freeze for part of 2017. Even now, increases to staff head counts have to undergo a rigorous approval process and service areas are being asked to leave posts vacant for a period of time wherever possible. Whilst cuts will try and be avoided, as part of the budget management plan, the Council has submitted a formal notice (HR1), that is legally required from organisations considering redundancies. This does not mean that the Council will definitely make redundancies but, if needed, it allows for discussions to take place within a legal context.
- 2.10 The Council's main concern has always been continued help and support for the most vulnerable people and families in communities. This has been crucial over the last two years, and the current economic climate means the position is still critical. A cost of living support website has been established - <https://www.devon.gov.uk/cost-of-living/> showing where people can access services as well as information about the Household Support Fund No.3, help with food costs (free school meals, holiday food vouchers, Holiday Activities and Food programme), transport and energy costs.
- 2.11 In terms of pay award, there was a staff pay freeze from 2009/10 up until 2012/2013. In 2013/2014 there was a 1% pay increase for 'public service' staff but there was no pay award for Chief Officers. For 2014 – 2016 there was a complex pay offer which amounted to 2.2% for most staff over a two-year period. Those at the lower spinal column point (SCP) were awarded higher percentage rises. The pay award for 2016/2017 and 2017/2018 were for staff with salaries starting at £17,714 per annum to get a 1% increase in both 2016/17 and 2017/18. Those earning less than this would receive higher increases to take account of the new National Living Wage. The pay award for 2018/2019 and 2019/2020 was a two-year deal at 2% per year for both the staff and Chief Officers. For 2020/21 the staff pay award was 2.75% with an extra days leave for those with less than 5 years service (from 20 to 21 days) and 1.75% in 2021/2022 (which wasn't agreed or paid until April 2022)
- 2.12 The pay award position for 2022 is that a final one-year offer (covering 1 April 2022 – 31 March 2023) was made for those on NJC Conditions of Service which was an increase of £1,925 on all NJC pay points and an increase of 4.04 per cent on all allowances (as listed in the 2021 NJC pay agreement

circular dated 28 February 2022) and with effect from 1 April 2023, an increase of one day to all employees' annual leave entitlement. For Chief Executive and Chief Officers a final one-year offer (covering 1 April 2022 – 31 March 2023) was made which was an increase of £1,925 on basic salary. The Unions balloted Members and the outcome was that this was accepted and paid in November 2022 backdated to April 2022.

- 2.13 The Panel also noted that on a national level, MP's received a 2.7% increase with effect from April 2022, taking their salary to £84,144 (from £81,932 in both 2020 and 2021). This follows a freeze in 2021, a 3.1% rise in 2020, 2.7% rise in 2019, a 1.8% in 2018, 1.4% in 2017, 1.3% in 2016 and a large increase, from £67,000 to £74,000, in 2015. Annual changes in MPs' pay are linked to changes in average earnings in the public sector using Office for National Statistics (ONS) figures. This is in line with the decision by the Independent Parliamentary Standards Authority (IPSA) in 2015 to adjust MPs' pay at the same rate as changes in public sector earnings published by the Office of National Statistics (ONS). This was confirmed in July 2018 following a further review of MPs' pay.
- 2.14 The Panel were previously concerned that the levels of allowances had become 'too far removed' from the figures originally proposed back in 2009 when allowances were frozen. The Panel kept a record of allowance rates and what the allowances would have been if the mean wage increases (up to 2010) and staff increases (from 2010 to the current day) had been applied. The Panel were therefore pleased that the Council accepted their recommendations from the last three reviews.
- 2.15 The current figure in relation to the percentage of Members receiving an SRA payment had increased to 43% (up from 41.5% the previous year) following the Elections in May 2021, when the Leader reinstated the Finance Portfolio Cabinet Member, but has not changed since that time. The Council also wish the Panel to endorse the removal of the Chair of Procedures SRA from the scheme. Currently, this is an additional SRA received by the Chair of the Council, but the Council would like to see the one SRA per Councillor retained and have no exceptions to that rule.

### **3.0 Meeting with Group Leaders (19 November 2022)**

- 3.1 The Panel have always felt it important to obtain the feedback from Group Leaders on the current scheme and of any issues which might impact on allowances and, as such, a meeting was arranged for 9 November 2022.
- 3.2 The Panel highlighted last year's recommendations and Group Leaders had nothing further to add about these.
- 3.3 There was general debate on issues impacting on the Council and Allowances with the Leader reiterating the financial constraints affecting the Council and the 8 point plan it was working to. There was discussion around printing less paper, encouraging car sharing by raising the mileage passenger allowance, and remote working such as Members joining virtually for meetings when they

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do not sit on that committee. The laptops and technology available to Members was praised as working well and it was practical.

- 3.4 Further discussion included Members undertaking training online which had some advantages in reducing travel and mileage expenses, but this method did not work for all and some Members might not engage as well with it, the use of the Member Sharepoint site and that the Scheme of Member Allowances was available to view, Member workloads – acknowledgement that the time commitment outside of attending Council and Committee meetings was considerable for some Members such as for additional Scrutiny work (task groups, masterclasses and visits etc) and also for attending Parish/Town Council meetings.
- 3.5 At the meeting, the Head of Democratic Services suggested several changes to the current Scheme of Member Allowances, which had been circulated to attendees. This was around tightening up the explanation of what the Basic Allowances covers, adding in mileage expenses for electric and hybrid vehicles, and amending the subsistence claims to a model where these were accepted only for out of county meetings or events. The revised version (incorporating comments from Group Leaders) is outlined in Appendix 1 of the Report.
- 3.6 The Chair of the Panel advised Group Leaders they were looking at 4 options for increasing Members Basic Allowance, noting the difficulty with linking to the Officers' Pay Award which this year had a flat rate proposal for all staff. The options were:
1. Base it on the total pay award cost as a percentage of the total wage bill
  2. Base it on the average FTE salary
  3. Base it on a 'notional' NJC salary point
  4. Base it on the average earnings calculator
- 3.7 In terms of the scheme, the general view was that its principles were fit for purpose, both in terms of the Basic and Special Responsibility Allowances and rates.

## **4.0 Annual Meeting of Panel Chairs and Advisers**

- 4.1 During the meeting on 13 October 2022, attended by the Chair, a Member of the Panel and Advisors, a number of allowances related issues were discussed, for example, the Members allowance survey results 2021 and discussion on 2022 survey.
- 4.2 A Round Table Update from each Panel Chair (North Devon, Stroud District Council, Gloucestershire City Council, Bristol City Council, Cornwall County Council, Wiltshire Council, Dorset Council, Tewkesbury Borough Council, Devon County Council, Mid Devon District Council and Teignbridge District Council).

- 4.3 The work undertaken by Graham Russell on Group Leaders and Governance was shared with the Group including the role of the political group leader i.e. that all group leaders, irrespective of size, had a role to play in the good governance of council. As a result, all Group Leaders would have a governance element whatever the size of the Group. Currently at Devon, there was a sliding scale for group leaders.
- 4.4 It was noted that a few Councils had adopted parental leave policies and it was agreed it would be helpful to ask more about parental leave on the survey next year.
- 4.5 An update was also given on the application of the proposed staff pay increase to councillor allowances, given the offer of £1925 for every member of staff which was a 10.5% increase for the bottom of the scale and 4.2% for the top, backdated to April 2022.
- 4.6 A discussion was also held on the setting of Town and Parish Council allowances.

## **5.0 Feedback from Members of the Council**

- 5.1 Members of the Panel were available on the day of Full Council to talk to any Members who wished to feed into the Panel's Report. Five Members of the Council made comments as follows.
- 5.2 The workload of Members has increased, which had been the case prior to the pandemic, and became more marked during it and had not reduced since, including the increased expectations of constituents. Microsoft Teams had added to the number of meetings and it was felt not possible to have a full-time job and carry out the duties of being a Councillor. A role such as Cabinet Member required approximately three or four days per week.
- 5.3 The appropriateness of a public service discount when assessing the basic allowance was questioned as well as the SRA for the role of Chair of the Audit Committee which did not adequately reflect the responsibility of the role and the work involved in doing it effectively.
- 5.4 Members felt they have been discouraged from claiming expenses.
- 5.5 The Panel are mindful that the allowance is not a salary and is not intended to be so.
- 5.6 The issue of pensions for Elected Members, and whilst recognising the issues, it was not something the Panel could influence. The Government had already decided that pensions were not payable to Elected Members.
- 5.7 As a result of the discussions, the Panel agreed to
- look more closely at the hours used in the formula for assessing the basic allowance and conduct a thorough review of the hours/workload inviting all

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councillors to respond in next year's review, although they were not persuaded to abandon the public service discount for the basic allowance.

- consider the SRA for the Chair of the Audit Committee.
- Encourage Members to claim expenses due to them (include as a recommendation).

5.8 The Panel were grateful to those that attended and gave their views and wished to place this on record.

## 6.0 Comparisons and Benchmarking

6.1 The Panel considered the recent (2022) SW Councils survey on allowances. The rate of basic allowance paid in Devon was the top of the survey data when compared to other South West Shire Counties at £13,444. This improvement was pleasing to the Panel as Devon's position in previous years had dropped to the mid to lower ranges, which was a cause for concern given the population of Devon is significantly higher than those in other Shire Counties. As an example, Gloucestershire paid £10,750. The larger unitary Council's were higher than Devon, with Cornwall County Council paying £14,870 and Wiltshire £14,075 which would be expected. The newly formed unitary Somerset County Council paid £12,400 (only agreed in November and reflected the staff pay increase).

6.2 However, a survey of schemes showed that for 2022/23, Kent County Council topped the list with a basic allowance of £ 15,695.12. Many others were mid-range such as East Sussex County Council at £13,379 (2021/2022), Surrey County Council at £13,120 (2022/23), West Sussex at £13,571 (2022/23) and Hampshire County Council at £13,058 (2022/23). Oxfordshire County Council were one of the lowest at £12,000 (2022/23).

6.3 The Panel also took the data from the South West Survey and the South East data and assessed the allowance per head of population.

Council Name (Shire Counties)	Population	Current Basic Allowance (Members)	Per Head of Population*
Devon County Council	795,000	£13,444 (60)	£1.01
Gloucestershire County Council	640,650	£10,750 (53)	£0.89

Council Name	Population	Current Basic Allowance	Per Head of Population*
East Sussex	562,112	£13,379 (50)	£1.19
Hampshire County Council	1,389,200	£13,058 (78)	£0.73
Kent County Council	1,589,100	£15,695 (81)	£0.80
Oxfordshire County Council	725,300	£12,000 (63)	£1.04
West Sussex County Council	882,700	£13,571 (70)	£1.08

\* Basic Allowance x Number of Councillors.



6.4 The Panel previously undertook a large scale review in which they considered how the Basic Allowance had been calculated to ensure it was still fit for purpose. The calculation was the average non manual daily rate, less 33% for the public service ethos. As the data was no longer collected, the Panel researched other baselines, which included one used by Cheltenham Borough Council (median salary for the South West) and a calculation which had been determined by Surrey's IRP (median salary level for full time white collar workers resident in Surrey, with a 33% discount as the voluntary element and the time commitment of the role as 18 hours per week (0.5 FTE)).

6.5 The Panel applied this Surrey methodology to Devon but using the Median gross weekly earnings for full-time employees in Devon for 2021.

$$^1\text{£29,484 less } ^233\% (\text{£9730}) = \text{£19,754} \dots\dots\dots \times ^3 0.71 = \text{£14,025}$$

- <sup>1</sup> median gross weekly earnings for full-time employees in Devon 2021...Office for National Statistics (ONS)
- <sup>2</sup> public service discount
- <sup>3</sup> adjustment for full-time equivalent – using figures from National Census for Devon of 29 hours

6.6 The allowance for Devon (if calculated in this manner) would increase the basic allowance to £14,025 (an increase of 4.32% from the current rate of £13,444). The Panel were satisfied that this calculation is fit for purpose, and is therefore recommending this percentage increase.

6.7 In paragraph 3.6, in the discussion with Group Leaders, the Panel were considering basing recommendations on

1. the total pay award cost as a percentage of the total wage bill
2. the average FTE salary
3. a 'notional' NJC salary point
4. average earnings calculator

6.8 Further assessment was undertaken to see how this might manifest itself into percentage rises, as opposed to the flat rise that had been given to staff.

1. total pay award cost as a percentage of the total wage bill – equated to 4%.
2. average FTE salary – the mean hourly salary is £15.40 per hour (based on March 2021 data from gender pay gap report) was £29639, therefore equated to 6.5%.
3. a 'notional' NJC salary point – Salary scales were available at <https://inside.devon.gov.uk/task/salary-rates-and-scales/njc-payscale/>. The Panel's formula using the average weekly earnings for Devon, therefore it was felt there was no value in using a notional point. However, if SCP 22 was used (exactly halfway up the scales), then this gives a salary of £29,439, so close to the average earning figure. This gave a figure of just over 6.5%.
4. average earnings calculator – Devon average weekly earnings are £29484 (based on 2021), therefore this equates to 6.5%.

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- 6.9 In addition, the 22/23 pay award incorporated an increase of 4.04 per cent on all allowances and a couple of Authorities have used this. However, the Panel recognised that this referred to other staff allowances such as subsistence etc, rather than members allowances.
- 6.10 The Panel also felt it prudent to use the most recent data available, so utilised the National Census Data from 2022 (the latest available), extracting the figures submitted by Members of Devon County Council.
- 6.11 The Panel previously had raised concern over the number of ‘twin trackers’ (where a Councillor is a Member of more than one Authority), in view of the implications for workload. With Elections in May 2013, the figure was 39 Councillors out of the 60 who were on District Council as well as the County Council (65%). After the 2017 Elections, the number was 41 out of 62, (66%) so the situation at that point remained largely unchanged. However, following the most recent Elections in May 2021, the number had reduced to 38 (63%).
- 6.12 The Panel also wanted to keep a watching brief on expenses rates for overnight stays in London. Members had previously felt the rate was still not fit for purpose. Members considered a number of other benchmarks, for example the London rate for judiciary, which was currently lower than the County Councils and also the average daily rate for London as calculated by Price Waterhouse Cooper (PWC). This revised figure for 2020 was £153.00, a rise of £2.10 since 2019 (or 1.4%). Due to the impact of the pandemic, the current rates (2021 and 2022) were lower, but given these are unusual times, it appears reasonable to not adjust the figures, until such time when there is more stability in the hospitality sector. The forecast for 2023 is a percentage rise of a minimum of 8% and this will be revisited in next years report.
- 6.13 In the absence of the better benchmark, the Council should use the PWC benchmark but that in some instances the Council might need to take a flexible approach to accommodation, with wording in the scheme that ensures the Council secures best value for money whilst taking into account all relevant factors (e.g. safety, location, convenience, availability and proximity to the venue etc) and the Head of Democratic Services being asked to authorise any expenditure over that amount. This was previously accepted by the Council.

## **7.0 National Census of Local Authority Councillors 2022**

- 7.1 The Local Government Association (LGA) has carried out the ninth Census of Local Authority Councillors in England. This census provides the most comprehensive, timely overview of local government representation and, with previous years' data, how that has changed over time. The results will help to inform central and local government and political groups in the development of strategies and policies for local government.
- 7.2 The 2022 Census was conducted in the context of the Covid-19 pandemic and its effect on local communities, and recent prominent issues of personal safety.
- 7.3 The 2022 Census collected data between January and February 2022 and updates previous censuses conducted between 1997 and 2018. The 2022 Census was the second to be conducted entirely online. All 16,9301 councillors in England were emailed a unique link to the questionnaire. A total of 5,055 councillors responded, a response rate of 30 per cent. This is markedly higher than in 2018 (15 per cent), but lower than those in 2013 (38 per cent) and earlier.
- 7.4 The key findings were presented in three sections, work as a Councillor, issues and views of Councillors and personal characteristics of Councillors. It should be noted that the figures in this section apply nationally and to all types of Council's (Counties, Shire Districts, Unitary Councils, Metropolitan Districts and London Boroughs).
- 7.5 The main findings of the 2022 Census were as follows:

### **6.5.1 Councillors' views**

- 85 per cent of councillors became councillors in order to serve their community;
- 63 per cent thought that listening to the views of local people was among the most important role of councillors, 60 per cent thought the same of representing local residents, and 58 per cent supporting local communities;
- 32 per cent of councillors thought they were very effective in their role, and 60 per cent fairly effective;
- 79 per cent would recommend the role of councillor to others;
- 65 per cent intended to stand for re-election;
- 70 per cent thought that the council had effective arrangements for dealing with inappropriate behaviour by council officers, 57 per cent by councillors and 55 per cent by members of the public;
- 28 per cent had either frequently or occasionally felt at risk personally in their role as a councillor, while 72 per cent had rarely or never felt at risk;
- 65 per cent thought that council arrangements for protecting councillors personally were either very or fairly effective;

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- 10 per cent of councillors had experienced abuse or intimidation frequently over the last twelve months. 29 per cent occasionally, 33 per cent rarely, and 27 per cent had never had any such experiences.

## 7.5.2 Councillors' work

- On average, councillors had served for 9.1 years in their current authority; 48 per cent had served for up to 5 years while 12 per cent had done so for more than 20 years;
- 54 per cent of councillors held a position of responsibility, most commonly as chair or vice-chair of a committee;
- Councillors spent, on average, 22 hours per week on council business, the largest chunk of which was on council meetings (8 hours)

## 7.5.3 Councillors' personal characteristics

- 40 per cent of councillors were retired, and 32 per cent were in full- or part-time employment;
- 61 per cent of councillors held other voluntary or unpaid positions, such as school governorships;
- 64 per cent of councillors held a degree or equivalent or higher qualification; only 4 per cent did not hold any qualification;
- 59 per cent of councillors were male, and 41 per cent female (but see page 13);
- The average age of councillors in 2022 was 60 years; 16 per cent were aged under-45 and 42 per cent were aged 65 or over.
- 92 per cent described their ethnic background as white;
- 84 per cent described their sexual orientation as heterosexual or straight;
- 16 per cent had a long-term physical or mental health problem which reduced their daily activities;
- 46 per cent of councillors had a responsibility as a carer, most commonly looking after a child

7.6 In Devon, 32 Elected Members responded to the survey. The response rate in total for the survey was 30% so the rate from Devon at over 50% was excellent.

- average length of service - the average length of service was 9.7 years, with 9% of respondents doing in excess of 25 years. However, 50% were between 2 and 5 years service.
- position of responsibility – all the respondents had a position of authority, with the majority holding chair or vice chair of a committee role.
- Time spent on council business – this averaged 29.5 hours per week, with approximately 10.9 hours at Council meetings, 8.1 engaging with constituents and 5.1 hours with community groups. The table below shows the national picture with comparisons to

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2013 and 2018. As can be seen nationally, the average number of hours per week spent on council business has increased from 20.8 in 2013 22.4 in 2022. This is highlighting that Councillors in Devon are reporting spending an additional 7.1 hours per week on council business than the national average.

	2013		2018		2022	
	No.	%	No.	%	No.	%
5 hours or less	916	5.2	755	4.3	643	3.8
6–10 hours	3,542	20.1	3,155	17.8	2,792	16.5
11–15 hours	2,823	16.0	3,072	17.3	2,813	16.6
16–20 hours	3,795	21.5	3,543	19.9	3,475	20.5
21–25 hours	1,886	10.7	1,875	10.6	1,903	11.2
26–30 hours	1,974	11.2	2,032	11.4	2,174	12.8
31–35 hours	600	3.4	820	4.6	840	5.0
36–40 hours	975	5.5	1,185	6.7	1,117	6.6
41–45 hours	247	1.4	412	2.3	281	1.7
46–50 hours	413	2.3	386	2.2	394	2.3
More than 50 hours	442	2.5	535	3.0	498	2.9
Average no. of hours	20.8		22.0		22.4	
Base (respondents)	17,613	100.0	17,770	100.0	16,930	100.0

- Time spent on group/party business – this was reported as approximately 3.1 hours per week.
- Political party or group of the respondents 21 were Conservative, 1 Green, 3 Labour, 5 Liberal Democrat and 1 Other.
- Reasons for becoming a councillor – the largest response was to serve the community with 94%, 13% was to resolve a specific issue 4, but a further 53% was for political beliefs and values and 50% to change things. 44% became a Councillor because they were asked to.
- Most important things for councillors (up to 3 items)
  - Listen to the views of local people - 66%
  - Support the local community - 66%
  - Represent local residents' views to the council - 53%
  - Address issues concerning the whole area - 34%
  - Attend council meetings - 34%
  - Deal with complaints - 16%
  - Keep the public informed about council activities - 13%
  - Plan local services - 9%
  - Hold surgeries for constituents - 3%
- Influence as a councillor 41% felt they had more influence to change things than expected before being elected, with 25% feeling it was less than expected. 34% was as expected.
- Effectiveness as a councillor – 97% felt they were very or fairly effective with only 3% (1 respondent) saying it was too early to tell.
- Recommend becoming a councillor if asked – 91% would recommend the role, with 3% (1 respondent) saying no.
- Intention to stand for re-election – 66% were intending to stand and 16% saying no. A further 19% were unsure.

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- Authority has appropriate arrangements in place to deal with inappropriate behaviour – by the public – Only 66% thought yes to this question with 28% stating ‘no’. 19% were not sure.
- Authority has appropriate arrangements in place to deal with inappropriate behaviour - by officers – 78% said yes and 13% felt ‘no’. A further 9% wasn’t sure.
- Authority has appropriate arrangements in place to deal with inappropriate behaviour - by councillors – 72% felt there were appropriate procedures in place, 25% said no and 1 respondent (3%) wasn’t sure.
- How often feel at risk when fulfilling councillor role – no Members felt frequently at risk, with 22% saying they felt occasionally threatened. 78% said it was rarely or never.
- Effectiveness of authority's arrangements for protecting you personally – 72% felt they arrangements were very or fairly effective, with 19% feeling not very effective or not effective at all.
- How often experienced abuse or intimidation over last 12 months – 22% had never experienced abuse or intimidation and 41% was rarely. 31% had occasionally experienced this with 6% (2 respondents) saying abuse was frequent.
- Employment status – only 26% of members were in full or part time work with 42% being retired. 6% looked after the home and a further 26% were self employed or freelance. 75% of those in an occupation were managerial or executive positions. 13% were in the public sector, 69% in the private sector and 10% charity / community / voluntary sector.
- Extent to which employer supports work as a councillor (employed only) Only 1 respondent stated not at all, with 88% stating their employer supported to a great or some extent.
- Additional voluntary/unpaid positions 34% had no other role, but 78% had a role in another capacity or as a school governor.

7.7 Devon has many of the same issues as other Authorities in terms of attracting younger members. Whilst Devon has some younger Councillors, (and a small number have been in Cabinet positions), the majority are over retirement age.

7.8 The age and gender profile of Devon’s Councillors was gathered after the 2021 elections, and is highlighted overleaf.

<b>Councillor Gender/Age Profile - Devon County Council - 2021</b>			
<b>Age Group</b>	<b>Male</b>	<b>Female</b>	<b>Totals</b>
<b>Under 30</b>	1 (1.6%)	0	<b>1 (1.6%)</b>
<b>30-39</b>	2 (3.3%)	1 (1.6%)	<b>3 (5%)</b>
<b>40-49</b>	7 (11.6%)	4 (6.6%)	<b>11 (18.3%)</b>
<b>50-59</b>	12 (20%)	3 (5%)	<b>15 (25%)</b>
<b>60-69</b>	10 (16.6%)	8 (13.3%)	<b>18 (30%)</b>
<b>70 and over</b>	10 (16.6%)	2 (3.3%)	<b>12 (20%)</b>
<b>Totals</b>	<b>42 (70%)</b>	<b>18 (30%)</b>	<b>60 (100%)</b>

7.9 In terms of a national comparison, the table below shows the position with regard to gender. The position at a national level in terms of female representation is higher than the case in Devon at 39.1% as opposed to 30%.

<b>Table 25: Sex (2006–2022)</b>												
	2006		2008		2010		2013		2018		2022	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	13,645	69.3	13,417	68.4	12,411	68.5	12,192	67.3	11,248	63.3	9,573	56.5
Female	5,774	29.3	6,038	30.8	5,545	30.6	5,748	31.7	6,344	35.7	6,622	39.1
Prefer to self-describe	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	18	0.1	n/a	n/a
Prefer not to say	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	160	0.9	n/a	n/a
Not stated	271	1.4	162	0.8	173	1.0	171	0.9	n/a	n/a	735	4.3
Base (population)	19,689	100.0	19,617	100.0	18,129	100.1	18,111	99.9	17,770	100.0	16,930	100.0

Note: the classification was changed in 2018 and in 2022 so comparisons with other years must be treated with caution.

7.10 In terms of a further national comparison, the table below shows the position with regard to age. The position at a national level doesn't show significant change in the average age profile of the Elected Member.

<b>Table 27: Age (2006–2022)</b>												
	2006		2008		2010		2013		2018		2022	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under 25	58	0.3	110	0.6	124	0.8	106	0.6	107	0.6	202	1.2
25–29	273	1.5	308	1.6	221	1.4	298	1.7	444	2.5	340	2.0
30–34	430	2.4	403	2.1	378	2.4	471	2.7	657	3.7	502	3.0
35–39	656	3.6	643	3.4	454	2.9	493	2.8	657	3.7	726	4.3
40–44	1,036	5.7	1,022	5.4	662	4.2	738	4.2	764	4.3	883	5.2
45–49	1,368	7.5	1,378	7.3	1,068	6.8	1,094	6.3	1,120	6.3	1,093	6.5
50–54	1,877	10.3	1,746	9.3	1,494	9.5	1,515	8.7	1,635	9.2	1,495	8.8
55–59	2,992	16.4	2,638	14.0	1,944	12.4	2,131	12.2	2,257	12.7	2,021	11.9
60–64	3,730	20.5	4,119	21.9	3,086	19.7	2,970	17.0	2,523	14.2	2,527	14.9
65–69	3,009	16.5	3,275	17.4	3,232	20.6	3,779	21.6	3,021	17.0	2,602	15.4
70+	2,778	15.3	3,175	16.9	2,997	19.1	3,875	22.2	4,602	25.9	4,540	26.8
Base (respondents)	18,207	100.0	18,819	99.9	15,660	99.8	17,471	100.0	17,770	100.1	16,930	100.0
Average age in years	58.3		58.8		59.7		60.2		59.4		59.5	
Proportion under 45	2,453	13.5	2,486	13.1	1,839	11.7	2,106	12.0	2,630	14.8	2,652	15.7

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- 7.11 The Panel have previously been concerned over the gender / age split, demonstrating the need to consider a scheme of allowances to attract a more diverse Council for the future. Whilst the allowances were raised in 2018, the Panel do not wish to see a return to the position where they have been allowed to become 'out of kilter' once again.

## **8.0 Member Development, Charter Status and Induction**

- 8.1 The Panel have always been interested in Member training and development and therefore supportive of the Council's initiatives such as competency frameworks, appraisals and personal assessments of Members Learning and Development needs. The Panel recognised the Councils accreditation and re-accreditation of Charter status at Charter-Plus level for Member Development. The Council explored re-accreditation for the third time, but the pandemic delayed the activity.
- 8.2 The Council has a focus on continuous professional development and a willingness by Councillors to ensure their skills, knowledge and understanding are up-to-date, so that they can fulfil their role successfully. Member Development is part of the fabric of the way the Council works and this is an ongoing process, with regular masterclasses, strategic sessions for all Members and a Member Development Steering Group to lead on what Members need. Members have also been supported over the last couple of years and during the Pandemic to work in a new way, with a focus on ICT skills to fully participate in remote and hybrid meetings.
- 8.3 Following Elections in May 2021, and due to COVID-19, for the first time, the Council conducted multiple online sessions, including a Welcome to Devon morning hosted by the Chief Executive, three Q&A Panel Member sessions with Chief Officers and ICT sessions followed by a range of training, briefings and development opportunities held over the summer and into the autumn.
- 8.4 It was unfortunate that new Members especially were unable to meet fellow Councillors in-person, but there were a number of benefits including Members from further afield not having to travel over 2hrs for a 30min ICT training session and all training was recorded and uploaded to a Members Sharepoint site which could be viewed at a later date. The Members Sharepoint site continues to be developed to be the 'go to' place for information.
- 8.5 Feedback from Members was supportive of providing online learning as part of the overall offer and also in the delivery of training and development over a number of months. Many found the sessions interesting and interactive.
- 8.6 For the future, it is likely a hybrid solution will be offered for training delivery mechanisms that suit all.



## **9.0 Summary, Conclusions and Recommendations**

- 9.1 The Panel has concluded that the structure of the Allowance Scheme for Devon is fit for purpose and based on sound principles.
- 9.2 The Panel has conducted a wide-ranging review, taking into account the usual benchmarking data, organisational structures, view of other Authorities, workloads of Councillors and the most recently conducted census survey, the views of Members and other relevant factors.
- 9.3 Up until 2017, the Panel had consistently recommended increases in the Basic Allowance, with corresponding increases in the level of SRAs and the recommendations had not been implemented, hence the level of allowances in Devon had fallen behind. The Panel were pleased that in 2018, 2019, 2020 and 2022, the Council listened to their recommendations and their strong evidence base to increase the Basic Allowance. The Council also agreed with the Panel in 2021 to freeze allowances.
- 9.4 Taking into account the evidence available and for the reasons set out above, the panel recommends that:
- i. The basic structure of the current scheme is endorsed and retained and the changes, as outlined at Appendix 1, to support clarity in submitted claims be agreed.
  - ii. The Panel feels it important not to depart from its established formula of calculating the basic allowance and therefore the basic allowance increases by 4.32% to £14,025 to take effect from May 2023 and the multipliers be recalculated accordingly; This is based on the Panel's standard formula, as outlined at paragraphs 6.4 and 6.5.
  - iii. Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;
  - iv. In light of the concerns raised over workload, the Panel will conduct a thorough review in 2023/2024 which will particularly include hours/workload and will be inviting all Councillors to respond;
  - v. The overnight rate for London remain at £153.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London from 2019 (noting that the most recent figures for 2020 and 2021 are very much skewed due to the impact of the pandemic).
  - vi. The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;

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- vii. That the Panel endorse the Council's wish to have only 1 SRA per Councillor and as such removed the SRA for Chair of the Procedures Committee from the Scheme (nothing that the individual holding the role of Chair already receives an SRA for that role);
- viii. That the Panel will undertake a review of the Audit Committee Chair SRA in 2023/24, including benchmarking and comparative analysis of roles across other Local Authorities;
- ix. That Members of the Council be encouraged to claim those expenses that are due to them, noting the work of the Panel in widening those meetings and events that can be claimed for.
- x. That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members' and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and
- xi. The Panel wish to place on record their appreciation to Councillors for their continued Leadership and tireless working in their communities, especially given concerns raised in paragraph 5.2.

9.5 The panel would like to thank everyone who has contributed to this review, including Karen Strahan (Head of Democratic Services) and Julia Jones (Deputy Head of Democratic Services) who provided advice, guidance and administrative support.

**HM/BH/SB**  
**February 2023**

## Appendix 1

### **PART 7: MEMBERS' ALLOWANCES SCHEME**

This document sets out the range of allowances payable to Members of the County Council. It is intended to help Members understand which allowances may be claimed and in what circumstances.

Members are not obliged to claim allowances. If any member wishes to waive their right to claim all or some of the allowances payable they should write to the Council's Democratic Services & Scrutiny Secretariat explaining their wishes.

Members may also be entitled (if they wish to take advantage of any salary sacrifice scheme administered by the Council) to receive their allowances through a combination of direct payment and benefits by sacrificing a proportion of those allowances in return for a non-cash benefit; provided again that they give notice in writing to the Council's Democratic Services & Scrutiny Secretariat of their intention to forego that proportion or amount of allowance required under the sacrifice scheme.

The Devon County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended, hereby makes the following scheme:

1. This scheme amends the existing Devon County Council Members' Allowances Scheme and shall have effect from May 2023 (from the annual meeting)
2. In this scheme:
  - "*Councillor*" means an Elected Member of Devon County Council;
  - "*year*" means the 12 months ending with 31 March.

#### **3. Basic Allowance**

Subject to paragraph 8, for each year an allowance (the basic allowance) reflecting the figure agreed by the County Council in May 2005 and subsequently updated in line with paragraph 5(h) below (currently £TBC) shall be paid to each Councillor.

It is intended to recognise the time commitment of all Councillors, including the inevitable calls on their time at various meetings of the Council, with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs, such as the use of home for council business, postage, telephone rental and broadband charges.

It is also intended to cover travel expenses incurred within the Councillors Ward, unless the event or meeting is one listed under schedule 1 or 2.

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It will be paid automatically to members in twelve monthly instalments.

## 4. Special Responsibility Allowance

- a) Subject to d) below, in each year a Special Responsibility Allowance calculated in line with the basic allowance multiplier or as otherwise shown shall be paid to those members who hold the responsibilities listed below:

Special Responsibility/Designated Role	£ 2023/2024	Basic Allowance Multiplier
Leader of the Council	TBC	2.5
Deputy Leader of the Council		2
Cabinet Members		1.5
Chairs, Scrutiny Committees		0.73
Vice-Chairs, Scrutiny Committees		0.365
Chair of the County Council		0.8
Vice- Chair of the County Council		0.2785
Chair, Development Management Committee		0.5
Vice Chair, Development Management Committee		0.25
Chair, Investment & Pension Fund Committee		0.50
Chair, Appeals Committee		0.25
Chair, Farms Estate Committee		0.25
Chair, Public Rights of Way Committee		0.25
<del>Chair, Procedures Committee</del>		<del>0.25</del>
Chair, Audit Committee		0.25
Leader, Liberal Democrat Group <i>(recognising duties undertaken for and by Members of that Group)</i>		0.5
Leader, Labour Group <i>(recognising duties undertaken for and by Members of that Group)</i>		0.5
Leader, Independent or Non Aligned Group <i>(recognising duties undertaken for and by Members of that Group)</i>		0.25

- b) These allowances will be paid automatically to designated members in twelve monthly instalments;
- c) In addition, a Special Responsibility Allowance of £50 per meeting shall be payable for attendance by members at meetings of Stage III Review Panels convened under the Social Services Complaints Procedure;
- d) Excepting c) above, **and other than the Chair of the Council**, an individual member may not claim more than one Special Responsibility

Allowance at any time and unless otherwise notified only the higher Allowance will be payable.

## 5. Travelling and Subsistence Rates

a) Those duties set out in Schedule 1 will attract payment of travelling and subsistence allowances, including travel costs for journeys between a member's home address and County Hall, in recognition of the fact that they undertake County Council work at their place of residence; provided that Members may not claim any cost of car parking incurred at County Hall or any other administrative offices of the County Council where the Council itself levies a charge for car parking. Those duties listed in Schedule 2 will be eligible for travelling allowances only.

b)

i) Where travel within the County of Devon is in the member's own private vehicle the rates of travelling allowance payable will be equivalent to the Commercial rate laid down from time to time by Her Majesty's Revenue & Customs (HMRC), currently 45p per mile for the first 10,000 miles and 25p per mile thereafter. This also applies to electric and hybrid vehicles.

A supplement of 1p per mile for each passenger carried will also be paid.

ii) Where a member undertakes official duties within the geographical counties listed below and travels in their own car, they may claim actual mileage in line with the above rate:

Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Somerset, Wiltshire and the area of the former Avon County Council

c) When the performance of an approved duty involves an absence (not involving an overnight absence from the normal place of residence) a member may also claim subsistence in line with the following rates, but for out of County events only.

An absence of more than 4 but less than 8 hours	£10.16
An absence of more than 8 but less than 12 hours	£16.27
An absence of more than 12 hours	£20.34

d) For absence overnight (from usual place of residence) — £81.06 £153.00 in London (PWC)). Where accommodation cannot be found within these price parameters, the Council can adopt a more flexible approach but obtaining best value for money, taking account all relevant other factors (safety, proximity to venue, availability, convenience and location), with agreement being sought from the Head of Democratic Services.

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- e) Subject to (b) above, where travel is outside the County of Devon standard class rail fare or ordinary fare for other public conveyance only will be payable. Where it is impractical for members to travel by public transport they may travel by car and claim mileage.
- f) The rate for travel within the County of Devon, including the areas of Plymouth and Torbay, by a Member's own motor cycle will be 24 pence per mile, irrespective of the engine capacity of the motor cycle.
- g) An allowance of 20 pence per mile shall be payable to those members using pedal cycles to undertake official duties.
- h) The rates of allowance at paragraphs 3 and 4 above shall be increased only with the express approval of the County Council having regard to any increase in line with NJC Pay Awards. The rates at sub-paragraphs [5] (c), (f) and (g) above shall be increased automatically in line with NJC Pay Awards.

## 6. Carer's Allowance

- a) When a carer has been engaged to enable a Member to carry out an approved duty listed in Schedule 1 or those bodies listed in Schedule 3 where such bodies are unable to pay Carer's Allowance:
  - i) where charges are levied on an hourly basis, Members may claim actual and necessary costs incurred for the period of the approved duty (including time traveling time taken by a Member to 'drop-off' or 'pick-up' a dependent or by a carer engaged by a member to look after a dependant in the member's home) up to the maximum of the UK Real Living Wage rate currently £9.90 per hour (as may be amended from time to time) for each dependent, or;
  - ii) where charges are levied by a provider for a fixed period or session, Members may claim the cost of any such fixed period/session or periods/sessions incurred for the period of the approved duty (including time traveling time taken by a Member to 'drop-off' or 'pick-up' a dependent) up to the maximum of the UK Real Living Wage rate currently £9.90 per hour (as may be amended from time to time), for each dependent;
- b) A carer will be any responsible adult who does not normally live with the member as part of his/her family;
- c) An allowance will be a payable if the dependent being cared for:
  - i) is a child under the age of 14; or
  - ii) is an elderly person; or
  - iii) has a recognised physical or mental disability who is the responsibility of the Member and should not be left unsupervised.

## 7. Co-optee's Allowance

An allowance of £500 per annum shall be paid to co-opted Members of the Standards Committee and the Independent Member of the Devon Pension Board.

## 8. Part-Year Entitlements

This scheme incorporates the provisions in the 1991 Regulations or any superseding rules which provide for the apportionment of an allowance when a member serves for less than a whole year either as a councillor or in a capacity of special responsibility or when the Scheme is amended during a year. Essentially, all adjustments to payments are done pro-rata to the number of days in year.

## 9. Claims

- a) All claims for allowances under this scheme shall be made on electronically via iTrent supported by receipts as appropriate. A separate claim must be submitted for each month by the following dates - <https://inside.devon.gov.uk/task/payroll-deadlines/> if payment is to be made by the due date. Claims which are submitted late may need special Council approval before payment.
- b) All claims should be made via the iTrent system regularly each month - <https://inside.devon.gov.uk/task/itrent-self-service/access-itrent/>.

## 10. Payments

- a) Payments shall be made on the last working day of each month and shall include, subject to sub-paragraph (b), one-twelfth of the amounts specified in this scheme for any basic or special responsibility allowances to which a member may be entitled.
- b) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic or special responsibility allowance would result in the member receiving more than the amount to which, by virtue of paragraph 8, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.
- c) Payments will normally be made direct into a bank account. Appropriate details should be given to the Council's Democratic Services & Scrutiny Secretariat.

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## SCHEDULE 1 - APPROVED DUTIES, CONFERENCES OR MEETINGS QUALIFYING FOR THE PAYMENT OF TRAVELLING AND SUBSISTENCE ALLOWANCES

1. Approved Conferences/Delegates, viz:

Local Government Association Annual Conference	Representatives appointed by the County Council to the LGA General Assembly
National Children's and Adults Services Conference <i>[NB: This replaces the former separate LGA Education and Social Services Annual Conferences]</i>	Cabinet Members for Children's Services and Schools; Adult Social Care and Health Services and the Chair of the Children's Scrutiny Committee and Health & Adult Care Scrutiny Committee
County Councils Network Annual Conference	Representatives appointed by the County Council to the CCN Council

### NOTES:

Attendance by the delegates (or a substitute nominated by the identified member or office holder) listed at any of the above 'approved' conferences shown is automatically approved for the payment of allowances.

Any variation thereto will require the approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council as appropriate, in accordance with framework outlined in Procedures [Minute 33](#) (5/6/18)

Attendance at any other conference(s) will require the specific approval of the Leader of the Council with a presumption that attendance will not be permitted unless a case is made.

In determining whether or not a case has been made for a specific approval or to Conferences being added to the approved list consideration will be given to:

the views of the relevant Cabinet Member and Chief Officer on the desirability/relevance of attendance at the event;

the significance of the event;

all party representation being appropriate; or

representation rotating between groups on an annual basis;

attendance being authorised but with a 'lesser' category of allowances payable (e.g. travelling & subsistence only).



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Conference fees, accommodation and allowances are all payable by claim to the Chief Executive. In most cases however the booking and payment of the fee and for accommodation will normally be made direct by the Council's Democratic Services & Scrutiny Secretariat.

2. LGA Policy Boards – In line with the [report considered by the Procedures Committee](#) and the review in 2021 - [Procedures Committee - 16th November, 2021](#) in relation to LGA Policy Boards, Members are expected to seek approval before they accept the appointment as to whether the Council will pay for the travel expenses for the meetings of the Board. This would be via approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council. Members would be expected to make a case, outline the expected costs and frequency and also demonstrate the benefits to the Council.
3. Meetings of the County Council, Cabinet, Committees, Joint Committees, Fora, Working Parties and Panels properly constituted by the County Council under Standing Orders where the Councillor
  - (a) has been appointed by the Council as a member, a substitute or a representative; or
  - (b) is exercising a constitutional right to attend and/or to speak; or
  - (c) is attending as Local Member relating to a matter on the agenda.

(a claim cannot be made for attendance in an observer capacity only)
4. Ad hoc formally constituted working groups/panels/task and finish groups, convened by the Council, where the Councillor is (a) a named member of the body or (b) is formally invited to attend and/or participate.
5. Formal meetings convened by other authorities where the member has been appointed as the Council's representative.
6. Duties necessarily undertaken by the Chair of the Cabinet, Cabinet Members or Chairs, Vice-Chairs of Committees or Working Parties/Panels.
7. Meetings of those National, Regional and County-wide bodies to which representatives have been appointed by the County Council, except where the body itself pays allowances.
8. Seminars, briefings or training events arranged for the benefit of Members of the Council.
9. Attendance at a community event where the Local Member is invited by virtue of contribution of Locality Budget Funding.
10. Meetings of the following bodies:
  - AONB Advisory Committees
  - Dame Hannah Rogers School (Ivybridge)
  - Devon School & Local Admissions Fora

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- Governing Bodies of Maintained Special Schools
- Grand Western Canal Advisory Committee
- Inshore Fisheries & Conservation Authority
- National Association of Standing Advisory Council on Religious Education
- Northbrook Community Trust
- Royal School for the Deaf (non county councillors only)
- St Loyes College Council
- Standing Advisory Conference on Religious Education
- School Admission Appeals Committees (non-county councillors only) and Independent Remuneration Panels
- West of England School for Children with Little or No Sight

11. Single member duties:

in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise inspection of premises;

in connection with arrangements for the attendance of pupil at a school approved for the purpose of section 188 (Special Schools) of the 1993 Education Act.

12. An annual visit by the County Councillor for the Bideford South and Hartland Electoral Division to the Island of Lundy to visit his constituents, subject to prior agreement with the Council's Democratic Services & Scrutiny Secretariat.

## **SCHEDULE 2 - OTHER BODIES: TRAVELLING ALLOWANCES ONLY**

1. Members attending and participating in site visits or other meetings properly convened by or with the knowledge of the Chief Executive, for example, site visits for development management and / or scrutiny task group investigation work.
2. Any Civic or Ceremonial event at the invitation of the Chair of the Council or the Chief Executive (e.g official openings of Council premises, launches of Council services, road schemes etc.
3. Meetings of Town or Parish Councils in the electoral division of the Member concerned

## **SCHEDULE 3 - OTHER BODIES: WHERE PAYMENT IS MET BY THE BODY ITSELF**

- Dartmoor National Park Authority
- Somerset & Devon Fire Authority
- Exmoor National Park Authority
- Regional Flood and Coastal Committees

- Traffic Commissioners
- War Pensions Committees
- Governing Bodies of Schools

If any member requires advice on the application of any part of the members' allowances scheme, Karen Strahan (01392 382264) in the Democratic Services & Scrutiny Secretariat will be pleased to advise and help on eligibility or interpretation of the scheme and the Finance Section (01392 382982) on claims procedure or payments.

## GENERAL NOTES

### 1. Dual Membership: Claiming

A Member who is both a County Councillor and a District Councillor may claim allowances from both authorities should they undertake two separate duties — one for each authority — on the same day. The same position would apply to any member who also serves on any other body from which allowances may be claimed direct such as a National Park Authority.

A Member who is both a County and District Councillor may not however claim from both Councils for undertaking the same duty. Members must take particular care to avoid duplication or overlap of claims for travelling and subsistence expenses when, as may happen, they attend two separate events on the same day one as a County Councillor and one as District Councillor both of which take place at the same venue. Claims for the full return journey should not be made to both Councils. To avoid the impression that a Member may be seeking to maximise income in such instances it is suggested that Members should either claim the cost of the whole journey from the Council paying the lesser rate(s) or claim for one single journey (from home to meeting) from one Council and the other single journey (from meeting to home) from the other Council.

Similarly, where a Member attends a meeting of the County Council or one of its Committees and then later that day attends a meeting of, say, an outside body to which they have been appointed as a County Council representative care should be taken in submitting any subsequent claims. In some instances allowances for attending meetings of an outside body will be paid by the County Council whilst in others allowances will be paid by the body concerned. The same principles as set out above should be adopted where meetings take place at the same venue. Where allowances are paid by the County Council (a full list of which is set out elsewhere in these Notes of Guidance) only one allowance will be payable in any twenty four hour period and (if both meetings taking place in the same location) then the member concerned may only claim for one return journey.

Claims for allowances, particularly those involving travelling and subsistence, should reflect the span of time of meetings and journey times regardless of when the journey is actually made. In other words a member should not claim

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allowances during any period before or after an official duty where they have chosen to arrive earlier or leave later, unless travelling by public transport. If a Member is in any doubt about entitlement they are urged to seek advice from the Council's Democratic Services & Scrutiny Secretariat before submitting a claim.

## 2. Rail Travel

Members who are eligible to hold a senior citizens rail card can purchase them and be reimbursed by the County Council through the normal expenses' claim mechanism. The Council has decided that rail travel for Members shall be provided at standard class rates. Members are only therefore able to claim second class rail fare or if travelling by car, the equivalent amount.

## 3. Taxation

### **Basic and Special Responsibility Allowances**

Members Basic and SRAs will be treated as emoluments of the office and subject to Tax and National Insurance contributions (NIC) by the PAYE process operated by the Council

### **Mileage Allowances**

These are taxed according to the profit element, which is calculated by comparing the amounts paid per mile with the Inland Revenue's Authorised Mileage Rates, which are reviewed annually. Amounts paid in excess of these figures will be included on the annual return of expenses and benefits to the Inland Revenue on form P11D. Any assessable tax will be recovered by adjustment to the Members' tax code in the following year. NIC deductions are made during the course of the year through the Payroll in the month in which the payments are made. Any mileage paid for travel from a Members external employer or site where the Member has not attended on DCC official business will be taxable and subject to NIC. This excludes travel for home to County Hall as for this purpose these journeys are deemed to be between bases within the employment.

### **Other Expenses**

In addition to the above payments, Members may be entitled to claim other expenses incurred in accordance with the Council's policy for the reimbursement of expenses. These will be claimed through the appropriate channels and will be subject to Income Tax and NIC in accordance with tax law. Deductions from payments should occur at the time the payment is made.

Charges for car parking incurred at County Hall or any other administrative offices of the County Council (where the Council itself levies any such charges) will be

deducted from their monthly allowances/expenses payments, calculated in line with the agreed scale of charges as may be amended from time to time.

## **Other Benefits**

Members may be permitted to make use of the Council's assets for incidental personal use or benefit from facilities which give rise to a taxable benefit. Where this occurs, Members, via the Council's Democratic Services & Scrutiny Secretariat, will be required to declare benefits of this nature for inclusion the annual P11D return to the Inland Revenue.

## **4. Dispensations**

The Council has agreed with the Inland Revenue that in certain instances payments of expenses and benefits should not give rise to a Tax or NIC liability as there is no profit element involved. Details of these dispensations or any further advice on Allowances, Tax and Social Security Benefits can be obtained from Devon Finance Services.

The Basic Allowance payable to members is intended to recognise and offset a proportion of the routine costs of correspondence and telephone calls. However, historically, Members have also been offered the loan of County Council ICT equipment when elected. That remains the Councils property and is not a disbursement, allowance or form of reimbursement of expenses. No alternative, monetary or financial provision is made for any Member who declines the loan of such equipment. It is not a universal offer (i.e the same equipment provided to all members) and the Independent Allowances Remuneration Panel has consistently taken the view that this is an operational matter and falls outside the scope of the Allowances Scheme. Full details of equipment lent to Members are kept and are available for inspection.

5. Any reference to 'Chair of a Committee' shall be taken to include the Chair of the Cabinet.

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## Appendix 2

### **Panels Recommended Allowances from May 2023** **Based on 3%, 4%, 4.32% (Panel Recommendation) 5% and 6%**

<b><u>Role</u></b>	<b><u>Multiplier</u></b>	<b><u>Amount</u></b> <b><u>(from May</u></b> <b><u>2023)</u></b> <b><u>3%</u></b>	<b><u>Amount</u></b> <b><u>(from May</u></b> <b><u>2023)</u></b> <b><u>4%</u></b>	<b><u>Amount</u></b> <b><u>(from May</u></b> <b><u>2023)</u></b> <b><u>4.32%</u></b>	<b><u>Amount</u></b> <b><u>(from May</u></b> <b><u>2023)</u></b> <b><u>5%</u></b>	<b><u>Amount</u></b> <b><u>(from</u></b> <b><u>May</u></b> <b><u>2023)</u></b> <b><u>6%</u></b>
Basic (currently £13,444)	N/A	13,847	13,982	14,025	14,116	14,251
Leader	2.5	34,618	34,955	35,063	35,290	35,628
Deputy	2.0	27,694	27,964	28,050	28,232	28,502
Cabinet	1.5	20,771	20,973	21,038	21,174	21,377
Chair Scrutiny	0.73	10,108	10,207	10,238	10,305	10,403
Vice Chair Scrutiny	0.365	5,054	5,103	5,119	5,152	5,202
Chair of Council	0.8	11,078	11,186	11,220	11,293	11,401
Vice-Chair of Council	0.2785	3,856	3,894	3,906	3,931	3,969
Chair – Development	0.5	6,924	6,991	7,013	7,058	7,126
Vice Chair – Development	0.25	3,462	3,496	3,506	3,529	3,563
Chair, Investment / Pension	0.5	6,924	6,991	7,013	7,058	7,126
Chair, Appeals	0.25	3,462	3,496	3,506	3,529	3,563
Chair, Farms Estate	0.25	3,462	3,496	3,506	3,529	3,563
Chair, Public Rights of Way	0.25	3,462	3,496	3,506	3,529	3,563
Chair, Procedures	0.25	3,462	3,496	3,506	3,529	3,563
Chair, Audit	0.25	3,462	3,496	3,506	3,529	3,563
*Leader, LD (6)	0.5	6,924	6,991	7,013	7,058	7,126
*Leader, Labour (6)	0.5	6,924	6,991	7,013	7,058	7,126
*Leader, Independent (4)	0.25	3,462	3,496	3,503	3,529	3,563

\* A multiplier of 1.0 for Groups more than 20% of the Councils size (therefore 12 or more members);

\* A multiplier of 0.50 for groups between 10% and 20% (therefore 6 or more Members (up to 11 Members);

\* A multiplier of 0.25 for groups of less than 10% (2-5 Members)