

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**CABINET SCRUTINY COMMITTEE**

**Minutes of a Meeting of the Cabinet Scrutiny Committee  
held on Monday 26<sup>th</sup> April 2010 at 6.00pm  
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

**PRESENT:**

Councillors I Gourlay (Chairman),  
I Mack (Vice-Chairman),  
J Loveless (Substitute for P Burall), T Manley (Substitute for C Crofts),  
D Pope, C Sampson, J M Tilbury and A Tyler

Other Member Present: Councillor N Daubney, Leader

Present by invitation: Mr M Press, Member of Independent Members Allowances Panel

Apologies for absence were received from Councillors C Crofts and P Burall.

**CSC67: MINUTES**

The minutes of the meeting held on 22 February 2010 were agreed as a correct record and signed by the Chairman.

**CSC68: URGENT BUSINESS UNDER STANDING ORDER 7**

There was none.

**CSC69: DECLARATIONS OF INTEREST**

There was none.

**CSC70: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There was none.

**CSC71: CHAIRMAN'S CORRESPONDENCE**

There was none.

**CSC72: RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There was none.

**CSC73: MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

There was none.

CSC74: **REPORT OF INDEPENDENT MEMBERS ALLOWANCES PANEL 2010/2011**

Councillor Tyler stated, for clarification purposes, that the remuneration to Members should be referred to as an allowance as opposed to pay. Mike Press, member of the Independent Panel referred the Committee to the Panel's report which clearly stated that the Panel acknowledged that the role of a Councillor should not be considered as salaried, and the allowances should not be considered as payment for a "job", but remuneration for costs incurred and a degree of the time spent on Council business.

In response to a question from the Chairman as to how much regard the Cabinet gave to the recommendations made by the Panel, the Leader explained that Cabinet acknowledged the important role of the Panel and had given their report and subsequent recommendations, serious consideration. He reminded the Committee that it was not in the powers of Cabinet to agree the levels of remuneration for Councillors but to make onward recommendations to Full Council to debate and agree the final levels. The Deputy Chief Executive confirmed that there was a requirement by law for local authorities to establish and maintain an Independent Panel to be responsible for the monitoring of the Members' Allowance Scheme and to make recommendations to the Cabinet regarding any changes to the scheme. The Council could not approve any changes to the allowances scheme without having regard to the views of the Panel.

In response to a question from Councillor Loveless in relation to the Panel's recommendation for an allowance for Members of the Development Control Board (DCB), Mike Press confirmed that the Panel were very conscious of the heavy workload of the Board and the requirement for all members of the Board to be present for lengthy meetings, site visits and training. He explained that some other local authorities in England did now allow for the payment to all members of the Board, and he was personally a member of two other Panels for neighbouring authorities who were currently considering the issue of an allowance for Members of their DCB. Councillor Manley raised the issue of substitutes for Members of the DCB who may only sit once or twice a year making implementation of any such allowance difficult.

Mike Press highlighted that the LGA Members' Allowances Survey 2008 showed that 54% of all Councillors in England received a special responsibility allowance in addition to their basic allowance.

Councillor Mack questioned how much consideration had the Cabinet given to the recommendations of the Panel or whether the Cabinet's recommendations were based purely on affordability. The Leader reiterated that Cabinet had given serious consideration to the recommendations of the Panel and that their recommendations to Council were not based on the grounds of affordability but what Cabinet felt "appropriate at the time". In response to a further question from Councillor Mack, Mike Press confirmed that the representative from the

voluntary sector was unable to attend the meeting of the Panel in person, however she did have an input into the recommendations via email.

Councillor Mack questioned whether the Panel had taken into consideration the formula developed by Dr Declan Hall (Institute of Local Government Studies) to calculate Members' Allowances when considering their recommendations which was based on expected hours (minus voluntary discount for public service) and local pay rates. The Deputy Chief Executive explained that the Panel had used the formula to calculate the original base rate allowance for Members some years ago but had subsequently used the rate of inflation.

Councillor Mack also questioned whether the Panel had carried out a benchmarking exercise or considered the findings of the LGA Members Allowance Survey 2008 which showed that the Borough Council's allowances for Members were considerably higher than most other authorities. Mike Press explained that the Panel had not taken into consideration the results of this specific survey but Officers had provided information on the basic allowances paid by other local authorities within the Region such as Breckland (£5,200), South Holland (£5,300), Great Yarmouth (£3,500) and East Cambs (£4,500). He also confirmed that the Panel had not considered the findings of the report on a full review of Members' Allowances carried out by Norfolk County Council in November 2009. Mike Press further added that no representations had been made to Officers from Members in relation to whether they considered the current allowances too high or too low. The Panel had not felt it necessary, on this occasion, to interview Members to ascertain their views on workload and current allowances.

Councillor Tyler raised the question as to how much consideration Cabinet had given, when determining their recommendations, to the pay award for staff, the economic climate, political issues and the local community. The Leader confirmed that Cabinet had considered all these issues and were mindful of the financial and political implications of any recommendations that they made. He confirmed that Cabinet had also given consideration to the views of other Members and that all Members would have an opportunity to debate the recommendations at Full Council.

The Chairman referred back to the Independent Panel's recommendations in previous years stating that a 0% increase was approved in 2009/10, 2.9% was recommended in 2008/09, and a large increase of 4.5% was recommended in 2007/08. The Leader suggested that it was inappropriate for the Committee to debate previous recommendations. Councillor Tilbury highlighted that Cabinet did not have to agree with the recommendations of the Panel and all Members would have an opportunity to debate and make representations at Full Council.

Councillor Pope suggested that some Members put in substantially longer hours and contributed more than others. He referred to the travel allowance of 40p per mile and stated that this penalised Members who

contributed to the Council and those that lived in rural areas. The allowance was not sufficient to cover costs of running a car, such as depreciation and wear and tear and had remained at the same level since 2003. However since that time, the cost of fuel had increased dramatically. In response, Mike Press acknowledged the comments but stated that Councillors owned their own vehicles and had not purchased them specifically for duties associated with the Council. The allowance was aimed to cover the marginal cost of fuel. Cars nowadays were much more energy efficient in relation to fuel consumption. If the allowance was increased above the rate of 40p per mile, all Councillors would be required to make a tax return and complete a P11D. Any mileage accrued over 10,000 would also see a decrease in the allowance rate for mileage that could be reimbursed. The reimbursement of expenditure for public transport reflected the actual cost of taking that transport.

Councillor Mack stated that the process of determining Members allowances should be open and transparent and based on research and evidence with a degree of detachment from Councillors. He suggested that a full review, such as the one conducted by Norfolk County Council, should be conducted prior to the Borough Council elections next year and proposed that the Committee put forward an additional recommendation to Council to avoid a similar situation of a high increase following the local elections:

“That the Independent Panel be tasked to provide a full review of Members Allowances and make its recommendations and implementations before the Borough Council elections next year”.

The Leader sought legal advice as to whether it was lawful for the Committee to make such a recommendation. Teresa Campion (Legal Advisor to the Committee) confirmed that it was an appropriate recommendation for the Committee to make to Full Council.

Mike Press stated that if Members felt this was appropriate, the Panel could carry out such a review. He explained that the Panel was concerned that in continuing to have 0% increases in allowances it produced a situation of “allowance drift” thereby requiring single higher increases in future years. Councillor Tilbury reiterated that all Members would have an opportunity to vote against the recommendations at Council, however there was nothing to stop a similar increase being approved again following the local Borough elections next year.

In response to a question from Councillor Pope as to whether he agreed or disagreed with the recommendations made by Cabinet, Councillor Mack stated that in the public interest, the process should be much more transparent and that the evidence considered had not been assembled in a coherent manner.

Councillor Mack further proposed his recommendation (as above) which was seconded by Councillor Loveless. On putting it to the vote, four Members of the Committee were in favour and four were against the proposed recommendation. The Chairman, with the casting vote,

decided that the Committee would not put forward the recommendation but reminded Members that there was an opportunity to put a notice of motion before Full Council.

CSC75: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There was none.

CSC76: **DATE OF NEXT MEETING**

The Committee noted the date of the next meeting was scheduled to be held on **Monday 21 June 2010** at 6.00pm.

The Chairman explained that the appointment of the Chairman and Vice-Chairman would not be made until the actual meeting on the 21<sup>st</sup> June and therefore there were a number of options for the Committee to consider as to how items would be selected for scrutiny at the meeting. The Committee could elect for the current Chairman and Vice-Chairman, subject to reappointment to the Committee at Annual Council on the 13<sup>th</sup> May, to select Cabinet decisions to be scrutinised, the Committee as a whole could meet or the three Leaders could determine the Agenda.

Following discussions, it was agreed that the current Chairman and Vice-Chairman, subject to reappointment to the Committee at Annual Council on 13<sup>th</sup> May 2010, select the decisions from Cabinet to be scrutinised at the meeting scheduled on 21<sup>st</sup> June 2010. Members were reminded that they all had the option to put forward decisions made by Cabinet for scrutiny by the Committee.

**Meeting closed at 6.50pm**