

A Review
Of
Members' Allowances
For
Bracknell Forest Council

The Ninth Report
By the
Independent Remuneration Panel

Dr Declan Hall (Chair)
Hilda Johnston
Neil MacGregor
John Murtagh
Andrew Stone

December 2017

Foreword

This is the ninth review by the Independent Remuneration Panel (or Panel) for Bracknell Forest Council. The first review (see January 2001 Report) was undertaken as part of the wider implementation of the modernisation agenda arising out of the Local Government Act 2000, which in turn brought in new roles and responsibilities for Members. The first report made recommendations, which the Council broadly accepted. The 2001 review largely set the framework for the present allowances scheme.

The second review was required under the *Local Authorities (Members' Allowances) (England) Regulations 2003*¹ and subsequent amendments. These Regulations mandated all local authorities to establish and convene an advisory Independent Members' Allowances Remuneration Panel to make recommendations on certain associated allowances such as travel and subsistence, Co-optees' allowances, and pensions for Councillors before 31 December 2003. The 2003 review also tasked a new Panel to review the range and levels of the Basic Allowance and Special Responsibility Allowances (SRAs) in light of experience of the new system of local government.

The third review was of a minor nature, prompted by an invitation by the Council to conduct a post-implementation review of the scheme to consider certain changes in roles of some Members and give further guidance on an issue surrounding the claiming of Members expenses. The fourth review arose out of issues the Panel was not in a position to address in its previous review due to lack of experience of two posts, namely Executive Support Members' and Chairs of the Licensing Panels, with a further consideration on conditions surrounding the mileage allowance. The fifth review arose out of the need to review the indices applied to the various allowances and further minor issues emerging as part of the annual review programme.

The sixth review arose out of the recommendation of the previous review to take the opportunity by the end of 2009 to undertake a fundamental review of the whole scheme in light of emerging legislation that might have affected Members' roles and responsibilities and as it not been thoroughly reviewed for a number of years. Again, it did not result in any significant changes in the Members' Allowances scheme – it was felt that the scheme was still broadly fit for purpose. The seventh review in late 2011 arose of the need for a fresh authority for another four years to extend the right to join the Pension Scheme to review a number of specific posts and associated allowances and provide advice to the Council on whether the Council should continue with indexation provision. The eighth review (January 2014) arose out of a number of issues raised by an audit report that require guidance and clarification mainly in relation to Members' expenses that addressed anomalies arising rather than undertaking a fundamental review as the broad framework of allowances in Bracknell Forest Council was still deemed broadly fit for purpose.

This the ninth review arises out of the requirement of 2003 Regulations to review allowances scheme at least once every four years to ensure that there is periodic public scrutiny of Members' Allowances. The conclusions of this review were that the scheme has stood the test of time and the main task was to address minor issues arising rather than undertaking a fundamental review. In reaching these conclusions the Panel, as always, has been mindful of its guiding principle that it has sought to

¹ See Statutory Instruments 2003 Nos. 1021, 1022 and 1692 for further details.

reduce financial barriers to being an elected Member while ensuring that the remuneration and expenses received by Members represents value for money.

Finally, this is the last review in which Neil McGregor will be taking part. Neil is the longest serving member of the Panel and has provided stellar service and made a very valuable contribution over the years. I take this opportunity on behalf of the Panel to thank Neil and wish him all the best for the future.

Dr Declan Hall
Chair of the Bracknell Forest Council Independent Remuneration Panel

December 2017

Executive Summary

Recommendations for change

(i) Co-optees' Allowances

The Panel recommends that following Co-optees' Allowances are paid:

- Governance & Audit Co-optee:
 - £291 per year
- Co-optee preparing for and attending a Code of Conduct Panel meeting:
 - £30.14 for meetings not exceeding 4 hours
 - £59.10 for meetings over 4 hours

(ii) The Dependants' Carers' Allowance

The Panel recommends that the DCA is amended to change the age of carer from "18 or over" to "16 or over" in paragraph 10.2 fourth paragraph.

The Panel further recommends that under paragraph 10.2 Conditions and amount payable (third paragraph) a clarification is made to the maximum amount claimable per approved duty, which currently reads "The total Dependants' Carers' Allowance is capped at £51.52 per approved duty and at a maximum of 40 hours per week."

The Panel recommends that under paragraph 10.2 Conditions and amount payable (third paragraph) of the DCA that a clarification is added at the end of the sentence

"The total Dependants' Carers' Allowance is capped at £51.52 per approved duty and at a maximum of 40 hours per week."

Namely;

"regardless of the number of dependants a Councillor may have. The DCA is a contribution to the care of dependants it is not designed to reimburse the cost of all dependants' care for all approved duties."

For further clarification, the Panel also recommends that under paragraph 10.2 (1) Childcare, second sentence ("The hourly rate payable ...") the following is inserted at the end of the sentence: "*subject to the cap set out above.*"

(iii) Indexation of Allowances

The Panel recommends that the Bracknell Forest Council Members Allowances are indexed as follows:

- Basic Allowance, SRAs, Co-optees', DCA, Subsistence & Overnight Accommodation Allowances:
 - Will be adjusted for inflation by the amount of the percentage increase in the nationally agreed pay increase for local government employees (linked to Spinal Column Point 49 of the NJC Scheme) on 1 April (commencing 2018)
 - Rounded up to the nearest pound (£).
- Travel Allowance – Out of Borough Mileage Rates:
 - Continue to be indexed to HMRC AMAP mileage rates

(iv) Implementation of Recommendations

As permitted by the 2003 Members' Allowances Regulations (paragraph 10.6) the Panel recommends that the new Members' Allowances scheme as recommended in this report are implemented from 1 April 2018 with the following exceptions:

- Implementation of the Co-optees' Allowances
- Changes to the DCA
 - From date when council agrees contents of report

Issues given consideration but no change recommended

The Panel gave a great deal of consideration to the following SRAs:

- I. Community Champions (SRA £2,201)
- II. All Committee Vice Chairmen
- III. The Chairman of the Governance & Audit Committee (SRA £2,201)

However, the Panel is not recommending altering these SRAs either in scope or level.

Travel and Subsistence Allowances

Similarly, the Panel specifically reviewed terms and conditions for which travel and subsistence allowances may be claimed but is not recommending any change.

A Review of Members' Allowances

For

Bracknell Forest Council

By the

Independent Remuneration Panel

The Ninth Report

December 2017

Introduction: The Regulatory Context

1. This report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the Panel) for Bracknell Forest Council to advise the Council on its Members' Allowances scheme. The Panel is established under *The Local Authorities' (Members' Allowances) (England) Regulations 2003 (SI 1021)* ("the 2003 Regulations"). These regulations, which arise out of the relevant provisions contained in the Local Government Act 2000, require all local authorities to establish and maintain an advisory Independent [Members] Remuneration Panel to review and provide advice on Members' allowances on a periodic basis. All Councils are required to convene their Panel and seek its advice before they make any changes or amendments to their members' allowances scheme. They must 'pay regard' to their Panel's recommendations before setting a new or amended Members' Allowances Scheme.
2. On this particular occasion, the Panel has been reconvened under the paragraph 10.5 of the 2003 Regulations that requires Panels to convene at least every four years (known as the '4 year rule') to renew authority for any allowances that have an automatic index applied to them and/or reconsider whether it is applicable to recommend indexing the main allowances. This mechanism also provides an opportunity for Panels to publicly scrutinise their Councils allowances schemes and enhance public accountability in the context whereby Councils retain ultimate decision making for their own remuneration.

The Panel

3. Bracknell Forest Council reconvened its Independent Remuneration Panel, constituted of the following members:

- Declan Hall PhD (Chair):
A former lecturer at the Institute of Local Government The University of Birmingham and a political scientist by training. Declan is currently an independent consultant specialising in members' allowances. He has taught politics in Illinois and Indiana and worked as political lobbyist in the Chicago area. As a UK academic he was involved in the development of governance structures for ODPM.
- Hilda Johnston:
A retired teacher, who has taught young people and adults in England, Scotland, and Singapore in both the state and private sector; Hilda is a local resident.
- Neil MacGregor:
A former magistrate in East Berkshire; Neil is a local businessperson and a local resident.
- John Murtagh:
An Immigration Enforcement Officer with the South Central ICE Team and a local resident; John is a new Panel Member, appointed in January 2017.
- Andrew Stone:
A local businessperson and resident; Andrew is a new Panel Member, appointed in January 2017.

4. The Panel was supported by:

- Ann Moore: Head of Democratic and Registration Services
Ann acted as the 'Panellists' Friend' by providing factual briefings to the Panel.
- Kirsty Hunt: Principal Democratic Services Officer (Governance)
Kirsty took the organisational lead in facilitating the work of the Panel

Terms of Reference

5. The Terms of Reference² of the Panel are to make recommendations to the Council that will be applicable from the date of April 2018 on:-
- I. The amount of basic allowance that should be payable to its elected members and the expenses that it is deemed to include
 - II. The responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
 - III. The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance

² Terms of reference based on those laid out in 2006 Statutory Guidance paragraph 61

- IV. The co-optees to be paid a co-optees' allowance and the amount
- V. Whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
- VI. Whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
- VII. Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run
- VIII. Additional expenses and support received by Members
- IX. Any matters that are brought to the attention of the Panel in their consultation with Members and briefings from Officers

In arriving at their recommendations, the Panel shall also take into account:

- A. The issues raised in initial briefing session for the IRP on 10 February 2017
- B. The views of Members both written and oral
- C. Allowances paid in comparable councils, namely the other Berkshire and South East unitary councils

Process and Methodology

6. As there were two new appointments to the Panel, (January 2017) the review was approached via a two-step process. Firstly, a training and refresher session, held at Easthampstead House on 10 February 2017, for all Panel members. At this initial meeting the Panel received briefings from relevant Officers outlining recent changes in the Council's governance arrangements and generally responding to questions of fact on how the Council and its' committees operate. This initial meeting of the reconfigured Panel also identified potential issues to feed into the review.
7. Secondly, the Panel further met at Easthampstead House, on 22 September 2017 to review the scheme of allowances in accordance with the terms of reference. For this second meeting the Panel invited a representative range of Members to attend discursive interviews. All other Members who wished to meet with the Panel were given the opportunity to discuss their issues with the Panel in person.
8. Although the Panel did not specifically invite Council Officers to meet with the Panel on 22 September 2017 relevant Officers were asked to meet the Panel to provide further information and clarifications where required. The Panel meetings were in private session to enable the Panel to meet with Members and Officers and conduct deliberations in confidence.

9. To ensure that all elected Members had more than one opportunity to make their voice heard in the course of the review all Members were sent a questionnaire, with 18 replies received. The questionnaire also had the methodological advantage of ensuring all Members who met with the Panel were asked a common set of questions.
10. In arriving at its recommendations, the Panel took into account a wide range of information. The details of representations and evidence received and considered by the Panel are in the following appendices:
 - Appendix 1: Written evidence and data reviewed by the Panel
 - Appendix 2: Members who met with and Officers who briefed the Panel
11. In accordance with the terms of reference, the Panel undertook benchmarking. The principal benchmarking group utilised by the Panel was Bracknell's 10 'Nearest Neighbours' as defined by CIPFA³ with Slough added to include all the Berkshire unitary councils (2017/18 allowances schemes). The Panel also had secondary benchmarking group, the 12 unitary councils that responded to the 2016/17 annual survey of allowances by the South East Employers (SEEMP) but the only mean value that survey produced was for the Basic Allowance.

Key Message – only marginal changes required

12. Although the main allowances paid under the Bracknell Forest Council Members' Allowances scheme have remained unaltered since 2010 all the evidence indicates they are still broadly fit for purpose. There have been limited changes in governance arrangements and Member roles since the last review meaning that the allowances payable are still in line with the situation at the time of the last review. Benchmarking supports this conclusion, which shows that the remuneration of Bracknell Forest Members is on a par with their peers in Berkshire and the South East. Moreover, the questionnaire responses further back up the conclusion that the allowances' scheme does not require fundamental change.
13. This is not to say there was no disquiet over the fundamentals or no case to make more extensive changes than is being recommended here. Nevertheless, the disquiet was not widespread and the case for any extensive change was limited.
14. There were a number of issues raised that fall outside the remit of the Panel. The Panel cannot interfere in what is strictly council business and political management issues whether it be:
 - The number of elected Members on the Council
 - The efficacy of executive arrangements
 - Perceived variance in the workloads undertaken by Members
15. The Panel recognises that it continues to be an economically tough climate for both the Council and the residents of Bracknell Forest - a key message

³ Chartered Institute of Public Finance & Accountancy - ranks all councils by statistical distance based on a standard set of demographic and economic criteria.

reiterated by all the interviewees and questionnaire responses – and that the Council was unlikely to accept an overall increase in the current total spend on Members' Allowances. The Panel cannot ignore the current economic context. There is little point in the Panel making recommendations that bear no relationship to economic constraints within which the Council has to operate; otherwise, the review would simply make aspirational recommendations for a future date rather than supporting Members in the present.

16. Ideally, the purpose of any review is to make recommendations based on knowledge of the current governance structures, an analysis of the evidence and representations and the levels and scope of allowances paid in comparator councils - thus arriving at an evidenced-based judgement on the monetary worth of the roles under consideration. On the other hand, the logic of having an independent Panel is *inter alia* to ensure public accountability vis-à-vis allowances.⁴ Bearing in mind the requirement to balance these two competing imperatives the Panel concluded that at this stage the main task is to address anomalies where they have arisen.

The Panel's Recommendations – the Basic Allowance

17. The Panel did receive representation that the Basic Allowance was no longer sufficient but it was not overwhelming; seven out of the 18 responses to questionnaire made that argument. Indeed the wider evidence does show that the original time estimation (the equivalent of two days per weeks) on which the Basic Allowance is based is now probably on the low side. Yet, the representations to the Panel stressed that while a cognisant argument can be made to increase the Basic Allowance, it is still not the right time to do so bearing in mind the on-going squeeze on public finances.
18. Moreover, benchmarking shows that the Bracknell Forest Basic Allowance is in line with peer authorities when compared to the mean:
 - CIPFA 10 Nearest Neighbours + Slough (17/18) BA: £8,568
 - SEEMP Allowances Survey (Unitary Councils 16/17) BA: £8,978
19. **Consequently, the Panel concluded that at this stage the current Basic Allowance (£8,687) does not need revising.**

Expenses deemed included within the Basic Allowance

20. In its previous review, the Panel recommended and the Council accepted that the allowances scheme be amended to specify that the Basic Allowance “is inclusive of broadband provision, in-borough travel, in-borough parking, occasional taxis and all incidental expenses not otherwise specified in the Scheme.”⁵
21. This change has resulted in savings to the Council; both in terms of direct costs and Officer support. In the main, Members have accepted the extension of costs deemed as included in the Basic Allowance. The success of this

⁴ See 2006 Statutory Guidance paragraph 4

⁵ See 8th Report by the Independent Remuneration Panel, January 2014, executive summary

policy is lent further support by the latest Internal Audit Report on Members Expenses. This audit shows significant improvements in the claiming and processing of Member's expenses, no small part being due to clarifications, limitations and simplifications put in place since the last review. It does not suggest any further changes are required.

22. A handful of representations were received that argued greater provision should be made to meet out of pocket expenses such as telephone, broadband and printer paper costs but no real evidence beyond that was received to suggest the Panel should change the current approach.
23. **The Panel recommends no change to costs deemed to be included within the Basic Allowance.**

Special Responsibility Allowances

24. Benchmarking shows that the senior SRAs in Bracknell Forest are somewhat or discernably above the mean. For instance, the mean SRA for Leaders (CIPFA 10 Nearest Neighbours + Slough)⁶ is £28,020 while the Bracknell Leader's SRA is £28,954. This difference is not significant enough to cause the Panel concern particularly considering that the post of Bracknell Forest Council Leader requires a full time commitment that precludes employment or paid work in the normal sense, which may not be the case in the comparator councils..
25. While benchmarking shows that most SRAs payable in Bracknell Forest Council fall within the third quartile, they are not the highest in any instance. Moreover, the numbers of SRAs payable in Bracknell Forest Council are not as extensive as in authorities that tend to have lower SRAs.
26. The Panel received some representation to alter the scope and levels of SRAs payable but it was not overwhelming. Out of the 18 questionnaire responses, only five indicated that SRAs were in need of reform. However, they all either queried specific SRAs or why all posts in the same category received the same SRA.
27. In regards to the latter, it was questioned why all Portfolio Holders (£15,926) and Scrutiny Panel Chairmen (£5,791) receive the same SRA when it appears that some remits are larger than are others. This may be the case and to an extent, it is inevitable that some Portfolio Holders and Scrutiny Panel Chairmen may have differential workloads but it is partially a reflection of the government's legislative agenda and the Council's priorities. Moreover, it is also largely a political management issue – it is within the power of the Leader and Council to reassign executive and scrutiny remits if it was felt they have become unbalanced. Finally, even if the Panel could accurately do so it would require constant monitoring by the Panel to assess variance in executive and scrutiny remits. Benchmarking shows that the vast majority of other IRPs take the same view in that they treat Executive posts and Scrutiny Panel Chairmen equally.

⁶ In benchmarking executive SRAs Reading was removed; it has a committee governance model and therefore does not have any executive Councillors.

28. While the Panel concluded not to revise any SRAs at this juncture because a number of specific posts were raised in representations the Panel has laid out its rationale regarding the following posts:

II. Community Champions (SRA £2,201)

Queries were raised questioning the validity of paying the four Community Champions largely on the grounds it was not always clear what they do or always particularly visible. Indeed, benchmarking shows that this specific post does not receive an SRA in any other South East unitary council although three of the 12 that replied to the SEEMP allowance survey paid 'deputy' executive posts a role that is akin to Member Champions.

Nonetheless, the Panel is content with the current SRA paid to Member Champions as

- a. They have constitutional recognition through having role profiles that can be summed up as representing their community to the Council and vice versa
- b. While accepting that the role of Community Champions may not be as visible as other posts it is partly inherent in their role and need to work informally
- c. Their remits reflect the priorities of the Council and are generally seen to add value to living in the borough

III. Vice Chairman's SRAs

Currently only two Committee Vice Chairmen receive an SRA:

- Planning Committee: £723
- Licensing & Safety Committee: £626

There was a view that it would be more equitable if all the Vice Chairmen get an SRA or no Vice Chairmen paid an SRA. Yet, no evidence was received to conclude that all committee Vice Chairmen merit an SRA as

- a) They have no role profiles
- b) They are not required to attend chairman's briefings and
- c) On the data supplied to the Panel, since the 2013/14 to date there had been 12 occasions across all council committees when a Vice Chairman has had to stand in for their respective Chairman, which equates to 5.7% of meetings held.
- d) Benchmarking shows that it is not typical practice to remunerate all committee Vice Chairmen.

Conversely, the small SRA for the Vice Chairmen of Planning and Licensing & Safety Committees relate to the two statutory regulatory committees, which make decisions that are quasi-judicial in nature. In the case of Planning, the Vice Chairman has to be able stand in for their Chairman, as planning meetings cannot usually be postponed. In the case of Licensing, the Vice Chairman is expected to, and does, chair Licensing Sub Panels when the Chairman of Licensing is not available.

There was a further subsidiary issue on why the actual amount paid to the Vice Chairmen of Planning and Licensing was not higher and that their differentials should be reviewed. The Panel recognises that there may be a case to review the level and differentials for these two SRAs. On the other hand, the Panel notes that it is too early to know the impact of the Transformation programme on the number of planning applications considered by Planning Committee and subsequent impacts on workloads of the Chairman and Vice Chairman. It also notes that the decrease in the number of Licensing Sub Panels over the years.

Consequently, the Panel was not convinced this was the right time to review the SRAs for the Vice Chairmen of the Planning and Licensing Committees, it would be better to do so when a more wide ranging reform of the scheme is required.

IV. The Chairman of the Governance & Audit Committee (SRA £2,201)

The only change in governance arrangements of any significance since the previous review was the disestablishment of the Standards Committee (it is no longer a statutory committee) and the assignment of residual functions not assigned elsewhere (namely to the statutory Independent Person and Monitoring Officer) to the Governance and Audit Committee.

The main extra responsibilities for the Governance and Audit Committee is for the Council's Code of Conduct and when required to convene Code of Conduct Panels to consider allegations of misconduct against Members (and Co-opted Members) of the Council, pursuant to the Council's Code of Conduct and to impose appropriate sanctions in the case of a breach being found.

Each Panel comprises of three councillors one of whom is expected to be the Chairman if available, drawn from the Governance & Audit Committee based on their availability, and one nonvoting co-opted member who is not a Bracknell councillor.

While this governance change raises issues in relation to co-opted Members (see below) thus far it has limited impact on the remit of the Governance and Audit Committee. There have been no significant changes to the Code of Conduct and no Code of Conduct Panels since the reassignment of the standards functions. Thus, the Panel was not convinced that the assignment of the Standards functions to the Governance and Audit Committee is significant enough at present to merit an increase in the Chairman's SRA.

29. **The Panel recommends that the current level and scope of SRAs payable remains unaltered.**

Maintaining the 'One SRA only' Rule

30. Currently the Council maintains a 'One SRA only' rule in that regardless of the number of remunerated posts held by an elected Member they can be paid

'One SRA only'. This practice was questioned; the argument being that if a Member has more than one remunerated post then they should be paid all their eligible SRAs.

31. While the 2003 Members' Allowances Regulations do not prohibit a Member receiving more than one SRA or all Members receiving multiple SRAs come to that, the one SRA only rule is a policy followed by most Councils. It helps to ensure that allowances schemes are transparent and the real remuneration of senior Members is not obscured by listing for instance a low SRA for Leader where the Leader is also paid another SRA for being an executive member and/or Leader of largest group on council. It also helps prevent concentration of remuneration.
32. **The Panel recommends that the One SRA only rule be maintained.**

Co-optees' Allowances

33. The reassignment of the residual standards function to the Governance and Audit Committee means there is one permanent independent "co-optee" on the committee who is not in receipt of a Co-optees' Allowance. The co-opted members on the Overview and Scrutiny Commission, namely the two diocesan and two parent governor co-optees, receive an annual Co-optees' Allowance of £291. It is only equitable that the co-opted Member of the Governance and Audit Committee receive the same allowance.
34. In addition, when a Code of Conduct Panel is required, it has to include at least one co-opted Member drawn from a panel of five (three independent co-optees and two Parish/Town Council co-optees for complaints against Parish/Town Councillors. While no such Panel has been convened under the new arrangements it could occur and if so then there should be a Co-optees' Allowance available. As the requirement to attend such Panels are only when required and the workload of each co-optee in the pool is unknown the Panel has decided that the best way to pay this allowance is on a per meetings basis and has been guided by the allowance payable to Education Appeals Panel Members for each meeting they attend.
35. **The Panel recommends that following Co-optees' Allowances are paid:**
 - **Governance & Audit Co-optee:**
 - **£291 per year**
 - **Co-optee preparing for and attending a Code of Conduct Panel meeting:**
 - **£30.14 for meetings not exceeding 4 hours**
 - **£59.10 for meetings over 4 hours**
36. The One SRA only rule does not apply to Co-optees.

The Dependants' Carers' Allowance

37. There was general support to maintain a Dependants' Carers' Allowance (DCA) on the principle that it helps to reduce a barrier to becoming and

remaining an elected Member. The DCA is in place in the vast majority of English councils.

38. The only issue arising was that the way the DCA scheme is worded in that it restricts any Carer reimbursed through the DCA scheme to be over the age of 18. It was pointed out that this rules out informal carers, in effect baby sitters who simply need to be present rather than provide high-level care for any elected Members children.
39. **As such the Panel recommends that the DCA is amended to change the age of carer from “18 or over” to “16 or over” in paragraph 10.2 fourth paragraph.**
40. **The Panel further recommends that under paragraph 10.2 Conditions and amount payable (third paragraph) a clarification is made to the maximum amount claimable per approved duty, which currently reads “The total Dependants’ Carers’ Allowance is capped at £51.52 per approved duty and at a maximum of 40 hours per week.”**
41. **The Panel recommends that at the end of this sentence the following clarification is added: “regardless of the number of dependants a Councillor may have. The DCA is a contribution to the care of dependants it is not designed to reimburse the cost of all dependants’ care for all approved duties.”**
42. **For further clarification, the Panel also recommends that under paragraph 10.2 (1) Childcare, second sentence (“The hourly rate payable ...) the following is inserted at the end of the sentence: “*subject to the cap set out above.*”**

Subsistence Allowances – maximums for overnight stays

43. In its last review the Panel substantially revised the terms and conditions for which subsistence and travel allowances may be claimed in response to an internal audit report that highlighted some grey areas and unclear demarcation of what can and cannot be claimed for reimbursement. The latest internal audit report shows that these deficiencies have been addressed, it is also a view supported by a large majority of the representations made to the Panel.
44. However a couple of representations maintained that the maximum rates that Members can reclaim when they seek reimbursement for staying overnight while attending approved duties may be somewhat restrictive at the current caps which are
 - London: £154.55
 - Outside London: £97.88
45. In particular where a Member is required to attend an approved conference the current maximums reclaimable do not always meet the full cost of staying at the approved conference hotel.
46. The Panel notes that the allowances scheme provides a degree of flexibility in that paragraph 10 (5) first bullet point states

- Wherever possible Member Services will organise meals and accommodation on behalf of the Councillor, in advance
47. This provides Members flexibility to obtain suitable conference overnight accommodation as on most occasions conferences are in relevant Councillors diaries well in advance.
48. Nonetheless, to take into account the odd occasion a Member is not able to organise subsistence and accommodation in advance via Member Services the Panel was provided with information on the cost of a range of 2-4 star hotels in London and Manchester in the week following the Panel meeting on 22 September. In the majority of cases reasonable accommodation could be obtained that did not exceed the current maximums when seeking reimbursement for overnight accommodation.
49. **The Panel is not recommending any change to the current terms, conditions and maximum rates for reimbursement of accommodation expenses.**

Travel Allowances

50. The main issue raised regarding travel allowances was that the scheme was too restrictive and not flexible enough to meet all circumstances for when Members attend approved duties outside the Borough, largely on the basis that the travel scheme assumes that any eligible journey will be the most cost efficient possible taking into account marginal costs of time and distance.
51. As per the previous review, the Panel requested additional legal advice relating to the reimbursement of travel costs incurred by a third party by conveying a Member in their own car. Again the advice received by the Panel was that the allowance must be payable to the Member in respect of expenses incurred by the Member. However, it would be open for the scheme to allow for payment to be made to a Member in respect of a payment which they had made to a third party for travel or subsistence.
52. The Panel undertook a mapping exercise that laid out options and alternatives and exemptions at different decision points and concluded that ample flexibility was built into the travel allowances scheme to meet the vast majority of circumstances. No travel or subsistence scheme can take into account all personal circumstances all of the time for all councillors – that fact that it provides for the vast majority of the Members, for the vast majority of the time for travel to the vast majority of approved duties outwith the Borough is an indication of its robustness.
53. **The Panel recommends that the terms and conditions under which Members may claim travel allowances should remain as they are.**

Indexation of Allowances

54. The Basic Allowance and SRAs have remained static since 2011 – no annual cost of living increases have been applied on the recommendation of the

Panel. The rationale behind this recommendation was to show that by freezing Members' allowances it demonstrated to staff and the electorate that Members were sensitive to the adverse economic conditions. Times have changed somewhat and since 2014/15 local government staff have had an annual 1 per cent increase applied to their salaries as part of the national negotiation arrangements. The Panel now feels that the same should be applicable to the Basic Allowance and SRAs going forward. A similar indexation provision for the Basic Allowance and SRAs is now common throughout English councils.

55. The Panel points out that if these allowances are not indexed the Council is not able to apply an annual cost of living increase without coming back to the Panel for advice after this year. However, where a Council has adopted indices they are under no obligation to apply them each year. Councils retain the right not to apply an index to their allowances even though the provision may have been adopted. In other words by adopting indexation the choice to apply or not still lies with the Council.
56. **The Panel recommends that the Bracknell Forest Council Members Allowances are indexed as follows:**
- **Basic Allowance, SRAs, Co-optees', DCA, Subsistence & Overnight Accommodation Allowances:**
 - Will be adjusted for inflation by the amount of the percentage increase in the nationally agreed pay increase for local government employees (linked to Spinal Column Point 49 of the NJC Scheme) on 1 April (commencing 2018)
 - Rounded up to the nearest pound (£).
 - **Travel Allowance – Out of Borough Mileage Rates:**
 - Continue to be indexed to HMRC AMAP mileage rates

Implementation of Recommendations

57. **As permitted by the 2003 Members' Allowances Regulations (paragraph 10.6) the Panel recommends that the new Members' Allowances scheme as recommended in this report are implemented from 1 April 2018 with the following exceptions.**
- **Implementation of the Co-optees' Allowances**
 - **Changes to the DCA**
 - From date when council agrees contents of report

Appendix 1: Papers and other Written Material Received by the Panel

1. Itinerary 10 February 2017
2. Copy of Power point Presentation by IRP Chair
3. Bracknell Forest Council Members' Allowances scheme 2016/17
4. Statutory publication of Members' allowances & expenses, including sub totals, 2015/16
5. February 2014 Report
 - including minutes recording Council decision
6. Diagram of Bracknell Forest Council Committee Structure
7. Schedule of Council Meetings 2016/17
8. Schedule of Council Meetings 2017/18
9. Membership of Executive, Committees & who Chairs them
10. Member role profiles
11. Copy of proposed aide memoir to be sent to all Councillors
12. 2003 Members' Allowances Regulations
13. Summary of hours worked (mean per week) by Councillors (Census of Councillors 2013)
14. Pay increase: National Joint Council for Local Government Services LGS Pay 14-16 @ 2.2%
15. Pay Offer: National Joint Council for Local Government Services LGS Pay 2016 and 2017 @ 1% per year
16. Paper showing what BA and main SRAs would be if indexed had been applied since 2014 review
17. Bracknell median & mean weekly pay (all full time jobs excluding overtime), Annual Survey of Hours & Earnings (ASHE), ONS 2016 Table 7.2a work geography
18. Summary of allowances schemes from benchmarking councils
19. Benchmarking spend totals and spend per head
20. Bracknell Forest SRA schedule and current ratios 2016/17
21. Itinerary for 22 September 2017

22. IRP Terms of Reference

23. Survey results report

- Combined report
- Individual responses

24. Terms of Reference for Committees, Panels etc.

25. Spread sheet comparing allowances schemes

26. Support comparison chart

27. Recent newspaper article – Bracknell Forest News

28. Data on Vice Chairman chairing Committees

29. Data on Licensing Panel meetings and chairing

30. Dependants' Carer's Allowances claim breakdown

31. LGA Allowances Scheme

32. Constitution changes since December 2013

33. Members Allowances Statutory Guidance 2006

34. Councillor Census 2013 data

35. Internal audit report (restricted)

36. Summary of survey responses

37. Flowcharts showing Travel and Subsistence Allowances claiming process

38. Research into London and Manchester accommodation rates

39. Member Allowances Schemes – comparison on indexing in the scheme

40. Other Berkshire Councils Member Allowances Schemes – available for reference at the meetings

Appendix 2: Members and Officers who met with the Panel

Elected Members:

- Cllr P. Bettison OBE: Leader of the Council and Conservative Group and Chairman of the Executive and Executive Member for Council Strategy and Community Cohesion
- Cllr M. Brossard: Vice Chairman of the Planning Committee and Children, Young People & Learning Overview & Scrutiny Panel
- Cllr Ms M. Gaw: A community Councillor
- Cllr I. McCracken: Executive Member for Culture, Corporate Services & Public Protection
- Cllr C. Thompson: Older People's Champion, Vice Chairman of the Licensing and the Governance & Audit Committees

Officers:

- Kirsty Hunt: Principal Democratic Services Officer (Governance)
- Ann Moore: Head of Democratic & Registration Services