

SC/003/11

Committee The Essex County Council and Essex Fire Authority Joint Standards Committee

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Members Allowances Scheme – Implications for the Standards Committee

1. Purpose of the Report

To update the Committee on the arrangements contained in the revised County Council Members Allowances Scheme that have implications for it.

2. Arrangements having implications for the Standards Committee

The Members Allowances Scheme

The Scheme and the Independent Review Panel's recommendations have a number of implications for the Standards Committee.

- Members with a physical disability which restricts their ability to access some types of transport, where agreed by the Committee, should be able to claim for specific travel expenses according to their needs. In this instance the Committee is required to act as an appeal committee. Based on present experience, it is unlikely that there will be much demand for this and is not something that warrants bringing in front of the whole Committee.

The proposal is that a sub-committee comprising three members (one independent member as Chairman and two councillors to be agreed by the Chairman of the Committee) be constituted to hear evidence from the member concerned either in person or in writing and make a recommendation to the Chief Executive.

- Members with care responsibilities in respect of dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for actual payments to a carer while the Member is on approved Council duties. A carer who is a member of the claimant Member's household will not be reimbursed. In cases of difficulty the matter should be referred to the Standards Committee for decision.

The proposal is that a sub-committee comprising three members (one independent member as Chairman and two councillors to be agreed by the Chairman of the Committee) be constituted to hear evidence from the member concerned either in person or in writing and make a recommendation to the Chief Executive.

The Independent Review Panel on Members Allowances recommended that Members should prepare a publicly available annual statement which highlights their achievements and activities throughout the year. The Panel proposed that these reports will also be submitted to the Standards Committee.

In exceptional circumstances, where a member is judged to be conspicuously failing to perform, the Panel proposed that the Standards Committee may recommend the non-payment of allowances due. The Standards Committee was concerned regarding the potential increased workload and wanted clarity on a number of issues.

No guidance was given by the Panel on what it expected the Committee to do once it had received the annual reports referred to above. At the very least the Committee can make sure that all members comply, that all the reports are of a reasonable standard and commend examples of good practice.

In the event of the Committee being asked to give a ruling on a member alleged to be conspicuously failing to perform, a process similar to dealing with an alleged breach of the code of conduct might be employed.

Consultation with colleagues in other authorities has not identified any similar schemes and it appears that the Independent Review Panel may have taken the Council into uncharted waters. At the moment the only provision for not paying any part of an allowance to a Councillor relates to their suspension / partial suspension from responsibilities and this is already covered in the Scheme of Allowances. The County Solicitor is investigating the legality of any other arrangement for not paying a member all or part of an allowance.

The Council's nearest neighbour in many respects, Kent County Council, has no provision for the non payment of allowances. Its Standards Committee simply has the ability to name and shame any member who has not provided an annual report in its own Annual Report. An exception is made for any Member not being able to submit a report if ill-health is the primary reason.

The two ideas of submitting annual reports and recommending non payment of allowances would benefit from being separated out.

Dealing with the annual reports this should be kept relatively simple. All members should produce a report at the end of each financial year. The Committee agreed that this would provide an opportunity to engage all elected members and promote best practice. It provided an opportunity to benefit from the experience of those members achieving well. The concept of members producing evidence of providing value for money is fully supported. *It is proposed that a sub-committee comprising three members (one independent member as Chairman and two councillors drawn only from those appointed to the Committee by the County Council to be agreed by*

the Chairman of the Committee) will monitor that a report has been produced by each member of the Council and produce an appropriate statement for inclusion in the Committee's Annual Report to Council, including deciding whether to name any member who has not complied.

Dealing with the non-payment of allowances, should it be found that there is a legal basis for doing this, the Standards Committee should only recommend this if there has been a formal evidenced complaint and a proper investigation. Proposals have been prepared, modelled on the Committee's existing arrangements but will be considered in more detail when the County Solicitor's advice is available.

Recommended:

That the proposals set out in report SC/003/11 for dealing with the implications of the Members Allowances Scheme be agreed and further consideration be given to the matter when the County Solicitor's advice is available.