

**A Review of
Members' Allowances
for the
Royal Borough of
Windsor & Maidenhead**

The Eighth Report

by the

**Independent Remuneration
Panel**

**Air Vice-Marshal Andrew Vallance
(Chairman)
Chris Stevens
Karnail Pannu**

June 2017

Introduction: The Regulatory Context

1. This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel (the Panel) appointed by the Royal Borough of Windsor & Maidenhead (RBWM) to advise the Council on its Members' Allowances scheme.
2. The Panel was convened under *The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)* (the 2003 Regulations) to make recommendations to the Council on a number of amendments to the scheme of Members' Allowances. These regulations, arising out of the relevant provisions in the *Local Government Act 2000*, require all local authorities to maintain an independent remuneration panel (also known as an IRP) to review and provide advice on the councils' Members' Allowance Scheme. All Councils are required to convene their Independent Remuneration Panel and seek its advice before they make any changes or amendments to their allowances scheme and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme. This is in the context whereby Full Council retains powers of determination regarding Members' allowances, both levels and scope of remuneration and other allowances/reimbursements.

Terms of Reference

3. To consider:
 - A Special Responsibility Allowance for the Chairman of the Borough-wide Development Management Panel
 - A Special Responsibility Allowance for the Mayor and Deputy Mayor
 - A Special Responsibility Allowance for councillors appointed as Non-Executive Directors to the Optalis Board

The Panel

4. The Royal Borough of Windsor & Maidenhead reconvened its Panel and the following Members were appointed to carry out the independent allowances review, namely:
 - Air Vice-Marshal Andrew Vallance CB OBE MPhil FRAeS
 - Served in the RAF for 38 years, and from December 2004 to February 2017 was Secretary of the UK's Defence Press and Broadcasting Advisory Committee (now known as the Defence and Security Media Advisory Committee). He is the Chairman of the Services' Sound and Vision Corporation and is actively involved in his local church of St Michael and All Angels, Sunninghill, in addition to several local charitable bodies.

- Chris Stevens
 - Was born in Sunningdale, schooled at Windsor Grammar and has lived in Windsor for the past 35 years. He worked at The Sun for 30 years where he was Assistant Editor, and is now Senior Sub-Editor at the Daily Mail. Married with two daughters, he is a keen supporter of the Alexander Devine Children's Hospice Service.
 - Karnail Pannu
 - Chairperson of Windsor and Maidenhead Community Forum, President of the local Sikh temple and a governor of Newlands Girls' School. He has served as member of Housing Solutions, the Royal Borough's Standard Board as independent member for 18 years; a governor of East Berks College and Berkshire College of Agriculture for 8 years each. He has taught for 37 years in Buckinghamshire.
5. The Panel was supported by Karen Shepherd, Democratic Services Manager at the Royal Borough of Windsor & Maidenhead.
 6. The Panel received written representations from Councillor Dudley, Leader of the Council, on behalf of the Conservative Group and Councillor Jones, Leader of the Opposition, on behalf of the Group of Five.

Findings and Recommendations

Chairman of the Borough-wide Development Management Panel

7. The Panel considered a request to pay a Special Responsibility Allowance, equivalent to 50% of the SRA paid to a Chairman of a Development Management Panel (i.e. £2970 at the present time) to the Chairman of the Borough-wide DM Panel. In addition, the Panel considered a request that, given the role of Chairman of the Borough-wide DMP was likely to be undertaken by one of the three current area-based DMP Chairman, an exception be made to the current rule in the scheme limiting the payment of only 1 SRA to an individual councillor, no matter how many SRA positions they held.
8. The Borough-wide Development Management Panel (DMP) was created in February 2017 to deal with large scale planning applications that have an impact considered to be wider than that covered by one of the three area-based panels (Windsor Rural, Windsor Urban and Maidenhead DMP).
9. The Panel were of the opinion that it would be appropriate to pay an SRA for the role to recognise the responsibility associated with the position, particularly given a number of large scale, complex and potentially

contentious planning applications were anticipated during 2017 and over the coming years.

10. The Panel recalled its discussion during the full review of the Members' Allowance Scheme undertaken in 2015, and the conclusion that the principle of any Councillor being eligible to receive only one SRA should remain, detailed in the scheme as follows:

Where a Councillor holds more than one of the positions attracting a Special Responsibility Allowance as specified in Schedule 1, the Councillor will only be eligible to receive one such allowance. The sum to be paid to be the highest eligible allowance

11. The Panel noted there were a number of reasons why the rule was normally adopted, including: transparency, to avoid the anomalous situation where a councillor could receive more in allowance payments than the Leader, or to prevent concentration of SRAs in the hands of a small group of Members.
12. The Panel expressed significant concern that allowing the principle to be disregarded would set a precedent and could encourage further requests for multiple SRA payments, thereby undermining the principle. The Panel commented that other councillors, such as experienced members of the three area-based DM Panels, would be capable of undertaking the role, and the issue of more than one SRA could therefore be avoided.
13. The Panel noted that approximately 80% of councils applied the 1 SRA only rule. However, it was purely an internal rule and the 2003 Regulations did not prohibit the number of SRAs a Member may be paid. It was also noted that the council was undertaking large scale regeneration projects that would likely lead to more planning applications of the scale to be considered by the Borough-wide DM Panel.
14. The allowance currently paid to the Chairman of a Development Management Panel was the Leader's allowance multiplied by 25%. The Panel decided to recommend that the SRA for the Borough-wide DMP Chairman be set at the Leader's allowance multiplied by 30% (i.e. £7185), but that the 1 SRA rule to be maintained. This would recognise the additional responsibility that came with the role of Borough-wide DMP Chairman, whilst also maintaining the important principle of 1 SRA per councillor.
15. **RECOMMENDATION 1: The Panel recommends that an SRA be paid to the Chairman of the borough-wide Development Management Panel, payable at a level of the Leader's allowance multiplied by 30%, and that the principle of 1 SRA per Member be maintained.**

Mayor and Deputy Mayor

16. The Panel considered payment of a Special Responsibility Allowance for the Mayor and Deputy Mayor to reflect their specific responsibilities in relation to the chairing of Council meetings and other constitution- related activity.
17. The Panel noted that under the Local Government Act 1972, the Council may pay the Chairman of the Council (the Mayor) and the Vice Chairman (the Deputy Mayor) such allowance as the Council considers reasonable 'for the purpose of enabling him to meet the expenses of his office'. Unlike the allowances paid to Members with Special Responsibilities the allowances paid to the Mayor and the Deputy Mayor are intended to cover actual expenditure that the Mayor/Deputy incurs in the performance of their civic role. The current allowances were £10,000 and £5,000 respectively.
18. The Panel noted that the Mayor of RBWM undertook significantly more engagements than those in neighbouring authorities, although a direct comparison was not possible as functions, budget and time commitments varied significantly. The Panel took into consideration that in addition to the ceremonial role as First Citizen of the Royal Borough, the Mayor is also required to chair Council meetings (approximately 8 per year) and ensure that council business is conducted fairly and efficiently in accordance with the council's constitution. The Panel considered that Council meetings were large scale meetings that often had significant public interest and involvement.
19. It was noted that in recent years it had proven difficult to attract people to undertake the role of Mayor and Deputy Mayor. However, finance was only one of a many of reasons why people did not put themselves forward for the role of Mayor, for example, a large number of Councillors now were younger and of working age and were therefore unable to commit to the demanding time constraints expected of the Mayoral role.
20. The Panel were of the opinion that the payment of a SRA (in addition to the allowances paid to meet the expenses of office) to the Mayor and Deputy Mayor would not only acknowledge the fact that chairing Council meetings is an added responsibility which has not been recognised previously, but should also broaden the appeal of the position of Mayor from a wider range of Members.
21. **RECOMMENDATION 2: The Panel recommends that an SRA of £3000 be paid to the Mayor and an SRA of £1000 be paid to the Deputy Mayor. The principle of 1 SRA per Member to be maintained.**

Non-Executive Directors of the Optalis Board

22. The Panel noted that the council had recently entered into a partnership

with Wokingham Borough Council to deliver its adult services through Optalis, a local authority trading company. The partnership was governed by the Shareholder Reference Group comprising Members and officers from both councils who have knowledge and experience in adult social care and finance.

23. Three RBWM councillors had been appointed Non-Executive Directors (NED), as had three for Wokingham BC). Optalis Holdings Limited had agreed to pay the members £3,000 per annum from the 1st April 2017 in respect to their duties as a NED. One of the key roles of the Shareholder Board would be to monitor delivery of the business plan.
24. The Panel was of the opinion that the SRA of £3000 proposed was an acceptable figure given the anticipated work of the Optalis Board. It would be important to include the payment in the council's Members' Allowance Scheme, to ensure the 1 SRA rule was applied.
25. The IRP noted that a full review of the scheme, considering all aspects including the Basic Allowance, SRAs, ICT allowance, and Carer Dependent Allowance would be due by 2019, and would take into account any changes resulting from the electoral review of the borough currently being undertaken. The IRP was of the view that any shorter time period for review of the SRA in question would not provide a representative picture of the workload for the three representatives.
26. **RECOMMENDATION 3: The Panel recommends that an SRA of £3000 be paid to the three councillors appointed as non-Executive Directors to the Optalis Board. The principle of 1 SRA per Member to be maintained.**

Backdating

27. **RECOMMENDATION 4: The Panel recommends that the amendments to the scheme relating to SRAs for the Chairman of the Borough-wide Development Management Panel, the Mayor, and the Deputy Mayor, be backdated to 23 May 2017, the start of the 2017/18 municipal year**
28. **RECOMMENDATION 5: The Panel recommends that the amendment to the scheme relating to an SRA for councillors appointed as non-Executive Directors to the Optalis Board be backdated to 1 April 2017, the date of the formation of the new joint service.**