

**Status of Report: Public**

**Meeting: Combined Fire Authority**

**Date: 4 October 2023**

**Subject: Members' Allowance Scheme**

**Report by: The Solicitor and Monitoring Officer**

**Author: Lauren Haslam**

**For: Decision**

### **Purpose**

1. This report presents an update in relation to the Leicester, Leicestershire and Rutland Combined Fire Authority's Members' Allowance Scheme and proposals for a voluntary Independent Remuneration Panel to review the allowances.

### **Recommendation**

2. It is recommended that:
  - a) the Members' Allowance Schemes of the constituent members of the Combined Fire Authority be noted;
  - b) an Independent Remuneration Panel be constituted to review the arrangement for the CFA Members' Allowances to include:
    - i) Members' allowances rates and the arrangement for indexation;
    - ii) Roles which should receive the Special Responsibility Allowances;
    - iii) Travel and Subsistence Allowances.

### **Executive Summary**

3. At its meeting on 8 February 2023 the existing Member Allowance scheme (as approved by the Combined Fire Authority in December 2021), following review by the Independent Remuneration Panel (IRP), was approved without change for 2022/23. This followed the final pay offer to local government employees made in July 2022 by the National Joint Council (NJC) for England, Wales and Northern Ireland. Unusually that offer was for a flat rate increase on all spinal column points of £1,925, to be implemented from 1 April 2022 (i.e. payment to be backdated to that date). That offer was accepted by the recognised Trade Unions on 2 November 2022.
4. The impact of applying the flat rate award to the CFA Member Allowances would have resulted in a disproportionate uplift in allowances and it was also

noted that the three constituent members of the CFA had resolved to make no change or increase in their Member Allowance scheme for 2022/23.

5. The CFA Member Allowance scheme has therefore remained the same as when agreed with effect 1<sup>st</sup> April 2021 and is attached as Appendix A. It is timely to review the scheme.

## **Background**

### The Regulations

6. The Local Authorities (Members' Allowances) (England) Regulations 2003 require the CFA to make a scheme which shall provide for the payment of the basic allowance in respect of each year to each member of the CFA and to pay that allowance only in accordance with that approved scheme.
7. The payment of allowances to members is governed by the Local Government (Members' Allowances) (England) Regulations 2003/1021. Briefly, these regulations cover the following:-
  - a) The amount of Basic Allowance which should be paid to Members;
  - b) The responsibilities or duties which roles should receive Special Responsibility Allowances and the amount of such allowances;
  - c) The amount of Child Care and Dependants Carers Allowances;
  - d) Travelling and Subsistence Allowances;
  - e) Independent and Co-opted members' allowances.
8. The Regulations contain a provision to increase allowances on an annual basis by reference to an index for no longer than a period of four years and states in Part 3 – 10 (4 and 5) that:
  - (4) A scheme may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority and where the only change made to a scheme in any year is that effected by such annual adjustment in accordance with such index the scheme shall be deemed not to have been amended.
  - (5) Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.
9. The Local Authorities (Members' Allowances) (England) Regulations 2003/1021 require that the members basic allowance, special responsibility allowance and travel and subsistence allowance be set out in a scheme.

10. The constituent councils of the CFA may not make or amend their schemes unless they have first had regard to the recommendations made in relation to the issue by an Independent Remuneration Panel. This does not however apply to the CFA, who is instead required to have regard to the recommendations made by any Independent Remuneration Panels in relation to the local authorities which nominate members to the Fire and Rescue Authority. In the case of the CFA, therefore, this is Leicester City Council, Leicestershire County Council and Rutland Council. The Scheme in all constituent authorities had been historically index-linked to the NJC Pay Award.
11. Although there is no statutory requirement to have an Independent Remuneration Panel for CFA allowances, any review by the IRP may be regarded as simply reflective of good practice and helpful in achieving consistency with constituent member schemes.

CFA constituent Member Allowance schemes from 1<sup>st</sup> April 2023

12. The position of the CFA constituent members is as follows:

Constituent Member	Position
Leicestershire County Council	IRP recommended to increase allowances by 3.88% from 1st April 2023 which was agreed and implemented following its Full Council meeting on 5 July 2023.
Leicester City Council	No change to allowances for 2023/34 . IRP to be established to review allowances from 2024/25.
Rutland County Council	Members' allowances to be index linked to the JNC award for Chief Officers with effect from 9 <sup>th</sup> May 2023. An uplift of 3.5% was therefore applied on 9 <sup>th</sup> May.

13. As there is no consistent approach between the three constituent members it is recommended that the issue be referred to an Independent Remuneration Panel on a voluntary basis and for the Panel to report its recommendation to the CFA.
14. It is recommended that (as in 2021 when the issue was last reviewed) the Panel comprise the Chairmen of the IRPs in each of the constituent authorities of the CFA. These are:
- Michael Pearson, Chairman of the Leicestershire IRP
  - Declan Hall, Chairman of the Leicester City IRP
  - John Cade, Chairman of the Rutland IRP

Subject to the CFA approval, the proposed IRP members referred to above have been consulted and have indicated that they are willing to undertake the review if that is the CFA's decision on this issue. The Panel is content to

receive any comments that members of the CFA may wish to make on the scope of the review and generally. Details will be provided on how to comment if the CFA resolves to proceed with a review as recommended.

## **Report Implications/Impact**

### Legal (including crime and disorder)

15. The Local Authorities (Members' Allowances) (England) Regulations 2003/1021 require that the members basic allowance, special responsibility allowance and travel and subsistence allowance be set out in a scheme. There is no statutory requirement to have an Independent Remuneration Panel for CFA allowances and any review therefore is simply reflective of good practice and to achieve consistency with constituent member schemes.

### Financial (including value for money, benefits and efficiencies)

16. The costs associated with the current Members' Allowances scheme are included in the budgeting for the CFA.

### Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)

17. There are no risk implications arising from this report.

### Staff, Service Users and Stakeholders (including the Equality Impact Assessment)

18. There are no Staff, Service Users, Stakeholders or equality implications arising from this report.

### Environmental

19. There are no environmental impacts arising from this report.

### Impact upon "Our Plan" Objectives

20. There is no direct impact on "Our Plan" arising from this report.

## **Appendix**

CFA Allowance Scheme.

## **Background Papers**

Report to the CFA September 2022 – Review of Members' Allowances  
<https://leics-fire.gov.uk/your-fire-service/decision-making/cfa-meetings/>

Report to the CFA February 2023 - Review of Members' Allowances

<https://leics-fire.gov.uk/2023/02/combined-fire-authority-meeting-8th-february/>

**Officer to Contact**

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