

meeting      ADMINISTRATION COMMITTEE

date            28<sup>th</sup> April 2010

agenda item number      **8**

## **REPORT OF SERVICE MANAGER (MEMBER SUPPORT)**

### **RETROSPECTIVE PAYMENT OF SPECIAL RESPONSIBILITY ALLOWANCE**

#### **1. Purpose of the Report**

- 1.1 To seek the Committee's views on the retrospective payment of a special responsibility allowance to a former member who did not claim the allowance from 2006-8.

#### **2. Background**

- 2.1 Former councillor EL served as Vice-Chair of the Standards Committee from 2005 to 2009. From 2005 to 2008 she was also appointed to the Police Authority. In 2008/9 she served as Vice-Chairman of the County Council. In May 2006, following the IRP report, the Council revised the Members Allowances Scheme and introduced a SRA for the vice-chairs of Standards.
- 2.2 For the period 2006-2008 Councillor EL did not receive the SRA for Vice-Chair of the Standards Committee. In September 2009 she contacted the Chief Executive to ask about this.
- 2.3 Members are entitled to decide to forego all or part of their allowances. Members Services contacted both newly appointed vice-chairs shortly after introduction of the SRA asking them to confirm whether they wanted to receive it. Councillor EL did not respond and accordingly was not paid an allowance.
- 2.4 In conversation with the Monitoring Officer Former councillor EL has said that she believed at the time that as she was in receipt of an allowance from the Police Authority she was not entitled to receive an SRA from the County Council. This is not the case. Members of the County Council are only entitled to receive one SRA from the Council, irrespective of the number of eligible roles they undertake, but this has no bearing on allowances from other councils. Councillor EL received an SRA as Vice-Chairman in 2008/9 which was greater than the SRA for the Vice-Chair of Standards.

2.5 Former councillor EL's representations were put to the Independent Remuneration Panel when it met in November. However, the IRP took the view that this was not a question for them and referred it back to the Council to determine.

### 3. **Issues**

3.1 The Members Allowances scheme is silent on the issue of retrospective payments of special responsibility allowances. Payments are normally made through the payroll system across the year with any adjustments made within the year.

3.2 The travel and accommodation policy provides for a reduction of 50% on travel and subsistence claims submitted between 3 and 6 months late, and no payment on claims made more than 6 months late (subject to exceptional circumstances where the matter would be referred to the Standards Committee).

3.3 The special responsibility allowance for those years was as follows:

2006/7 (part)	£5,730
2007/8	£6,765
2008/9 (part)	£ 818

### 4. **Views of the Standards Committee**

4.1 As there is no specific authority within the Constitution the views of the Standards Committee were sought on 2<sup>nd</sup> February 2010. The Committee gave careful consideration to the issue and offered the following advice:

- a) In these particular circumstances it would be appropriate to make a partial payment of the unclaimed special responsibility allowance. The Committee suggested that a figure of £5,000 would be appropriate.
- b) The procedure for confirming whether a Member wished to claim an SRA be further clarified and a policy for dealing with retrospective claims be considered.

### **RECOMMENDED**

It is recommended that

- I. The Committee considers the request from the former member for retrospective payment of SRA and, in the light of the advice from the Standards Committee, recommends whether the proposed partial payment should be made.
- II. The Members Allowance Scheme be revised to remove the scope for retrospective payments of SRAs.

**David Ellis**  
**Service Manager (Member Support)**

**Service Director (Finance) Comments (MB 21/01/10)**

The cost can be met from the budget for Members Allowances.

**Legal Services Comments (SLB 15/02/2010)**

Administration Committee does not have specific authority to make a decision regarding retrospective payment. However it does have a remit in relation to expenses incurred by Members, Officers and the Council itself and it is therefore appropriate to consult the Committee before a final decision is made by Officers on the issue. Officers have delegated powers to implement the Members Allowances Scheme.

Standards Committee does not have specific authority to make a decision regarding retrospective payment. However it does have authority to consider late submission of claims for travel and subsistence by Members. In December 2009 the County Council also granted authority to Standards Committee to authorise the payment of special responsibility allowances when a Member is absent due to sickness and to consider dependents' care allowance payments in some circumstances. It was appropriate for Standards Committee to consider the content of this report and to make a recommendation.

**Background Papers Available for Inspection**

None

**Electoral Divisions Affected**

All