

## COVENTRY CITY COUNCIL

### PROPOSED AMENDMENT TO THE MEMBERS' ALLOWANCES SCHEME RE: WITHHOLDING OF ALLOWANCES

#### REPORT OF THE INDEPENDENT REMUNERATION PANEL

##### **The Coventry City Council Independent Remuneration Panel**

1. The membership of this, the fourth Independent Remuneration Panel [IRP – the Panel] appointed by the City Council, is:-  
**Stephen Banbury**, CEO Voluntary Action Coventry  
**Louise Bennett**, CEO Coventry and Warwickshire Chamber of Commerce  
**Jeanne Jenner**, CEO Coventry Arts and Media
2. The work of the IRP has been facilitated by **Stephen Hind**, a consultant with the West Midlands Leaders Board (the regional local government organisation) who has experience in members' allowances schemes.

##### **Background**

3. The Panel was asked to consider an amendment to Coventry CC's Scheme of Members' Allowances to include a provision for the withholding of allowances in the event of a member being suspended as a member of the authority.
4. This proposed amendment to the scheme arose from the City Council accepting recommendations of the authority's Standards Committee.
5. Under the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007, Standards Committees of local authorities are charged with the responsibility of investigating complaints against members and imposing sanctions if a member is found to be in breach of the authority's Code of Conduct.
6. Sanctions available to Standards Committees include a full or partial suspension of a member. However, the Standards Committee became aware that the current Members' Allowance Scheme does not provide for the suspension of payment of allowances, in the event that the Standards Committee imposed a sanction that included a suspension from office. Therefore, where a member was suspended, the appropriate allowances would still be paid.
7. Coventry CC's Standards Committee therefore recommended that the City Council set up an Independent Remuneration Panel (IRP) to consider amending the current Members' Allowance Scheme so that, should a member be suspended from office as a result of breaching the Member's Code of Conduct, their allowances should also be suspended.
8. The City Council agreed with the views of its Standards Committee and referred the proposed amendment to the current IRP.

### **The Panel's Consideration**

9. The Local Authorities (Members' Allowances) (England) Regulations 2003 do provide for the withholding of allowances viz:

“The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any.... allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority”

10. Allowances which may be withheld include Basic, Special Responsibility and Travel and Subsistence allowances.

11. An authority may also provide in its scheme for the repayment of any allowances which have been paid in respect of a period during which a member has been suspended.

12. The Panel agrees that there is a strong logic to the withholding of allowances in the event of a member's suspension from office. Nevertheless this can only be implemented if a scheme of allowances explicitly includes such provision and, currently, Coventry CC's scheme does not.

13. The Panel has therefore **agreed** to make the following recommendations to the City Council:-

That Coventry City Council's current Scheme of Members' Allowances be amended by the addition of the following provisions:-

- (a) That where a member is suspended or partially suspended from their responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, those parts of the Basic Allowance, any Special Responsibility Allowance and Travel and Subsistence Allowances payable to them in respect of the period for which they are suspended or partially suspended may be withheld by the authority
- (b) That where payment of any allowance has already been made in respect of any period during which the member concerned is suspended or partially suspended from their responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part; the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

Stephen Hind  
Coventry CC IRP Facilitator  
February 2010