



Coventry City Council

9.3

Public report

Report to
Council

23rd February 2010

Report of
Director of Customer and Workforce Services

Title
Recommendations of Independent Remuneration Panel – Proposed Amendment to the Members' Allowances Scheme regarding the withholding of allowances

1 Purpose of the Report

- 1.1 This report requests the City Council to consider the recommendations contained in the attached report of the Independent Remuneration Panel (IRP) on the issue of the suspension of a Member's allowances where that Elected Member has been suspended due to a breach in the Members' Code of Conduct.

2 Recommendations

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

- 2.1 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
- 2.2 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.
- 2.3 Additional note to be inserted in Part 6 of the Members Allowances Scheme section regarding the withholding of allowances.

3 Information/Background

- 3.1 On 8th December 2009, Council approved the recommendation of the Council's Standards Committee that the IRP should be convened to consider an amendment to the Council'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.

3.2 The Panel comprised of:-

Stephen Banbury, CEO Voluntary Action Coventry
Louise Bennett, CEO Coventry and Warwickshire Chamber of Commerce
Jeanne Jenner, CEO Coventry Arts and Media

3.3 The work of the IRP was facilitated by Stephen Hind, a consultant with the West Midlands Leaders Board (the regional local government organisation) who had experience in working with Members' Allowances schemes.

3.5 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.

3.6 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.

4 **Proposal and Other Option(s) to be Considered**

4.1 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.

4.2 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.
- (c) Additional note to be inserted in Part 6 of the Members Allowances Scheme section regarding the withholding of allowances.

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”

- 4.2 Allowances which may be withheld include Basic, Special Responsibility and Travel and Subsistence allowances.
- 4.3 The Panel agreed 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, the Council's scheme does not.

5 Other specific implications

	Implications (See below)	No Implications
Best Value		✓
Children and Young People		✓
Climate Change and Sustainable Development		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Sustainable Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.1 Legal Implications

Reference has been made earlier in this Report to the statutes and regulations which relate to members' allowances.

6 Monitoring

6.1 There is a legislative requirement for Members' Allowances to be reviewed at least once every four years.

7 Timescale and expected outcomes

7.1 The City Council will consider the recommendations on the 23rd February, 2010.

7.2 The proposed amendments would update the current Members' Allowances Scheme.

	Yes	No
Key Decision		√
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		√
Council Consideration (if yes, date of Council meeting)	√ 23 rd February, 2010	

List of background papers

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Papers open to Public Inspection

Description of paper

Report to Council, 23rd February 2010
Review of Members' Allowance Scheme

Location

CH60