

MEETING of MILTON KEYNES COUNCIL

TUESDAY 9 FEBRUARY 2010
7.30 PM

COUNCIL CHAMBER, CIVIC OFFICES
CENTRAL MILTON KEYNES

For more information about the meeting please contact Simon Heap on (01908) 252567 or by e-mail simon.heap@milton-keynes.gov.uk

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Agenda

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Please detach the slip below and return it to the Committee Manager.

Meeting Attended: Council

Date of Meeting: 9 February 2010

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AGENDA

Item No:

1. Procedure

(a) Apologies

(b) Minutes

To approve, and the Mayor to sign as a correct record, the Minutes of the meeting of the Council held on 12 January 2010 (Item 1) (**Pages 6 to 20**)

(c) Disclosure of Interests

Members to disclose any personal or prejudicial interests they may have in the business to be transacted and officers to disclose any interest in contracts to be considered by the Council.

(d) Announcements

To receive announcements, if any.

2. Public Involvement

(a) Deputations and Petitions

No deputations have been submitted for consideration at this meeting.

Any petitions received will be reported at the meeting.

(b) Questions from Members of the Public

To receive questions and provide answers to questions from members of the public.

3. Business Remaining from Last Meeting

None

4. Reports from Cabinet and Committees

(a) Licensing Committee – 13 January 2010

Regulation of Lap Dancing and Other Sexual Entertainment Venues

RECOMMENDED –

That the Council be recommended to adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provided by Section 27 of the Policing and Crime Act 2009.

A copy of the report considered by the Committee is attached at Item 4(a), together with an informative note (**Pages 21 to 25**).

(b) Cabinet – 26 January 2010

Housing Revenue Account Budget Report - 2010/11 to 2013/14

RECOMMENDED –

1. That the Housing Revenue Account budget for 2010/11 and its implications for future years within the framework of the Council's existing corporate priorities, be approved.
2. That an increase in average rents of 0.73% for 2010/11 be approved as the Council moves towards Government formula rent by 2012/13 and that tenants be informed in line with statutory responsibilities under the Housing Act 1985.
3. That an increase in Shared Ownership rents of 2.75% for 2010/11 be approved in line with the contractual obligations of the lease.

A copy of the report considered by the Cabinet is attached at Item 4(b) (Pages 26 to 32).

5. Members' Matters

(a) Members' Questions

- (i) Members to ask questions of the Leader, a Cabinet Member, the Chair of any Committee, or the Leader of a Political Group on the Council.
- (ii) Members to ask questions of the representative of the Police Authority appointed to answer questions, in accordance with Section 20 of the Police Act 1996 (in accordance with Council Procedure Rule 10.5, 7 clear days notice is required for Police Authority questions).

No questions have been submitted for this meeting.

(b) Notices of Motions

(i) City Status

Councillor Crooks – 26 January 2010

“That this Council:

1. notes Lord Mandelson's recent statement to the House of Lords that he intended to launch a competition in the spring for the award of a further city charter or charters to towns in England on the sixtieth anniversary of the Queen's accession to the throne;
2. believes that it is inconceivable that Milton Keynes should not be recognised as a City; and
3. requests the Cabinet to make the necessary arrangements for entering and winning this competition on an all -party basis.”

(ii) Mineral Extraction

Councillor P Geary – 27 January 2010

“That this Council:

1. notes with regret the recommendations of the Examination in Public of the review of Policy M3 Primary land won aggregates and sub-regional apportionment that 0.28 million tonnes per annum should be extracted from the Milton Keynes area;
2. confirms its view that the original level of allocation would have an unacceptable impact on the Ouse Valley AAL and the lives of local people on the basis that the original figure of 0.16 million tonnes per annum allocation was too high as confirmed at Cabinet (June 2009) and therefore the higher recommended figure will have a greater impact and is not sustainable; and
3. instructs officers to undertake whatever testing and investigation is required to assess the deliverability and impact of the apportionment recommended by the Examination in Public and reports back to Cabinet in due time.”

6. Scheme of Members' Allowances 2010/11

To consider Item 6 (**Pages 33 to 76**)



Minutes of the meeting of the MILTON KEYNES COUNCIL held on TUESDAY 12 JANUARY 2010 at 7.30 pm

Present: Councillor E Henderson (Mayor)
Councillors Barry, Bint, Box, Bristow, Brock, Burke, Butler-Ellis, Carstens, S Clark, U Clarke, Coventry, Crooks, Dransfield, Drewett, Edwards, Ferrans, Fraser, Galloway, A Geary, P Geary, Gerrella, I Henderson, Hopkins, Hoyle, Irons, Klein, Lloyd, Mallyon, D McCall, I McCall, McPake, Miles, A Morris, C Morris, O'Neill, Potts, Richards, Tallack, Tamagnini-Barbosa, Tunney, Turnbull, Wharton, White, Williams and Wright.

Apologies: Councillors Campbell, Exon, Jury, Latham and Small and Aldermen Ellis and Howell

Also Present: 18 members of the public

CL78 MINUTES

RESOLVED -

That the Minutes of the meeting of the Council held on 8 December 2009 be approved and signed as a correct record.

CL79 DISCLOSURES OF INTEREST

Councillor Butler-Ellis declared a personal interest in Item 4 (Milton Keynes Local Development Framework - Core Strategy: Submission Document) as a Director of the United Sustainable Energy Agency, which administered the Council's carbon offset fund.

Councillor Potts declared a personal interest in Item 4 (Milton Keynes Local Development Framework - Core Strategy: Submission Document) as a founder member of the group NEEM (No Expansion East of the M1).

Councillor White declared a personal interest in item 4 (Milton Keynes Local Development Framework - Core Strategy: Submission Document) as Secretary of the North Bucks Federation of Small Businesses, Chair of the United Sustainable Energy Agency, which administered the Council's carbon offset fund, and Chair of the National Energy Foundation.

CL80**ANNOUNCEMENTS**

1. Doreen Adcock

On behalf of the Council, the Mayor congratulated Doreen Adcock who had won the Sports Unsung Hero Award at the 2009 BBC Sports Personality of the Year, having taught over 13,000 people to swim in the town over the last 35 years.

In addition the Mayor announced that Doreen had been involved with the old Milton Keynes Youth Council and more latterly Milton Keynes Council for Voluntary Youth Organisations for many years, being the voice of the voluntary youth sector and supporting a wide array of initiatives for young people and other voluntary groups.

2. Bob Lawrence Award

The Mayor also, on behalf of the Council, congratulated the staff in the Housing Options Department who had won the Bob Lawrence Award for their achievement in cutting the number of families in temporary accommodation.

CL81**REPORTS FROM CABINET AND COMMITTEES**

Cabinet – 5 January 2010

Milton Keynes Local Development Framework - Core Strategy: Submission Document

Councillor Galloway moved the following recommendation from the meeting of Cabinet on 5 January 2010, which was seconded by Councillor Ferrans:

- “1. That the Local Development Framework Core Strategy be approved for the purposes of pre-submission publication and consultation and submission to the Secretary of State.
2. That the accountable Cabinet Member be authorised to agree the detailed publication and consultation arrangements for the Core Strategy prior to submission to the Secretary of State.
3. That the Corporate Director - Environment be authorised to agree any updating, clarification or factual corrections to the Core Strategy, either prior to the pre-submission consultation period, prior to submission to the Secretary of State, or in the lead up to the Public Examination.”

Councillor Hopkins moved the following amendment, which was seconded by Councillor Butler-Ellis and accepted by the mover of the motion:

“That the following be added to Appendix A. Glossary and Abbreviations

‘Gridroads are urban clearways with laybys for bus-stops, with no direct building frontages and no at-grade pedestrian crossings.

Some are dualled, and the remainder normally have land reserved for future dualling, or other transport purpose (eg mass passenger transit system). They have substantial landscaping for biodiversity, sound screening and CO2/emissions absorption, usually incorporating a Redway. Collectively, they form a resilient, interconnected network with roundabouts at most gridway intersections, serving both public and private transport.”

Councillor C Morris moved the following amendment, which was seconded by Councillor Butler-Ellis and accepted by the mover of the motion:

“That an additional bullet point be added to Policy CS7 Central Milton Keynes (on page 61) which reads:

Develop as an attractive focus for all the residents of the Borough, whilst recognising its role as a District Centre for most of the surrounding estates.”

Councillor Bint moved the following amendment, which was seconded by Councillor A Morris and accepted by the mover of the motion:

“(a) That the bullet point within Policy CS11 that currently reads as follows:

‘Encouraging greater movement within the Borough by cycling and walking through improvements to the directness of the Redway network, enhanced facilities and signage and extending the Redways network throughout major new development areas.’

be replaced with the following new wording:

‘Encouraging greater movement within the Borough by cycling and walking through improvements to the existing Redway network and other paths including more direct routes, enhanced facilities and signage, better integration with transport interchange hubs, and improved surveillance; and by extending the Redways network throughout major new development areas (including the creation of routes that are shorter than the equivalent road journey).

(b) That the bullet point within Policy CS13 that currently reads as follows:

‘Redways (another unique element of MK) should be built adjoining grid roads in new developments’

be replaced with the following new wording:

‘Redways (another unique element of MK) should be built within the landscape corridor of all new gridroads, as well as elsewhere within new developments.’”

Councillor White moved the following amendment, which was seconded by Councillor Bristow, on which a recorded vote was requested:

“That this Council recognises that the Core Strategy does not cover environmental concerns sufficiently and agrees to amend the Core Strategy as follows:

‘2.9 Add after 2nd sentence:

“The large amount and low cost of parking in Central Milton Keynes also contributes to low bus usage in Milton Keynes.”

‘2.14 delete “an opinion” and insert “a perception”.’

‘Table 2.1 Threats add:

“- The impacts of Peak oil and measures to reduce CO2 emissions to avoid climate change will cause transport difficulties for residents because of the high dependence on cars.”

‘10.5 be replaced with:

“The levels of car ownership in Milton Keynes are higher than the national level (81% compared to 73% across England; Census 2001). Attractive alternatives to car travel must be provided in order to reduce the carbon footprint of new estates and the city and reduce the unsustainable high level of car ownership. Measures such as car clubs (*), travel planning and better public transport should be introduced to reduce the amount of car parking required. To reduce on-street parking, encourage residents to leave their car at home and to enhance their appearance, new neighbourhoods should provide sufficient parking spaces for the projected car ownership levels for the type of dwellings (plus spaces for visitors).”

‘Add to glossary:

“* Car clubs enable people to continue to drive when appropriate, but each car club vehicle typically reduces the number of privately owned cars by 5-10 vehicles.”

‘11.4: add the words “the current level of ”between the words “which and “public” in the last two lines.’

‘11.5 after 3rd sentence add the words:

“Measures such as car clubs, travel planning and better public transport will be introduced to reduce the high level of car ownership.”.

The voting was as follows:

FOR: Councillors Bristow, Coventry, Irons, Miles, O’Neill, and White (6)

AGAINST: Councillors Barry, Bint, Box, Brock, Burke, Butler-Ellis, Carstens, S Clark, U Clarke, Crooks, Dransfield, Drewett, Edwards, Ferrans, Fraser, Galloway, A Geary, P Geary, Gerrella,

E Henderson, I Henderson, Hopkins, Hoyle, Klein, Lloyd, Mallyon, D McCall, I McCall, McPake, A Morris, C Morris, Potts, Richards, Tallack, Tamagnini-Barbosa, Tunney, Turnbull, Wharton, Williams and Wright (40)

ABSTENTIONS: (0)

The amendment was declared lost.

Councillor White moved the following amendment, which was seconded by Councillor Bristow and accepted by the mover of the motion:

“That the following additional ‘Threat’ be added to Table 2.1:

- The impacts of Peak oil and national measures to reduce CO2 emissions to avoid climate change may not be easily implementable in Milton Keynes.”

Councillor White moved the following amendment, which was seconded by Councillor Bristow and accepted by the mover of the motion:

“That the following additional sentence be added to the end of paragraph 3.5:

‘MK Council will also sign-up to The Sustainable Communities Act 2007’.”

On being put to the vote the recommendation, as amended, was declared carried with 28 Members voting in favour, 0 Members voting against and 18 Members abstaining from voting.

RESOLVED –

1. That the Local Development Framework Core Strategy be approved for the purposes of pre-submission publication and consultation and submission to the Secretary of State, subject to the following changes:

(a) The following being added to Appendix A. Glossary and Abbreviations:

‘Grid roads are urban clearways with laybys for bus-stops, with no direct building frontages and no at-grade pedestrian crossings. Some are dualled, and the remainder normally have land reserved for future dualling, or other transport purpose (eg mass passenger transit system). They have substantial landscaping for biodiversity, sound screening and CO2/emissions absorption, usually incorporating a Redway. Collectively, they form a resilient, interconnected network with roundabouts at most gridway intersections, serving both public and private transport.’”

- (b) An additional bullet point being added to Policy CS7 Central Milton Keynes (on page 61) which reads:

‘Develop as an attractive focus for all the residents of the Borough, whilst recognising its role as a District Centre for most of the surrounding estates.’

- (c) The fourth bullet point within Policy CS11 being amended to read:

‘Encouraging greater movement within the Borough by cycling and walking through improvements to the existing Redway network and other paths including more direct routes, enhanced facilities and signage, better integration with transport interchange hubs, and improved surveillance; and by extending the Redways network throughout major new development areas (including the creation of routes that are shorter than the equivalent road journey).’

- (d) The ninth bullet point within Policy CS13 being amended to read:

‘Redways (another unique element of MK) should be built within the landscape corridor of all new grid roads, as well as elsewhere within new developments.’

- (e) The following additional ‘Threat’ be added to Table 2.1:

‘The impacts of Peak oil and national measures to reduce CO2 emissions to avoid climate change may not be easily implementable in Milton Keynes.’

and a definition of ‘Peak oil’ being added to the Glossary.

- (f) The following additional sentence being added to the end of paragraph 3.5:

‘MK Council will also sign-up to The Sustainable Communities Act 2007.’

2. That the accountable Cabinet Member be authorised to agree the detailed publication and consultation arrangements for the Core Strategy prior to submission to the Secretary of State
3. That the Corporate Director Environment be authorised to agree any updating, clarification or factual corrections to the Core Strategy, either prior to the pre-submission consultation period, prior to submission to the Secretary of State, or in the lead up to the Public Examination.

MEMBERS' QUESTIONS

- (a) Question from Councillor Tunney to Councillor Crooks (Leader of the Council)

Councillor Tunney pointed out the head count of the Council's staff had risen by 110 in 2009 and the full time equivalents by 92 staff and asked Councillor Crooks what was the full additional cost, including both salaries and overheads of the extra posts.

Councillor Crooks stated that the cost of the Council's staff was based on the number of funded posts on the establishment rather than the headcount alone. The establishment figure reflects the headcount plus funded vacancies so was the most appropriate figure to consider if the cost to the Council was the main concern.

The establishment saw a net increase of 103 funded posts between November 2008 and November 2009.

An initial high level review had revealed that a large part of this increase was due to TUPE transfers of posts back into the Council together with a significant number of additional posts in caring roles for children and young people and adults that were grant funded by the Government.

Further analysis would be required to identify the growth in the establishment beyond these roles and to compare costs with the costs of previous structures.

Councillor Crooks agreed to provide a detailed written response by the end of the week once the further analysis had been undertaken.

Councillor Crooks emphasised the importance of the issue and indicated that the Cabinet would, at its next meeting, be considering a Workforce Development Strategy. A requirement of the Strategy would be for the Cabinet to receive a regular report on the implementation of the Strategy, which would allow both the Cabinet and all Members to scrutinise the Strategy's implementation.

Councillor Tunney asked a supplementary question which was answered by Councillor Crooks.

- (b) Question from Councillor Edwards to Councillor S Clark (Children)

Councillor Edwards asked Councillor Clark about the overall cost effect to the Council due to the changes in providing children's hot meals to Milton Keynes Schools as a result of the following:

1. The demolition of the Council's canteens.

Councillor Clark responded:

The demolition of the two kitchens was carried out under the scope of the corporate Access MK programme. The space vacated became additional office accommodation. The total costs for the works in the changeover were:

Saxon Court kitchen to office space: £220,000.

Civic Offices kitchen to office space: £386,000.

2. Alternative arrangements in providing in-house hot meals to the Council's schools following the loss of the Saxon Court staff canteen.

Councillor Clark responded:

The closure of the Saxon Court kitchen in April 2007 resulted in a re-balancing of school meal production by the Synergy Catering DSO throughout the remaining Synergy Hub kitchens. The Saxon Court kitchen provided approximately 700 meals per day and the Civic Offices kitchen produced approximately 400 per day. The realignment of services away from Saxon Court increased the Civic operation to approximately 900 per day, though they were not all previously supplied by the Saxon Court kitchen.

In order to accommodate this increased production, a total of £3,058 was spent on de-commissioning Saxon Court kitchen equipment and its re-installation in the Civic Offices kitchen. There was no further expenditure on the Drayton Park or Queen Eleanor school hub kitchen sites, which took the remaining meal requirements.

3. The contract with Sodexo (overall costs to-date) to provide hot meals to the Council's schools.

Councillor Clark responded:

The Council's contract with Sodexo Ltd ran from April 2008 to 5 July 2009.

Expenditure related to bringing school kitchen hubs up to standard in 2008/09 amounted to £78,700 (paid by the Children and Young People's Directorate budget).

Resolution of dispute with Sodexo Ltd amounted in 2009/10 to a total of £39K (paid by the Children and Young People's Directorate budget). (Sodexo's original claim totalled £332K.)

4. The Cygnet Catering Services contract (overall costs to-date) in providing the Council's schools with meals.

Councillor Clark responded:

The Council's contract with Cygnet Foods Ltd began on 6 July 2009.

Expenditure related to hub kitchen equipment purchases and negotiations took place over the transfer of the school meals contract to another provider, within the context of a substantial drop in school meal numbers arising from the poor performance / early termination of the contract with the first provider. This amounted in 2009/10 to £150,349 (paid by the Children and Young People's Directorate budget).

5. The Council's involvement in TUPE and redundancy arrangements for the Council's catering staff.

Councillor Clark responded:

The closure of the Staff Catering Services to both Civic and Saxon Court Offices resulted in the direct redundancy of 3 posts with compensatory payment amounting to £15,029.

46 Council employees were transferred under the TUPE arrangements to the first provider – Sodexo Ltd, as of April 2008, resulting in an annual saving in salary costs of £347K. No redundancies occurred.

When catering staff were transferred under the TUPE arrangements from Sodexo Ltd to Cygnet Foods Ltd as of 6 July 2009, 8 ex-Council employees were made redundant due to the contractor's different method of provision at a cost of £55,141.

6. Administration costs to bring about the changes.

Councillor Clark responded:

The legal and consultancy costs of letting the school meals contract in 2008/09 amounted to £26,446.

The legal and consultancy costs in relation to the school meals contract in 2009/10 amount, to date, to £7,813.

Councillor Clark also reported that the take-up of school meals had continued to improve since the changeover to the new contractor from late July 2009. From a much reduced level of take-up for the 15 months during which the previous supplier operated in Milton Keynes schools, average daily take-up figures for the 64 primary schools in the central contract had increased as follows:

September: 2,035 school meals provided daily

October: 2,470 school meals provided daily

November: 2,700 school meals provided daily.

Councillor Edwards made a supplementary comment.

- (c) Question from Councillor A Geary to Councillor Crooks (Leader of the Council)

Councillor Geary asked Councillor Crooks, that given the recent revelations of the overpayment of expenses to some Members of the Council, and the potential that taxpayers' money had been lost, whether he could inform the Council of any such other overpayments which had taken place to his knowledge since he became responsible for budgetary issues and strategic finance and if so what had been the burden on the tax payer.

Councillor Crooks indicated that he would provide a written answer to be circulated by the end of the week.

- (d) Question from Councillor White to Councillor Williams (Cabinet Member for Housing and Adult Social Care)

Councillor White asked Councillor Williams, in light of the recent tragic deaths of an elderly couple in Northampton apparently as a result of the cold weather, to give an assurance that a similar event could not happen in Milton Keynes and to outline what extra measures had been put in place to prevent such an occurrence.

Councillor Williams indicated that that he was not able to give such an assurance, but he had every confidence in the Council's officers to ensure that risks were minimised. Councillor Williams referred to a number of new policies which were being implemented, which had been based on best practice and scrutinised by Members of all political groups. Councillor Williams also indicated that any findings resulting from any inquiry held by Northamptonshire County Council would be assessed and the Council's practices modified if appropriate.

Councillor White asked a supplementary question which Councillor Williams undertook to reply to in writing.

- (e) Question from Councillor P Geary to Councillor Mallyon (Cabinet Member for Transport and Highways)

Councillor Geary asked Councillor Mallyon whether all potholes in the Borough's roads which needed to be repaired, would be repaired in the next few months

Councillor Mallyon indicated that it was unlikely, but as many as could be repaired, within the available resources, would be repaired. Councillor Mallyon also indicated that additional resources had already been identified and he was seeking to

identify further resources to allow more potholes to be repaired. However, the recent bad weather had significantly worsened the problem.

Councillor Geary asked a supplementary question which was answered by Councillor Mallyon.

- (f) Question from Councillor C Morris to Councillor Crooks (Leader of the Council)

Councillor C Morris referred to a mistake made by the Council in paying an invoice and asked Councillor Crooks, bearing in mind the error in over paying Members referred to earlier, whether an urgent investigation could be held to see if there were any major deficiencies in the way in which the Council made payments.

Councillor Crooks indicated an audit report on the payment of invoices was already being prepared and he would take advice as to whether the terms of that investigation could be widened to include all payments.

Councillor Morris asked a supplementary question which was answered by Councillor Crooks.

- (g) Question from Councillor Coventry to Councillor Mallyon (Cabinet Member for Transport and Highways)

Councillor Coventry asked Councillor Mallyon why it had not been possible to grit many roads and particularly footpaths and Redways during the recent bad weather and whether there had been a breakdown in the plans.

Councillor Mallyon indicated that there had been a breakdown in the delivery of salt to Milton Keynes which had meant that it had been necessary to prioritise the areas where the salt was used, which had generally resulted in only bus routes being salted. Councillor Mallyon also indicated that current salt stocks would only allow for seven or eight further runs on the prioritised routes. If further salt was received the Council would be able to widen the areas salted.

Councillor Coventry asked a supplementary question which was answered by Councillor Mallyon.

- (h) Question from Councillor Dransfield to Councillor Crooks (Leader of the Council).

Councillor Dransfield referred to the potential reduction in the Council staff head count by 70, mentioned at the meeting of the Budget Review Group the previous evening, and asked Councillor Crooks for his rationale for targeting the posts identified.

Councillor Crooks indicated that he had a rationale, which would become clear when he presented the budget to the Cabinet on 16 February 2010.

Councillor Dransfield asked a supplementary question which was answered by Councillor Crooks.

- (i) Question from Councillor Miles to Councillor S Clark (Cabinet Member for Children)

Councillor Miles asked Councillor Clark if she could provide a reassurance that there was no risk to the Council's safeguarding of children in care, as a result of the recent computer downtime.

Councillor Clark indicated that there was no risk to children as the Council had procedures in place to deal with such an occurrence.

- (j) Question from Councillor Hoyle to Councillor Crooks (Leader of the Council)

Councillor Hoyle asked Councillor Crooks what his proudest achievement had been during his year as Leader of the Council. Councillor Hoyle suggested that the achievements could be presiding over a black-hole in the budget, or wasting millions of pounds on travellers' sites to the distress of residents.

Councillor Crooks indicated a list of achievements which included: the appoint of the senior management team by the previous Leader; the new Bletchley Leisure Centre; the Core Strategy; support for the World Cup bid; the move to bid for city status; the holding of an international arts festival in July every two years; and the findings of the Total Place Survey refresh which had found satisfaction increasing in the Council, in Milton Keynes as a place to live, in Milton Keynes Council as offering value for money, and transport improvements.

Councillor Hoyle asked a supplementary question which was answered by Councillor Crooks.

- (k) Question from Councillor Gerrella to Councillor S Clark (Cabinet Member for Children)

Councillor Gerrella ask Councillor Clark, given the economic problems being faced by the area and the country more generally, could she give the Council her view on the fact that some people were unable to attend work last week because of schools being closed and they had been unable to get childcare.

Councillor Clark indicated that schools had a duty of care, but also staff had a duty to get into work if at all possible. She recognised that there were extenuating circumstances last week and on Wednesday many schools had to close because of the weather conditions, but on Thursday many staff made it into work and were able to make sure the sites were safe to allow most schools to open on Friday. Councillor Clark stressed that the decision to close a school was for the headteacher and the chair of governors.

- (l) Question from Councillor Bint to Councillor Mallyon (Cabinet Member for Member for Transport and Highways)

Councillor Bint asked Councillor Mallyon, as the Council was responsible for naming roads and public amenities, such as the Coachway, if he could confirm that the the Coachway would continue to be known as the 'Coachway' and the road leading to it named appropriately, such as 'Coachway Road'.

Councillor Mallyon indicated that they would.

CL83

SIR MICHAEL PITT'S REVIEW OF THE 2007 FLOODING

Councillor Edwards moved the following motion, which was seconded by Councillor Lloyd:

- “1. That this Council endorse the terms of reference of the recent Flood and Water Management Bill which followed Sir Michael Pitt's review of the flooding in 2007 and referred to the role of local authorities being enhanced so that they take responsibility for leading the co-ordination of flood risk management in their areas.
2. That the Council notes that the Flood and Water Management Bill aims to provide better, more sustainable management of flood risk for people, homes and businesses, help safeguard community groups from unaffordable rises in surface water drainage charges and protect water supplies to the consumer.
3. That this Council agrees to request the Cabinet to give greater attention to the Milton Keynes Water Courses by:
 - (a) providing regular inspections;
 - (b) maintenance of storm drains leading into the water courses;
 - (c) replacing old drainage pipe lines that are too small in diameter to cope for the volume of water as a result of new development;
 - (d) dredging on a regular basis to increase the water capacity;
 - (e) ensuring that all trees, shrubs and obstructions that prevent the flow of water are removed;
 - (f) undertaking more inspections of road-side drains;
 - (g) ensuring that all residents are aware of their riparian responsibilities if their land backs onto a water course;
 - (h) regular landscape maintenance of trees and bushes overhanging the water courses;
 - (i) ensuring health and safety measures are in place where dangers might arise for young children; and

- (j) giving greater concern to new building development that has an impact on the drainage systems of the older towns and existing water courses.”

On being put to the vote the motion was declared carried unanimously.

RESOLVED –

1. That this Council endorse the terms of reference of the recent Flood and Water Management Bill which followed Sir Michael Pitt’s review of the flooding in 2007 and referred to the role of local authorities being enhanced so that they take responsibility for leading the co-ordination of flood risk management in their areas.
2. That the Council notes that the Flood and Water Management Bill aims to provide better, more sustainable management of flood risk for people, homes and businesses, help safeguard community groups from unaffordable rises in surface water drainage charges and protect water supplies to the consumer.
3. That this Council agrees to request the Cabinet to give greater attention to the Milton Keynes Water Courses by:
 - (a) providing regular inspections;
 - (b) maintenance of storm drains leading into the water courses;
 - (c) replacing old drainage pipe lines that are too small in diameter to cope for the volume of water as a result of new development;
 - (d) dredging on a regular basis to increase the water capacity;
 - (e) ensuring that all trees, shrubs and obstructions that prevent the flow of water are removed;
 - (f) undertaking more inspections of road-side drains;
 - (g) ensuring that all residents are aware of their riparian responsibilities if their land backs onto a water course;
 - (h) regular landscape maintenance of trees and bushes overhanging the water courses;
 - (i) ensuring health and safety measures are in place where dangers might arise for young children; and
 - (j) giving greater concern to new building development that has an impact on the drainage systems of the older towns and existing water courses.”

CL84 WARD BASED BUDGETS – OCTOBER TO DECEMBER 2009

The Council received details of grants awarded by Ward Members from the Ward Initiatives Budget.

CL85

QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS

The Council noted that in accordance with Access to Information Procedure Rule 17.3, the Provisions for Special Urgency, as set out in Access to Information Procedure Rule 16, had been used once during the period October 2009 to December 2009, to allow the Leader to take a decision on the 'World Cup 2018/2022 – Final Bid Stage'.

THE MAYOR CLOSED THE MEETING AT 10.20 PM

DRAFT

Report considered by the Licensing Committee – 13 January 2010

REGULATION OF LAP DANCING AND OTHER SEXUAL ENTERTAINMENT VENUES

Contact Officer: Matthew Barnes (Senior Environmental Health Officer) - 01908 252034

1. Purpose

- 1.1 To consider adopting the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009. This introduces a Licensing regime for “sexual entertainment venues”.

2. Recommendation

- 2.1 That the Council adopts the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009.

3. Issues and Choices

- 3.1 Section 27 of the Policing and Crime Act 2009 amends Schedule 3 Local Government (Miscellaneous Provisions) 1982 to allow the Licensing Authority to license “sexual entertainment venues”, where “relevant entertainment” is provided before a live audience for the financial gain of the organiser or the entertainer. “Relevant entertainment” means “any live performance or any live display of nudity” i.e. striptease, lap dancing etc.
- 3.2 Lap dancing premises currently require a Premises Licence under Section 1 of the Licensing Act 2003. No special provisions are made in the 2003 Act for lap-dancing venues. If an application is submitted to the licensing authority for a Premises Licence the authority must grant the licence subject to certain mandatory conditions.
- 3.3 If relevant representations are made by an interested party (e.g. residents or local businesses) or a responsible authority (e.g. the police or fire service in the area) then the authority can, following a hearing, impose other conditions or reject the application. Even then, it will only be able to do so where such a step is necessary to promote one of the four licensing objectives set out in the Act:

Licensing objectives:

- Prevention of public nuisance
- Prevention of crime and disorder
- Public safety
- Protection of children from harm

- 3.4 The new legislative controls available to the Licensing Authority will strengthen the role that local communities can play in deciding whether a lap dancing premises is inappropriate for the locality. The Licensing Act 2003 has empowered local residents in general, but it is hard to make an effective objection against an adult entertainment venue unless its operation can be shown to be undermining one of the four licensing objectives.
- 3.5 The aim is to bring the licensing of lap-dancing premises in line with other “sex establishments” such as “sex shops” and “sex cinemas” and to recognise that local people have legitimate concerns about where such premises are located.
- 3.6 If the amendment is adopted the Licensing Authority can apply prescribed standard conditions on grounds not covered by the Licensing Act 2003 e.g. location, hours, display of adverts, visibility of interior.
- 3.7 To not adopt the amendment and maintain the status quo would allow prospective sexual entertainment venues to take advantage of a perceived loophole in the Licensing Act 2003.

4.0 Implications

4.1 Policy

- 4.1.1 There is currently no Council policy covering “relevant entertainment” (live performances or live display of nudity) at “sexual entertainment venues” as defined by Section 27 of the Policing and Crime Act 2009. If the legislative amendment is to be adopted a policy will be required. This could be achieved by amending the existing “sex shops” policy to include “sexual entertainments venues”. This policy currently precludes “sex establishments” from all “sensitive” locations. A draft policy is being taken to the Licensing Committee.

4.2 Resources and Risk

- 4.2.1 The administrative arrangements for considering and processing applications made by existing and prospective applicants for “sexual entertainment venues” falls to the Environmental Health Licensing Team.

4.2.2 The 2009/10 'Sex Establishment' fee structure is as follows:

- (a) For new application to grant a licence - £3,880
- (b) For annual renewals - £2,350
- (c) For transfers - £1,195

The fees are currently under revision for 2010/11. All fees go to Licensing revenue account from which all administrative and enforcement costs are taken

4.3 Legal

4.4.1 On 19th January 1983, the Licensing Panel of the Policy and Resources Committee resolved to adopt the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) 1982 and recommended that decision to the Full Council with an effective date of 1st April 1983 (Minute LP3/83 refers)

Section 27 of the Policing and Crime Act 2009 makes amendments to Schedule 3 of Local Government (Miscellaneous Provisions) 1982.

The Council must resolve to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) 1982.

5.0 Other Implications – None

5.1 Crime and Disorder – None

Background Papers: Local Government (Miscellaneous Provisions) Act 1982
 Policing and Crime Act 2009
 Licensing Act 2003
 Course Notes: Institute of Licensing: Sex Establishment Licensing, London 17/11/09
 Minutes of MK Licensing Committee held 18/3/9
 Minutes of MK Licensing Committee 2002 LP3/83
 The Home Office Impact Assessment on the regulation of lap dancing clubs
 Sex Shops Policy April 2003

EXPLANATORY NOTE TO ITEM 4(a)

MILTON KEYNES COUNCIL

9 FEBRUARY 2010

REGULATION OF LAP DANCING AND OTHER SEXUAL ENTERTAINMENT VENUES

1.0 Section 27 of the Policing and Crime Act 2009 (the Act) is entitled 'Regulation of lap dancing and other sexual entertainment venues etc'

1.1 Taken from Section 27 of the Act, the meaning of a sexual entertainments venue is:

'...any premises at which "relevant entertainment" (being any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)) is provided before a live audience [NB a live audience can consist of one] for the financial gain of the organiser or the entertainer.'

1.2 The venues to be included under the licensing regime are where displays of nudity are for the sexual stimulation of the audience e.g.

- Lap dancing venues
- Table dancing venues
- Pole dancing venues
- Striptease venues

1.2.1 Venues are licensable where relevant entertainment has been provided more than eleven times in the preceding twelve months.

1.3 Sex shops and sex cinemas, where there are no live displays of nudity, are not sexual entertainment venues for the purposes of the Act.

1.4 The following are **NOT** sexual entertainment venues:

Any premises that at the time in question:

- (i) has not provided relevant entertainment on more than 11 occasions within the previous 12 months;
- (ii) no such occasion has begun within a period of one month beginning with the end of any previous occasion; and
- (iii) no such occasion has lasted for more than 24 hours.

- 1.5 Theatre productions involving theatrical displays of nudity are not included under the licensing regime, unless the production can reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience, and the entertainment has been provided more than eleven occasions within twelve months, as per 1.4 above.

References:

Policing and Crime Act 2009, Section 27.

Wards Affected: All Wards**REPORT CONSIDERED BY CABINET 26 JANUARY 2010****HOUSING REVENUE ACCOUNT BUDGET REPORT – 2010/11 TO 2013/14**

Authors: Tim Hannam, Corporate Director - Finance and Risk Management),
Tel: (01908) 252756

Caroline Chandler, Senior Finance Manager, Tel: (01908) 253905

Purpose:

To request Cabinet to recommend to Council the budget for the Housing Revenue Account (HRA).

Background:

This is the Budget Report for the Housing Revenue Account covering the period 2010/11 to 2013/14.

The draft Housing Revenue Account budgets were considered at Cabinet on 22 December 2009. This report provides an update including the Government's Draft Subsidy Determination for 2010/11, issued on 10 December 2009 and the proposed rent increase for 2010/11.

1. Recommendations

- 1.1 That the Council be recommended to approve the Housing Revenue Account budget for 2010/11 and its implications for future years within the framework of the Council's existing corporate priorities.
- 1.2 That the Council be recommended to approve an increase in average rents of 0.73% for 2010/11 as the Council moves towards Government formula rent by 2012/13 and that tenants be informed in line with statutory responsibilities under the Housing Act 1985.
- 1.3 That the Council be recommended to approve an increase in Shared Ownership rents of 2.75% for 2010/11 in line with the contractual obligations of the lease.

Comments and Recommendations from the Cabinet Member (Adult Social Care and Housing) Councillor Chris Williams:

The Cabinet Member supports the recommendations.

2. Summary

2.1 This report sets out the detailed information as follows:

- (a) **Annex A** shows the 2010/11 budget and future years' projections for 2011/12, 2012/13 and 2013/14. The budgets include average rent increases of 0.73% in 2010/11, the level expected in order to remain in line with the Government's required weekly rent target.
- (b) **Annex B** shows information on rent increases and potential future rent levels.
- (c) **Annex C** identifies the main budget changes for 2010/11
- (d) **Annex D** analyses the movement in budgets from 2009/10 to 2010/11

3. Issues & Choices

- 3.1 The Housing Revenue Account (HRA) is ring-fenced and accounts for the provision of housing by the council to tenants and leaseholders. It is funded by rents rather than from Council Tax (which supports other services).
- 3.2 The HRA budget and medium term financial plan (MTFP) have been based on the 10 key MTFP Financial Principles as approved by Cabinet in September 2009, to ensure that a robust, sound and realistic Medium Term Financial framework is embedded in financial plans.
- 3.3 **Annex A** shows the 2010/11 and future years budgets for the HRA compared to actual spending for 2008/09 and projected spending for 2009/10.
- 3.4 The budget has been prepared on the basis of the corporate planning assumptions as detailed in the Revenue and Capital Strategy report to Cabinet on 22 December 2009. For 2010/11 the budget is a projected net deficit of £160k. The main budget changes are in relation to:
 - (i) the net impact of the Draft Subsidy Determination £146k
 - (ii) cost of Prudential Borrowing £225k
 - (iii) reduced Revenue Contributions to Capital (£265k)
 - (iv) the increase in forecast spend on repairs and maintenance £870k
 - (v) rent increase (£338k)
 - (vi) reduction in bad debt provision (£205k)

A summary of the movements from the 2009/10 budget to 2010/11 are shown at Annex D.

- 3.5 In addition to the corporate planning assumptions, other changes specific to the HRA are as follows:

3.6 HRA Planning Assumptions – 2010/11

a) **Income - Dwelling Rents:**

- (i) Under the framework for social rent reform, all local authority rents have to converge to a weekly figure calculated using a Government formula for each dwelling. The Council's rents continue to follow the Government's Target rent level.
- (ii) In accordance with the Government's rent restructuring guidance, individual property rent increases are constrained to RPI + 0.5% plus £2 per week. The overall impact would be that the Council's rents would increase by an average of 0.73%. Rent increases for individual properties will vary in achieving this average.
- (iii) **Annex B** illustrates the proposed average weekly rent level in line with the expected increase in the Government's Target rent and assumptions on future years rent increases.
- (iv) An average rent increase for tenants of 0.73% equates to approximately £0.54 per week. The average rent would therefore be £74.52 per week.
- (v) Rent increases for shared owners are 2.75% (this is contractual, based on the 2009/10 council house rent increase). This equates to an average rent of £70.46 per week, an increase of £1.89 per week, although this is dependant upon the share owned by the tenant.
- (vi) Tenants will be informed of the rent increase in line with statutory responsibilities under the Housing Act 1985.

(b) **Income - Garage Rents**

An inflationary increase of 2.5% is assumed dependant upon customer price sensitivity.

(c) **Income - Leaseholders' Service Charges**

Leaseholders' service charges are estimated to increase in line with higher costs of providing the service, and an increased number of leaseholders following sale of flats under Right to Buy. In 2009/10 there has been a significant slippage in completion of window replacement works the expected level of income from recharging of window costs is therefore higher in 2010/11. This income has been reflected in capital by a corresponding reduction in revenue contributions to capital (RCCO).

(d) **Expenditure – General Management & Special Services**

Budgets updated based on current levels of spend for landscaping and cleaning which has released £222k back to the HRA reserve.

(e) **Expenditure - Housing Subsidy and Housing Benefit transfers**

Housing Subsidy is based on a notional Housing Revenue Account which is the net amount the Government assess local authorities should charge in rents and estimated expenditure on management and maintenance etc, not what they actually do. For Milton Keynes, this notional HRA Account has a

net surplus which results in a “negative” subsidy payable by the authority to the government.

Budgets for Housing subsidy and housing benefit transfers have been calculated in accordance with the Government’s Draft Subsidy Determination guidelines for 2010/11. For 2010/11 budget setting, the negative subsidy payment is assumed to be £18.3m (including the Major Repairs Allowance).

Housing Benefit transfer payments are made to the General Fund and are the difference between actual rents and the rent that Government will allow us to claim back in benefits. As the authority’s rents move closer to convergence with the Government’s expected rent level, these payments to the General Fund will reduce. In 2010/11 the payments are expected to reduce by £400k to £1.5m.

The estimated impact of these on the Housing Revenue Account is a net increase in cost of £146k. This figure may change following the announcement of the final Subsidy Determination due during January.

(f) Expenditure – Transfers to Capital

Ongoing contributions are still required to support the completion of the Decent Homes programme and other capital Health and Safety works. Based on current capital bids and the proposal to undertake prudential borrowing of £3m to address backlog issues, a contribution of £2.8m will be required from revenue in 2010/11.

4.7 The budget pressures for 2010/11 are listed at Annex C. The main areas being:

(a) Repairs and Maintenance

- (i) Projected repairs expenditure in 2009/10 is estimated at £10,931k, an increase of £1,664k from the approved 2009/10 budget. This is largely due to increased cost of voids, the level of reactive repairs and asbestos works. Forecast spend in 2009/10 also includes one-off funding estimated at £739k for the demolition of the Briar & Bramley sites, currently expected to take place in late 2009/10. It is anticipated that there will be sale receipts from disposal of the Briar site, which will be used to fund the capital programme allowing for a reduction in level of revenue contributions to capital. This is not currently reflected in the 2010/11 budgets as it is uncertain when the sale may take place.
- (ii) The repairs budget for 2010/11 has been increased by £870k to reflect the underlying pressure from the 2009/10 forecast spend. However, this increase in budget is potentially not sustainable in the longer term (requiring £3.5m over the four years). For 2011/12 onwards, the budget currently remains at the 2009/10 budgeted level including inflation only as the Housing service wish to continue monitoring repairs trend data and analyse the impact of the Government’s Subsidy review during 2010/11 before establishing any ongoing additional budget commitment in this area.

(b) Prudential Borrowing

To support the completion of the Decent Homes programme and other ongoing pressures within the capital programme, there is a proposal to

undertake £3m of prudential borrowing which will require ongoing funding from revenue at an annual cost of approximately £225k.

4.8 Budget savings for 2010/11 are listed at Annex D, summarised as follows:

(a) **General Management, Special Services and Rents Rates and Taxes.**

- Efficiency savings of (£76k) have been achieved which are operational adjustments whilst the level of service within the management and special services areas are maintained in line with current standards.
- A further potential saving of (£62k) in respect of grass cutting service for certain groups of tenants will impact on approximately 800 users and will require a policy decision to cease this service. This is the subject of a separate report to January Cabinet.

(b) **Bad Debt Provision**

Bad debt provision has been reviewed and reduced by £205k. This is in line with the expectation of a reduction in rent debts due to increases in Housing Benefit and improved rent collection as well as the re-profiling of debt in relation to the leasehold window and digital TV works and associated recharges to tenants and aged debt analysis.

5. **HRA Reserve and Medium Term Financial Plan**

5.1 It is considered prudent to maintain a level of Housing Revenue Account reserve at around £2.4 million (£200 per dwelling) to cover any unforeseen circumstances. The summarised budgets shown below, indicate reserves are expected to remain above that level within the MTFP period up to 2013/14.

	Budget 2010/11 £000	Budget 2011/12 £000	Budget 2012/13 £000	Budget 2013/14 £000
Income	(50,115)	(52,882)	(53,214)	(53,942)
Expenditure	50,274	51,216	52,387	53,211
Net in Year Expenditure	160	(1,666)	(827)	(731)
Reserve b/fwd	(4,729)	(4,569)	(6,235)	(7,062)
Reserve c/fwd	(4,569)	(6,235)	(7,062)	(7,793)

5.2 Full detail on the Medium Term Financial Plan will be included in the budget report to February Cabinet. However, it should be noted that this may need to be significantly revised in the light of the changes to the Housing Subsidy arrangements due to be published in February 2010.

6. **Implications**

6.1 Policy

The recommendations of this report are consistent with the Council's Revenue and Capital Strategies.

6.2 Resources and Risk

Projections for 2010/11 budget indicate a surplus based on current assumptions.

Identified risks which may impact on the budget figures presented are:

- Increase or decrease in Right to Buy sales currently budgeted at 20 dwellings. Each additional dwelling sold results in lost rent of approximately £3,500 for a full year. Capital programme bids have been put forward based on 20 sales in 2010/11, based on current year trends.
- Empty Homes. The number of empty homes coming back has been stable for the past few years at around 950 per year. However the average cost of void repairs has increased by 12% over 2007-08. Evidence is that empty homes are now requiring more work to ready them for re-letting. Work is in progress to try to overcome this in order to understand why the previous trend has changed so dramatically and the outcome of this review, will inform budget setting for 2011/12 onwards. The increased spend on responsive repairs and asbestos management and removal is built into the 2010/11 budget only, with future years subject to the outcome of the review.
- Contributions to capital – in recent years there have been shortfalls in funding from reduced Right to Buy sales and spending pressures on the Housing capital programme funded by increased contributions from revenue, over and above that budgeted for. Although the proposed prudential borrowing of £3m may relieve some of this pressure, the long term underinvestment in the stock means that higher levels of revenue contributions may still be required.
- The constraints around the HRA subsidy regime and the absence of significant external funding for key programmes, such as Decent Homes, requires that a fundamental review of the future Housing position needs to be undertaken. This will be informed by any proposals to change the Housing Subsidy regime and consideration of regeneration opportunities going forward.

N	Capital	Y	Revenue	N	Accommodation
N	IT	Y	Medium Term Plan	N	Asset Management

6.3 Carbon and Energy Management

There are no implications as a result of this report.

6.4 Legal

There are no significant legal implications arising as a result of this report.

6.5 Other Implications

All implications are outlined within the report.

N	Equalities / Diversity	Y	Sustainability	N	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

N	Carbon and Energy Policy				
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Background Papers: Officer Working Papers
 Revenue & Capital Strategy 2010/11 report to 22 Dec Cabinet

SCHEME OF MEMBERS' ALLOWANCES 2010/11

Contact Officer: John Moffoot, Assistant Director (Democratic Services) – 1908 252314

1. Purpose

- 1.1 To present the report of the 2009 Independent Remuneration Panel on Members' Allowances.
- 1.2 To seek agreement to a Scheme of Members' Allowances for 2010/11.

2. Recommendations

- 2.1 That the Council considers the report of the 2009 Independent Remuneration Panel.
- 2.2 That the Council approves a Scheme of Allowances, based on the recommendations of the 2009 Panel, to take effect from 1 April 2010. .

3. Issues and Choices

- 3.1 Under the terms of the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is obliged to appoint an Independent Remuneration Panel to review, comment and advise on the level of allowances paid to Members at least every three years.
- 3.2 Following a direct approach to a number of persons who had experience in chairing independent remuneration panels, and public advertisement for local representation on the Panel, the Assistant Director (Democratic Services) appointed Dr Declan Hall from Birmingham University to Chair the Panel and Mr Gavin W H Anderson of Milton Keynes Council of Voluntary Organisations and Mr Peter Taylor, a local resident as panel members..
- 3.3 The Panel met on 4 occasions, and the final report on the Panel is attached as **Annex A** to this report.

The Scheme of Allowances for 2010/11 arising from the Panel's report is included as **Annex B** to this report.

4. Implications

- 4.1 Policy
None

4.2 Resources and Risk

The Approved Scheme will need to be within the Council's approved budget for 2010/11.

<input type="checkbox"/> X	Capital	<input checked="" type="checkbox"/> ✓	Revenue	<input type="checkbox"/> X	Accommodation
<input type="checkbox"/> X	IT	<input checked="" type="checkbox"/> ✓	Medium Term Plan	<input type="checkbox"/> X	Asset Management

4.3 Legal

Under the terms of the Local Government Act 2000, the Council is required to take account of the recommendations of an independent panel before fixing its level of Members' Allowances. The independent panel needs to be reconvened on a regular basis. The current panel has recommended that a further panel is convened in 2011 to reflect on the impact of the new Overview and Scrutiny system.

4.4 Other Implications

<input checked="" type="checkbox"/> ✓	Equalities / Diversity	<input type="checkbox"/> X	Sustainability	<input checked="" type="checkbox"/> ✓	Human Rights
<input type="checkbox"/> X	E-Government	<input type="checkbox"/> X	Stakeholders	<input type="checkbox"/> X	Crime and Disorder

Background Papers: Terms of Reference for the Independent Remuneration Panel on Members' Allowances.

**A Review
Of
Members' Allowances
For
Milton Keynes Council**

**The Fifth Report by the
Independent Remuneration
Panel**

**Dr Declan Hall
Gavin Anderson
Peter Taylor**

November 2009

Foreword

This is the fifth review by the Independent Remuneration Panel (IRP or Panel) for Milton Keynes Council. The first review was undertaken in November 1996 by a non-statutory Panel and was very much a forerunner of the statutory Panels that now advise all local authorities in England on their allowances schemes. The 1996 review established an allowances scheme that was a precursor to all main allowances currently payable by abolishing the attendance allowance and making the Basic Allowance the main allowance received by the (then) vast majority of elected Members.

The second review was undertaken in December 2001 (with a Report produced in January 2002) as a statutory requirement, which was part of the wider implementation of the modernisation agenda arising out of the Local Government Act 2000. The 2002 report made recommendations, which the Council broadly accepted, and set the broad framework for the present allowances scheme.

The third review in October 2003 was required (as were all local authorities) under the *Local Authorities (Members' Allowance) (England) Regulations 2003*¹ and subsequent amendments. These Regulations mandated all local authorities to establish and convene an advisory Independent Members' Allowances Panel to make recommendations on certain associated allowances such as travel and subsistence, Co-optees' allowances, and pensions for Councillors before 31 December 2003. The 2003 review also tasked a new Panel to review the range and levels of the Basic Allowance and Special Responsibility Allowances (SRAs) in light of experience of the new system of local government. This review is the basis of the current Members' Allowances Scheme for Milton Keynes Council in that the scope and levels of allowances have simply been amended and uplifted since then.

The fourth and previous review (2006) was undertaken as part of the tri-annual review of allowances which is now Council policy. It did not alter the current framework of allowances, partly because some key recommendations were not accepted and partly because the other accepted recommendations were amendments rather than radically changing the scheme.

Similarly, this review arises out of the tri-annual cycle of allowances reviews for Milton Keynes Council. While the Panel feels that a more fundamental review of the allowances scheme is required it is not the time to do so considering the wider concerns surrounding politicians' remuneration. Consequently, this review is concerned with addressing anomalies within the current scheme while not significantly impacting upon the total monies spent on Members' Allowances, and without losing sight of the original guiding principle of reducing barriers to public service.

Dr Declan Hall
Independent Remuneration Panel Chair

November 2009

¹ See Statutory Instruments 2003 Nos. 1021, 1022 and 1692 for further details.

Independent Remuneration Panel

A Review of Members' Allowances

for

Milton Keynes Council

The Regulatory Context and Terms of Reference

1. This report is a synopsis of the proceedings and recommendations made by the Independent Remuneration Panel (the Panel) appointed by Milton Keynes Council to advise the Council on its current Members' Allowances scheme.
2. The Panel was convened under *The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)* to make recommendations to the Council on a new scheme of Members' Allowances. These Regulations, which arise out of the relevant provisions in the *Local Government Act 2000*, require all local authorities to set up and maintain an advisory Independent Members' Remuneration Panel to review and provide advice on Members' Allowances. All Councils are required to convene their 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.

Terms of Reference

3. The Panel was given a general terms of reference, namely to:
4. To undertake a review of, and make recommendations to the Council on the Members Allowance Scheme including:
 - the amount of Basic Allowance that should be payable to elected Members;
 - the responsibilities or duties which should lead to the payment of a Special Responsibility Allowance (SRA) and the amount of such an allowance;
 - the duties for which a Travelling and Subsistence Allowance can be paid and the amount of this allowance;
 - the level of allowance paid to co-opted members of the Council's committees, including independent members of the Standards Committee, which mirrors that paid to elected members
 - whether the Council's Scheme of Allowances should include an allowance in respect of the expenses of arranging for the care of children and other dependants, and the means by which it is determined

- whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
- whether annual adjustments of allowances levels may be made by reference to an index, and if so, for how long such a measure should run
- which members of the Council are entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972
- how the Basic Allowance and Special Responsibility Allowance should be treated if such pensions are payable
- the level of allowance paid to the Chair and Vice Chair of the Council (i.e., the Mayor and Deputy Mayor) for the purpose of meeting the expenses of those offices (i.e., the Mayoral Allowance)
- the level of travelling and subsistence allowance for members of the Independent Education Appeals Panels

The Panel

5. Milton Keynes Council convened its standing Independent Remuneration Panel, with the following appointments:
 - Gavin W H Anderson, Director of MK CVO, Grants Panel Milton Keynes Community Foundation, Founder FringeMK, founder Celebr8 MK.
 - Dr Declan Hall, Chairman, Institute of Local Government, The University of Birmingham, an academic specialising in Members' Allowances and support.
 - Peter Taylor, resident.
6. The Panel was supported by Elizabeth Richardson, Member Services and Support Officer, who acted as the 'Panellists' Friend', and whose role was to take the organisational lead in facilitating the work of the Panel.
7. The Panel would like to record its gratitude to the Members and Officers of Milton Keynes Council for making themselves available to talk to the Panel and supporting the work of the Panel.

Process and Methodology

8. The Panel met at the Civic Offices, Milton Keynes on the following dates:
 - 28th September 2009
 - 6th November 2009
 - 13th November 2009
 - 19th November 2009
9. The Panel meetings were in closed session to enable the Panel to interview Members in confidence and hold its deliberations in private. The names of elected Members of the Council and Officers who met with the Panel are in Appendix One, including any written submissions.
10. The Panel's activity fell into four areas:

- **One:** Review of the background and contextual information on Milton Keynes Council and relating to the issues of concern, i.e., recent changes in political structures, allowances schemes from comparator authorities and previous allowances reports for the Council – see Appendix Two and Three for full list of information considered by the Panel.
 - **Two:** Interviews with Members and Officers of the Council
 - **Three:** Review of oral and written submissions and analysis of allowances schemes from South East Employers Unitary Authorities Members' Allowances Survey and 2008 IDeA Survey of English Unitary Authorities Allowances Schemes. The Panel took into account practice elsewhere for bench marking purposes insofar it was able to obtain relevant information.
 - **Four:** Arriving at recommendations; and the drafting and redrafting of report to the agreement of the Panel.
11. The Panel took a tiered approach in considering the evidence. It is required to operate within the broad statutory framework laid down by the 2006 Statutory Guidance and 2003 Regulations. The 2003 Members' Allowances (England) Regulations establishes the limits for the Panel, i.e., attendance allowances cannot be paid, all Members must receive a Basic Allowance that is equal in value, and express authority is granted to vary the terms and conditions for claiming the travel and subsistence allowances, or retaining them at all. Within the legislative context the Panel has an obligation to pay regard to the statutory guidance which, for instance mandates, certain considerations for Panels in reaching their recommended Basic Allowance but provides suggestions in reaching an appropriate level for the Leader's SRA.
12. The next level of evidence considered by the Panel was the representations made by the Group Leaders and other elected Members. The interviews obtained the views of the groups on the Council and the wider membership and they were utilised to act as a 'sounding board' to suggestions and ideas from members of the IRP as well as give the Panel a qualitative feel of the issues facing elected Members.
13. Finally, all the evidence and representations have been reviewed and evaluated within the comparative context. In particular, the Panel has benchmarked the scope and levels of allowances paid in Milton Keynes Council against those paid in other unitary authorities both nationally and regionally. The Panel was not driven by allowances paid in the comparator groups of authorities but has been at the very least concerned to ensure that Milton Keynes Council was not out of line with the scope and levels of allowances currently paid in these two comparator groups – regional and national.

Principles of the Review

14. The Panel, as far as possible, sought to identify anomalies in the current scheme insofar the level and scope of allowances currently payable in Milton Keynes Council might present barriers to under represented groups standing for council. At the same time the Panel recognises that particularly in the present climate there are financial constraints facing not just Milton Keynes Council but the people of Milton Keynes, and this context must be recognised. As such, while the Panel recognises the need to exercise financial responsibility this needs to be balanced against the need to support proper democratic representation.

15. Within this context the Panel has also sought to make the scheme as simple and transparent as possible both in terms of understanding what allowances are paid and why, but also in terms of ease of administration both for Members and Officers.

The Evidence Reviewed: Findings

Key Messages and Observations

The Comparative Picture – A High Paying Scheme

16. As a general comment, the Panel notes that the sums payable in the allowances scheme for Milton Keynes Council are at the upper end of the range of allowances paid in the other South East Unitary Authorities and even more so when compared to the national picture vis-à-vis English Unitary Authorities. This in itself is not a strong reason to simply reduce allowances but it does mean that a strong case would have to be made to increase allowances. However, if the recommendations of the Panel are accepted in totality the total sum payable in allowances will result in a minor decrease.

The Milton Keynes Council Model of SRAs – Majority in Receipt of a SRA

17. The number of SRAs payable in Milton Keynes when compared to those paid in other comparator authorities are more. Milton Keynes pays the majority of its Members a SRA whereas most of the other comparator authorities do not. The IDeA 2008 Members' Allowances Survey reports that just over 50% of Members nationally are in receipt of a SRA. Moreover, it is regarded as bad practice to pay the majority of Members a SRA. There was mixed messages from the interviewees on this practice. While the Panel understands that there is a case to pay the large number of SRAs in a context of no overall control the Panel does not support this approach – see below.

Limited Change since Previous Review

18. A question the Panel asked was what has changed since the previous review? The answer is while there have been changes which affect the ordinary Member there have not been many significant changes within the structures of the Council and in how the Members operate that necessitate a fundamental review of the current scheme at this time.
19. What the Panel identified as the key changes were similar to some of the likely changes identified as likely developments in previous reviews, but interestingly not to the extent that was anticipated by the government.
20. The Panel through its discussions with Members and Officers obtained the strong impression that the wider membership is now engaged in the work of the Council through overview and scrutiny committees. In particular, there is an anticipation that this will come about through the greater use of Overview and Scrutiny Task and Finish Working Groups and bringing the ordinary Members more closely involved in the strategic direction of the Council.

21. Conversely, the new powers of all Councils to institute the processes for a Community Call for Action has yet to be fully realised, but that is more a result of the government not giving firm direction rather than an indictment on Milton Keynes Council – such is the case throughout English local government.

Broad acceptance within Milton Keynes Council of current Allowances Spend

22. These general observations reinforce a major theme emerging from interviews: that the current review of the Milton Keynes Council allowances scheme should not result in a significant, or indeed any, increase, in the current spend on Members Allowances. While it was felt there was a need to break the current scheme down and rebuild it, as it has not been fundamentally done so in over 6 years, that for the purpose of this review at least the prime task was to review anomalies within the current total spend.

Recommendations

Option A: Keep Group Representatives' SRAs and Decrease Basic Allowance

23. The Panel did consider the option of retaining the Group Representatives' SRAs while decreasing the Basic Allowance. Yet on balance, the Panel received no evidence to suggest that the role of the backbencher had got smaller. If anything, it is marginally larger since the previous review. Consequently the Panel rejected this approach as the weight of evidence received was overwhelmingly in favour of taking the opposite approach – see below.

Option B: Removing the SRAs for Group Representatives/Vice Chairs

24. The current scheme of allowances provides for 39 SRAs payable out of 51 Members, which means almost 77% of the membership are eligible for a SRA. The reality is that this percentage is not actually paid a SRA, due to the one SRA only rule: when a Member holds more than one post eligible for a SRA only the highest is paid. Still, the vast majority of Members are still in receipt of a SRA, mostly through the payment of 14 Overview and Scrutiny Group Representatives, paid to the group spokespersons on each Overview and Scrutiny Committee, and 2 more on the Audit Committee. The Panel is cognisant of the argument for the deployment of these SRAs – they assist with the efficient operation of business in a no overall control situation for Overview and Scrutiny, and the same with Audit.
25. However, the Panel has decided to recommend the discontinuation of the Group Representatives' (recently renamed Vice Chairs) SRAs for the following reasons:

Consistent Recommendation from the Previous Panel

26. The Panel notes that the previous Panel Reports in October 2003 and in December 2006 recommended that the Spokespersons' SRA for Overview and Scrutiny (which were the only ones payable as the Audit Committee did not exist then) be discontinued on the grounds that it felt Overview and Scrutiny should be above political consideration and that it led to the context whereby the majority of Members were in receipt of an SRA. This Panel concurs with the view of the two previous Panels.

Inconsistent Application of the SRA

27. The argument expressed to the Panel that the Group Representatives' SRA facilitated the efficient undertaking of Overview and Scrutiny was not expressed in relation to Audit where the same arrangements exist. Moreover, the Panel heard very little representation that SRAs should be paid for Group Representatives on Licensing and Development Control. Therefore, the selective application of the SRA somewhat undermines the argument for it.

The views expressed by the Interviewees

28. There was not a unanimous view that the Group Representatives' SRAs should be retained. While a significant minority of the representations made to the Panel, both written and oral, argued for its retention and in a couple of cases for its extension, on balance there was a view that accepted too many SRAs were being paid in Milton Keynes, although this majority view did not necessarily translate into the next logical step and accept the obvious place for cutting back on SRAs was the Group Representatives. Nonetheless, the main view was that there are too many SRAs paid and the obvious place to cut back on them was with the Group Representatives.

The Wider Role of the Membership in Overview and Scrutiny

29. The organisation of Overview and Scrutiny is changing in that more work will be undertaken through task and finish working groups – and as such there may be a case to recognise the efficient operation of overview and scrutiny through a SRA to the Working Group Chairs (see below) rather than through Group Representatives. Moreover, there is an obligation on all Overview and Scrutiny Members to ensure its efficient operation in a no overall control context, and similarly on all other committees. As such, some of the monies applied to the Group Representatives' SRAs might be more appropriately allocated to the Basic Allowance – see below.

The Statutory Guidance

30. The Panel has an obligation to take heed of the *New Council Constitutions: Guidance on Regulation for Local Authority Allowances*, republished by the Department for Communities and Local Government on 5 May 2006.
31. While the Regulations do not expressly prohibit the majority of a Council's membership receiving a SRA there are two aspects of the Statutory Guidance that the Panel has to be cognisant of, namely paragraphs 70 and 72:

Special responsibility allowance (SRA) may be paid to those members of the council who have *significant* additional responsibilities, over and above the generally accepted duties of a councillor.

If the majority of members of a council receive a special responsibility allowance the local electorate may rightly question whether this was justified. Local authorities will wish to consider very carefully the additional roles of members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a special responsibility allowance.

32. The statutory guidance is clear that the payment of SRAs is for *significant* responsibility, a test that is not met by the Group Representatives, and that the payment of SRAs to a majority of members is one that is hard to publicly justify to the electorate
33. Consequently the Panel recommends that the 16 SRAs of £1,093 paid to each of the Group Representatives are discontinued and the bulk of savings (£17,488) is distributed between the Basic Allowance and the SRAs of the 5 Chairs of the Scrutiny Committees and Chair of the Overview and Scrutiny Management Committee – see below.

The Basic Allowance

34. The Panel has decided to apply some of the monies saved from the recommendation to discontinue the SRA for Group Representatives to the Basic Allowance to recognise the wider role of the Membership in a no overall control situation. It has simply uplifted the Basic Allowance by £200, which results in an additional spend of £10,400 (51 Members X £200) out of the £17,488 saved.
35. Thus the recommended Basic Allowance for 2010/11 is £9,863, the current Basic Allowance (£9,663) uplifted by £200.

Benchmarking/Triangulating the Recommended BA

The Statutory Guidance

36. The Statutory Guidance is very specific on the questions a Panel must consider when arriving at the recommended Basic Allowance:

Having established what local Councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, Councillors ought to be remunerated.²

37. The underlying approach in setting the recommended Basic Allowance is based on the above statutory guidance as published by the Department for Communities and Local Government (DCLG), par. 67. As a result, the Panel is under a duty to arrive at answers for the following three variables³ when setting and recommending an appropriate Basic Allowance:

- I. Time required to fulfil roles of ordinary Member
- II. The voluntary principle, the notion that part of the time put in by a Member in their back bench roles should be unremunerated, often known as the Public Service Discount (PSD)
- III. The worth of a backbench Member's time, or the rate for remuneration

38. The Basic Allowance was never explicitly worked on this basis so the Panel has placed the following value on the 3 variables the Panel has to consider in arriving at a recommended Basic Allowance:

² Department for Communities and Local Government, *New Council Constitutions: Guidance on Regulations for Local Authority Allowances*, London: TSO, May 2006, par 67.

³ For further details see *Guidance on Regulations for Local Authority Allowances*, May 2006, pars. 68-69.

I. Time required to fulfil back bench roles = 140 days annual equivalent

The 2003 Panel acknowledged that the role of the back bench councillor was at least 60 hours per month, or at least 90-95 days per year. The 2008 Improvement and Development Agency (IDeA) census of Councillors shows that Councillors not in senior positions put in at least 22 hours per week, but that includes all types of councils. The Panel has translated this research by the IDeA into just over half a working week, or the equivalent of 140 days per year.

II. Public Service Discount: = 30%

There was never any expressed public service discount in the work of previous Panels, although the 2003 Panel made the assumption that anything over 60 hours per month was the voluntary element or public service.

However the common discount applied in English authorities is around 30%. In other words, of the 140 days expected time input, one third has been conceptualised as public service, which translates as 42 days, with 98 being left as the remunerated time.

III. Rate for the Job = £100 per day

Again this has never been explicitly recognised in the work of previous Panels but this Panel notes that the Local Government Association (LGA) provides advice on what the daily worth of a Councillor may be, called the 'daily session' rate is currently £149.34 per day⁴. However, the Panel was not content with this figure as it bears little relationship to the income of the residents of Milton Keynes. Instead the Panel has chosen to link the rate for the job to the median income of Milton Keynes residents, which as published ONS for 2009 is £26,157 (all full employees), which the Panel has translated into £100 per day.

A Recommended Basic Allowance by following the Statutory Guidance

39. Thus, following the statutory guidance with the variables outlined above produces the following Basic Allowance:

- Time for the job: 140 equivalent days per year
- PSD: 30%
- Rate for the Job: £100 per day

40. These variables can be expressed in the following formula:

- 98 remunerated days per year X £100 per day
- = £9,800

41. The Panel notes that this approach is so close to the recommended Basic Allowance above that it confirms the initial recommendation.

⁴ LGA, LGAlert 90/09, Members' Allowances – Daily Rate, 6 May 2009

Benchmarking the Basic Allowance

42. The Panel notes that the recommended Basic Allowance of £9,863 is higher than the average Basic Allowance paid in comparative authorities – see table 1 below.

Table 1: Basic Allowances paid in comparator authorities groups

Comparator Group of Authorities	Average Basic Allowance	Basic
Milton Keynes 09/10	£9,663 Actual	
IDeA Survey - All Unitary Councils Nov 2008	£8,076	
South East Employers Survey – South East Unitaries Nov 2008	£8,760	

43. Nonetheless, the Panel is content with the recommended level of Basic Allowance for Milton Keynes Council Members. Even though it is comparatively high it is by no means the highest, which is Brighton and Hove City Council with a £11,205 Basic Allowance (2008/09). Moreover, Milton Keynes Members are facing pressures of dealing with the growth agenda and are in a very large Unitary Authority. Finally, the figure arrived at by following the Statutory Guidance further confirms the Panel's initial tentative recommendation.

Other Special Responsibility Allowances

The Leader

44. The Panel considered the case for reviewing the SRA for the Leader of the Council and felt there was no case to do so. It is noted that the current SRA for the Leader is above the average paid in all comparator groups. The closest comparator group with the most up to date information – SEE Survey November 2008 – shows that the average is affected by a very low Leader's SRA for Wokingham, which is £16,000. The median figure for the same comparator group is over £24,000.

Table 2: Leader's SRA paid in comparator authorities groups

Comparator Group of Authorities	Average Leaders' SRA
Milton Keynes 09/10	£29,332 Actual
IDeA Survey - All Unitary Councils Nov 2008	£22,477
South East Employers Survey – South East Unitaries Nov 2008	£23,323

45. The Panel is satisfied with the current SRA paid to the Leader on the grounds that it is a full time equivalent role and the fact that the Leader is the main Member who has to cope with and lead the growth agenda for Milton Keynes.
46. The Panel recommends no change to the SRA for the Leader of the Council.

Other Cabinet Members

47. The current SRA payable for the other Cabinet Members is £12,422 for 6 members. The 2003 review based the SRAs for Cabinet Members on a total pot payable to be divided by the number of Cabinet Members, thus if the Cabinet membership is decreased their SRA goes up and vice versa.

Table 3: Cabinet Members' SRAs paid in comparator authorities groups

Comparator Group of Authorities	Average Cabinet Members' SRAs
Milton Keynes 09/10	£12,422 Actual
IDeA Survey - All Unitary Councils Nov 2008	£11,613
South East Employers Survey – South East Unitaries Nov 2008	£11,120

48. The Panel feels this approach undermines the role of Cabinet members and does not recognise the changing dynamics of local government and the fact for instance that government enact legislation that enhances the collective responsibility of the Cabinet, which may not be reflected in the current static methodology.
49. Moreover, the 2006 review did recommend a fixed figure for Cabinet Members' SRAs, which was £11,761, which would be in line with this Panel's recommendation once indexation is taken into account. The Panel also notes that this figure is only slightly higher than that paid in the comparator groups of authorities – see table 3 above.
50. The Panel recommends that the current SRA payable to Cabinet Members should be fixed at £12,422, regardless of Cabinet size (which is capped at nine members plus Leader by statute, so a built-in maximum is integral to this recommendation in any case – but one imposed by statute rather than the Panel).

The Chairs of Overview and Scrutiny

The Chairs of Overview and Scrutiny Select Committees (5)

51. This is the main SRA payable in Milton Keynes that is below the average paid in comparator authorities, although it is noted that Milton Keynes does have extensive overview and scrutiny arrangements – see table 4 below.
52. The Panel notes that the 2003 review recommended the SRAs for the Overview and Scrutiny Chairs should be uplifted to £7,000 (which was not accepted) although interestingly the 2006 review did not recommend any increase. The Panel feels that the 2003 review was nearer the mark in its recommendations for the SRAs for the Chairs of the 5 Overview and Scrutiny Committees, particularly as there has been a decrease in the number of such committees since the previous review.
53. The Panel has simply decided to uplift the 5 Chairs of the Overview and Scrutiny Committees' SRAs by £1,000, taken from savings from abolishing Overview and

Scrutiny Group Representatives' SRAs – see above, which would still leave the actual SRAs payable below the average in the comparator groups of authorities.

54. The recommended SRAs for the 5 Chairs of the Overview and Scrutiny Committees is £6,386

Table 4: Chairs of Overview and Scrutiny SRAs paid in comparator authorities groups

Comparator Group of Authorities	Average Overview and Scrutiny Chairs' SRAs
Milton Keynes 09/10	£5,368 Actual
IDeA Survey - All Unitary Councils Nov 2008	£7,553
South East Employers Survey – South East Unitaries Nov 2008	£6,591

Chair of Executive Scrutiny Panel

55. Currently the Chair of the Executive Scrutiny Panel receives the same as the Chairs of the Overview and Scrutiny Select Committees, which is £5,368. The Panel received a degree of evidence, although not overwhelming, to decrease it as the role is very focused rather than multifaceted as with the Overview and Scrutiny Committee Chairs. The view emerged that as this Panel dealt with the call-in function it meets as and when necessary (which is not a lot recently) and only then dealing with a specific issue. Although it needs to be pointed out it could potentially meet more often, and when it does, call-in of executive decisions is an important part of the democratic process that should not be underestimated.
56. Nonetheless, the Panel agreed with the evidence received that the SRA for the Chair of the Executive Scrutiny Panel should not be on a par with the Overview and Scrutiny Chairs, and consequently has decided to reduce it by £1,000 to reflect the evidence received by the Panel.
57. The recommended SRA for the Chair of the Executive Scrutiny Panel is £4,368. The Panel will revisit this SRA if the call-in function becomes more active in Milton Keynes Council, particularly in light of recent legislation, namely the Local Democracy, Economic Development and Construction Act.

Chair of Overview and Scrutiny Management Committee

58. Representation received by the Panel supported the increase of the SRA for the Chair of Overview and Scrutiny Management Committee (O&SMC). It was argued that as the overall committee in charge of the Council's overview and scrutiny programme and its effectiveness it should be recognised as a 'first amongst equals.'
59. The Panel supports this view, which is partly aspirational in light of impending legislation – see above paragraph – and feels that it will be vital in ensuring the new scrutiny arrangements enshrined in legislation are supported. As such, the Panel has simply decided to uplift this SRA by £2,000, which is still less than the SRA for the

Chairs of the main regulatory committees and comes from the savings from recommending discontinuation of SRAs for Group Representatives.

60. The recommended SRA for the Chair of the Overview and Scrutiny Management Committee is £7,368.

Chairs of Overview and Scrutiny Task and Finish Working Groups

61. The Panel was informed that the Council intends to make greater use of Task and Finish Working Groups in the Overview and Scrutiny process and further representation that the Chairs merit a SRA. The Panel notes the representation, yet has declined to make recommendations at this stage as it is too early to gauge their worth. Once experience of the Overview and Scrutiny Task and Finish Working Groups has been gained the Panel will give a more informed view.

Other SRAs

62. Panel received no evidence to give serious consideration to the other SRAs currently payable, namely the Chairs of the Development Control and Licensing and Regulation Committees and recommends that these SRAs remain unaltered, bar the application of the annual index. The Panel also recommends that the current formula for the calculation of Opposition Leaders' SRAs remains in place, namely £614 per group member, bar the application of the annual index.

The Co-optees' Allowances: Chair & Independent Members on Standards

63. The Panel received no evidence to indicate the current Co-optees' Allowances payable (£3,226 for the Chair of Standards – see table 5 below – and £634 for other independent members on Standards) payable in Milton Keynes Council need revising and the Panel recommends no change to the Co-optees' Allowances.

Table 5: Chairs of Standards Committee Co-optees' Allowances paid in comparator authority groups

Comparator Group of Authorities	Average Co-optees Allowance for Chairs of Standards Committees
Milton Keynes 09/10	£3,226 Actual
IDeA Survey - All Unitary Councils Nov 2008	£3,456
South East Employers Survey – South East Unitaries Nov 2008	£1,740

Independent Members appointed to School Appeals Panel

64. The Council has a statutory obligation to appoint independent members to its School Appeals Panel. Panel members are eligible to receive travel and subsistence allowances under regulation 7 of the Appeals Regulations and in line with sections 173 and 174 of the Local Government Act 1972. They can also be compensated for

any loss of earnings or any individual expenses, including child minding costs that are necessarily incurred as a result of attending an appeal panel or associated training. The payment is set by the local authority which must have regard to the recommendations of its independent remuneration panel, as provided for in the Local Authorities (Members' Allowances) Regulations 2003. These provisions apply where appeal panels are arranged by either the local authority or by the governing body of a school. Governing bodies should pay expenses at the rate set by the local authority which maintains the school, or in whose area an Academy is situated⁵. It is normally called a Financial Loss Allowance.

65. The Panel has notionally related the Basic Allowance to the median weekly salary in Milton Keynes for all full time employees in 2009 of £500 (See 2008 Annual Survey of Hourly Earnings Table 8.1a). The Panel has equated this to £100 per day and recommends the following remuneration for independent members on Milton Keynes Council School Appeals Panel:

Full day:	£100
Half day:	£50

Mayoral Civic Allowances

66. The Mayoral Civic Allowances are outwith the scope of a Members' Allowances Scheme and normally not the concern of the Panel. However, the Council has historically asked the Panel to give advice to the Council on the Mayoral Civic Allowances and has done so again this time round. The Panel notes that previously the Panel has recommended setting the Mayoral Allowance at the same level as that paid to Cabinet members, with half that figure paid to the Deputy Mayor. The Panel confirms this approach.
67. The Panel recommends the following Mayoral Civic Allowances to be paid to:

- Mayor: £12,422
- Deputy Mayor: £6,211

The Dependants' Carers' Allowance (DA)

68. The Panel notes that in compliance with good practice the Dependants' Carers' Allowance scheme differentiates between child care and other dependants. However, the child care element of the scheme only provides for a rate of 5.05 per hour, which is below minimum wage and does not necessarily promote good practice.
69. The Panel recommends that the DCA should pay and be indexed to the following rates

Child care: minimum wage applicable the age of the carer, which at 1 October 2009 were:

- £5.73 per hour (22 years and over)

⁵ See School Admissions Appeals Code January 2008, page. 16, paragraph 1.39 (TSO)

- £4.77 per hour (18 – 21 year olds)
- £3.53 per hour (for workers under 18 who are above compulsory school leaving age)

Other Dependants: £10 per hour, or the applicable rate for the hourly cost of Milton Keynes Council Home Help carer, whichever is the less

Approved Duties for Dependents' Carers' Allowance

70. The Panel notes that the approved duties, for which the DCA may be claimed, unlike travel and subsistence allowances, are proscribed by statute. Specifically the 2003 Regulations state the following

7. - (1) A scheme may provide for the payment to members of an authority of an allowance ("dependants' carers' allowance") in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in -

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

(b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that -

(i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

(ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority is a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;

(e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

(f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and

(h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

71. The Panel advises the Council to review its approved duties for the DCA to ensure they conform with the statutory requirements.

The Local Government Pension Scheme

72. The Panel confirms the right of the Council to decide whether Members are able to join the Local Government Pension Scheme (LGPS).

Travel and Subsistence Allowances

73. At present Members can claim mileage and other travel and subsistence allowances at the same rates that are applicable to Officers. The Panel received no evidence or representation to suggest that this practice was no longer appropriate.

74. The Panel confirms the current rates, and terms and conditions applicable to the travel and subsistence allowances scheme for Members attending approved duties as currently defined.

75. The Panel further recommends that the Council introduces further mileage rates to ensure completeness of the travel allowances scheme are included:

- Bicycle allowance: 20p per mile
- Motor cycle allowance: 24p per mile
- Passenger supplement: 5p per mile

76. The additional recommended mileage rates are based on HMRC (Authorised Mileage Allowance Payments – AMAP) rates and therefore are not liable to tax or national insurance.

Mileage Rates for use of Electric or Plug-In Hybrid Vehicles

77. The Panel notes that Milton Keynes has been chosen as one of the nine cities and towns across the UK to pilot a new project aimed at making it easier for people to use electric and plug-in hybrid electric vehicles. The Joined-Cities Plan announced on 9 September 2009 by the Energy Technologies Institute (ETI) aims to help cities across the UK to deploy a cost effective and compatible network of recharging points. The £11 million Plan has been created to help support the roll-out of a single national network that will ultimately enable plug-in vehicles to be easily used and recharged anywhere, including the home.

78. The Panel considered making recommendations for an appropriate mileage rate for Members undertaking approved duties while using an electric or hybrid plug-in

vehicle. However there is no agreed standard on the cost of using such vehicles. Moreover, it will be at least a few years before the scheme is fully up and running. Therefore the Panel has decided to defer a recommendation on this issue until actual experience can provide meaningful data upon which to make a decision.

Indexation

79. The Panel recommends that the following indices are included in the scheme for the next four years:
- **The Basic, Special Responsibility and Co-optees' Allowances:** indexed to the annual local government staff percentage increase as agreed each April by National Joint Councils for Local Government Staff.
 - **The DCA:** indexed to the maximum hourly rates for minimum wage for age of carer/average hourly cost of Milton Keynes Council home help
 - **Travel and Subsistence allowances:** at the same rates and conditions applicable to Officer and HMRC rates where applicable

Implementation

80. The Panel recommends that the new allowances scheme is implemented from the start of the financial year where applicable, otherwise from the date the new scheme is agreed for those allowances that cannot be backdated.

A Future Review

81. The Panel recommends that the Council hold a further review within two rather than three years that is fundamental in nature and takes into account upcoming legislation affecting local government and the roles and responsibilities of Members.

Appendix One: Members, Co-optees, and Officers who met with the Panel
Elected Members:

Cllr S. Crooks	Leader of Council & Leader of Liberal Democrat Group
Cllr A. Dransfield	Chair of Children & Young People's Select Committee & Audit Committee (Con)
Cllr J. Ferrans	Community Strategy & Regeneration Portfolio (Lib Dem)
Cllr P. Geary	Conservative Member & Group Whip
Cllr V. McPake	Communities Portfolio (Lib Dem)
Cllr N. Miles	Labour Group Leader
Cllr C. Morris	Chair of Development Control Committee & Deputy Conservative Group Leader
Cllr A. Richards	Vice-Chair Safer Communities Select Committee (Lib Dem)
Cllr J. Tamagnini-Barbosa	Chair of Partnership & Growth Select Committee (Lib Dem)
Cllr C. Williams	Housing & Adult Social Care Portfolio (Lib Dem)

Written Submissions:

Cllr D. McCall	Liberal Democrat Backbencher
Cllr I. McCall	Chair of Economic & Enterprise Select Committee (Lib Dem)
Joint Submission	Labour Group
Richard Moore	Independent Member, Standards Committee
Simon Heap	Democratic Services Manager

Officers:

David Hill	Chief Executive
John Moffoot	Head of Democratic Services

Appendix Two: Information Received and Reviewed by the Panel

1. Panel Terms of Reference
2. Milton Keynes Council Members' Allowances Scheme 2009/10, including information on Members support/facilities and list of approved duties
3. Summary of Councillors' Allowances and expenses claimed 2008/09
4. Schedule of Meetings for Council, Executive and Main Committees
5. Briefing on Milton Keynes Council structure, decision making and calendar of council meetings
6. Members' Role Descriptions
7. Previous Milton Keynes IRP Allowances Reports
8. Statutory Guidance on Consolidated Regulations for Local Authority Allowances 2006
9. Statutory Instruments:
 - 2003 No. 1021 – The Local Authorities (Members' Allowances) (England) Regulations 2003
 - 2003 No. 1022 – The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003
 - 2003 No. 1692 – The Local Authorities (England) Amendment) Regulations 2003
10. Summary of Local Government Association/IDeA 2008 Survey of Members Allowances (England) 2008
11. Allowances schemes and summary of allowances from SE comparator group – SEE November 2008
12. Summary of Report of the Councillor Commission December 2007 and the Government's Response
13. Annual Survey of Hours and Earnings (ASHE) 2009
14. LGA Members' Allowances – Daily Rate, 6 May 2009, LGA alert 90/09
15. Presentation paper from Dr Hall

Appendix Three: Allowances paid in Comparator Authorities 2008/09

Basic Allowances and SRAs (1) - November 2008 - Unitaries							
Authority	Basic	Leader	Executive / Cabinet Portfolio Holder	Chairs			Standards
				Overview & Scrutiny	Planning	Licensing	
Bracknell Forest	£8,576.00	£28,583.00	£15,721.00	£7,145.00	£11,091.00	£5,553.00	£630.00
Brighton and Hove	£11,205.00	£28,758.00	£10,927.00	£7,188.00	£10,927.00	£8,626.00	n/a
Isle of Wight	£7,903.00	£24,237.00	£11,854.00	£11,854.00	£7,903.00	£1,977.00	£3,573.00
Medway	£8,909.74	£20,560.94	£11,215.06	£9,345.88	£7,476.70	n/a	n/a
Milton Keynes	£9,404.00	£28,547.00	£10,362.00	£5,224.00	£7,836.00	£7,836.00	£3,140.00
Southampton	£10,649.69	£21,299.36	£10,649.69	£5,324.85	£5,324.85	£5,324.85	
Windsor and Maidenhead	£7,180.00	£18,596.00	£10,228.00	£4,649.00	£4,649.00	£4,649.00	£359.00
Wokingham	£6,250.00	£16,000.00	£8,000.00	£2,000.00	£4,000.00	£2,000.00	£1,000.00
Average	£8,759.68	£23,322.66	£11,119.59	£6,591.34	£7,400.94	£5,137.98	£1,740.40
Highest	£11,205.00	£28,758.00	£15,721.00	£11,854.00	£11,091.00	£8,626.00	£3,573.00
Lowest	£6,250.00	£16,000.00	£8,000.00	£2,000.00	£4,000.00	£1,977.00	£359.00

Notes

Chair of Standards Committee at Isle of Wight receives basic allowance of £3573, no additional SRA
Independent Chair of Standards Committee at Bracknell Forest receives no basic allowance
OS Subgroup at Bracknell Forest refers to Chairs of O&S Panels
OS Subgroup at Southampton refers to Chair of Scrutiny Panel
OS Subgroup at Milton Keynes refers to O&S Spokesperson
Planning Committee members at Wokingham receive £1,000 allowance

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Basic Allowances and SRAs (2) - November 2008 - Unitaries

Chairs											Other allowances		
Authority	Deputy Leader	Chairman of Council	Licensing Appeals	Gen Purps	P/nnel	Area C/tees	Audit	Other	Opposition Group Leader	Any receiving > 1 SRA	Pensionable?	Co-optee	Parish Cllr
Bracknell Forest PD	£17,150.00	£12,539.00	none	n/a	n/a	n/a	n/a	£5,717.00	£15,721.00	Only highest payable	All aged below 70 are eligible. 33% take-up.	Ind Mbrs of Stds Cttee & its subs - £286. Diocesan & parent governor reps on £4,313.00 PC do not wish to take allowance	
Brighton and Hove C	£17,254.00		part of Chair role				£8,626.00	£8,626.00	£13,803.00	Not applic under scheme	All eligible. 55% take-up.		
Isle of Wight C	£11,854.00	£7,903.00	n/a	£1,977.00	n/a	n/a	£7,903.00	£7903 / £9880	£1,977.00	n/a	All eligible. 12.5% take-up	Scrutiny = £1636 / £818. Standards = £301	
Medway C	£14,953.41	£13,539.27	£32.43					£3,738.35	£9,345.88	Second & subsequent pay 50%	None eligible		
Milton Keynes C	n/a	£10,362.00	n/a	n/a	n/a	n/a	£5,224.00	£1,064.00	£11,960.00	No	All eligible. Nil take-up.	£617.00	Set by indiv parish
Southampton C	n/a	n/a	n/a	n/a	n/a	n/a	n/a	£5324.85 / £2662	£7,987.27	No	All eligible. 25% take-up.	£612.72	n/a
Windsor and Maidenhead C	£11,158.00	n/a	n/a	n/a	n/a	n/a	£3,719.00	£1,860.00	£6,509.00	Not allowed	No	£359.00	n/a
Wokingham C	£8,000.00	£7,420.00	n/a	n/a	£1,000.00	n/a	£1,000.00		£6,000.00	No	None eligible	n/a	n/a
Average	£13,394.90	£10,352.65	£32.43	£1,977.00	£1,000.00		£5,294.40	£4,201.07	£9,162.89				
Highest	£17,254.00	£13,539.27	£32.43	£1,977.00	£1,000.00	£0.00	£8,626.00	£8,626.00	£15,721.00				
Lowest	£8,000.00	£7,420.00	£32.43	£1,977.00	£1,000.00	£0.00	£1,000.00	£1,064.00	£1,977.00				

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Other Allowances - November 2008 - Unitaries

Authority	Childcare / Dependent	Other / ICT	Travel / subs	Lump sum considered	Approved	Formula	Next review
Bracknell Forest	Childcare - min wage for age of carer, or actual paid, if less. Dependent - average hourly rate paid to home help by Council, or actual paid, if less.	Laptop, docking station, mouse, keyboard, monitor, printer, consumables & Broadband for all Members. BlackBerries for Exec Members & others able to make business case. Mobile 'phones for some at request and for others able to make business case.	Travel within Borough limited to max of 30miles per duty-casual user rate. Travel outside Borough same rate as officers. Should use most cost-effective method.	Considered by IRP but no recommendation made.	Jan 2008	Annual % increase linked to LG pay increase for spinal column point 49.	April / May 2009
Brighton & Hove	Childcare-min hourly wage capped at £1,200pa per clr. Dependent - max of £7.50 ph capped at £1,200pa per clr.	Computers, printers, Blackberries, home phones/phone-fax	Paid Inland Revenue advisory rates for travel and subsistence outside the city boundaries only.	IRP did not support due to tax implications and perceived lack of transparency & accountability.	April 2008	No	By March 2010
Isle of Wight	Actual expense to max of £10 per hour (dependent) and £4.81 (childcare)	All entitled to mobile or smart phone. BlackBerries available to Members with SRA. ICT equip for home use if required, with access to Council server. No broadband fees.	Off island travel = 40p per mile. Subsistence, subject to time away: B/fast £5.05 Lunch £6.95 Tea £2.74 Dinner £8.60 O/night £81.90 (£93.41 London) + £20 meals.		Oct 2006	Yes, increased annually in line with CPI	No date set

Medway	£3ph indexed to Medway's average Registered Childminder rate		IR rates plus cycling allowance of 20p per mile.	IRP concluded difficult to arrive at a process and amount that is fair and equitable, and were concerned about tax implications for members	Nov 2008	Index-linked to staff pay award for next four years	2012
Milton Keynes	£5.30 per hour, up to a maximum of 5 hours in any 24 hour period	£16.40 per month incidental expenses allowance. Broadband £24.99 per month. Council provides IT equipment (toner cartridges and paper for printers) to those cilrs who require them. Those cilrs who prefer to use their own equipment cannot claim back any costs	Mileage: Up to 999cc – 42.9p 1000-1199cc – 46.9p 1200cc and above – 58.7p Bicycle – 20p Public transport – full reimbursement Subsistence – reasonable costs	No	March 2008	Total available to rise annually in line with the lower of two RPI (including and excluding property prices)	Autumn 2009
Royal Borough of Windsor & Maidenhead	Max 4 hrs per duty / 18 hrs per week. Childcare paid at min wage for age of carer (or actual paid, if less). Dependent care paid at Borough's average hourly homecare charge.	ICT Allowance claimable upon receipts for equipment, consumables, support & maintenance.	Inland Revenue rates	No	Jan 2008	Travel adjusted 1st April by reference to In Rev rates. Other allowances annually in line with increases given to employees.	No date fixed
Southampton	As Staff Rate	£15 allowance for line rental / answerphone / laptop (all Councillors). Group Leaders / Cabinet Members entitled to mobile. A-Z of Member Services detail resources available. N/A	52.5p per mile	No	Sep-07	Yes, based on national minimum wage	2011
Wokingham	£6 ph, limited to max of 8 hours per week		Set at same as staff mileage rates	No	Oct-08		Jun-09

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Political Management Arrangements - November 2008 - Unitaries						
Authority	Leader's weekly hours	Days / hours for Cabinet	O&S - Info on size and composition	Role profiles / job descriptions? Referred to when reviewing allowances?	Recent structural changes, including numbers of members involved	Further changes (in light of Acts & White Papers)
Bracknell Forest	> 80 per week	Varies. 55-70 pw for Exec.	<ul style="list-style-type: none"> O & S Commission – 16 Environment, Culture and Communities Panel – 12 Health Panel - 15 Social Care and Learning – 19 (all totals include co-optees etc) <p>Bracknell also has 3 reps on both the Joint East Berkshire and Joint East Berkshire and Buckinghamshire Health O&S Committees.</p>	No	None	Changed composition of Standards Committee so that we have 4 Councillors, 4 Independent Members and 3 Parish Councillors.
Isle of Wight	Full time	Varies day to day	Scrutiny Committee has 18 members (including co-optees etc)	Generic job descriptions in Council's Constitution	N/A	N/A
Medway	Approx 3 days per week	Varies	<p>4 O & S Committees:</p> <ul style="list-style-type: none"> Business Support Children & Adults Health & Adult Social Care Regeneration, Community & Culture 	We have got role profiles and the IRP have indicated they would like to think about how they use them as part of their reviews next time.	None.	We have been actively developing links between our LSP and O&S Committees as well as forging links between O&S and LINKS. We are waiting Govt guidance on petitions and CCfA before taking any action in relation to those proposals.

Milton Keynes	Full time	Varies	4 Policy Development Panels, 3 Scrutiny Panels	Not yet, but aim to do so.		Now have a separate Health Scrutiny Panel – health issues used to be dealt with as part of the External Scrutiny Panel, but due to the increased volume of work (MK is expanding at a rate of approximately 3000 people a year) this now needs to be dealt with separately.
Royal Borough of Windsor & Maidenhead	3-4 days per week	1-2 days per week	4 Scrutiny panels – consisting of 7 Members	No	No changes	None
Southampton	Full time	Full time for most, depending on portfolio.	Overview & Scrutiny Management Committee manages scrutiny process, decisions on Inquiries, scrutinises Forward Plan and holds Cabinet Members to account. Six Scrutiny Panels based on portfolios but only meet to carry out Inquiries which are themed (eg Fluoridisation, NEETS, Fuel Poverty, etc). OSMC allocate Inquiry to relevant Scrutiny Panel.	Still working on this	Overall majority Conservative Administration since May 2008 following many years of hung Council.	Member/Officer working group looking at implications of LGPH Act, Councillor Community and Community Engagement.
Wokingham	2 hours per day plus additional hours and eve meetings as required	Varied and not able to quantify	<ul style="list-style-type: none"> • Health O & S Committee – 10 • O & S Management C/tee – 12 • Finance O & S Panel – 5 • Corp Projects O & S Panel – 6 • Service Development O & S Panel – 5 	Only for Deputy Executive Members which is a new role and which the Ind Remuneration Panel decided not to pay an allowance at the present time.	44 Conservative Democrats	None yet

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**SCHEME OF COUNCILLORS'
ALLOWANCES
2010-2011**

1. General

- 1.1 This Scheme is made under the terms of the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.2 At the meeting of the Council on 9 February 2010 it was agreed that the Council would adopt this Scheme after taking into account the recommendations made by the Independent Remuneration Panel in 2009.
- 1.3 Milton Keynes Council currently has 51 councillors, who serve a 4 year term of office and all of whom are entitled to receive the allowances under this scheme.

2. Basic Allowance

- 2.1 All councillors to receive a Basic Allowance of £9,863 per annum. This is paid in 12 equal, monthly instalments and is subject to both tax and National Insurance contributions where applicable.
- 2.2 If a councillor ceases to be a councillor before the end of his or her term of office, payment of the allowance ceases and a pro rata calculation is made to ensure that the councillor receives the right amount of allowance. If necessary, an adjustment for under or overpayment may have to be made to ensure that the correct final payment is made, and the Council reserves the right to recover any overpayments of Basic Allowance.
- 2.3 The Basic Allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs, such as the use of their homes for council business.

3. Special Responsibility Allowance

- 3.1 The Council also pays Special Responsibility Allowances to those councillors it considers to have significant, additional responsibilities over and above the generally accepted duties of a councillor. These special responsibilities are related to the discharge of the Council's functions.
- 3.2 Milton Keynes Council currently pays Special Responsibility Allowances for the following roles at the rates stated:

Leader of the Council	£29,332
Main Opposition Group Leader - per Group Member	£614
Smaller Opposition Group Leader - per Group Member	£614
Cabinet Member	£12,422
Chair of Overview & Scrutiny Management Committee	£7,368
Chair of Overview & Scrutiny Committee	£6,368
Chair of Executive Scrutiny Committee	£4,368
Chair of Development Control Committee	£8,051
Chair of Licensing & Regulation Committees (1 person)	£8,051
Chair of Audit Committee	£5,368

- 3.3 Special Responsibility Allowance is paid in 12 equal, monthly instalments. Special Responsibility Allowances are liable for tax and National Insurance.
- 3.4 In the event of a councillor ceasing to hold an office which entitled him or her to receive a Special Responsibility Allowance before the term of office is completed, payment of the Allowance ceases, and a calculation based on the number of days in the Council year concerned will be made to determine the entitlement. If necessary, an adjustment for under or overpayment may have to be made to ensure that the correct final payment is made, and the Council reserves the right to recover any overpayments of Special Responsibility Allowance.
- 3.5 In the case of a member who is in receipt of a Special Responsibility Allowance being unable to carry out the duty for which the Allowance is payable for a period of three months or more, requiring the duty to be carried out by a specific Member as deputy, the council will consider the circumstances, with the option of ceasing the Special Responsibility Allowance payment to the Member concerned, and making a retrospective payment to the deputising Member for the whole of the three month period, and continuing until the original Member is able to resume the duty concerned.

- 3.6 Under the terms of Milton Keynes Council's Scheme of Allowances no councillor is allowed to receive more than one Special Responsibility Allowance, even if they fulfil more than one role.
- 3.7 In the event of a councillor already in receipt of a Special Responsibility Allowance being appointed to an office with a different level of Special Responsibility Allowance, a calculation based on the number of days in the Council year concerned will be made to determine the entitlement. If necessary, an adjustment for under or overpayment may have to be made to ensure that the correct final payment is made, and the Council reserves the right to recover any overpayments of the Special Responsibility Allowance.

4. Chair of the Standards Committee

- 4.1 The Independent Chair of the Council's Standards Committee shall receive a combined co-optee's and Special Responsibility Allowance of £3,226 paid in 12 equal, monthly instalments and will be liable for tax and National Insurance.
- 4.2 If the person appointed as Chair of the Standards Committee ceases to hold the office during the year in question payment of the Allowance ceases, and a calculation based on the number of days in the Council year concerned will be made to determine the entitlement. If necessary, an adjustment for under or overpayment may have to be made to ensure that the correct final payment is made, and the Council reserves the right to recover any overpayments of this allowance.

5. Co-opted Members of Committees

- 5.1 Persons co-opted to serve on Committees, Sub-Committees or Panels, and who have voting rights, shall receive an allowance of £634 calculated pro-rata to the term of co-option. This is to be paid in 12 equal, monthly instalments and will be liable for tax and National Insurance.
- 5.2 All co-optees are eligible for travel and subsistence allowances at the Members' rate when carrying out the duties for which they are co-opted.
- 5.3 If the co-opted person ceases to serve as a co-opted member before the end of his or her term of co-option, payment of the Allowance ceases, and a calculation based on the number of days in the Council year concerned will be made to determine the entitlement. If necessary, an adjustment for under or overpayment may have to be made to ensure that the correct final payment is made, and the Council reserves the right to recover any overpayments of this allowance.

6. Civic Allowances

- 6.1 The Mayor of Milton Keynes receives a civic allowance of £12,422 per annum, in line with that paid to Cabinet Members, paid in two equal instalments of £6,211 in May and November.
- 6.2 The Deputy Mayor of Milton Keynes receives a civic allowance of 50% of the Mayor's allowance, ie £6,211 per annum, payable in two equal instalments of £3,105 in May and November.
- 6.3 As part of a local agreement with HM Inspector of Taxes for Milton Keynes, the above civic allowances are not liable for tax or National Insurance contributions.
- 6.4 In the event of a Mayor or Deputy Mayor ceasing to hold office before the term of office is completed, payment of the Allowance ceases, and a calculation based on the number of days in the Council year concerned will be made to determine the entitlement. If necessary, an adjustment for under or overpayment may have to be made to ensure that the correct final payment is made, and the Council reserves the right to recover any overpayments of the Civic Allowance.

7. Child Care and Dependent Carers' Allowance

- 7.1 All councillors and co-opted members of council committees can claim, on production of appropriate receipts, the Child Care and Dependent Carers' Allowance at the following rates:

Child care:

Minimum wage applicable the age of the carer, which as 1 October 2009 were:

- £5.73 per hour (22 years and over)
- £4.77 per hour (18 – 21 year olds)
- £3.53 per hour (for workers under 18 who are above compulsory school leaving age)

Other Dependants:

£10 per hour, or the applicable rate for the hourly cost of Milton Keynes Council Home Help carer, whichever is the least

This is paid for up to a maximum of 5 hours in any 24 hour period and covers care provided for a councillor's/co-opted member's dependent(s) whilst the councillor/co-opted member is carrying out any 'Approved Duties' specified in the Annex.

This includes travel time associated with the Approved Duties.

- 7.2 Full details of the Dependent Carers' Allowance Scheme are listed in the Annex of this Scheme

8. Travel and Subsistence

- 8.1 Re-imbursement to councillors for travel and subsistence will be paid at the current rates agreed by the National Joint Council (NJC) for the reimbursement of Council officers.
- 8.2 In some instances mileage claims may be liable for tax and National Insurance contributions.
- 8.3 Councillors will be reimbursed the full cost of travelling by the most appropriate means of transport at standard class rates whilst carrying out Approved Duties, provided a valid receipt (bus ticket etc), is produced to substantiate the claim.
- 8.4 The above also applies to members of Education Appeals Panels who can also claim the full cost of travelling by the most appropriate means of transport at standard class rates whilst carrying out Approved Duties, provided a valid receipt (bus ticket etc), is produced to substantiate the claim.
- 8.5 All reasonable claims for subsistence expenses whilst carrying out Approved Duties will be paid provided they are supported by valid receipts. As there is no profit element in the payment of subsistence claims, this allowance is not subject to tax or National Insurance contributions.

9. Claimable Allowances

- 9.1 There is a 3 month time limit for submitting claims for the claimable allowances above ie Child Care and Dependent Carers' Allowance and Travel and Subsistence Allowances. Any claims made outside of this time limit will only be paid in exceptional circumstances with the approval of the Head of Democratic Services and the Head of Audit & Risk Management.

10. Pensions

- 10.1 All councillors are eligible to join the Local Government Pension Scheme. Both Basic Allowance and Special Responsibility Allowance will be taken into account when calculating pensions entitlement.

11. Dual Authority Roles

- 11.1 Councillors cannot receive an allowance from more than one authority (eg Fire Authority) for the same duties.

12. Forgoing Allowances

- 12.1 A councillor may forgo all or part of any allowances to which he or she is entitled, provided he or she has given notice in writing to the Head of Democratic Services.

13. Suspensions and Withholding Allowances

- 13.1 In the event of a councillor being suspended from duty following an investigation by the Council's Standards Committee or the Standards Board for England, allowances will not be paid to the councillor concerned during the period of suspension.

- 13.2 If necessary, a pro-rata calculation will be made based on the number of days in the Council year concerned to determine if an adjustment for under or overpayment needs to be made to ensure that the correct amount is withheld during the suspension period. The Council reserves the right to recover any overpayments.

14. Approved Duties

- 14.1 The list of "Approved Duties" under the regulations for which the Travel and Subsistence Allowance is payable is as follows:

- a meeting of the Council;
- a meeting of the Cabinet;
- a meeting of a committee of the Cabinet;
- a meeting of a committee or sub-committee of a committee of the Council;
- a meeting of some other body to which the Council makes appointments or nominations (ie Outside Bodies);
- a meeting of a committee or sub-committee of a body to which the Council makes appointments or nominations;
- a meeting of a local authority association of which the Council is a member (eg Local Government Association);
- a meeting in the Member's Ward called by a Council Officer or Parish Council;
- duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- duties undertaken on behalf of the Council in pursuance of any Procedure Rule requiring a councillor or councillors to be present while tender documents are opened;

- duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of Section 342 of the Education Act 1996;
- a meeting which has been:
 - ❖ both authorised by the Council, a committee, or a sub-committee of the Council and one or more other authorities, or a sub-committee of a joint committee, and
 - ❖ to which representatives of more than one political group have been invited or to which two or more Councillors have been invited;
- a meeting of the Cabinet, committee of the Cabinet, committee of the Council, or sub-committee, at which a Member, who is not appointed to that body:
 - ❖ attends to present an item which he/she has requested be included on the Agenda in his/her name;
 - ❖ is required to attend to answer questions/give evidence; or
 - ❖ attends to present a report on behalf of another body of the Council;
- attendance at conferences, seminars and other Member Development and training events as approved by the Council or the Head of Democratic Services;
- attendance at casework surgeries organised at advertised times and venues within the Member's own ward;
- any other duty approved by the Council in connection with discharging the duties of the authority or its committees or sub-committees.

15. Indexing

- 15.1 **The Basic, Special Responsibility and Co-optees' Allowances:** indexed to the annual local government staff percentage increase as agreed each April by National Joint Councils for Local Government Staff.
- 15.2 **The Dependent Carer's Allowance:** indexed to the maximum hourly rates for minimum wage for age of carer/average hourly cost of Milton Keynes Council home help
- 15.3 **Travel and Subsistence allowances:** at the same rates and conditions applicable to Officer and HMRC rates where applicable

16. Duration

- 16.1 The above Scheme of Allowances is operative from 1 April 2010 until 31 March 2011 or such other time as agreed by the Council.

Dependant Carer Allowance Scheme

1. The Scheme is open to all elected Council Members and co-opted members of Council committees.
2. The Scheme covers the care of dependants whether children, elderly people or people with disabilities for whom those listed in 1 above have responsibility.
3. The rate payable is the current hourly rate for the National Minimum Wage, up to a maximum of 5 hours in any 24 hour period.
4. The Scheme covers care provided for a Member's/co-opted member's dependant(s) whilst they are carrying out any 'approved duties', including travel time, as listed below.
5. Carers must be over the age of 16 and not be a member of the claimant's own household.
6. Where the provision is for childcare, it is recommended that a registered childminder / nursery or an approved child carer is used. However, it is ultimately the parents' responsibility to make adequate provision for their childcare needs.
7. Claims should be made on the Members' Business Expense claim forms, supported by valid receipts. Co-opted members of committees should submit their receipts with a covering letter to the Member Services Officer, Milton Keynes Council, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ.
8. Receipts should contain the date the care was provided, length of time the care was provided, the 'approved duty' covered, the cost per hour and should be countersigned by both the carer and claimant. Claimants may wish to use the attached sample receipt as a standard format.
9. In accordance with paragraph 9 of the Council's Scheme of Members' Allowances claims for Dependent Carer Allowance payments should be submitted within 3 months of the event.

LIST OF APPROVED DUTIES FOR DEPENDENT CARER'S ALLOWANCE

A scheme may provide for the payment to members of an authority of an allowance ("dependants' carers' allowance") in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in -

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

(b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that -

(i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

(ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority is a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;

(e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

(f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools) and

(h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

Dependant Carers' Allowance

Data care provided: Duty covered:

Time from: Time to:

Total hours:

Cost per hour: Total:

Name of Carer:

Signature of Carer:

Name of Claimant:

Signature of Claimant: