

# Report of the City Solicitor to the meeting of Council to be held on 21 October 2014

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**Subject: Amendment to the Members' Allowances Scheme**

## **Summary Statement:**

This report recommends an amendment to the Council's Members' Allowances Scheme in relation to the Special Responsibility Allowance paid to the Council's representatives on the Police and Crime Panel.

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Suzan Hemingway  
City Solicitor

**Portfolio:**

**[Insert where appropriate]**

Report Contact: Suzan Hemingway  
Phone: (01274) 432496  
E-mail: [suzan.hemingway@bradford.gov.uk](mailto:suzan.hemingway@bradford.gov.uk)

**Overview & Scrutiny Area:**

**[Insert where appropriate]**



## **1. SUMMARY**

This report recommends an amendment to the Council's Members' Allowances Scheme in relation to the Special Responsibility Allowance paid to the Council's representatives on the Police and Crime Panel.

## **2. BACKGROUND**

- 2.1 On 1 April 2014 the West Yorkshire Leaders agreed that they would commission, on behalf of their Councils, an independent review of the allowances paid to members appointed to the West Yorkshire Police and Crime Panel (PCP). The Leaders were aware that there were some significant discrepancies in the Special Responsibility Allowance paid to PCP members by the different West Yorkshire authorities and agreed that where possible, there ought to be consistency.
- 2.2 The West Yorkshire Leaders agreed to appoint an ad-hoc Independent Remuneration Panel (IRP) drawn from the existing members of the IRPs in West Yorkshire. Details of the panel are set out in the report attached at Appendix A.
- 2.3. The Local Authorities (Members' Allowances) (England) Regulations 2003 require councils to establish and maintain an Independent Remuneration Panel which will broadly have the functions of providing the local authority with advice on its Scheme of Members' Allowances and the amounts to be paid. Local authorities must have regard to this advice.

The report of the ad-hoc IRP is attached at Appendix A setting out their deliberations and their recommendations.

- 2.4 This report has been provided to Bradford Council's IRP, Sir Rodney Brook CBE (Chair), Lorraine Clark and Chris Ing. Members will note that Sir Rodney Brook CBE was also a member of the ad-hoc IRP. There have been no objections from the Council's IRP members to the proposals set out in the attached report.
- 2.5 The ad-hoc IRP is recommending a reduction in the Special Responsibility Allowance paid to Bradford Council's representatives on the PCP from the present amount of £11,615 to £6,000 to be backdated to the beginning of the municipal year 2014/15.

## **3. OPTIONS**

The Council has the option of approving, rejecting or amending the IRP recommendations.

## **4. FINANCIAL & RESOURCE APPRAISAL**

The financial implications of implementing the IRP's recommendations would be a saving of £16,845.

**5. LEGAL APPRAISAL**

The establishment of the Independent Remuneration Panel ensures the Council meets the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. The Council is required to have regard to the views of the IRP when considering changes to the Members' Scheme of Allowances.

**6. OTHER IMPLICATIONS**

**6.1 Equal Rights, Sustainability, Community Safety, Human Rights Act, Trade Union**

No direct implications arising from this report

**7. NOT FOR PUBLICATION DOCUMENTS**

None.

**8. RECOMMENDATIONS**

**8.1** That the Council considers the report of the ad-hoc Independent Remuneration Panel and approves the recommendations set out in that report.

**8.2** That the Bradford Council Scheme of Allowances for Members be amended to reflect the recommendations of the IRP to be implemented from the date of this Council meeting.

**9. REASONS FOR THE RECOMMENDATIONS**

To ensure that the Special Responsibility Allowances paid to the representatives on the West Yorkshire Police and Crime Panel are paid consistently across the West Yorkshire districts.

**10. APPENDICES**

Appendix A – Report of the Independent Review of the Allowances for Members of the West Yorkshire Police and Crime Panel - June 2014.

**An Independent Review of  
Allowances for the  
Members of the  
West Yorkshire  
Police and Crime Panel**

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**The First Report**

**By the**

**Ad Hoc Panel of Chairs**

**Of the**

**5 West Yorkshire councils statutory  
Independent Remuneration Panels**

**Dr Declan Hall (Ad Hoc Panel Chair)  
Sir Rodney Brooke CBE  
Ian Brown MBE  
Prof. Andrew Taylor**

June 2014

## **Foreword**

This report arises out of a review of allowances paid to Members of the West Yorkshire Police & Crime Panel (PCP). It has been an unusual if not unique undertaking in two different ways. As far as it can be discerned the Leaders of the West Yorkshire councils are the first to commission a county wide review of PCP allowances to foster greater consistency and equity in that remuneration. Furthermore, what makes this review so unusual is that it has been carried out by the Chairs of the statutory independent remuneration panels for the West Yorkshire nominating councils who convened as an ad hoc panel specifically for this review.

The ad hoc panel and review has not sought to supplant the role of the local statutory IRPs but to enhance their role by taking a county wide view that it is hoped will lead to a more joined up approach. The reality is that only by working collectively on a West Yorkshire wide basis will the remuneration of PCP Members become more consistent and coherent. Consequently, the Chairs of the local IRPs have been appointed to this ad hoc panel thus building in a county-district linkage that is a precondition to the success of this review. The Chairs will now be tasked to take the recommendations of this ad hoc Panel back to their respective IRPs for discussion and recommendation to their relevant council for decision. In this way discontinuity between county and district perspectives should be kept to a minimum.

There is no guarantee that this first review will lead to a consistent and uniform county wide model of PCP remuneration across the 5 WY councils. However the very process of going through a more co-ordinated review at the county wide level which involves all the Chairs of district IRPs should at least lead to a greater consistency and coherency that presently exists in the remuneration of PCP Members. Movement towards the wider objective is better than no movement at all.

Bearing this mind this review is more likely to be the starting rather than end point in fostering consistency and coherency in the remuneration of PCP Members. Thus, the recommendations must not be seen as the ad hoc Panel's definitive statement on the matter and it will seek to review the situation once more with the added benefit of not only having greater experience of the roles and responsibilities of PCP Members but with feedback via the chairs from the respective local IRPs.

Dr Declan Hall

Chair of the Ad Hoc Panel of Chairs of the 5 West Yorkshire councils statutory Independent Remuneration Panels  
25 June 2014

## Executive Summary

<b>WY PCP Members<sup>1</sup></b>	<b>Remunerated Posts Recommended 14/15</b>	<b>Allowance (SRA) per Member Recommended 14/15</b>	<b>Total Payable Recommended 14/15</b>
<b>Bradford</b> (3 Members)	Ordinary PCP Members X 3	£6,000	£18,000
<b>Calderdale</b> (2 Members)	Ordinary PCP Members X 2	£6,000	£12,000
<b>Kirklees</b> (2 Members)	Ordinary PCP Members X 2	£6,000	£12,000
<b>Leeds</b> (3 Members)	Chair WY PCP X 1	£11,000	£23,000
	Ordinary PCP Member X 2	£6,000	
<b>Wakefield</b> (2 Members)	Chair Complaints Sub Committee X 1	£7,000	£13,000
	Ordinary PCP Member X 1	£6,000	
<b>Independent Secretary of State Members</b> (2 Members)	Independent PCP Members X 2	£6,000	£12,000
<b>Total Payable</b>			<b>£90,000</b>

**Note:** The total payable recommended of £90,000 (14/15) is based on the assumption that all the Council appointees are eligible to receive a PCP SRA. This has not always been the case in the past. For instance not all councils allow their Members to receive more than 1 SRA if they hold 2 or more remunerated posts.

**The ad hoc Panel also recommends:**

### **A further review for 2015/16**

That a further review of allowances for Members appointed to the WY PCP is undertaken in 12-18 months to re-evaluate the recommendations of this review when greater knowledge of the evolving operational context is gained.

<sup>1</sup> The assignment of the extra costs for the remuneration of the Chair of PCP and Chair of the Complaints Sub Committee Chair is based on fact that current post holders are respectively Leeds and Wakefield Members and therefore the extra charge is borne out by their councils allowances scheme. If for instance, the Chair of Complaints Sub Committee was a Calderdale Member next year then the marginal remuneration cost would be borne by Calderdale.

**Travel & Subsistence and Dependants' Carers' Allowances**

That allowances for the reimbursement of costs regarding travel, subsistence and care of dependants when undertaking PCP duties is paid through the allowances scheme of the relevant constituent or supporting councils subject to local conditions and rates payable.

**Indexation**

That allowances paid to WY PCP Members continue to be indexed in accordance with the allowances schemes of the relevant constituent or supporting councils.

**The First Review of Members Allowances for**

**Members**

**Appointed to the**

**West Yorkshire Police & Crime Panel**

**By the**

**Ad Hoc Independent Remuneration Panel**

**Of**

**Chairs of 5 Nominating Council Panels**

**Introduction**

1. The West Yorkshire Leaders agreed at a meeting on 1st April 2014 that in light of the recent review of allowances paid to co-opted Members on the West Yorkshire Transport Committee that they would commission on half of their councils an independent review of allowances paid to Members appointed to the West Yorkshire Police & Crime Panel (PCP). Specifically, it was agreed that an ad hoc West Yorkshire Independent Remuneration Panel (IRP) be convened to recommend a county-wide approach to the allowances paid to Police & Crime Panel Members. The intention is to foster a more consistent and equitable remuneration model for Members appointed to the West Yorkshire PCP.

**The West Yorkshire Police and Crime Panel**

2. The Police Reform and Social Responsibility Act 2011 replaced police authorities with elected Police and Crime Commissioners (PCCs) across England and Wales. It also created a corresponding system of Police and Crime Panels (PCPs) as a counter balance to PCCs with the West Yorkshire Police and Crime Panel (PCP) operational since 2 September 2012.
3. The PCP is responsible for scrutinising the decisions of the Police and Crime Commissioner (PCC) and assisting him in carrying out his functions. It



provides the main public forum in which the PCC is formally held to account and policing strategy subject to public examination. It is still in a state of evolution but is clearly developing into a most important County-wide body. It has the power to:

- Require the PCC, a member of his staff or the Chief Constable to attend the PCP;
- Veto the PCCs proposed precept subject to agreement of two-thirds of the PCP;
- Veto the PCCs proposed appointment of a Chief Constable subject to agreement of two-thirds of the PCP;
- Review the PCCs draft police and crime plan;
- Review the PCCs annual report;
- Hold confirmation hearings for the PCCs proposed Chief Executive, Chief Finance Officer and Deputy PCC; and
- Deal with any complaints made about the PCC.

### **The Regulatory Context**

4. Each of the five West Yorkshire nominating council appoints elected Members to the WY PCP (Bradford and Leeds appoint 3 apiece, Calderdale, Kirklees and Wakefield appoint 2 apiece). Each council determines locally and is responsible for the payment of allowances to their PCP members. The 2 independent (non-elected) Members appointed by the Secretary of State receive their allowances direct from the Support Services Authority, which in this case is Wakefield although the funding comes from the Home Office. Before each council determined the remuneration of its PCP Members they were required to pay regard to the advice of their statutory independent remuneration panel.
5. However, local determination has led to local variation. There is a wide disparity in the remuneration of WY PCP Members (see Table 1 below) for undertaking what is in most cases a common role. To foster a more consistent and rational approach an Ad Hoc Panel of Chairs of the 5 West Yorkshire councils statutory Independent Remuneration Panels (the ad hoc Panel or simply the Panel) was convened to review the roles on the PCP and recommend a uniform county-wide remuneration for PCP Members. In turn each Chair is tasked with taking the recommendations contained in this report back to their own IRP for agreement and then onto their constituent council for determination.
6. The West Yorkshire Leaders having agreed in principle to foster a more consistent approach to PCP members' remuneration commissioned, on behalf of their councils, this independent review via the ad hoc Panel in the spirit of transparency and openness that underlies the work of the local IRPs. Thus, ensuring that WY PCP Members' remuneration is subject to a more robust external scrutiny on a county-wide basis. As such, the ad hoc Panel has

applied similar principles to this review that the local IRPs utilise in their reviews in the nominating councils.

## **The Panel**

7. The West Yorkshire Leaders were keen to ensure that this non-statutory ad hoc Panel had a county-wide standing and a strong connection with the existing statutory IRPs. Thus, the ad hoc Panel Members are also the Chairs of the statutory IRPs in the nominating councils. Additionally, they all have knowledge of local government in their own right. Specifically the ad hoc Panel of chairs are:
  - Sir Rodney Brooke CBE:
    - Chair of the Leeds and Bradford IRPs. Former Chief Executive of West Yorkshire Metropolitan County and Westminster LBC. Currently, Chair of Quality Assurance Agency for Higher Education and West Yorkshire Playhouse.
  - Ian Brown:
    - Chair of Wakefield IRP and Member of Kirklees IRP. Formerly Commercial Manager Yorkshire Water and currently a local magistrate.
  - Dr Declan Hall (Chair):
    - Chair of the Calderdale IRP and WYCA IRP, previously an academic at the Institute of Local Government, University of Birmingham. Currently an independent consultant specialising in Members allowances with extensive experience of reviewing sub-regional bodies.
  - Professor Andrew Taylor:
    - Chair of Kirklees IRP. Currently, an academic (politics) at the University of Sheffield and Director of Learning and Teaching there.
8. The Review was supported and serviced throughout by:
  - Samantha Wilkinson: WY PCP Officer

## **Terms of Reference**

9. The ad hoc Panel was given the following terms of reference, namely to make recommendations as to:
  - i. The level of Allowance payable for all WY PCP Members, including the 2 independent Members

- ii. Whether there should be a differential Allowance to recognize the extra workload and responsibility placed on the WY PCP Chair
  - iii. Whether there should be a differential Allowance for any other post holder on the WY PCP
  - iv. Consider any other issues that may arise during the review, such as whether a county wide travel and allowances scheme and annual index should also be recommended for PCP Members
10. In arriving at its recommendations, the Panel was asked to take into account:
- The views of the Chair and Members of the PCP
  - The levels of payments to PCP members in comparable PCPs
  - The overall level of activity of PCP both by Members and corporately
  - The overall objective of implementing a consistent approach across West Yorkshire for allowances paid to PCP Members
  - The methodology utilised in arriving at a consistent approach to allowances for the 2014 review of allowance for the West Yorkshire Combined Authority

### **The Review Process**

11. The ad hoc Panel Members were each sent an information pack on PCPs in general and on the WY PCP in particular prior to physically convening. The ad hoc Panel met at County Hall Wakefield on 16<sup>th</sup> June 2014 to consider all the written information and evidence collectively (see Appendix 1). It also met with relevant WY PCP Members and Officers (see Appendix 2). The meetings with Officers provided briefings to the Panel and addressed factual queries, such as clarifying meeting schedules, extent of reading material sent to PCP Members, legislative context, etc. All WY PCP Members were invited to meet with or make a written submission to Panel if they so wished. The meetings with Members enabled them to present views on roles and responsibilities on the WY PCP and how it operates. It also enabled the ad hoc Panel to discuss scenarios, draw out implications of the evidence presented, and explore options to test for robustness.
12. Although the WY PCP is not a relevant authority under the 2003 Members Allowances Regulations and 2006 Statutory Guidance on Members Allowances, the Panel has followed the statutory requirements and best practice laid out in the regulations and statutory guidance in arriving at its recommendations. For instance, for benchmarking purposes the Panel took into account the allowances payable in the constituent councils. This best practice replicates the statutory requirements for joint authorities or other joint bodies (e.g., a fire authority) that pay their own allowances in that they are required to pay regard to remuneration payable in their constituent councils. The ad hoc Panel also considered allowances paid in other comparable public

bodies (see Appendix 3 for summary of allowances schemes utilised for benchmarking, including the nominating councils).

### Current Remuneration: Lack of Consistency and Robustness

13. Table 1 below confirms that there is no consistency or coherence in the remuneration of WY PCP Member, for undertaking what is the same role in most instances, depending on the nominating or supporting council. Perversely, the only consistency is in regard to the remuneration of PCP Members from the same councils. Thus, the PCP Chair is currently a Leeds Member but is paid the same as other Leeds Members who hold no position of significant responsibility at the PCP.

**Table 1: WY PCP Members & Nominating Council Remuneration 2013/14**

West Yorkshire Nominating Council	PCP Appointees Remuneration (SRA)	Basic Allowance Payable at Council	SRA Payable to Scrutiny Chairs at Council
Bradford (3)	£11,615	£13,173	£12,690
Calderdale (2)	£1,490	£9,931	£7,448
Kirklees (2)	£6,138	£12,566	£6,138
Leeds (3)	£11,833	£14,929	£20,241
Wakefield(2)	£11,615	£11,095	£8,890
Independent Members (2)	£11,615		
<b>Mean</b>	<b>£9,051</b>	<b>£12,339</b>	<b>£11,081</b>
<b>Median</b>	<b>£11,615</b>	<b>£12,566</b>	<b>£8,890</b>

14. All the nominating councils considered allowances for their PCP appointees in late 2012. The basis of the higher remuneration payable in 3 of the West Yorkshire councils was based on a view that the likely workload and responsibility of PCP Members would be equivalent to that of a scrutiny chair. At the time the average SRA paid to scrutiny chairs across the five West Yorkshire Councils was £11,615; the figure recommended by IRPs and adopted in Bradford, Leeds (with indexation since applied) and Wakefield. As the independent members are not aligned to any council their remuneration is the same as the Wakefield PCP members as Wakefield is the support services authority.
15. Kirklees IRP adopted a local variation of this approach. Rather than take the average SRA paid to scrutiny chairs across the WY councils, it recommended that the remuneration for Kirklees PCP Members be based on the actual SRA paid to Kirklees Council scrutiny chairs, which was and remains £6,138. Calderdale council opted to defer any decision until its IRP met at the end of

2013 at which time it recommended the lowest remuneration of any of the WY councils of £1,490. This comparatively low level of remuneration does not reflect a distinctive or contrary view on the remuneration of PCP Members. The Calderdale IRP adopted this figure as an interim position in the knowledge that the remuneration of PCP members would be looked at more systematically in the near future.

### **Benchmarking PCP Remuneration**

16. Benchmarking against other PCCs proved to be an unproductive exercise as there is no pattern in the remuneration of PCP members nationally. Moreover, different governance arrangements apply in different jurisdictions. In Greater Manchester the Leaders of the 10 constituent councils act as the Greater Manchester PCP and they are not specifically remunerated for this role as far as is known. It is common for local IRPs to factor into the Leaders' SRA an additional monetary value to recognise the sub-regional (plus regional and national) duties and responsibilities all Leaders have to undertake. However, the extent to which this happens and identifying the portion of a Leaders SRA that relates to GM PCP duties is impossible without interviewing the relevant IRP Chairs for all 10 GM councils; even then it may not be discernible.
17. Even where similar governance arrangements have been identified, to undertake robust benchmarking of PCP remuneration would require an analysis of the allowances schemes of all the relevant nominating councils for each PCP in the benchmarking group, which is beyond the resources of this (and most other) reviews. The only national pattern in the remuneration of PCP members is that there is no national pattern. The most recent research, by the Centre for Public Scrutiny<sup>2</sup> (CfPS), on work and effectiveness of PCPs after the first year of operation simply states: Levels of [PCP] allowances vary considerably."

### **Panel recommendations: A standard remuneration for WY PCP Members**

18. The ad hoc Panel supports the view that a common allowance should be paid to all ordinary Members of the WY PCP. Members should receive equal pay for equal work. Variance and inconsistency in the remuneration of WY PCP Members is inherent where local discretion is in place. There is a case to be made, based on local conditions and structures, that the role of a Member in Leeds is different to that in Calderdale, thus a differential Basic Allowance. The argument is less sustainable at the county-wide level. The size of the role of a WY PCP member is not related to their nominating or supporting council. Secondly, where there is a case to pay a higher allowance, such as with the PCP Chair, then that should also be recognised regardless from which council the Chair is appointed. On these two points, the current WY PCP remuneration model is unsustainable going forward.

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<sup>2</sup> Centre for Public Scrutiny, "police and crime panels: the first year", January 2014, page 14.

19. Conceptually, it is difficult to maintain a remuneration model that pays more to Members appointed to a joint committee than is paid to the Members of the appointing authority, which is the case in Wakefield. In a similar vein, the remuneration of PCP Members from Bradford, Leeds and Wakefield is greater than the Calderdale Basic Allowance. The logic of the principal authority/joint authority relationship suggests the higher allowance should be payable at the appointing authority, not at the appointee authority. To draw a council analogy: it is rare for a chair of sub-committee to receive a higher SRA than the chair of the parent committee<sup>3</sup>. Indeed analysis of the West Yorkshire councils' allowances no instance can be identified where a chair of a sub-committee or panel receives a higher SRA than a chair of a parent committee.
20. Likewise, the higher rates payable to WY PCP Members are more than the SRA payable to scrutiny chairs in Calderdale, Kirklees, and Wakefield. No evidence was received to suggest this should be so. The original basis of this higher rate of pay, namely linking it to the average SRA payable to WY scrutiny chairs, has not been borne out by experience and is no longer an appropriate basis for ordinary PCP Members' remuneration.
21. While the evidence does not support the higher remuneration paid to PCP Members the ad hoc Panel recognises they are nonetheless required to undertake substantial workloads and responsibilities. The national system of PCPs, as was pointed out to the ad hoc Panel, is "unique", there is nothing else like them and the role they perform in English or Welsh local government. Directly elected PCCs have vested in them as individuals a great deal of power in respect of policing policy and strategy for the area they represent. PCPs are the only means by which PCCs are both held to account and required to give account between elections. The WY PCP is the sole means by which public scrutiny and challenge is brought to bear on the WY PCC and policing policy in West Yorkshire generally beyond 4 yearly elections.
22. This is also in a context where it is "early days" as far as national policing governance arrangements are concerned. PCPs are new bodies and how they operate is still evolving as they have only been in place for 18 months of so. This is an important consideration for the ad hoc Panel; it has only taken 18 months to show that the light touch model for PCPs envisaged by the government is not likely to be the dominant model that will emerge in practice. The report (5 May 2014) by the House of Commons Home Affairs Select Committee "Police and Crime Commissioners: Progress to date" (page 32) points out that

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<sup>3</sup> To be fair it does happen on occasion, typically where a local authority licensing committee has a very narrow remit and the greater activity is conducted through licensing sub panels. However in this case higher workload and responsibility is clearly demonstrated by the sub panels.

The Government's intention was for commissioners to be held to account by the public with police and crime panels providing 'light touch' scrutiny. But the low turnout for the PCC elections and, lack of a formal 'Opposition' between elections, inevitably places a greater emphasis on the role of panels in scrutinizing commissioners.

23. This has had impacts on PCP workloads that were unforeseen. For instance, the Home Office 'light touch' model estimated that PCPs would only need to meet 4 times per year. However, the Centre for Public Scrutiny Report that has reviewed the operation of police and crime panels after their first year (January 2014, page 13) states:

Councillors and independent members sitting on Panels have been expected to engage with a significant amount of work over the course of the past year

24. An unforeseen development peculiar (but not unique) to WY PCP is that every Member has been given a lead responsibility for a particular topic, whether it be complaints, partnerships, performance or commissioning. They are all expected to develop a knowledge regarding their lead responsibility topic and liaise with relevant Officers when required.
25. Looking forward, the Home Affairs Select Committee recommends that PCCs should be required to publish forward plans of key decisions where known in advance and background information on each decision when it is made to develop forward work plans and agree protocols on the timely provision of information from PCCs to PCPs generally with particular reference to the precept setting process, to enable more effective scrutiny by PCPs and put in place more systematic arrangements for handling complaints. All of which would impact on workloads and responsibilities for PCPs.
26. To a large degree, much of the above (with some noticeable exceptions) has either occurred or is starting to emerge at the WY PCP, demonstrating the 'light touch' PCP model to be inadequate less than 18 months or so after PCPs were introduced. The upshot for PCPs is, as the CfPS Report (page 13) states, that they "will need to meet more frequently to conduct [its] business effectively." Again the WY PCP experience reflects the research. On average a WY PCP Member is required to attend at least 12 meetings per year. Indeed, the WY PCP role specification for the two independent Members goes further in stating that the time commitment "would be expected" to be "the equivalent of two days" per month or 24 days per year.
27. In the representations made to the ad hoc Panel this level of time commitment was generally supported and some extent there was a view that in reality it was nearer to 30 days per year once all the required substantial background reading is taken into account. Regardless a significant time commitment is

required that bears no relationship to the original estimation based on 4 meetings per year.

28. As PCPs are still evolving, or in words of one interviewee, "we have not reached the endpoint in how the PCP will finally operate, especially in relation to the PCC", the ad hoc Panel has decided not to hang its recommendation on an explicit time commitment at this stage. The time commitment required from WY PCP Members looks likely to be subject to further pressures. The readily identifiable commitment of at least 24 day per year is not a firm starting point upon which to base remuneration going forward.
29. In this evolving context, the Panel chose to relate the recommended remuneration of the ordinary and independent PCP Members to the mean Basic Allowance payable across the nominating councils. In particular, it has assessed the size of the role of being a PCP Member as being broadly equivalent to half the size of the role undertaken by Members of the nominating councils. This approach breaks the link with to average SRA paid to the West Yorkshire scrutiny chairs and gives expression to the principle that membership of the appointing authority merits a higher remuneration than membership of a secondary authority.
30. To arrive at the standard remuneration for WY PCP members West Yorkshire councils mean Basic Allowance (£12,339) has been discounted by 50%, and then rounded down to £6,000. This level of remuneration is based on the assumption that the 'full PCP model' envisaged by the research comes to fruition in West Yorkshire in the near future. The Panel will seek evidence for this during its next review.
31. **The recommended remuneration for WY PCP Members, including the 2 independent Members, is £6,000 for 2014/15.**

### **Chair of WY PCP**

32. There is a clear cut case for the PCP Chair to receive a differential remuneration from that of the ordinary Members. The role requires a greater time commitment, often in an informal context through meetings with the PCC and PCP Officers on a regular basis. The post also carries a greater responsibility. It is a statutory post and the Chair's relationship with the PCC is central to the success of the new Police governance arrangements.
33. Ironically, the original methodology used by three of the nominating councils to arrive at PCP members' remuneration, namely linking it to the mean SRA paid to the WY scrutiny chairs retains its robustness in considering the remuneration for the PCP Chair. It is recognised that the roles of PCP chair



and council scrutiny chairs are not strictly analogous; for instance the PCP Chair has a broader remit and more powers than council scrutiny chairs. However, at this nascent stage in the evolution of PCPs in general and the WY PCP in particular it remains the most relevant comparator and as with all recommendations, can be revisited in the next review.

34. Other suggestions were considered, e.g., drawing an analogy between the PCP Chair and Chair of Yorkshire Regional Flood & Coastal Defence Committee and other Yorkshire-wide public bodies, including the Fire Authority and health boards. None of these suggestions on closer examination held much water. County-wide joint authorities and health bodies usually have a service responsibility that does not exist with the WY PCP, and in the case of health bodies remuneration is determined nationally at rates that often would be simply be unacceptable if replicated for the WY PCP.
35. The link with scrutiny chairs may appear simplistic but that is part of its strength, it is transparent, easy to understand and the best analogy at his stage in the absence of strong alternative comparators. Currently, the average SRA paid to chairs of scrutiny committees across the five West Yorkshire nominating councils is £11,081 and taking this as a guide the Panel once again rounded it down, in this case to £11,000.
36. **The recommended remuneration for the Chair of the WY PCP is £11,000 for 2014/15.**

### **Chair of the Complaints Sub Committee**

37. The Panel considers that the Chair of the Complaints Sub-Committee merits an additional remuneration albeit a marginal one. The prime function of the sub-committee is to consider complaints against the PCC and is a statutory function requiring judicious handling. The Complaints Sub-Committee has only convened twice to formally consider complaints against the PCC deemed to have sufficient merit. However, this does not reflect the workload and responsibility of the Chair.
38. There have been a surprisingly high number of complaints against the PCC although that is not solely a West Yorkshire phenomena - it seems to be partly a function of the new policing governance arrangements. Most complaints have proved to be vexatious or falling outwith the remit of the PCP, with most of the rest having only marginal and insignificant merit. Regardless the Chair of the Complaints Sub-Committee is responsible for the sifting process, requiring the reading of all complaints received and meeting with relevant Officers on a regular basis to work through all the complaints received to decide on what to do with them even if it is to reject them in the overwhelming majority of cases.

39. The ad hoc Panel was informed that in the short term at least it is not expected that complaints against the PCC will dramatically decrease and the demands on the Chair of the Complaints Sub-Committee will remain correspondingly at the current level. In lieu of any other meaningful metric or benchmark, at this stage and based on representations received, the Panel decided that the role merited an increase of approximately 15% on the recommended remuneration for the ordinary Members. This equates to £6,900, which the Panel rounded up to £7,000.
40. **The recommended remuneration for the Chair of the WY PCP Complaints Sub-Committee is £7,000 for 2014/15.**

### **A Future Review**

41. In establishing the worth of the posts under consideration, the central dilemma for the ad hoc Panel was that it quickly became evident the review was being conducted in uncharted waters as far as English local government is concerned. While this was hardly a startling realization the unforeseen consequence is that the roles and responsibilities undertaken by PCP Members continue to evolve and there are strong indications that how things are now will not necessarily be the same in 12-18 months. Already it has been seen that the practice of PCPs has diverged from what the theory anticipated.
42. In this fluid contest the recommendations of the ad hoc Panel cannot but be a 'snapshot in time'. They are very much a starting point of what may well be an iterative process. Consequently, **the ad hoc Panel recommends that its' recommendations for 2014/15 are revisited in 12-18 months to track the on-going operational evolution of the WY PCP and the implications for Members remuneration.**
43. While it is outwith the remit of this review, where there is future review of WY PCP allowances the Leaders may wish to consider whether the ad hoc Panel process has been effective in achieving the prime aim of this review; namely fostering consistency in the remuneration of WY PCP Members. If the ad hoc process had not proved to be effective the Leaders could also consider further on how the review process might be improved so as to enhance consistency in the remuneration of WY PCP Members.

### **Other Allowances: Travel & Subsistence and Dependants' Carers' Allowances**

44. There is a widely accepted understanding that PCP members do not claim for the reimbursement of out of pocket expenses incurred while carrying out WY PCP duties within the county except in exceptional circumstances. In light of

the proposal for reduced remuneration for the majority of WY PCP Members it is not unreasonable for Members be able to seek reimbursement of expenses for duties undertaken within the county. It is normal practice for Members on sub-regional authorities and joint committees to claim for out of pocket expenses, particularly travel costs, as they go beyond 'incidental'. However, Members should make any such claims through their nominating or supporting council in accordance with the particular conditions and maximum rates that are applicable locally.

45. **The ad hoc Panel recommends that where Members incur out of pocket expenses in carrying out duties on behalf of the WY PCP that they claim reimbursement through their nominating or supporting authority.**
46. On the odd occasions where Members have to undertake out of county duties then the current practice of pre-booking relevant travel and subsistence costs by the PCP should be maintained.

### **Indexation**

47. The application of any indices to the allowances paid to WY PCP Members is a function that lies within the remit of the relevant nominating or supporting council. It was not raised as a major issue during the course of the review which probably reflects the abeyance of indexation of Members allowances nationally. Consequently the ad hoc Panel **recommends that any application of indexation to WY PCP Members' remuneration continues to be delivered through the allowances schemes of the relevant constituent councils in accordance with the indices adopted locally.**

**APPENDIX ONE:  
Written Information Received and Considered By Panel**

- A) IRP terms of reference
- B) Background and Context of Review, Power point presentation by Chair of ad hoc Panel
- C) Briefing Note to the Remuneration Panel: the Police Reform & Social Responsibility Act 2011
- D) WY PCP First Annual Report November 2013 – December 2013
- E) WY PCP Information for the Appointment of Independent Co-opted Members (ND)
- F) WY PCP Independent Co-opted Member Job Description & Person Specification (ND)
- G) WY PCP, *Terms of Reference and Legislative Compliance Rules, Version 1*, 7 March 2014
- H) WY PCP, *Panel Arrangements & Rules for the Conduct of Business, Version 1*, 7 March 2014
- I) WY PCP, *Forward Agenda Plan 2013*
- J) WY PCP, *Forward Agenda Plan 2013/14*
- K) WY PCP, *Forward Agenda Plan 2014*
- L) WY PCP *Accountability Framework* July 2013
- M) WY PCP, *Police & Crime Plan*, 11 April 2014, including letter of response to PCP Chair from Mark Burns-Williamson OBE, WY Police and Crime Commissioner
- N) Summary and comparison of allowances schemes in nominating councils and other WY bodies
- O) Summary of remuneration of other PCPs
- P) Copies of full allowances schemes (2013/14) from West Yorkshire nominating councils, namely
  - Bradford
  - Calderdale
  - Kirklees
  - Leeds
  - Wakefield

- Q) Hard copies of full allowances schemes from other West Yorkshire-wide bodies
- West Yorkshire Fire & Rescue Authority
  - West Yorkshire Combined Authority
- R) Public Service Reform paper by Clare Elliot 1 April 2014 to WY & York Leaders Meeting
- S) Reports from the West Yorkshire Constituent Council IRPs setting original allowance for their co-optees to the WY PCP namely
- Bradford: *Report of the City Solicitor to the meeting of Council*, 16 October 2012 - confirms that IRP was "consulted"
  - Calderdale: 7th Report by IRP, January 2014
  - Kirklees: Report by IRP, 13 November 2012
  - Leeds: Report by IRP, June 2012
  - Wakefield: Report by IRP, 19 July 2012
- T) WY Combined Authority IRP, Review of Members' Allowances for the Co-opted Members on the West Yorkshire Combined Authority, First Report January 2014
- U) Police and Crime Panels: Guidance on role and composition, Local Government Association & Centre for Public Scrutiny October 2011
- V) Police and Crime Panels: the first year, Local Government Association & Centre for Public Scrutiny January 2014
- W) House of Commons Home Affairs Committee, *Police and Crime Commissioners: progress to date*, Sixteenth Report of Session 2013-14, 5 May 2014
- X) Mean/Median Salaries for West Yorkshire as published by Annual Survey of Hours & Earnings (ASHE) December 2013 published by Office of National Statistics
- Y) Examples of reading/agendas PCP members have to read with covering emails
- Z) DH Paper, *Nominating Councils processes & timescales*, to highlight time pressures
- AA) Jonathan Skinner email to Chair 30 May 2014, work undertaken by WY PCP highlighting "significant national attention"

**APPENDIX TWO:  
Members and Officers who contributed to the Review**

**Members:**

Cllr J. Askew: Former Deputy Chair of WY PCP (Wakefield Member)

Cllr P. Box: WYCA Chair and Leader of Wakefield

R. Grasby: Independent Member of WY PCP

Cllr A. Lowe: Chair of WY PCP (Leeds Member)

J. Sykes: Independent Member of WY PCP

Cllr A. Wassell: Chair of WY PCP Complaints Sub Committee (Wakefield Member)

Two written submissions were also received from WY PCP Members

**Officers:**

Bernadette Livesey: WY PCP Monitoring Officer, Wakefield Council

Samantha Wilkinson: WY PCP Officer

### APPENDIX THREE: Benchmarking

WY Mets PCP Benchmarking 1: BA + Executive + Scrutiny SRAs 2013/14											
WY Met Councils	PCP Members	Basic Allowance		Leader's SRA	Total Leader	Deputy Leader	Cabinet SRAs	Dep Cabinet Members	Support Executive Members	Main O&S Chair	Scrutiny Chairs
Bradford	£11,615	£13,173		£36,259	£49,432	£25,381	£25,381				£12,690
Calderdale	£1,490	£9,931		£29,794	£39,725	£14,897	£11,918				£7,448
Kirklees*	£6,138	£12,566		£25,155	£37,721	£18,866	£12,274			£11,047	£6,138
Leeds	£11,833	£14,929		£38,642	£53,571	£24,152	£23,002	£11,501	£4,841		£20,241
Wakefield	£11,615	£11,095		£33,854	£44,949	£17,710	£13,299	£5,050			£8,890
Independent Members	£11,615										
<b>Highest</b>	<b>£11,833</b>	<b>£14,929</b>		<b>£38,642</b>	<b>£53,571</b>	<b>£25,381</b>	<b>£25,381</b>				<b>£20,241</b>
<b>Lowest</b>	<b>£1,490</b>	<b>£9,931</b>		<b>£25,155</b>	<b>£37,721</b>	<b>£14,897</b>	<b>£11,918</b>				<b>£6,138</b>
Mean	£9,051	£12,339		£32,741	£45,080	£20,201	£17,175				£11,081
Median	£11,615	£12,566		£33,854	£44,949	£18,866	£13,299				£8,890
		*Kirklees pays Chairs of Ad Hoc Scrutiny Panels £38 per day & Members of O&S Management Committee an SRA of £1,227									
WYCA TC		£4,500	£24,800		£9,920	5 District Engagement Committee Chairs SRA = £1,575					
WY Fire Authority		£3,445	£19,007		£9,504	4 Committee Chairs SRA = £3,802		4 Deputy Committee Chairs SRA = £950			

## WY Mets PCP Benchmarking 2 - Main Regulatory SRAs 2013/14

WY Met Council	Chair Planning	V/Chair Planning	Members Planning	Chair & Regulatory & Appeals/GP	Mbrs Regulatory & Appeals/GP	Chair Licensing	Chairs Licensing Subs	Chair Taxis Panel	Chair Audit	Chair Governance	Chair Standards
<b>Bradford*</b>	£12,690		£2,901	£12,690	£2,901	£12,690		£7,252	£12,690		£3,596
<b>Calderdale</b>	£8,939			£5,958					£5,958	£5,958	
<b>Kirklees*</b>	£6,138			£4,911					£2,454		£3,684
<b>Leeds*±</b>	£13,511					£7,263			£7,263		£4,841
<b>Wakefield</b>	£8,890	£2,987		£8,360			£5,050		£5,050		£8,360
<b>Highest</b>	<b>£13,511</b>			<b>£12,690</b>					<b>£12,690</b>		<b>£8,360</b>
<b>Lowest</b>	<b>£6,138</b>			<b>£4,911</b>					<b>£2,454</b>		<b>£3,596</b>
<b>Mean</b>	<b>£10,034</b>			<b>£7,980</b>					<b>£6,683</b>		<b>£5,120</b>
<b>Median</b>	<b>£8,939</b>			<b>£7,159</b>					<b>£5,958</b>		<b>£4,263</b>
* More than 1 Planning Panel: Bradford (2), Kirklees (4) & Leeds (3)											
± Leeds pay SRA to Chair Development Plan Panel £4,841 and Members of the Licensing Committee £584											



### WY Mets PCP Benchmarking 3 - Other Regulatory & Miscellaneous SRAs 2013/14

WY Met Council	Chair Employee Appeals or Employment	V/Chr Employee Appeals	Chair Housing & Council Tax Appeals	Chair Education Appeals	Chair Social Services Appeals	Chair Corporate Parenting Panel	Members Fostering Panel	Members Adoption Panel	Area Chairs	Chair Climate Change & Environment WG
<b>Bradford</b>	£7,252	£5,439	£7,252	£7,252	£5,439	£5,439	£2,901	£2,901	£12,690	
<b>Calderdale</b>	£2,979									
<b>Kirklees</b>							£1,227	£1,227	£2,454	
<b>Leeds</b>									£9,078	£9,078
<b>Wakefield</b>										

### WY Mets PCP Benchmarking 4: Main Opposition Group SRAs 2013/14

West Yorks Met Councils	Leader Main Minority Group	Dep/Leader Main Minority Group	Shadow Cabinet Members	Main Minority Group Chief Whip	Leader 2nd Minority Group	Dep/Leader 2nd Minority Group	Leader 3rd Minority Group
<b>Bradford</b>	£25,381	£16,316	£4,532	£12,690	£18,130	£12,690	
<b>Calderdale</b>	£11,918				£5,958		£1,490
<b>Kirklees</b>	£11,047	£3,684			£9,820	£3,684	£3,684
<b>Leeds</b>	£25,301			£9,078	£4,841		£4,841
<b>Wakefield</b>	£6,721						
<b>Highest</b>	£25,381				£18,130		£4,841
<b>Lowest</b>	£6,721				£4,841		£1,490
<b>Mean</b>	£16,074				£9,687		£3,338
<b>Median</b>	£11,918				£7,889		£3,684

### WY Mets PCP Benchmarking 5: Other Group, etc, SRAs 2013/14

West York Met Councils	Majority Group Chief Whip or Business Manager	Deputy Whip Majority Group	Main Minority Group Chief Whip or Business Manager	2nd Minority Group Chief Whip or Business Manager	Chair Town & Parish Council Liaison Group	Chair Council Business Committee
<b>Bradford</b>	£16,316			£12,564		
<b>Calderdale</b>						
<b>Kirklees</b>	£9,820		£7,365	£4,911		£1,227
<b>Leeds*</b>	£10,351	£4,841	£9,078	£4,841		
<b>Wakefield</b>					£2,987	
<b>Highest</b>	<b>£16,316</b>			<b>£12,564</b>		
<b>Lowest</b>	<b>£9,820</b>			<b>£4,841</b>		
<b>Mean</b>	<b>£12,162</b>			<b>£7,439</b>		
<b>Median</b>	<b>£10,351</b>			<b>£4,911</b>		
<p>* Leeds pays Deputy Whips with more than 10% of Council membership an SRA of £4,841 + makes available 14 "Opposition Group Holders" SRAs (£4,841) depending on group size. Not all are paid as not all Opposition Groups meet size criteria + based on group size some Opposition Posts have been assigned this SRA for benchmarking purposes</p>						