

**To: Surrey Police Authority**

**Date: 15<sup>th</sup> December 2011**

**By: Alison Bolton, Chief Executive**

**Title: Scheme of Members' Allowances for 2012-13**

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**Purpose of Report/Issue:**

Members are asked to approve the Scheme of Members Allowances for 2012-13 which covers basic and special allowances paid to Authority Members, as well as those allowances and/or expenses for Independent Standards Committee Members, Selection Panel appointees, IAG (Independent Advisory Group) representatives and Custody Visitor Co-ordinators.

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**Recommendation(s) -**

The Authority is asked to consider the recommendations (i-iv) of the Standards Committee and Remuneration Panel as set out in the report below.

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**Equalities / Human Rights Implications – None arising.**

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**Risk - None identified.**

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**Attachments:** Scheme of Allowances for 2011-12

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Now that the elections for Surrey's first Police and Crime Commissioner have been put back until November 2012, the Authority will need to approve a Scheme of Members Allowances for the 2012-13 municipal year.

In accordance with its Terms of Reference, the Remuneration Panel met on 10<sup>th</sup> October 2011 to discuss the scheme and make its recommendations to the Standards Committee, held on the same day. Members were provided with comparative information on other South East Authorities and the existing scheme, together with a report from the Chief Executive. Specifically, the Panel considered:

- Does the Consumer Price Index (CPI) remain the right index for any uplifts to the Scheme of Allowances?
- Should the Scheme of Allowances be uplifted in line with CPI (or another measure) next year?
- Are other changes needed to the Scheme of Allowances for 2012-13?

This report sets out the recommendations from the Panel and Committee to the Authority.

### **Background**

The Authority agreed in 2008 to index-link its scheme of allowances to the Consumer Price Index (CPI) as it stands in the April at the start of the scheme year. The Remuneration Panel would then undertake a 'light touch' review of the scheme on an annual basis.

The Authority did not take an increase in allowances in 2009/10 but did take an increase of 3.7% in line with CPI in April 2010 for the 2010/11 allowances. Some Members declined to accept this uplift but the Chairman has been clear that this is a matter for the individual Member. For 2011/12, the Standards Committee recommended that allowances should not be uplifted. This recommendation, together with the others put forward by the Committee, was accepted.

### **Recommendations of the Remuneration Panel for 2012-13**

At the meeting of the Remuneration Panel on 10<sup>th</sup> October, the Panel was advised that the Authority is unlikely to make any significant changes to its governance structures for the period May – November 2012. It has already stated its intention to continue with 'business as usual' until such time as it is abolished. Its panel/committee structure, lead member roles and member responsibilities were reviewed in summer 2010 and deemed fit for purpose. Consequently, workloads for Members are unlikely to change considerably. On that basis, the Remuneration Panel deemed that the existing scheme structure remains fit for purpose.

The Panel considered whether the CPI remained the right index and also whether an increase should be taken for 2012-13.. The Panel was advised that the CPI currently stood at 4.4% (July 2011 data). The Panel felt that the index was still the right one, but in light of the wider financial climate, it recommends to the Authority that Members do not take an increase again this year. The Panel was cognisant of pay freezes that had been imposed or were soon to be imposed on the Authority's own staff, police staff and officers.

It is therefore recommended that:

- i) The Authority be advised that, in the view of the Remuneration Panel, the scheme of allowances should not be uplifted in line with the CPI; and
- ii) That a record be kept of the level of allowances had an uplift been applied.

### **Other Remuneration Issues: Mileage Allowances**

The Panel noted that tax rules relating to mileage would now allow an increase from 40p to 45p. At the time of the Panel's meeting, Surrey County Council had yet to make a decision on whether to increase the mileage rate

for its Members. The Committee was of the view that SPA should remain at 40p/mile for its members and volunteers regardless.

Members may wish to note that, since the meeting of the Remuneration Panel, Surrey County Council has agreed to increase the mileage allowance for its members to 45p/mile. In light of this decision, Members reconsidered the matter and retained its original recommendation.

The Remuneration Panel recommends that:

- iii) The mileage rate for 2012-13 remains at 40p/mile.

In accordance with its terms of reference, the Authority members of the Standards Committee are required to make a recommendation in relation to the allowances of the independent members of the Standards Committee. The Standards Committee recommends that:

- iv) The allowances for independent members of the Standards Committee remain unchanged for 2012-13.

## Surrey Police Authority Members' Allowance Scheme 2011-12

### **Members' Allowances Scheme**

The Surrey Police Authority, in exercise of the powers conferred by the Police Act 1996 as amended by the Criminal Police and Justice Act 2001 and section 94 of the Police Reform Act 2002, hereby makes the following scheme.

#### **1. The Scheme**

This scheme updates the Members' Allowance Scheme 2010/11 currently in place. It may be cited as the Surrey Police Authority Members' Allowances Scheme and shall have effect from 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012.

#### **2. Definitions**

In this scheme,

- "Chief Executive" means the Chief Executive to Surrey Police Authority
- "Independent Representative" means a person who is not a Member, but who is selected to sit on either the Standards Committee, the Independent Members' Selection Panel, or as an Independent Member of a Police Misconduct Hearing Panel.
- "Member" means a member of Surrey Police Authority.
- "Custody Visitor" means anyone who is currently a member of the Independent Custody Visitor Scheme operated by Surrey Police Authority.
- "Scheme Year" means the period of 12 months ending on 31<sup>st</sup> March 2012.

### 3. Basic Allowance

A basic allowance shall be payable to each Member. The basic allowance payable for the period from 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012 will be at the rate of £10,622 per annum. This will be payable on a pro rata basis for any Member joining or leaving the Authority during the scheme's duration, consistent with paragraph 6. Thereafter the basic allowance will be at such annual rate as shall be determined and approved by the Authority in accordance with paragraph 14.

### 4. Special Responsibility Allowances

4.1 For each scheme year, a special responsibility allowance shall be paid to those Members who carry the special responsibilities specified below. No Member can claim more than one special responsibility allowance at any one time.

4.2 Each such allowance will be at the rate specified against that special responsibility for the period from 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012. This will be payable on a pro rata basis for any Member joining or leaving the Authority, or taking on or relinquishing a special responsibility throughout the year, consistent with paragraph 6. Thereafter the basic allowance will be at such annual rate as shall be recommended by the Standards Committee in accordance with paragraph 14. The rates below are *inclusive* of basic allowance (with the exception of the Independent Standards Committee Chairman who is not eligible to claim a basic allowance).

Chairman of Surrey Police Authority	£25,000 per annum
Vice Chairman of Surrey Police Authority	£17,500 per annum
Panel Chairmen	£14,891 per annum
Committee Chairmen	£13,742 per annum
Independent Standards Committee Chairman	£3,120 per annum

## **5. Provision of ICT and Related Equipment**

- 5.1 The Chairman and Vice-Chairman shall be provided with a mobile phone, laptop, printer, PDA, fax machine and necessary stationery to fulfil their roles, should they request them. These remain the property of the Authority and must be returned at the end of term of office.
- 5.2 All members shall be given access to a PC, printer and relevant software together with broadband internet access or reimbursement of the cost where it is already installed for personal use (should they not already be provided with such equipment through another role). Members who already have access to broadband will be entitled to claim a contribution towards the cost up to a maximum of £16.00 per month and will be asked to provide proof of payment.

## **6. Part Year Entitlements**

- 6.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to basic and special responsibility allowances where, in the course of a year,
- a person becomes, or ceases to be, a Member, or
  - this scheme is amended, or
  - a Member accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- 6.2 In this paragraph “daily rate” means the amount of the annual basic or special responsibility allowance appertaining on the day for which the daily rate is calculated, divided by the number of days in that scheme year.

- 6.3 Where a Member holds office for any period of less than a scheme year, the basic allowance payable to the Member during that scheme year shall be the daily rate multiplied by the number of days that the Member is in office during that scheme year.
- 6.4 Where an amendment to this Scheme changes the basic or special responsibility allowances payable to any Member during a scheme year, the allowance payable shall be the sum of (a) the daily rate multiplied by the number of days during which the allowance appertaining at the beginning of the scheme year is payable and (b) the daily rate multiplied by the number of days that any amended allowance is payable during that scheme year.
- 6.5 Where a Member is, during a period of less than a scheme year, entitled to a Special Responsibility Allowance, that Member's entitlement shall be to the daily rate of the Special Responsibility Allowance multiplied by the number of days that the Member holds that special responsibility during that scheme year.

## **7. Absence**

- 7.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to basic and special responsibility allowances where, they are unable to fulfil their role due to:
- ill-health or long term sickness;
  - the arrival of a child;
  - suspension due to a breach, or alleged breach of conduct codes.

Where a Member is unable to fulfil their role due to ill-health, long term sickness or the arrival of a child, that Member shall be entitled to receive payment of the full allowance commensurate with their role on the Authority

for a period of three months. Members should inform the Secretariat of the likely duration of their absence and seek approval from the Chief Executive. Should the circumstances require a more lengthy absence, consideration should be given as to whether that Member should continue to serve on the Authority. Such cases shall be considered by the Standards Committee on a case by case basis, in a manner consistent with human rights principles and the relevant sections of the Police Act 1996.

7.2 Where a Member is suspended as a result of a breach of the Code of Conduct or an alleged breach of the Code of Conduct, no allowance shall be payable to that Member from the moment of their suspension. Should the Member be subsequently exonerated, the allowances that would have been payable to that Member shall be made available to them.

7.3 Should a Member fail to carry out their duties for longer than 3 months without the prior written agreement of the Chief Executive, their absence will be reported to the Standards Committee and their allowances stopped. The Standards Committee should consider whether the Secretary of State should be asked to remove the Member from the Authority. Such cases shall be considered by the Standards Committee on a case by case basis in a manner consistent with human rights principles and the relevant sections of the Police Act 1996.

## **8. Attendance Allowance**

8.1 Independent Representatives sitting on the Standards Committee and those serving as Independent Members on misconduct hearing panels will be entitled to claim an attendance allowance at a rate of £21.40 per hour. The Allowance can be claimed for hours spent on Committee or Panel business but excludes travelling time. Where the Chairman of the Standards Committee is an Independent Member of the Standards Committee, s/he will

be entitled to claim a Chair's allowance equivalent to the allowance paid to Chairs of Committees.

- 8.2 Members serving on Police Appeals Tribunals shall be paid in accordance with the latest Home Office rates for tribunal members.
- 8.3 All Members of the formally constituted Selection Panel for recruiting Independent Members of Surrey Police Authority, including all Police Authority appointees, shall be paid a daily rate of £200 (£100 for half a day). Preparation time may also be claimed (as a guide, for every day of interviewing, Members may claim half a day in preparation time).
- 8.4 Attendance allowance shall not be paid to any Member, with the exception of those serving on Police Appeals Tribunals or the Selection Panel for the recruitment of independent members.
- 8.5 The Authority will agree each year a budget for the Surrey Independent Advisory Group (IAG). This budget will be used for the payment of Independent Advisors' expenses, the cost of holding Surrey IAG meetings (room hire, refreshments etc) and any additional training events required for the Surrey IAG. The IAG Chairman will be responsible for deciding how the IAG budget should be allocated each year. The IAG Chairman will be required to seek formal approval of the budget proposals from the Authority's Chief Executive at the start of the year. Each year's allocation will be subject to the Chief Executive's satisfaction with the previous year's expenditure and the continuing satisfaction of the Authority and Force with the role that the IAG is playing.
- 8.6 IAG Members may claim travel expenses for attendance at IAG meetings, training events, critical incidents or Gold Groups at the rate agreed for Authority.

8.7 The Authority will fund 6 to 8 Surrey IAG meetings of three hours duration per year, for up to 60 attendees at each meeting. It will also fund occasional training events, at the discretion of the Authority's Chief Executive in consultation with the Head of the Force's Diversity Directorate, which must be funded from the agreed IAG budget.

## **9. Renunciation**

A Member may by notice in writing given to the Chief Executive elect to forego any part of his entitlement to an allowance under this scheme.

## **10. Payment of Allowances and Expenses**

Payments shall be made in respect of basic and special responsibility allowances by equal monthly instalments. Tax and National Insurance deductions will be made in accordance with legal requirements on all allowances.

Claims for travelling and subsistence expenses should be submitted to the Chief Executive within three months of the duty for which the expense has been claimed. Claims received after the expiry of this period will only be paid in exceptional circumstances at the discretion of the Treasurer to the Police Authority. Original receipts should be provided to support travel and subsistence claims.

The Authority has agreed that travel and subsistence expenses will **not** be paid for the following:

- Members' surgeries
- Political activities
- Social Functions
- Attendance at meetings of an outside body to which the member is appointed where the activities are too remote from the functions of the Police Authority
- Charity events – unless at the discretion of the Chief Executive

## 11. Travel Expenses Scheme

Payable on production of original receipts and in respect of **ACTUAL EXPENDITURE** incurred for approved duties (as set out in paragraph 13):-

- 11.1 Members, Independent Representatives, Custody Visitors and Independent Advisors may be reimbursed for reasonable and necessary travelling expenses by public transport, including the cost of taxi fares where appropriate, in order to undertake Authority business. If travelling by rail, Members, Independent Representatives, Custody Visitors and Independent Advisors are expected to travel in standard class. First class travel may be permitted where it can be demonstrated that it is of the same or less cost than standard class. Air travel shall be permitted if this can be demonstrated to be the most cost effective option, having considered the full costs associated with other forms of transport.
- 11.2 The rate for travel by a Members, Independent Representative's, Custody Visitor's and Independent Advisor's own motor car is 40 pence per mile and motor cycle is 30 pence per mile. Mileage claims should normally only be made for journeys from the primary place of residence (normally within Surrey) for attendance at approved Authority business. Where a Member is attending Authority business en route to or from another meeting related to their role as a Police Authority Member or County Councillor (e.g. County Council meetings or APA Board meetings), mileage claims should be fairly split between the two organisations. When required to travel to attend Authority business from another address (for example, returning from holiday or a second place of residence) this must be only in extenuating circumstances and with the prior agreement of the Chief Executive.
- 11.3 The rates set out in paragraph 11.2 above shall apply to the first 10,000 miles claimed by a Member, Independent Representative, Custody Visitor or Independent Advisor in the financial year. Thereafter a standard rate of 25 pence per mile will be paid.

11.4 Bicycle allowance will be paid to Members, Independent Representatives, Custody Visitors and Independent Advisors at 20 pence per mile.

## 12 Other Expenses

Payable to Members, Independent Representatives, Custody Visitors and Independent Advisors in the case of an absence from the usual place of residence on production of original receipts and in respect of **ACTUAL EXPENDITURE** incurred for approved duties:-

### Hotel Accommodation

- Hotel accommodation to be booked by the Authority and either
- Paid directly by the Authority; or Members reimbursed for actual receipted expenditure

### 12.1 Subsistence

Payable on production of original receipts and in respect of **ACTUAL EXPENDITURE** incurred for approved duties:-

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|----|---|---------------|
| a) | Day (up to 12 hours)                                | up to £10.70* |
|    | * or members may claim up to £7.45 without receipts |               |
| b) | Day (over 12 hours/less than 24 hours)              | up to £21.40  |
| c) | Overnight (period of 24 hours)                      | up to £32.00  |

Subsistence allowance is not payable for meetings where appropriate refreshments are provided.

### 12.2 Carers' Allowance

Payable on production of original receipts and in respect of **ACTUAL EXPENDITURE** incurred for approved duties:-

- a) Members, Independent Representatives, Custody Visitors or Independent Advisors may claim a carers' allowance where they incur additional expenditure on childcare, or for a sick or dependent partner or relative to enable them to fulfil their duties by attending a meeting / activity and is to reimburse actual costs incurred.
- b) Meetings / activities that qualify for the allowance will be those for which a Member, Independent Representative, Custody Visitor or Independent Advisor is entitled to claim travel expenses.
- c) Members, Independent Representatives, Custody Visitors or Independent Advisors may claim an allowance for the period of the qualifying meeting/activity
- d) Allowances for childcare shall be restricted to children aged under fourteen years who would be normally expected to reside at the Member's, Independent Representative's, Custody Visitor's or Independent Advisor's home at the time of the claim.
- e) It is the responsibility of the Member, Independent Representative, Custody Visitor or Independent Advisor employing the carer to ensure that s/he is suitably qualified to provide the care required.
- f) Payments to Members, Independent Representatives, Custody Visitors or Independent Advisors will reimburse actual expenditure (evidenced by receipts) up to a maximum hourly rate set by the Authority.

The maximum hourly rate from 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012 is £7.45.

### 13. **Approved Duties**

Travel and subsistence expenses (where appropriate refreshments are not provided) will be paid, in accordance with the scheme under paragraph 11 above, for the following approved duties:

- a) Attendance at meetings of the Police Authority and at any of its appointed committees, sub-committees, panels, working parties/groups or other meetings authorised by the Authority or any committee or sub-committee of the Authority;
- b) Attendance at meetings of local authorities within the Surrey area, on Police Authority business, Neighbourhood Panels, CSPs, Forums or undertaking independent custody visits to custody centres;
- c) Attendance at meetings, occasions or events by the Chairman or the Vice Chairman of the Authority in their capacity as Chairman or Vice-Chairman for purposes directly connected with the functions of the Authority;
- d) Attendance at meetings, occasions or events organised by a bona fide outside body (within the area of the Police Authority) which directly relates to Authority functions when the member concerned is representing the Authority;
- e) Attendance at briefing meetings called by the Chief Executive;
- f) Attendance at formal presentations and business functions organised by the Chief Executive, the Treasurer or the Chief Constable, which directly relate to Police Authority functions and which are so designated by the Chief Executive;

- g) Attendance at meetings of the Association of Police Authorities including their policy groups or other networks, groupings or conferences;
- h) Attendance at a conference or seminar or other event convened by an organisation other than the Police Authority provided that attendance has been authorised in advance by the Police Authority, a committee, sub-committee or working group/party or by the Chief Executive to the Authority under his/her delegated power;
- i) Attendance at meetings or events directly related to the individual member's divisional interest, functional areas or operational priority areas, including those meetings convened at the instigation of Surrey Police, as set out in the Members' Handbook.

#### **14. Review of Allowances**

In March 2008, the Authority agreed that the rate of members' allowances should be index-linked to the Consumer Price Index (CPI). Allowances across the board (with the exception of inland revenue approved mileage rates) would normally be increased in future years in line with the CPI, as it stands in the April at the commencement of that scheme year. The Remuneration Panel, comprising members of the Standards Committee, will continue to have oversight of the scheme and review it at appropriate intervals to ensure it compares with other police authorities and Surrey remains broadly in line with its peers.

Approved by SPA December 2010