



OFFICIAL

Independent Review of Member Allowances

Full Authority

Date: 30 March 2023

Agenda Item:

4

Submitted By: Director of Corporate Services

Purpose To update Members on the recent review of Member Allowances

Recommendations That Members approve the new Allowance Schedule

Summary To consider the outcome of the independent review of Member Allowances conducted by Dr Declan Hall in accordance with the requirements of the Local Authorities (Member Allowances) (England) Regulations 2003, applicable to joint authorities and agree the recommendations made therein.

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: Martin McCarthy, Director of Corporate Services
Martin.McCarthy@westyorksfire.gov.uk
07811 074857

Background papers open to inspection: None

Annexes: Independent Review of Member Allowances Report – February 2023

1 Introduction

- 1.1 In accordance with the Local Authorities (Member Allowances) (England) Regulations 2003, where authorities indexes its allowances such indices can operate for no longer than four years.
- 1.2 The 2003 Regulations give the Authority the right to determine its own scheme of allowances; it is not required to maintain an independent remuneration panel (IRP or Panel) to provide advice on its Members' Allowances Scheme.

2 Information

- 2.1 Dr Hall was commissioned by the Authority to undertake such a review and the attached report sets out the methodology adopted and rigour applied to the recommendations set out therein. Adoption of all the recommendations set out in the report will mean the Authority will not have to review its Allowances Scheme until 2027.
- 2.2 This review, through its consideration of the wider evidence and in its deliberations, has fulfilled the Authority's regulatory requirement to pay regard to the allowance schemes and recommendations of the statutory independent remuneration panels for the nominating/constituent councils.

3 Financial Implications

- 3.1 The costs will be met from within the existing budget provisions.

4 Legal Implications

- 4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution

5 Human Resource and Diversity Implications

- 5.1 There are no human resource and diversity implications within this report

6 Equality Impact Assessment

Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance? (EIA guidance and form 2020 form.docx (westyorksfire.gov.uk))	Yes / No
Date EIA Completed	DD/MM/YY
Date EIA Approved	DD/MM/YY

The EIA is available on request from the report author or from diversity.inclusion@westyorksfire.gov.uk

7 Health, Safety and Wellbeing Implications

7.1 There are no health safety and wellbeing implications within this report.

8 Environmental Implications

8.1 There are no environmental implications within this report.

9 Your Fire and Rescue Service Priorities

9.1 This report supports all the Fire and Rescue Service priorities.

10 Recommendations

- a) That the WYFRA Basic Allowance be reset at £4,159 for 2022/23, subject to the application of the recommended indexation over future years.
- b) That all Special Responsibility Allowances (SRA) paid by the Authority for 2023/24 as set out in the report remain unchanged subject to the application of the recommended indexation, which will be further reviewed in 2025/26.
- c) That the one SRA rule only be maintained.
- d) It is recommended that the current remuneration of the Independent Person and Independent Member of the Audit Committee (Co-optee) is maintained at £500, subject to the recommended indexation.
- e) That the West Yorkshire FRA allowances scheme is clarified to state that where a Member is claiming mileage allowances via travel by a hybrid or electric vehicle then HMRC rates should be paid.
- f) That current Subsistence rates be maintained.
- g) That the Authority formally adopt the indices as set out in the report for the maximum period permissible (2023-27), before the Authority is required to review indexation again.

An Independent Review

Of

Members' Allowances

For the

**West Yorkshire
Fire & Rescue Authority**

A Report

By

Dr Declan Hall

February 2023

Executive Summary: Recommendations 2023/24

Post	Basic Allowance	No SRAs Payable	SRA Payable	Total Per Member
All Members (22)	£4,159 ¹			£4,159
Chair of West Yorkshire FRA	£4,159	1	£21,554	£25,713
Deputy Chair West Yorkshire FRA	£4,159	1	£10,777	£14,936
Chair Audit Committee	£4,159	1	£4,312	£8,471
Chair Finance & Resources Committee	£4,159	1	£4,312	£8,471
Chair Human Resources Committee	£4,159	1	£4,312	£8,471
Chair Community Safety Committee	£4,159	1	£4,312	£8,471
Deputy Chair Audit Committee	£4,159	1	£1,077	£5,236
Deputy Chair Finance & Resources Committee	£4,159	1	£1,077	£5,236
Deputy Chair Human Resources Committee	£4,159	1	£1,077	£5,236
Deputy Chair Community Safety Committee	£4,159	1	£1,077	£5,236
Leader Major Opposition Group	£4,159	1	£4,312	£8,471
Leader - Minor Opposition Group	£4,159	1	£1,077	£5,236
Sub Totals	£91,498	12	£59,276	
Total				£150,774

Other Recommendations: It is also recommended that:

Where the Opposition Groups are of equal size

Where there are 2 Opposition Group of equal size it is recommended that the SRAs for the Leader of the Major Opposition Group (£4,312) and SRA for the Leader of the Minor Opposition Group (£1,077) are aggregated, which equates to £5,389. Then the

¹¹ Implemented from date of WYRA Annual Meeting 2022

Leaders of the 2 Opposition Groups of equal size should be paid 50% of the aggregated figure, which equates to £2,695, subject to the recommended indexation.

Discontinuation of SRAs I – Chair and Deputy Chair of Executive Committee

The current provision for the payment of an SRA to the Chair of the Executive Committee (£4,312) and Deputy Chair of the Executive Committee (£1,077) be removed from the allowances scheme.

Discontinuation of SRAs II – Majority Party Whip & Constituent Party Spokesperson

The current reference in the SRA schedule to the Majority Party Whip and Constituent Party Spokesperson is removed from the allowances scheme.

Confirming the 1-SRA Only Rule

The 1-SRA only rule be maintained.

The Independent Person

The current remuneration of the Independent Person is maintained at £500, subject to the recommended indexation.

The Co-optees' Allowances

The Co-opted Member of the Audit Committee is paid a Co-optees' Allowance of £500 per year, subject to the recommended indexation.

Travel Allowances

The current mileage rates that Members can claim are discontinued and replaced with HMRC mileage rates as follows:

HMRC AMP Mileage Rates 2022/23

	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars & Vans	45p	25p
Motorcycles	24p	24p
Bicycles	20p	20p
Passenger Supplement rate (up to a maximum of 5 passengers)	5p	5p

It is also recommended that the West Yorkshire FRA allowances scheme is clarified to state that where a Member is claiming mileage allowances via travel by a hybrid or electric vehicle then HMRC rates should be paid.

Subsistence Rates

The current Subsistence rates be maintained.

Approved Duties

The current list of approved duties and conditions by which travel and subsistence allowances may be claimed is maintained.

Issues arising – Deduction of £50 for non-attendance

The provision to deduct £50 from a Member's allowances payments for non-attendance at meetings where no or insufficient notice has been given is discontinued.

Indexation

The Authority formally adopt the following indices for the maximum period permissible which is 2023-27, before the Authority is required to review indexation again:

Basic Allowance, SRAs, Independent Person and Co-optees' Allowances:

- Indexed to the annual percentage salary increase that is applicable to staff as agreed each year by the National Joint Council for Local Staff, specifically at the percentage increase that applies to Spinal Column Point 43, and to be implemented from the start of the municipal year, rather than financial year, for which year it is applicable

Travel: Mileage Allowance:

- Indexed to the HMRC mileage rates

Subsistence Allowances:

- Indexed to the same rates and conditions that are applicable to Officers of the West Yorkshire FRA

Implementation of Recommendations

The recalibrated Basic Allowance (£4,159) to be implemented from the date of the West Yorkshire FRA Annual Meeting 2022.

All other recommendations in this report is implemented from the date of the 2023 Annual Meeting on 29th June 2023.

Independent Review of Members' Allowances

For the

West Yorkshire Fire & Rescue Authority

A Report

By

Dr Declan Hall

February 2023

The Regulatory Context and Paying Regard to Nominating Councils

1. This independent review of the West Yorkshire Fire & Rescue Authority (West Yorkshire FRA or the Authority) Members' Allowances Scheme has been conducted in accordance with the sections 1-3 of the *Local Authorities (Members' Allowances) (England) Regulations 2003* (SI 1021) (or the 2003 Regulations) that apply to joint authorities. The 2003 Regulations give the Authority the right to determine its own scheme of allowances; it is not required to maintain an independent remuneration panel (IRP or Panel) to provide advice on its Members' Allowances Scheme.
2. Alternatively, the 2003 Regulations require that before a joint authority:

Makes or amends a scheme that authority shall have regard to the recommendations made by any independent remuneration panels in relation to ... [the nominating councils].²
3. In effect, the IRPs for the nominating councils, by acting as proxies, are the means by which the allowances schemes of joint authorities are subject to a degree of scrutiny, as well as the basis for benchmarking. However, the IRPs for nominating councils make recommendations for principal councils. Thus, the requirement to pay regard to the recommendations of allowances' reviews in the nominating or appointing councils is also by extension taken to mean the actual allowances schemes that are in place, which in turn arise out of the recommendations of their local remuneration panels.
4. In arriving at the recommendations the review has paid regard to the most recent IRP Reports and 2022/23 allowances scheme schemes of the nominating councils as follows:

² *The Local Authorities (Members' Allowances) (England) Regulations 2003* (SI 1021), 19 (2), May 2003.

- Bradford: IRP Report December 2016
 - Calderdale: IRP Report January 2014
 - Kirklees: IRP Report January 2022
 - Leeds: IRP Report May 2022
 - Wakefield: IRP Report June 2021
5. **This review, through its consideration of the wider evidence and in its deliberations, has fulfilled the Authority's regulatory requirement to pay regard to the allowances schemes and recommendations of the statutory independent remuneration panels for the nominating councils.**
6. Furthermore, as the scheme has not been reviewed for a number of years in the spirit of transparency, and in line with good practice West Yorkshire FRA has commissioned this independent review to provide advice to the Authority on its Members' Allowances Scheme that goes beyond the minimum regulatory requirements. As such, similar principles utilised by IRPs when undertaking Members' allowances reviews in the nominating councils have been applied to this review, except where there is a West Yorkshire FRA-related reason not to do so.

The Review

7. West Yorkshire FRA appointed Dr Declan Hall, a former academic at the Institute of Local Government, The University of Birmingham, who specialises in reviewing Members' allowances and support, including national, regional, and sub-regional bodies as well as principal councils, to undertake this independent review.
8. The Review was supported and serviced throughout by the following Officer:
- Emma Jenkinson: PA to Chief Officers, WYFRA

Terms of Reference

9. The terms of reference, for this independent review was to carry out a full review of the Members' Allowances scheme to ensure that it is still robust and fit for purpose.
10. Specifically, the review will consider and make recommendations to the Authority on the following:
- The level of Basic Allowance
 - The range and levels of the Special Responsibility Allowances (SRAs), taking into account the full range of duties expected of various post holders, with the specific reference to the following posts
 - Chair of the Authority
 - Deputy Chair of the Authority

- Chairs and Deputy Chairs of the following committees:
 - Executive Committee
 - Finance & Resources Committee
 - Audit Committee
 - Human Resources Committee
 - Community Safety Committee
 - Leaders of Opposition Groups
 - The scope and level of Co-optees' Allowances and remuneration of the Independent Person
 - The terms and conditions and rates at which Members can claim travel and subsistence allowances
 - Whether any of the allowances should be indexed and if so what index should be applicable
 - The date of implementation
11. In arriving at the recommendations, the review has been asked that, in addition to the statutory requirements, to take into account the following:
- The current financial climate that the Authority has to operate within
 - The views of elected Members, both oral and written
 - Members' Allowances Schemes in other comparable fire and rescue authorities

Methodology and Approach

12. The reviewer visited the offices of the West Yorkshire FRA at Birkenshaw on 9th February 2023 to meet with a range of Members and relevant Officers. The meetings with Officers were to obtain briefings and background information on the operation of West Yorkshire FRA governance structures and challenges facing the Authority. The meetings with Members were to obtain a qualitative sense of their roles and responsibilities within the current governance structures. The interviews were discursive in nature, in that statements and views expressed were taken to their logical conclusion, thus posing not simply questions but also positions for Members, in particular to consider for their validity and robustness.
13. For full range of interviewees and evidence considered see
- **Appendix 1** for all Members and Officers consulted,
 - **Appendix 2** for full range of written material reviewed
 - **Appendix 3** for benchmarking data, namely
 - BM1-2 – other comparable Fire & Rescue Authorities
 - BM3 – Basic Allowance and main SRAs paid in West Constituent Councils

- BM4 – Allowances paid at the West Yorkshire Combined Authority

Key Observations/Messages - Recognising the current economic context

14. Like all public bodies, West Yorkshire FRA has been required to make savings over the past few years and will be required to continue to do so for the immediate future. This is not to say the role of the review is to pre-empt what are decisions properly reserved to the Authority and seek to make savings on the current spend on Members' Allowances for the sake of it. If that were the case, the review would simply be making recommendations that would lead to 'a race to the bottom'. Ideally, the purpose of this (and any other allowances') review is to make recommendations based on current knowledge of the new governance structures, a review of the evidence and representation received and the comparative practice to arrive at an evidenced based judgement on what the roles under consideration are worth.
15. A key message emerging from the interviews with Members was that, even where it was felt there was a case to increase members' remuneration, the review needed to be cognisant of the current economic context. The current economic context cannot be ignored – there is little point in making recommendations that bear no relationship to economic constraints within which the Authority has to operate; otherwise, the review is simply making recommendations for a future date rather than for the present. The recommendations need to have support of West Yorkshire FRA as the Members make the final decision on their scope and levels of remuneration.
16. Consequently, for Members it was important that for the recommendations to be accepted they have to stand up to public scrutiny – both internally and externally. The recommendations, if accepted, will on paper, actually result in a marginal savings as any recommended increase in the Basic Allowance will be counterbalanced by the elimination of a couple of SRAs. However, the recommendation to discontinue a couple of SRAs (see below) will reality not result in an actual savings as they are redundant SRAs and are not currently paid. Nonetheless, while the recommendations will result in a real increase in the current spend on Members' Allowances it is as marginal as not to be consequential for an Authority that has an annual budget of over £100 million.

Benchmarking shows current scheme broadly comparable

17. Benchmarking shows that the current levels of allowances in West Yorkshire FRA to be broadly comparable to peer authorities in the vast majority of cases. While there is much variation in the other benchmarking utilised, namely remuneration paid at the West Yorkshire Combined Authority and at the constituent councils the roles and context is so different as not to be especially relevant for benchmarking purposes. Benchmarking does not produce a compelling case for radical change of the West Yorkshire FRA Members' Allowances scheme.

The representation received

18. In the representation received with the exception of the Basic Allowance, the overwhelming view was that there was no case to alter the current scope and level of allowances payable in West Yorkshire FRA. That message has by and large been taken on board

Main function of this review – address anomalies rather fundamental reset

19. Because of these observations and key messages, it has been largely concluded that the West Yorkshire Members' Allowances scheme remains fit for purpose. As such, the prime function has been to address the current Basic Allowance (albeit marginally) and address any other anomalies arising.

Triangulating the Basic Allowance

20. In reviewing the Basic Allowance the review has taken a triangulation approach that took into account three points of reference, namely
- i. Recalibrating the Basic Allowance in accordance with the methodology set out in the 2006 Statutory Guidance
 - ii. Benchmarking against comparable fire and rescue authorities
 - iii. The weight of the representation received

Recalibrating the Basic Allowance

21. The Basic Allowance is to recognise the time commitment of all Members – paid to recompense for the roles that are common to all Members regardless of whether they hold a position of responsibility. It also is intended to cover “incidental costs” that Members incur in carrying out their duties.
22. Typically IRPs in principal councils arrive at the recommended Basic Allowance by following methodology, subsequently reiterated in the 2006 Statutory Guidance,³ which states:

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.

23. As with IRPs in the nominating councils, this guidance was operationalised by setting a value to three distinct variables as a means to arrive at the recommended recalibrated Basic Allowance, namely:
- Inputs: an assessment of the time required to undertake the roles of the ordinary Member has to be arrived at

³ *New Council Constitutions: Guidance on Regulation for Local Authority Allowances*, Department of Communities & Local Government, May 2006, paragraph 67.

- Public Service: the recognition that being a Member involves an element of public service and remuneration is not necessarily on a par with equivalent professional roles. It is often termed the “public service discount.”
- Rate of Remuneration: assessing the worth of Members’ time

A recalibrated West Yorkshire FRA Basic Allowance

24. In recalibrating the Basic Allowance for West Yorkshire FRA Members it was arrived at by assigning the following values to the 3 variables outlined above as follows:

- Inputs: the role of being an ordinary Member of WYFRA has been assessed as requiring at least 30 days per year to fulfil the role effectively. In arriving at 30 days per year it was arrived based on the following estimation
 - Attend full Authority and 2 Committees each year, with each meeting 4 times per year (total of 12 meetings), plus pre-briefings and an element for travel = 12 days per year
 - Reading and preparation for each meeting = ½ day per meeting = 6 days per year
 - Other, including a couple of training events each year, visiting stations and Group Commanders in district and other visits/events, liaising and feedback with Members and constituents in district on fire related issues, contact with relevant West Yorkshire FRA Officers as required and any further personal reading/research = 12 days per year
- Public Service Discount: in principal councils, this concept is usually operationalised by discounting the assessed time input by 30%-40%, as that is broadly the amount of time members on average spend on constituent issues so it is ‘unremunerated’ time, or given *pro bono publico*. However, for the purposes of recalibrating the Basic Allowance the public service discount has not explicitly been built in. Members are already incurring a public service discount in their Basic Allowance back in their districts to apply it to a recalibrated Basic Allowance at the West Yorkshire FRA would be a double discount.
- Rate of Remuneration: Over the past 10-12 years, since the relevant figures have been published, IRPs when assessing a rate of remuneration, have utilised the most relevant figure, namely the average earnings of those Members represent, in this case it is the average earnings of residents of the West Yorkshire Metropolitan County. The Annual Survey of Hours and Earnings (ASHE) shows in 2022 the average full time gross weekly earnings of all residents in West Yorkshire was £693.10 which by dividing by five working days has been translated into a daily rate of £138.62. This figure is robust, defensible and roots the rate of remuneration in the earnings of those Members represent.

25. Thus the configuration of the 3 variables utilised to arrive at the recalibrated Basic Allowance for the WYFRA produces a figure of £4,159 based on the following formula:
- (30 days expected annual input minus 0% public service discount) X £138.62 per day = £4,159 (rounded up/down to the nearest £)

Benchmarking the recalibrated Basic Allowance: Other Comparable FRAs

26. While the recalibrated Basic Allowance (£4,159) shows a case to change the current Basic Allowance (£3,907) benchmarking indicates a less compelling case, with a mean Basic Allowance of £3,788 and median Basic Allowance of £3,615. However, the West Yorkshire FRA is one of the largest FRAs in the benchmarking group and a Basic Allowance above the mean/median figure is appropriate. Even with a recalibrated Basic Allowance of £4,159, it would not be the highest in the benchmarking group, which is Merseyside FRA with a Basic Allowance of £8,191. The Basic Allowance paid to Members appointed to the Overview and Scrutiny and Transport Committees of the West Yorkshire Combined Authority are much lower than the recalibrated Basic Allowance being £648 and £2,616 respectively. However, these are allowances for sitting on single committees, and can be disregarded for benchmarking purposes. Similarly, it is noted in the constituent councils Members appointed to the West Yorkshire Police and Crime Panel are paid an SRA between £6,133 and £6,658. However, this is largely a legacy SRA reflecting the Basic Allowance that used to be paid to Members appointed to the West Yorkshire Police Authority, thus can also be disregarded for benchmarking purposes.
27. Another way of looking at the recalibrated Basic Allowance (£4,159) is to compare it to the Basic Allowance paid at the constituent councils, with a mean figure of £13,325 and median figure of 13,463. In this context, the recalibrated Basic Allowance equates to just over 31% of the average Basic Allowance in the constituent councils. In turn, the recalibrated Basic Allowance sizes the role of being a Member of West Yorkshire FRA at just under one third of the size of the role of being a Member of a constituent council, which meets the test of feeling fit and fair.

The Representation from Members

28. The one area where there was some significant representation from Members relates to the current Basic Allowance. There was a view that argued the current Basic Allowance does not fulfil the function it is designed to do, namely enable someone to be a Member of the West Yorkshire FRA without incurring an undue personal financial cost. While the Basic Allowance should not be attracting Members for personal financial gain nor should it act as a financial disincentive and there was significant anecdotal evidence that the current Basic Allowance was not allowing the widest range of constituent council Members to put themselves forward to serve on the West Yorkshire FRA. A recalibrated Basic Allowance of £4,159 will not in itself make a great deal of difference to this situation but it moves things forward, particularly when coupled with

indexation (see below) going forward, thus making it less of a financial disincentive than it is currently perceived.

29. Consequently, largely because it follows the methodology set out in the 2006 Statutory Guidance, the weight of representation received and the lack of a countervailing case to be made through benchmarking, the recalibrated Basic Allowance of £4,159 is being recommended.
30. **It is recommended that the WYFRA Basic Allowance be reset at £4,159 for 2023/24, subject to the application of the recommended indexation.**

Recalibrating the SRA of the Chair of the Authority

31. The SRA for the Chair of the West Yorkshire FRA was historically based on the mean SRA paid to Chairs of the metropolitan FRAs which at the time was much higher due to the remuneration of the comparatively high SRA paid to the Chair of the Greater Manchester FRA, which no longer exists. Benchmarking against the current comparator group shows a mean Chair[s SRA of £19,165 and a median SRA of £19,939. Currently, the SRA for the Yorkshire FRA Chair is £21,554
32. The fact that the SRA for the Chair of the West Yorkshire FRA is somewhat above the mean/median SRA paid to Chairs in the comparator group is not necessarily an issue of concern. West Yorkshire FRA is one of the larger FRAs in the comparator group, if not the largest. The role of the Chair while not full time requires a substantial commitment. While the Chair, unlike Leaders and executive Members in the constituent councils does not have formal executive powers the Chair does provide an overall strategic lead for the Authority and automatically chairs the Executive Committee as well as being on other outside bodies by virtue of being Chair. Moreover, the West Yorkshire FRA by virtue of its size means that the Chair will also have a national profile that is not always the case with Chairs of other FRAs.
33. Finally, there was no representation received to suggest that the SRA for the Chair required revision. As such, the SRA for the Chair should remain unaltered.
34. **It is recommended that the Chair's current SRA (£21,554) remains unchanged, subject to the application of the recommended indexation.**

The SRA for the Deputy Chair of the Authority

35. Currently the Deputy Chair of the West Yorkshire FRA receives an SRA of £10,777. This has been set at 50% of the Chair's SRAs. It was done in accordance with the advice laid out in the 2006 Statutory Guidance (paragraph 76) which states:

A good starting point in determining special responsibility allowances may be to agree the allowance which should be attached to the most

time consuming post on the Council (this maybe the elected mayor or the leader) and pro rata downwards for the other roles which it has agreed ought to receive an extra allowance.

36. This is known as the 'pro rata' approach and is the most common methodology used by IRPs at the constituent councils to arrive at SRAs. It is also the methodology used to arrive at all other SRAs in the West Yorkshire FRA.
37. The role of the Deputy Chair of the West Yorkshire FRA is a significant one. The Deputy Chair deputises for the Chair as and when both for internal and external meetings, but also attends all briefings and all Committee papers are also sent to the Deputy Chair as they are expected to maintain an overview of the Authority. The Deputy Chair is also automatically appointed Deputy Chair of the Executive Committee.
38. Benchmarking shows that the Deputy Chair's SRA is on a par with equivalent posts in the comparable FRAs, with a mean SRA of £10,785 and median SRA of £10,389. It also shows that the ratio of 50% used to arrive at the Deputy Chair's SRA is broadly comparable – the ratio of the mean SRA for Deputy Chairs compared to the Chairs mean SRA is 56%. Moreover, no representation was received to suggest the Deputy Chair's SRA required revision.
39. **Consequently, it is recommended that the Deputy Chair's current SRA (£10,777) remains unchanged, subject to the application of the recommended indexation.**

The SRAs for the four Policy/Programme Committees

40. Currently there are 4 main policy/programme committees, namely:
 - Finance & Resources
 - Human Resources
 - Audit
 - Community Safety
41. The Chairs of each of these 4 committees receive an SRA of £4,312, which has been set at 20% of the Chair's SRA. Although not all of the equivalent committees exist in the comparator FRAs benchmarking shows that SRA paid to the Chairs of the 4 policy/programme committees in West Yorkshire FRA to be broadly on par. The committee that is somewhat out of line with peers is the SRA for the Chair of the Finance & Resources Committee, with a mean SRA of £3,814 and median SRA of £3,478 but the difference is so marginal as not to be significant. Moreover benchmarking shows the mean ratio (the ratio between the mean SRA for the Chairs and the mean SRA for other committees) ranges from 20% - 26%, so the currently methodology confirms to comparative practice.
42. There was some minor representation that the workload and responsibility of some of the Committee Chairs is larger than other Committee Chairs. However, this view has not been accepted. All committees meet on an equal cycle of 4

times per year. While there may well be case to argue that at any particular time the workload and responsibility of a particular Committee Chair is larger in a certain year, it is often a case of swings and roundabouts. It will inevitably change over time depending on the particular resonance of issues and changing government policy. Otherwise no other representation was received to suggest that the SRAs for the Chairs of the 4 policy/programme committee required revision.

43. **It is recommended that the SRAs (£4,312) currently payable to the Chairs of the 4 policy/programme committees remain unaltered subject to the recommended indexation.**

SRAs for the Deputy Chairs of the four Policy/Programme Committees

44. Currently, the SRA paid to the Deputy Chairs of the 4 Policy/Programme Committees is £1,077, which has been set at 25% of the SRA paid to their respective Chairs. Benchmarking shows that is not common practice to pay SRAs to Committee Deputy Chairs. However, the Deputy Chairs do have a role to play. They do have to stand in as and when required, which does occur occasionally. They also attend relevant briefings with their respective Chair and relevant Officer and will also be contacted by their respective Chair to discuss issues of concern, act as a sounding board.
45. Benchmarking also shows that the SRA paid to the Committee Deputy Chairs of Committees in West Yorkshire FRA to be on a par with those paid in the comparable FRAs, albeit in most instances the comparative numbers are limited. Moreover, no representation was received to either remove or revise these SRAs.
46. **It is recommended that the SRAs (£1,077) currently payable to the Deputy Chairs of the 4 policy/programme committees remain unaltered subject to the recommended indexation.**

SRA for the Leader of the Major Opposition Group Leader

47. Currently the Leader of the Major (Conservative) Opposition Group receives an SRA of £4,312, which has been set at 20% of the Chair's SRA. The role of the Major Opposition Group Leader is a vital one, the post holder has primary responsibility to hold the controlling group to account and provide challenge. The Major Opposition Group Leader is also automatically appointed to the Executive Committee and will have regular briefings from relevant Officers as and when required. The post holder will also be invited to attend relevant conferences as an Opposition Group Leader.
48. Benchmarking shows that the current SRA paid to the Major Opposition Group Leader is on a par with equivalent posts in the comparator group of FRAs, with a mean SRA of £4,312 and a median SRA of £4,312. Moreover, no representation was received to suggest that this SRA requires revision.

49. **It is recommended that the SRA (£4,312) currently payable to the Leader of the Major Opposition Group remains unaltered subject to the recommended indexation.**

SRA for Leader of the Minor Opposition Group Leader

50. Currently the Leader of the Minority (Liberal Democrat) Opposition Group receives an SRA of £1,077, which has been set at 25% of the Major Opposition Group Leader's SRA. While this role is not always remunerated in the comparator group of FRAs there is a role to play nonetheless. The post holder is automatically appointed to the Executive Committee and will be invited to attend relevant conferences as an Opposition Group Leader. Moreover, where a Liberal Democrat Member at a constituent council wants to raise a FRA related issue and there is no Liberal Democrat representation on the West Yorkshire FRA from their constituent council they will typically contact the Leader of the Minor (Liberal Democrat) Opposition Group at the West Yorkshire FRA.
51. Benchmarking shows the SRA (£1,077) paid to the Leader of the Minor (Liberal Democrat) Opposition Group at the West Yorkshire FRA to be below the mean SRA (£2,192) and median SRA (£2,048) paid in the comparator group of FRAs. However, this benchmarking group only includes three examples and elsewhere the higher SRA paid to the Leader of the Minor Opposition Group relates to where it is a much larger group than is the case in the West Yorkshire FRA. Moreover, there was no substantial representation to suggest this SRA requires revision.
52. **It is recommended that the SRA (£1,077) currently payable to the Leader of the Minority Opposition Group remains unaltered subject to the recommended indexation.**

Where the Opposition Groups are of equal size

53. It was pointed out that there is no provision in a potential situation where the Opposition Groups are of equal size. **If the situation arises where there are 2 Opposition Group of equal size it is recommended that the SRAs for the Leader of the Major Opposition Group (£4,312) and SRA for the Leader of the Minor Opposition Group (£1,077) are aggregated, which equates to £5,389. Then the Leaders of the 2 Opposition Groups of equal size should be paid 50% of the aggregated figure, which equates to £2,695, subject to the recommended indexation.**

Discontinuation of SRAs I – Chair and Deputy Chair of Executive Committee

54. Currently the allowances scheme contains provision for the payment of an SRA to the Chair of the Executive Committee (£4,312) and Deputy Chair of the Executive Committee (£1,077). Due to the 1-SRA only rule (see below), these SRAs are not payable. Under the current governance arrangements, the Chair

and Deputy Chair of the Authority will always be Chair and Deputy Chair of the Executive Committee, which their current SRAs recognise. Therefore, reference to the SRAs for the Chair and Deputy Chair of the Executive Committee is redundant and should be removed.

55. **It is recommended that the current provision for the payment of an SRA to the Chair of the Executive Committee (£4,312) and Deputy Chair of the Executive Committee (£1,077) be removed from the allowances scheme.**

Discontinuation of SRAs II – Majority Party Whip & Constituent Party Spokesperson

56. Currently the allowances scheme under the SRA schedule refers to the roles of Majority Party Whip and Constituent Party Spokesperson although the SRA listed is £0. It is noted that although this SRA is not actually paid at West Yorkshire FRA no similar SRA is listed or paid in the comparator group of FRAs. For the purposes of clarity, reference to these SRAs should be discontinued.
57. **It is recommended that the current reference in the SRA schedule to the Majority Party Whip and Constituent Party Spokesperson be removed from the allowances scheme.**

Confirming the 1-SRA Only Rule

58. The 2003 Members' Allowances Regulations do not prohibit the number of SRAs an individual Member may receive. But it is common for authorities to have a '1-SRA only' rule set out in their allowances scheme. In other words, regardless of the number of remunerated posts a Member holds they can only receive one SRA. The prime reason for this internal rule is that where a Member can be paid more than one SRA it leads to a lack of transparency in Members' Allowances Schemes. The public are unable to ascertain the true level of individual Members' remuneration from the Members' Allowances Scheme if a Member is able to receive more than one SRA.
59. The 1-SRA only rule is a principle that the West Yorkshire FRA has historically adopted. It is also a principle that is enshrined in the Members' Allowances Schemes in all the nominating councils. Consequently, **it is recommended that the 1-SRA only rule be maintained.**

The Independent Person

60. Under the relevant provisions of the Localism Act 2011, the Authority is required to appoint an Independent Person. The role of the Independent Person is to advise the Monitoring Officer when a complaint is made against a Member. Due to the nature of FRAs this happens rarely. Currently the Independent Person is remunerated £500 per year. Not all of the FRAs in the comparator group list the remuneration of their Independent Person as it is

technically outwith the scope of a Members' Allowances scheme. However, those that do list it (in 5 out of the 8 in the comparator group) shows a mean remuneration of £776 and median remuneration of £500, so the current remuneration of the West Yorkshire FRA Independent Person is not out of line with peers.

61. **It is recommended that the current remuneration of the Independent Person be maintained at £500, subject to the recommended indexation.**

The Co-optees' Allowances

62. Currently, there is no provision to remunerate any Co-optees the West Yorkshire FRA may appoint. Until recently, this was not an issue as there were no Co-optees appointed but the Authority has now appointed a Co-optee to the Audit Committee. The Co-opted Member of the Audit Committee is appointed on the basis that they have a degree of specialist financial or other fiscal-related knowledge. As such it is only appropriate that this appointment is paid a Co-optees' Allowance as permitted by the 2033 Regulations.

63. Benchmarking shows not all the FRAs in the comparator group pay a Co-optees' Allowance but those that do show the following range of payments:

• Lancashire CFA	£1,060
• Merseyside FRA	£51 daily rate
• South Yorkshire FRA	£481
• Tyneside FRA	£1,648
• West Midlands FRA	£350

64. Excluding Merseyside FRA this produces a mean Co-optees' Allowance of £885 and median Co-optees' Allowance of £771, although the real figure will lower as it is highly unlikely that the Co-optees on Merseyside FRA will be meeting more than 6-8 times per year. Moreover, where the comparator FRA schemes list both a Co-optees Allowance and remuneration for their Independent Person they are typically of equal value.

65. As such, it is recommended that the Co-opted Member of the Audit Committee is paid a Co-optees' Allowance of £500 per year, **subject to the recommended indexation.**

Travel Allowances

66. Currently the scheme provides mileage allowances rates linked to Officer casual user rates that are based on engine size. These rates are an historical anomaly going back to when Member mileage rates were prescribed by the Secretary of State. It is now common practice in the constituent councils for mileage rates that are based on HMRC (Approved Mileage Allowance Payment – AMAP) rates. These have the advantage of being tax efficient in that they are not subject to tax and national insurance (where applicable). HMRC mileage rates are almost universally utilised across the public sector. It could be argued

that the HMRC mileage rates do not reflect the real cost of current fuel costs but that is another argument that cannot be addressed here.

67. As such it is recommended that the current mileage rates that Members can claim are discontinued and replaced with HMRC mileage rates as follows:

HMRC AMP Mileage Rates 2022/23

	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars & Vans	45p	25p
Motorcycles	24p	24p
Bicycles	20p	20p
Passenger Supplement rate (up to a maximum of 5 passengers)	5p	5p

68. Although the issue was not raised during the course of the review it is not noted that the Office of Low Emission Vehicles states that where someone is claiming business mileage rates by travel in a hybrid or electric vehicle then the HMRC rates are applicable. To future proof the mileage allowances **it is recommended that the West Yorkshire FRA allowances scheme is clarified to state that where a Member is claiming mileage allowances via travel by a hybrid or electric vehicle then HMRC rates should be paid.**

Subsistence Rates

69. No evidence was received to suggest that the current subsistence rates claimable by Members for undertaking approved duties needed revising. They are presently based on the same rates claimable by Officers. **It is recommended that the current Subsistence rates be maintained.**

Approved Duties

70. Similarly, no evidence was received that the current list of approved duties and conditions by which they can be claimed needed revising. **It is recommended that the current list of approved duties and conditions by which travel and subsistence allowances may be claimed be maintained.**

Issues arising – Deduction of £50 for non-attendance

71. Currently the allowances scheme contains provision for a deduction of £50 to be made from a Member's allowances payments for non-attendance at meetings where no or insufficient notice has been given. This type of provision is anachronistic and harks back to when an attendance allowances were payable, and as such attendance allowances are no longer allowed to be paid and it is the main reason why such a provision is not in place in allowances schemes of the constituent councils.

72. As such, it is recommended that the provision to deduct £50 from a Member's allowances payments for non-attendance at meetings where no or insufficient notice has been given is discontinued.

Indexation

73. The 2003 Regulations⁴ provide express powers for the Authority (and all other joint authorities and principal councils) to index their allowances thereby ensuring that Members' remuneration does not fall too far behind the cost of living. If indexation is not in place then periodic large increases are required to maintain the value of allowances.
74. The principle of indexation is in place in the West Yorkshire FRA Members' Allowances Scheme. There is no compulsion on the part of the Authority to implement any index adopted. However, if an index is not adopted, in principle, then any subsequent application of an index can only occur by a formal adoption of such an index. In turn this can only happen after the Authority had held another (albeit minor) review to adopt an index, and only then after showing that the regulatory 'hoop' of paying regard to the practice of indexing in the nominating councils has been jumped through.
75. The most common index applied to the Basic Allowance and SRAs across English local government is the cost of living annual percentage salary increase that applies to staff as agreed by the National Joint Council (NJC) for local government staff. In the constituent councils only Bradford does not have such provision.
76. Thus, it is recommended that the Authority formally adopt the following indices for the maximum period permissible which is 2023-27, before the Authority is required to review indexation again:

Basic Allowance, SRAs, Independent Person and Co-optees' Allowances:

- Indexed to the annual percentage salary increase that is applicable to staff as agreed each year by the National Joint Council for Local Staff, specifically at the percentage increase that applies to Spinal Column Point 43, and to be implemented from the start of the municipal year, rather than financial year, for which year it is applicable

Travel: Mileage Allowance:

- Indexed to the HMRC mileage rates

Subsistence Allowances:

- Indexed to the same rates and conditions that are applicable to Officers of the West Yorkshire FRA

⁴ See Local Authorities (Members' Allowances) (England) Regulations, 2003, 10 (4) in Section 3 of the Regulations, which is applicable to joint authorities.

Implementation of Recommendations

- 77. It is recommended that the recalibrated Basic Allowance (£4,159) be implemented from the date of the West Yorkshire FRA Annual Meeting 2022.**
- 78. It is further recommended that all other recommendations in this report be implemented from the date of the 2023 Annual Meeting on 29th June 2023.**

APPENDIX ONE: Members and Officers who met with the Reviewer

Members:

Cllr D. O'Donovan:*	Chair of Authority & Executive Committee (Labour – Kirklees)
Cllr R. Downes:*	Leader of Minority (Liberal Democrat) Opposition Group (Leeds)
Cllr M. Pollard:*	West Yorkshire FRA Member (Conservative – Bradford)
Cllr K. Renshaw:	Chair Audit Committee (Leeds – Labour)
Cllr F. Shaheen:*	Chair of Human Resources Committee (Labour – Bradford)
Cllr S. Tulley:*	Deputy Chair of Authority & Chair Finance & Resources Committee (Wakefield – Labour)

Officers:

Martin McCarthy:	Director of Corporate Services & Monitoring Officer, WYFRA
John Roberts:	Chief Executive/Chief Fire Officer, WYFRA
Alison Wood:	Chief Finance & Procurement Officer, WYFRA

* These Members were interviewed by Teams/telephone

APPENDIX TWO: Papers and Other Written Material Considered by Review

1. West Yorkshire FRA Members' Allowances Scheme 2022/23
2. West Yorkshire FRA Annual Statutory publication of allowances and expenses received by Members, 2021/22
3. West Yorkshire FRA Programme of Meetings, 2022/23
4. West Yorkshire FRA Constitution Part 2 – setting out function and remit of Authority Committees
5. West Yorkshire FRA, Committee Structure & Membership 2022/23
6. Members' Allowances schemes from the nominating councils and most recent IRP Reports namely:
 - Bradford: IRP Report December 2016
 - Calderdale: IRP Report January 2014
 - Kirklees: IRP Report January 2022
 - Leeds: IRP Report May 2022
 - Wakefield: IRP Report June 2021
7. Members' Allowances schemes from other comparable Fire & Rescue Authorities 2022/23 namely:
 - Kent
 - Lancashire
 - Merseyside
 - Nottingham & Nottinghamshire
 - South Yorkshire
 - Tyne & Wear
 - West Midlands
8. Annual Survey of Hours & Earnings (ASHE), average weekly gross pay for all full time employees in resident in West Yorkshire Metropolitan Councils, Table 8.1a, November 2022
9. Office of Deputy Prime Minister (ODPM): SI 2003 No. 1021, *The Local Authorities (Members' Allowances) (England) Regulations 2003*, 7 April 2003
10. Department of Communities and Local Government and HMRC, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, 5 May 2006.
11. Office for Low Emission Vehicles, Ultra Low Emission Vehicles Tax Benefits 2018
12. National Joint Council for Local Government Services, Local Government Services Pay Agreement 2022-23, 1st November 2022, showing 4.04% uplift at Spinal Column Point 43

APPENDIX THREE - Benchmarking Data

BM1 West Yorkshire FRA Comparator Group: BA & Main SRAs 2022/23 (unless indicated)												
Authority	Basic Allowance	Chair	Chair Total	Deputy Chair	Chair Executive	Deputy Chair Executive	Chair Finance & Resources	Deputy Chair Finance & Resources	Chair HR or Appeals	Deputy Chair HR or Appeals	Chair Audit	Deputy Chair Audit
Kent FRA	£1,538	£21,709	£23,247	£8,624								
Lancashire CFA	£2,970	£18,324	£21,294	£8,250			£2,156	£1,079	£1,079	£539	£2,156	£1,079
Merseyside FRA	£8,191	£16,382	£24,573	£12,287			£6,144		£4,096		£6,144	
Nottingham & Nottinghamshire FA (21/22)	£3,964	£23,638	£27,602	£16,883			£2,643		£2,643			
South Yorkshire FRA	£3,730	£14,411	£18,141	£7,205							£3,604	
Tyne & Wear FRA	£2,500	£12,798	£15,298	£10,000			Deputy Chair role		£6,399			
West Midlands FRA	£3,500	£24,500	£28,000	£12,250					£8,575	£3,975	£8,575	£3,975
West Yorkshire FRA	£3,907	£21,554	£25,461	£10,777	£4,312	£1,077	£4,312	£1,077	£4,312	£1,077	£4,312	£1,077
Mean	£3,788	£19,165	£22,952	£10,785			£3,814		£4,517	£1,864	£4,958	£2,044
Median	£3,615	£19,939	£23,910	£10,389			£3,478		£4,204	£1,077	£4,312	£1,079
Highest	£8,191	£24,500	£28,000	£16,883			£6,144		£8,575	£3,975	£8,575	£3,975
Lowest	£1,538	£12,798	£15,298	£7,205			£2,156		£1,079	£539	£2,156	£1,077
Mean Ratios	5.1	100%		56%			20%		24%	41%	26%	41%

APPENDIX THREE - Benchmarking Data (continued)

BM2 West Yorkshire FRA Comparator Group: Main SRAs (continued) + Group/Other SRAs 2022/23 (unless indicated)								
Authority	Chair Community Safety	Deputy Chair Community Safety	Chair Planning	Lead Members or Champions	Main Opposition Leader	Minor Opposition Leader	IP	Other/Comments
Kent CFA					£7,902			Opposition Leader includes standard + variable element
Lancashire CFA			£2,156	£1,079	£4,312	£3,450	£1,000	NW F&R Management Board Rep £2,329, Chair Performance £2,156, V/Chair Performance + Planning + Chair Member Training & Development WG £1,079, V/Chair Member T&D WG £539. > 1 SRA payable & is done regularly
Nottingham & Nottinghamshire FA	£2,643				£2,643			Chair Policy & Strategy £2,643
South Yorkshire FRA	£6,144			£2,048	£2,048	£2,048	£250	Chair Scrutiny £6,144
South Yorkshire FRA			£2,161		£3,604		£481	Chair Performance & Scrutiny Board £2,161
Tyne & Wear FRA					£3,200		£1,648	
West Midlands FRA					£7,350			Chairs/V/Chairs Governance & Transformation + Scrutiny £8,575/£6,575, Joint Consultative Panel £8,575/£3,975, Chair Standards + Scrutiny Member £4,900
West Yorkshire FRA	£4,312	£1,077			£4,312	£1,077	£500	BA inc. Tele & Office Costs
Mean	£4,366				£4,421	£2,192	£776	
Median	£4,312				£3,958	£2,048	£500	
Highest	£6,144				£7,902	£3,450	£1,648	
Lowest	£2,643				£2,048	£1,077	£250	
Mean Ratios	23%				23%	11%	4%	

APPENDIX THREE - Benchmarking Data (continued)

BM3 WYFRA Constituent Councils BA + Exec + Scrutiny + Opposition SRAs (22/23 unless indicated)											
Comparator Council	Basic Allowance	Leader	Leader Total	Deputy Leader	Executive Members	Assistant or Deputy Execs	Chair Main O&S	Chairs/Lead Scrutiny	WY PCP Members	Main Opposition Group Leader	Other Opposition Group Leader
Bradford	£13,463	£37,056	£50,519	£18,528	£25,939	£11,117	£12,970	£12,970	£6,133	£25,939	£18,528
Calderdale	£10,559	£31,677	£42,236	£15,839	£12,670		£7,919	£7,919	£6,379	£12,670	£1,584
Kirklees	£14,002	£26,364	£40,366	£19,772	£12,863		£11,577	£6,432	£6,288	£11,577	£10,291
Leeds	£16,565	£42,877	£59,442	£27,870	£25,726	£12,863	£21,438	£21,438	£6,658	£25,726	
Wakefield (19/20)	£12,035	£36,721	£48,756	£19,209	£14,426	£5,478	£9,643	£9,643	£6,508	£7,290	
Mean	£13,325	£34,939	£48,264	£20,244	£18,325	£9,819	£12,709	£11,680	£6,393	£16,640	£10,134
Median	£13,463	£36,721	£48,756	£19,209	£14,426	£11,117	£11,577	£9,643	£6,379	£12,670	£10,291
Highest	£16,565	£42,877	£59,442	£27,870	£25,939	£12,863	£21,438	£21,438	£6,658	£25,939	£18,528
Lowest	£10,559	£26,364	£40,366	£15,839	£12,670	£5,478	£7,919	£6,432	£6,133	£7,290	£1,584
Mean Ratios	Leader = 2.6 X BA	100%		58%	52%	54%	36%	33%	18%	48%	29%

APPENDIX THREE - Benchmarking Data (continued)

BM4 WYFRA - Allowances paid at the West Yorkshire Combined Authority (22/23)								
Comparator Role at WYCA	O&S Committee					Transport Committee		
	Basic Allowance (SRA)	Chair's SRA	Chair Total	Deputy Chair SRA	Basic Allowance (SRA)	Deputy Chairs SRA (x2)	Deputy Chairs Total (x2)	Transport Engagement Leads
Level Payable	£648	£6,693	£7,341	£648	£2,616	£11,115	£13,731	£1,047
Note 1: All allowances paid at WYCA are paid as SRAs only. The listed SRAs are the total remuneration minus the listed BA (SRA)								
Note 2: The WYCA Transport Committee has 2 Deputy Chairs with operational responsibilities, as technically the Elected Mayor is the Transport Authority but has delegated a great deal of day to day responsibilities								