

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

9 December 2009

AUTHOR/S: Chief Executive / Democratic Services Officer

IMPACT OF SUSPENSION UPON PAYMENT OF A MEMBER'S ALLOWANCE

Purpose

1. To ask the Standards Committee to consider whether or not it would be appropriate for the South Cambridgeshire District Council Members' Allowances Scheme to make specific reference to payment or non-payment of allowances to any member who is suspended or partially suspended by the Standards Committee Hearing Panel or the Adjudication Panel for England.
2. This is not a key decision.

Background

3. The Local Government Act 2000 enabled the Adjudication Panel for England and standards committees to suspend and partially suspend members found to be in breach of the Code of Conduct.

Considerations

Full Suspension

4. Standards for England guidance on determinations makes clear that members under full suspension should not receive their council allowance, adding,
"Under Regulation 4(3) of the Local Authorities (Members Allowances) Regulations 2003, councils may specify in their member allowance schemes that: 'Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority.' It is recommended that members should not receive their allowance while under suspension because they are not performing their role as a member. But, the decision to withhold a member's allowance is ultimately at the discretion of the individual authority."

Partial Suspension

5. Members who have been partially suspended are restricted only from certain activities or business, for example, suspension from a particular committee or restricted access to certain areas or individuals. The Standards for England guidance on determinations recommends that members should not receive allowances relating to areas in which they are suspended from for the duration of their suspension.
6. The South Cambridgeshire District Council Members' Allowances Scheme provides for Special Responsibility Allowances (SRAs) for members holding particular offices such as committee chairmen and portfolio holders, but does not provide for attendance allowances for committee members generally.

7. Members, whether or not they receive an SRA, are able to claim travel, subsistence and dependants' carer's expenses when attending meetings, subject to the terms of the Members' Allowances Scheme, but the Scheme should make clear that members should not be able to claim such expenses for duties and responsibilities relating to the body or bodies from which they have been suspended.

Options

8. Where a member has been partially suspended from a particular body for which he or she receives an SRA as chairman, vice-chairman or portfolio holder, the Standards Committee could recommend that that SRA be withheld for the duration of the suspension as the member would be unable to perform the duties of the role for which he or she received the SRA.
9. Should a member be partially suspended from a committee for which he or she did *not* receive an SRA, a partial suspension of allowances would need to be determined on a case-by-case basis, reflecting both the member's previous involvement with that body and the severity of the breach of the Code of Conduct, which would greatly increase the amount of time taken in deliberations during a public hearing.

Implications

10. Financial	None specific.
Legal	None specific.
Staffing	None specific.
Risk Management	Political opposition locally to suspension of allowances.
Equal Opportunities	None specific.

Consultations

11. None.

Effect on Strategic Aims

12.	Commitment to being a listening council, providing first class services accessible to all.
	None specific.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	None specific.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	The Council would demonstrate to residents the high value it places on standards in public life and the consequences facing a member found in breach.
	Commitment to assisting provision for local jobs for all.
	None specific.
	Commitment to providing a voice for rural life.
	None specific.

Conclusions / Summary

13. It would be appropriate for the Standards Committee to request that the Members' Allowances Scheme be amended to bring it in line with the recommendations in the Standards for England guidance on determinations. Any amendments made to the Members' Allowances Scheme would need to be agreed by the full Council when it considers the 2010-11 scheme on 28 January 2010.

Recommendations

14. To recommend to the Independent Panel on Members' Remuneration and to full Council that the South Cambridgeshire District Council Members' Allowances Scheme be amended as follows:
 - (a) Insert as paragraph 3 (2): "Where a member is fully suspended from his or her responsibilities or duties as a member of this authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him or her in respect of the period for which he or she is suspended will be withheld by the authority."
 - (b) Insert as paragraph 4 (4): "Where a member is suspended from his or her responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, and where that member receives a special responsibility allowance, the special responsibility allowance payable to him or her in respect of the period for which he or she is suspended will be withheld by the authority."
 - (c) Insert as paragraph 4 (5): "Where a member is partially suspended from his or her responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, and where that member receives a special responsibility allowance for responsibilities or duties relating to body to which the partial suspension has been applied, the special responsibility allowance payable to him or her in respect of the period for which he or she is partially suspended will be withheld by the authority."
 - (d) Insert after paragraph 23: "Where a member is suspended or partially suspended from his or her responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, that member will not be able to claim for dependants' carers' and travel and subsistence allowances for duties and responsibilities relating to the body or bodies from which the member has been suspended."

Background Papers: the following background papers were used in the preparation of this report:

Standards for England – Determinations Guidance (August 2008)
South Cambridgeshire District Council Members' Allowances Scheme
Local Government Act 2000
Local Authorities (Members Allowances) Regulations 2003

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