

Report to: Council

Date of Meeting 15 October 2025

Heading/Title: Changes to the Constitution – Independent Remuneration Panel Terms of Reference

Cabinet Member(s): Communications and Democracy (Councillor Sarah Jackson)

Director/Assistant Director: Governance (Melanie Wellman)

Author and Directorate: Andrew Melhuish (Democratic Services Manager – Governance Directorate)

Contact Details andrew.melhuish@eastdevon.gov.uk

Key decision No

If a Key Decision has it appeared on Forward Plan N/A

Document classification: Part A Public Document

Exemption applied: None

Report Summary and Recommendations/Decision

The report includes an update on amendments to the Council's Constitution following a review of the Constitution by the Constitution Working Group.

In accordance with the Council's Constitution Full Council is responsible for the changes to the Constitution.

This is a new document proposed to be included in the Constitution to set out how the Independent Remuneration Panel operates, including its core functions and roles and responsibilities.

The Terms of Reference has been considered by the Constitution Working Group and it is recommended that Council approves them.

RECOMMENDATIONS:

That the Council:

1. Approves the Independent Remuneration Panel Terms of Reference to be included in the Council's Constitution.

2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes to the Terms of Reference prior to publication on the Council's website.

1. Background

Updating of the Constitution

- 1.1 The Constitution Working Group has been carrying out a phased review of key elements of the Constitution over a series of working group meetings.
- 1.2 The Constitution Working Group was set up in 2024 at Annual Council to review the Constitution. The Constitution Working Group is a cross-party membership consisting of:

Councillor Sarah Jackson (Chair & PFH for Communications & Democracy), Councillors Paul Arnott, John Loudoun, Tim Dumper, Mike Goodman, Jenny Brown, Mike Howe, Peter Faithfull and Kim Bloxham and officer support is provided by the Monitoring Officer and Democratic Services Team.
- 1.3 At present there is no guidance provided in the Constitution for the operation of the Independent Remuneration Panel.
- 1.4 In the circumstances, the opportunity has been taken to prepare Terms of Reference for the Panel which will provide more detailed guidance to their operation.
- 1.5 The Terms of Reference covers the following areas:-
 - a. Functions of the Panel.
 - b. Role and Responsibilities of the Panel.
 - c. Panel Membership and Appointment.
 - d. Panel allowances.
 - e. Lead officer and support arrangements for the Panel.

2. Reasons for Recommendations/Decision

- 2.1 It is important that the Council's Constitution is regularly reviewed to ensure that it remains fit for purpose and meets the Council's requirements.
- 2.2 This report recommends the approval of the Terms of Reference for the Independent Remuneration Panel which gives guidance to panel members in the review of councillor allowances.

3. Options

- 3.1 As this is a requirement of legislation and the Council's Constitution no other options were considered.

4. Relevance to Council Plan/priorities

Set out how report links to the Council Plan/priorities:

- ☒ A supported and engaged community that has the right homes in the right places, with appropriate infrastructure.
- ☒ A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- ☒ A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.
- ☒ A well-managed, financially secure and continuously improving council that delivers quality services.

Having an up-to-date Constitution ensures the Council is able to support its Council Plan and priorities through the governance arrangements set out in the Constitution.

5. Financial Comments/Implications

- 5.1 There are no financial implications arising from this report as the budget for allowances payable to Panel members is from within existing budgets.

6. Legal Comments/Implications

- 6.1 Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

7. Risk Implications

- 7.1 It is important that the Council keeps its Constitution up to date to reflect best practice and any changes in legislation.

8. Equality Implications (Public Sector Equality Duty)

- 8.1 No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

9. HR and Workforce Implications

- 9.1 There are no HR and Workforce implications arising from the recommendations in the report.

10.2 Community Safety Implications (Crime and Disorder)

- 10.1 There are no Community Safety Implications arising from the recommendations in this report.

11. Climate Change Implications

- 11.1 There are no Climate Change implications arising from the recommendations in this report.

12. Health & Safety and Health & Wellbeing Implications

- 12.1 There are no public health, health and safety or health and wellbeing implications arising from the recommendations in this report.
- 12.2 There are no safeguarding issues that may arise from the recommendations in the report.

13. Procurement and Social Value implications

- 13.1 There are no procurement and social value implications arising from the recommendations in this report.

14. Land and Buildings (non-housing)/Asset Management Implications

- 14.1 There are no land and buildings/asset management implications arising from the recommendations in this report.

15. Overview and Scrutiny Committees Comments/Recommendations

- 15.1 N/A.

16. Digital and Data

- 16.1 N/A

17. Consultation and Engagement

- 17.1 Consultation on the proposals from the Constitution Working Group has been undertaken with the Group Leaders and the Standards Committee.

18. Communications

- 18.1 Subject to approval by full Council the Council's website will be updated.

19. Next Steps

- 19.1 To update the Council's website to reflect the recommendations arising from this report.

20. Appendices

Appendix 1 – Terms of Reference – Independent Remuneration Panel.

21. Background Papers

21.1 None.

Terms of Reference for East Devon District Council Independent Remuneration Panel

1. Function

- 1.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003, Local Authorities must establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to the Local Authority about the allowances to be paid to Councillors.

2. Role and Responsibilities

- 2.1 The Independent Remuneration Panel ("IRP") shall advise and make its recommendations to East Devon District Council.
- 2.2 The Independent Remuneration Panel ("IRP") shall through the form of a report to East Devon District Council:
- (i) recommend to Council a Councillors' Allowances Scheme which sets out recommendations for: -
 - the amount of basic allowance that should be payable to elected councillors;
 - the roles, responsibilities and duties for which special responsibility allowances should be paid and the amounts for such allowances;
 - whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
 - whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount of these allowances and the means by which they are determined;
 - whether a basic allowance should be paid to co-opted members and if so, the amount;
 - whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated as permitted in law;
 - whether any annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should apply.
 - (ii) on a four yearly basis, or if otherwise requested, propose recommendations as to any required amendments to the Councillors' Allowances Scheme in relation to the following matters:
 - the amount of basic allowance that should be payable to elected councillors;
 - the roles, responsibilities and duties for which special responsibility allowances should be paid and the amounts for such allowances;
 - whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
 - whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount of these allowances and the means by which they are determined;

- whether a basic allowance should be paid to co-opted members and if so, the amount;
- whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated as permitted in law;
- whether any annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should apply.

2.2 In making its recommendations at paragraphs 2.1 (i) and (ii) above, the IRP shall undertake a full review of the Councillors' Allowance Scheme as well as obtaining the views of officers and councillors of the Council to which it relates and having regard to the following general principles:

- that councillors undertake their council work for the sake of public service and not private gain;
- the varying demands placed upon councillors, dependent upon their roles and responsibilities;
- the need to fairly and equitably compensate councillors, so far as the panel thinks appropriate, for the time and effort they can reasonably be expected to devote to their work as a councillor;
- the need for the scheme to be economic, efficient to administer and effective;
- the requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate;
- That recommendations should confirm with existing legislation and anticipate likely future legislation so far as possible.
- The Panel will also have regards to comparative data on the allowances paid by other similar local authorities.

2.3 The IRP shall be required in reporting its recommendations to include guidance on what is to be encompassed by each relevant allowance so as to ensure that the Councillors' Allowance Scheme is consistently applied.

3. Panel Membership and Appointment

3.1 The ("IRP") shall be comprised of up to 5 members of the public ("IRP Members").

3.2 IRP Members will be sought via advert in accordance with the Council's standard recruitment arrangements. Recruitment should be by public advertisement and direct approach to appropriate business and community/voluntary sector organisations who command local respect and public confidence and would be able to nominate persons who should have the necessary skills, integrity, independence and who are recognisable members of the local business and voluntary/community sectors within their respective areas.

3.3 As part of this a person specification shall be drawn up to ensure that candidates who are appointed:

- are able to demonstrate a high degree of personal integrity;
- are not members of any local authority and are not disqualified from being or becoming a member of a local authority;

- have, if possible, the appropriate level of skill, knowledge and understanding of setting remunerations;
 - have the necessary time and commitment for the role;
 - Are not affiliated to any political party – candidates must disclose the extent of their connections to a political party and whether these are such as to risk the effective discharge of the IRP's functions were the candidate to be appointed;
 - A knowledge of local government is preferable however a lack of familiarity will not be a bar to appointment.
- 3.4 IRP Members will be shortlisted, interviewed and appointed by the Monitoring Officer, in consultation with political group leaders.
- 3.5 The term of office of IRP Members will be four years in the first instance and a Panel Member may be reappointed for a further consecutive 4-year term. A Panel member shall not serve more than two terms – 8 years in total. The Council or its Standards Committee may remove an IRP Member in circumstances where:
- the IRP Member is disqualified from being a member of an authority or is found guilty of any conduct which brings the office into disrepute e.g. being found guilty of a criminal offence, an act of dishonesty or other serious misconduct; or
 - the IRP Member is considered to have demonstrated a serious lack of diligence or incompetence; or
 - the IRP Member becomes an elected or co-opted member (or an employee) of the authority.
- 3.6 The IRP shall:
- appoint its own Chair at the first meeting of each municipal year;
 - require a quorum of 3 at all meetings;
 - meet a minimum of once per municipal year with additional meetings convened as necessary;
 - Otherwise devise its own rules for the conduct of meetings in consultation with the Council's Monitoring Officer providing that they are consistent with legislative requirements and general good governance requirements.

4. Panel allowances

- 4.1 To reflect the valuable contributions and expertise a member of the Panel brings to this work an allowance of £400 is payable to each Panel member. Travel and subsistence allowances will be paid to IRP Members, at the rate approved by the Council annually within the limits determined by the Secretary of State.

5. Lead officer and support arrangements for the Panel

The Council's Monitoring Officer will be the lead officer and principal contact officer for the IRP. Democratic Services will provide support to the Panel.

