

REPORT OF THE INDEPENDENT PANEL ON MEMBERS ALLOWANCES

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1.0 Introduction

- 1.1 We have been asked by the Leaders of the three political parties of Dudley Metropolitan Borough Council to undertake a review of Members Allowances.
- 1.2 Our recommendations are unanimous.

2.0 Membership of the Panel

- 2.1 The Panel, which was convened by the Council's Director of Finance, initially comprised:-

MICHAEL BEARDSMORE
REVEREND MIKE MASON and
MIKE HOLDER

all of whom had served previously on local Independent Remuneration Panels, and were, therefore, familiar with recent history and developments in Local Governance arrangements, the role of Elected Members, and the factors likely to influence the level of Member remuneration. As importantly, all three were regarded as being fully independent and likely to command the confidence of the public throughout all parts of the Council Area.

- 2.2 It was with great sadness that we learnt of the illness and subsequent death of Mike Holder before our work was completed.
- 2.3 Having regard to the appointment criteria of Independent Panels, the Council approached and subsequently appointed MIKE DELL, the current President of the Dudley Division of the Chamber of Commerce, to fill the vacancy. Mike Dell brought a different perspective to our deliberations and our recommendations benefit from his contribution.
- 2.4 Michael Beardsmore acted as our Chairman.

3.0 Terms of Reference

- 3.1 We adopted the following terms of reference, which were endorsed by the three Group Leaders, for our work:-

“To consider and make recommendations for the level of allowances Members should receive in carrying out their duties, having regard to”:-

- (a) the varying roles and responsibilities of Dudley Councillors,
- (b) the time commitment expected of Dudley Councillors,
- (c) the principle of “Public Service” - that being a Councillor contains an element of voluntary public service,

- (d) expenditure incurred by Councillors on travel and subsistence, telephone calls and other methods of communication,
- (e) Councillors allowance schemes in operation in neighbouring authorities, including the West Midlands Joint Boards,
- (f) any regulation or guidance issued by the Government and the Local Government Association,
- (g) the financial implications of any recommendations, in the context of the Council's overall resource position.

4.0 The Current Arrangements

4.1 The current Members Allowance Scheme was approved by the Council at its meeting on 24th July 2006 (see Appendix 1). Since the last major review of allowances in 2003, by way of example, the following basic allowances have been paid:-

| | £ |
|--------|-------------------------|
| 2003/4 | 6,500 (w.e.f 1/12/2003) |
| 2004/5 | 7,000 |
| 2005/6 | 7,206 |
| 2006/7 | 7,419 |

4.2 Inflation increases were, therefore, applied to allowances each year up until 2006/7, more latterly based on increases in Local Government pay rates.

4.3 The Dudley MBC, Sandwell MBC and Wolverhampton City Council Members Allowances Independent Panel were asked to undertake a further review in early 2007 and having been advised that:-

- (a) a detailed review of responsibilities, workloads and time commitments was unlikely to reveal any significant differences from the detailed review carried out as part of the 2003 report,
- (b) real term increases in Members Allowance levels were unlikely to be politically acceptable

concluded there should not be any changes in the existing levels of Member Allowances, other than annual inflation increases linked to Local Authority Staff pay increases.

4.4 This Panel's report was considered at a meeting of the Council's Standards Committee on 28th June 2007, but the Committee was unable to make any recommendations to the Cabinet for consideration by the Council. This means that the levels of allowances have not been increased for inflation since 2006/7.

4.5 We understand that it was as a result of this impasse that we were asked to undertake this review of Dudley Members Allowances.

5.0 Review Methodology

5.1 Given our previous involvement with the Black Country Wide Panel, we decided to adopt a similar review methodology. We have, therefore:-

- (a) been briefed on the current political management and governance arrangements,
- (b) sent a questionnaire to all Members seeking information and views,
- (c) conducted personal interviews with a representative cross section of Members,
- (d) compared and contrasted the current level of allowances in Dudley with the other West Midlands and other comparable authorities,
- (e) reviewed the previous reports from the Black Country Wide Remuneration Panel,
- (f) modelled the financial and other implications of a range of options.

6.0 Background Research and Information

6.1 We sent a questionnaire to all Members of the Council asking for a range of information and views. Overall the response rate to our questionnaire was 60%, representing a good spread of Cabinet Members, Committee Chairs and Vice Chairs, Opposition Members and Backbenchers with no additional responsibilities. We did not survey co-opted or appointed Members. We also interviewed eight Members, who provided interesting and invaluable additional views. We are grateful to those, and all Members who responded to our questionnaire.

6.2 The following paragraphs summarise the information provided via the questionnaire and interviews:-

- (a) Most Members said they did not keep detailed diary records of time spent on Council business, but all provided a best estimate. There are, however, significant variations between individual Members (for example, for Backbenchers a range of from 35 hours to over 200 hours per month), which makes calculating and assessing averages difficult,
- (b) Nevertheless, a majority of Backbencher Members report that they are spending about 60 - 80 hours per month on Council business, with more than half spent on constituents and constituency issues and other business,
- (c) Cabinet Members record that they are spending between 100 and 120 hours per month, with significantly more of their time spent in formal and informal meetings,
- (d) No clear pattern emerges from the returns by Committee Chairs and Vice-Chairs, although the time commitment appears to vary depending on the nature of the Committee's work and the Chair/Vice Chairs personal approach,

- (e) 65% of respondents said they thought the time spent on Council business was about right, 10% thought it too much and 25% not enough. Full time work and family commitments were quoted as the main constraints to spending more time of Council business,
- (f) The majority of Members said they thought that the time commitment was likely to increase in the future, some by as much as 20 hours per month,
- (g) The average time Members spent travelling on Council business was about 14 hours per month, although this obviously depended on home and ward locations,
- (h) The average amount spent per month on telephone calls is just over £24, although there is a very wide range (£10 - £70 per month). These amounts are affected by whether the calls made were to a mobile or a landline and the phone package that the Member was using. A large proportion of respondents stated that an increasing number of calls made were to mobile phones and this resulted in an increasing cost per month,
- (i) Attention was also drawn to increasing motoring costs, especially fuel, which was particularly significant when the questionnaires were completed. Fuel costs have, of course, now begun to reduce.

6.3 A number of other relevant issues also emerged that:-

- (a) the level of constituents business (i.e. basic casework) varied depending on the nature of the constituency, and particularly the prevalence of Council Housing, although anti-social behaviour was becoming a bigger issue,
- (b) the public expected Councillors to be available "24/7" and that as well as dealing with Council and Council related business, Councillors were also expected to contribute to political, voluntary and other community activity,
- (c) Councillors who did not work, or worked part time, were likely to spend more time on Council and related business than those who did work,
- (d) Councillors had been neither specifically attracted to, nor indeed discouraged from, seeking office because of the current level of allowances,
- (e) being a Councillor could have an impact on work, career prospects and earning potential,
- (f) even significant change in the levels of Members allowances was highly unlikely to attract young people, with career ambitions and younger family obligations, to seek election,
- (g) Members generally felt that the arrangement for providing personal computers, secretarial support and, where necessary, other support worked well, but some thought the provision of a mobile communication device (blackberry type) would help enormously and we so recommend.

6.4 It was striking that many of these issues, including the time spent on Council business, were consistent with or very similar to, the issues which emerged from the Black Country wide review in 2003.

6.5 One further issue is worthy of specific mention. There was a very strong feeling from all Members we interviewed and from comments in the questionnaires that allowances in Dudley should be, as far as possible, on a par with those in neighbouring authorities. We understand that, historically, Dudley's Members Allowances have generally been lower than neighbouring authorities and the Council set allowances in 2003 somewhat below that recommended by the Black Country Wide Panel.

7.0 Comparisons with other West Midlands and other Comparable Authorities

7.1 We reviewed the Allowance Scheme in neighbouring authorities, and also in "most similar authorities" as defined by the Audit Commission. Details are set out in Appendix 2, although care needs to be taken with some of the figures because comparisons may not be strictly "like for like".

7.2 As paragraph 6.4 says, there is a significant difference between Dudley and the others. If inflationary increases had been applied in 2007/8 and 2008/9, the Basic Allowance would have been £7,788 in the current year.

8.0 Review of the Previous Reports by the Black Country Panel

8.1 We looked back in some detail at the work undertaken by the Black Country Wide Panel in 2003 and believe that the principles which underpinned their recommendations are still relevant to this review.

8.2 In summary, the Panel recommended:-

(a) a basic allowance (of £8000 to be payable with effect from 1st May 2003) reflecting the average number of hours worked by Backbench Councillors, but also recognising some should be covered by the principle of voluntary public service (which we turn to in Section 9 of this report),

(b) the basic allowance should also cover the cost of telephones and travel and subsistence expenses for official business within the West Midlands County Area,

(c) maximum levels of Special Responsibility Allowances (SRA's) calculated by applying a factor to the basic allowances e.g.

| | Factor | Value |
|------------------------|----------|--------------|
| Leader | x3 | £24,000 |
| Cabinet Member | x2 | £16,000 |
| Select Committee Chair | x1.5 - 2 | £12 - 16,000 |
| Area Committee Chair | x1 - 1.5 | £8 - 12,000 |

8.3 We recognise that applying these factors to the Basic Allowance we now propose would significantly increase the actual levels of SRA. The following table compares those factors (column 1) with those derived from the current levels of SRA and Basic Allowance (column 2). The third column are our proposals which we believe represent a pragmatic, reasonable and balanced way forward:-

| | Black Country Panel (Column 1) | Based on Current Allowances (Column 2) | Proposed (Column 3) |
|--|--------------------------------|--|---------------------|
| Leader | 3 | 2.57 | 2.5 |
| Deputy Leader | 2 | 1.21 | 1.25 |
| Cabinet Member | 2 | 0.71 | 0.75 |
| Select Committee Chair (including Audit Committee) | 1.5 - 2 | 0.43 | 0.5 |
| Area Committee Chair | 1 - 1.5 | 0.43 | 0.5 |
| Development Control Committee Chair | 2 | 0.71 | 0.75 |
| Other Committees Chair | 1 - 1.5 | 0.43 | 0.5 |
| Opposition Group Leader | 1 - 2 | 0.43 | 0.5 |

9.0 The Principles of Public Service

9.1 Our Terms of Reference require us to consider the principle of “public service” - that being a Councillor contains an element of voluntary public service.

9.2 We all have made significant voluntary time contributions to a range of charitable, religious, community and business organisations and are committed to the principle of voluntary public service. It follows therefore, that we believe that the principle of voluntary service should continue to be a cornerstone of local elected representation.

9.3 We are, however, concerned that if the recruitment and retention of Councillors is restricted only to those members of the local community who make the time and financial commitment with limited remuneration, local democracy will indeed suffer. A careful balance needs to be struck and we also acknowledge that some level of financial compensation is a way in which citizens can recognise the value of the work done by their local elected representative.

9.4 We believe, therefore, that the proposals we set out in section 10 strike a fair and reasonable balance which recognise both the key principle of voluntary public service, but also the time commitment and responsibilities involved with being a local elected Councillor.

10.0 Proposals

10.1 As we say in paragraph 8.1, we believe that the principles developed by the former Black Country Wide Panel are still relevant and our proposals for Basic and Special Responsibility Allowances are based on those principles.

10.2 The Basic Allowance

Taking on our starting point, therefore, a Basic Allowance of some £8,000 at May 2003 prices and applying the same level of pay increases which have applied to local authorities pay rates in the intervening period, we believe that we are making a balanced judgement in recommending a basic allowance of £9,300 per annum for all Councillors, to be payable with effect from 1st April 2009.

10.3 Special Responsibility Allowances

Applying the factors set out in column 3 of the table in paragraph 8.3, we recommend the following SRA's for those specific offices recognised by the Council's Constitution:-

| | Factor | Value £ |
|---|--------|------------|
| Leader | 2.5 | 23,250 |
| Deputy Leader | 1.25 | 11,625 |
| Cabinet Member | 0.75 | 6,975 |
| Select Committee Chair (including Audit Committee) | 0.5 | 4,650 |
| Area Committee Chair | 0.5 | 4,650 |
| Development Control Committee Chair | 0.75 | 6,975 |
| Other Committees Chair | 0.5 | 4,650 |
| Opposition Group Leader | 0.5 | 4,650 |

Where a Member holds more than one office qualifying for a SRA, the Member should be paid the higher allowances plus one half of the second (or next highest) allowance.

10.4 Deputies or Vice-Chairs should continue to be paid an allowance of one third of the Chairs or Leaders Allowance, with the exception of the Deputy Leader of the Council whose post is dealt with in paragraph 10.3. Leaders (and Deputy Leaders) of Minority Opposition Groups should only be paid SRA's where their groups comprise of ten or more elected Members.

10.5 Inflation Increases

Basic and SRA's should be adjusted each year in line with agreed cost of living pay increases for local authority staff. The Council should, however, note that in accordance with the Regulations concerning Members Allowances, they cannot rely on this recommendation for longer than a period of four years and then must seek further recommendations from an Independent Panel.

10.6 Travel and Subsistence Outside West Midlands County Area

Members who are required to travel outside of the County Area on official business should be required to use public transport, the cost of which should be reimbursed, or paid directly by the Authority. Where public transport is not available, the mileage rates applicable for officers travel should be used. If Members are unable to take meals (i.e. breakfast, lunch and dinner) at their normal place and subsistence is not otherwise provided, the reasonable costs of purchasing a meal and beverage should be reimbursed.

10.7 Pensions for Councillors

The Council's current Allowance Scheme provides for all elected Members to be eligible to join the Local Government Pension Scheme and we are content to endorse that principle.

10.8 Carers Allowance

Similarly, the current Allowance Scheme provides for the reimbursement of reasonable actual cost where an elected Member is required to pay a carer in order to attend official Council business and we also endorse that principle.

10.9 Co-opted and Appointed Members

Although we did not collect any information from co-opted or appointed Members, we believe the principle of voluntary public service applies to all their activity and we do not, therefore, propose any allowance.

10.10 Absence/Suspension

No allowance should be paid to any Councillor who is suspended from office, or has been absent for more than three months without good cause.

11.0 The Cost of our Recommendations

11.1 The current cost of Members Allowances, including National Insurance and Superannuation is £725,000.

11.2 Had the level of allowances been increased in line with Local Authority Staff Pay Award the total cost in 2008/9 would have been £760,800, which we understand is broadly in line with the current budget provision.

11.3 The total cost of our proposals in 2009/10 would be £924,400, an increase of £163,600 or 20% compared to the price adjusted budget for 2009/10, analysed as follow:-

| | * Current Levels £000's | Proposed 2009/10 £000's | Increase | |
|-----------------|----------------------------|-------------------------------|----------|----|
| | | | £000 | % |
| Basic Allowance | 588,700 | 703,100 | 114,400 | 19 |
| SRA's | 172,100 | 223,760 | 51,660 | 30 |
| Total | 760,800 | 926,860 | 166,060 | 22 |

* based on inflation increases to 2009/10

11.4 We recognise this is a significant increase, particularly at a time when public finances are tight. It is not for us to decide whether such increases are affordable or indeed politically acceptable. We have been asked to undertake an independent review and based on all of the evidence we have seen, and particularly the level of allowances paid in similar authorities, we believe the proposed increases are entirely justifiable.

12.0 Summary of Recommendations

12.1 In summary, we recommend that with effect from 1st April 2009:-

(a) Basic Allowance

That a basic allowance of £9,300 per year (to include the costs of telephone and travel and subsistence the West Midlands County Area) be paid to all Councillors.

(b) Special Responsibility Allowances

That in accordance with the Council's Constitution the following positions be deemed as carrying additional special responsibility and in addition to the basic allowance, office holders receive the following maximum payment:-

| Lead/Chair | Lead/Chair | Deputy/Vice |
|---|------------|-------------|
| Leader | 23,250 | - |
| Deputy Leader | - | 11,625 |
| Cabinet Member | 6,975 | |
| Select Committee Chair (including Audit Committee) | 4,650 | 1,550 |
| Area Committee Chair | 4,650 | 1,550 |
| Development Control Committee Chair | 6,975 | 2,325 |
| Other Committees Chair | 4,650 | 1,550 |
| Opposition Group Leader | 4,650 | 1,550 |

(c) Multiple Allowances

Where a Member holds more than one office qualifying for a special responsibility allowance, that Member should be paid the higher allowance plus one half of the second (or next highest) allowance.

(d) Inflation increases

The proposed basic and special responsibility allowance should be varied with effect from 1st April 2010 until 1st April 2013, in line with agreed pay increases for Local Authority staff.

(e) Travel and Subsistence Outside the West Midlands Country Area

- i) That for travel outside the County area, Members should be required to travel by public transport wherever possible, the costs of which should be reimbursed or paid directly,
- ii) That where public transport is not available, the mileage rates applicable for officers travel should be used,
- iii) That where Members are unable to take main meals in their normal place, the reasonable costs of purchasing a meal and beverage or appropriate refreshments should be reimbursed.

(f) Provision of Mobile Communication Devices

That consideration is given to the provision of a suitable mobile communication device (Blackberry type) to all Members who request such.

(g) Pensions for Councillors

That Membership of the Local Government Scheme be made available for all Members and both basic and special responsibility allowances should be pensionable.

(h) Carers Allowance

That where any elected Member is required to pay a carer in order to attend official council business, the reasonable actual cost of that care should be reimbursed.

(i) Co-opted and Appointed Members

That no allowances be paid to Co-opted and Appointed Members.

(j) Absence/Suspension

That no allowance should be paid to any Councillor who is suspended from office or has been absent for more than three months without good cause.

DUDLEY METROPOLITAN BOROUGH COUNCIL

LOCAL GOVERNMENT AND HOUSING ACT 1989

LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003

LOCAL GOVERNMENT PENSION SCHEME AND DISCRETIONARY COMPENSATION (LOCAL AUTHORITY MEMBERS IN ENGLAND) REGULATIONS 2003

SCHEME FOR MEMBERS' ALLOWANCES

1. Effective Date

- 1.1 This Scheme shall be effective from 1 April, 2006.
- 1.2 Members may elect to forego any part of their entitlement to an allowance under this Scheme by giving notice in writing to the Director of Law and Property.

2. Basic Allowance

- 2.1 Each elected member of the Council will receive an annual basic allowance, to be paid in monthly instalments in arrears. With effect from 1st April, 2006 this shall be £7,419.

3. Telephone Costs and Travel and Subsistence

- 3.1 The costs of telephones are incorporated with basic allowance.
- 3.2 The cost of travel and subsistence in the West Midlands County area is incorporated into the basic allowance. When members are required to travel outside of the West Midlands County area, the actual costs of travel by public transport and reasonable subsistence will be reimbursed. If public transport is not available, the cost or travel will be reimbursed on the basis of car allowances payable to officers.

4. Special Responsibility Allowances

- 4.1 The Special Responsibility Allowances payable under this Scheme shall be those set out in Appendix 1 attached. They will be paid in monthly instalments in arrears.
- 4.2 The Special Responsibility Allowances payable to Opposition Party Leaders and Deputy Leaders shall be applicable only where their political group is ten or more elected members in number.

5. Multiple Allowances

- 5.1 Where a Member holds more than one office qualifying for a Special Responsibility Allowance, the Member shall be paid the higher allowance plus one half of the second (or next highest) allowance.

6. Inflation increases

- 6.1 The allowances in this Scheme shall be varied with effect from 1 April each year in line with the agreed pay awards for NJC Local Government Services.

7. Pensions for Councillors

- 7.1 All elected members shall be entitled to membership of the Local Government Pension Scheme, and both Basic and Special Responsibility Allowance shall be deemed to be pensionable.

8. Carer's Allowance

- 8.1 Where an elected member is required to pay a carer in order to attend official Council business, reasonable actual costs of that care will be reimbursed.

9. Absence/Suspension

- 9.1 All the allowances in this Scheme will be withdrawn where an elected member is suspended or has been absent for more than three months without good cause.

10. Processing of Claims

- 10.1 The Director of Finance will maintain a Record of all Allowances paid showing the name of the recipient, the amount and the nature of the payment. The record will be available for inspection free of charge by any local government elector for the area of the Borough Council at all reasonable times. Copies of any part of the record may be made.

SPECIAL RESPONSIBILITY ALLOWANCES

| | Cabinet/Chairman | Deputy/Vice |
|------------------------------------|--------------------|--------------------|
| | £ | £ |
| Leader of the Council | 19,080 | |
| Deputy Leader | | 9,009 |
| Cabinet Member | 5,301 | |
| Select Committees (incl. Audit) | 3,180 | 1,062 |
| Area Committees | 3,180 | 1,062 |
| Development Control Committee | 5,301 | 1,857 |
| Other Committees | 3,180 | 1,062 |
| Opposition Leaders | 3,180 ₁ | 1,062 ₁ |

1. Subject to the provisions of paragraph 4.2 of this Scheme.

Nearest Neighbours – Members Allowances Comparison

| Local Authority | Basic Allowance | Leader | Deputy Leader | Executive Member | Chair of Planning Committee | Chair for Scrutiny Committee/Panel | Majority Opposition Leader |
|---|-----------------|---------|---------------|------------------|-----------------------------|------------------------------------|----------------------------|
| Birmingham City Council | £15,436 | £53,070 | £39,802 | £29,719 | £15,603 | £15,193 | £13,373 |
| Coventry City Council | £12,404 | £22,326 | £16,122 | £9,924 | £6,204 | £3,180 | £3,720 |
| Dudley Metropolitan Borough Council | £7,419 | £19,080 | £9,009 | £5,301 | £5,301 | £3,180 | £3,180 |
| Sandwell Council | £10,233 | £25,320 | £20,256 | £15,193 | £10,128 | £15,193 | £8,433 |
| Walsall Metropolitan Borough Council | £10,000 | £20,000 | £8,000 | £8,000 | £7,500 | £8,000 | £8,000 |
| Wolverhampton City Council | £8,740 | £26,221 | £21,851 | £17,480 | £17,480 | £17,480 | £17,480 |
| | | | | | | | |
| Bolton Metropolitan Borough Council | £9,872 | £28,698 | £17,218 | £10,964 | £7,319 | £4,680 | £9,449 |
| Calderdale Metropolitan Borough Council | £9,994 | £29,982 | £14,991 | £11,993 | £8,995 | £7,496 | £11,993 |
| Wakefield Metropolitan Borough District Council | £10,072 | £31,521 | £16,489 | £12,383 | £8,278 | £8,278 | £4,172 |
| Darlington Borough Council | £7,812 | £22,319 | £13,391 | £11,160 | £7,812 | £8,928 | £8,928 |
| Derby City Council | £9,380 | £28,831 | £21,627 | £14,415 | £7,208 | £7,208 | £7,208 |
| Doncaster Metropolitan Borough Council | £12,253 | £61,265 | £30,633 | £12,253 | £6,127 | £18,380 | £6,127 |
| Kirkless Metropolitan Council | £11,976 | £24,547 | £18,410 | £12,274 | £6,138 | £11,047 | £11,047 |
| Rotherham Metropolitan Borough Council | £11,824 | £31,355 | £20,901 | £15,676 | £10,453 | £15,676 | £10,453 |
| St Helens Metropolitan Borough Council | £7,356 | £31,872 | £17,775 | £14,709 | £7,356 | £14,709 | £14,709 |
| Stockton-on-Tees Borough Council | £6,304 | £14,893 | £8,456 | £7,459 | £4,203 | £4,203 | £4,203 |
| Stock on Trent City Council | £8,928 | £69,190 | £5,000 | £7,000 | £7,000 | £7,000 | N/A |
| Tameside Metropolitan Borough Council | £10,946 | £33,885 | £22,092 | £18,899 | £9,009 | £9,009 | £10,596 |
| Wigan Council | £11,257 | £39,453 | £20,290 | £15,218 | £10,145 | £10,145 | £7,429 |