1.0 INTRODUCTION

1.1 The Local Government Act 2000 and the Local Authority (Members’ Allowances [England]) Regulations 2003 require Local Authorities to establish and maintain an Independent Panel to review Members’ Allowances. The Regulations require Local Authorities to have regard to the recommendations of an Independent Panel when paying Allowances.


1.3 The Panel has now concluded its fourth review of the Members Allowances Scheme and this report makes recommendations covering the Basic Allowance, Special Responsibility Allowances (SRAs), Co-Opted and Independent Member Allowances, Carers Allowances, Travel and Subsistence Allowances, Pensions and IT Allowances.

2.0 COMPOSITION OF THE PANEL

2.1 The Panel Members are:

- Mr. Michael Bevis (Solicitor and Non Executive Director, Western Sussex Primary Care NHS Trust)
- Mrs. Hilary Spencer (Director, Council for Voluntary Service - Arunwide)
- Mr. John Thompson (Bursar, Dorset House School, Bury)

2.2 The Panel first met to start its fourth review in September 2004 but this review was put on hold whilst the Council considered changes to its political management structure. The Panel was reconvened in December 2005 following a period of operation of the new arrangements which were implemented in May 2005. It has met on two occasions including once with the Governance Committee. In addition the Panel has been provided with a wide range of information from, inter alia, South East Employers and Arun’s CIPFA family group.

3.0 TERMS OF REFERENCE

3.1 The Panel reaffirmed the Terms of Reference applied to their first review, namely:
To review Arun District Council’s current Members’ Allowances Scheme and make recommendations for a new scheme taking into account: -

- The nature and type of role and responsibility of elected Members and the level of commitment involved
- The difference in responsibility and time commitment of Leading Members, Executive Members and Back Bench Members
- Schemes operating elsewhere in authorities similar to Arun District Council
- The level of remuneration paid for other types of public duties
- Whether allowances should be payable for telephone, fax machine or information technology equipment
- The need to attract and retain elected Members of appropriate calibre and representative of the demographic make-up of the District
- The need to ensure the scheme is straightforward and economic to operate
- The need to ensure the scheme may be justified in terms of affordability and in the public’s perception
- The scheme aims to compensate for the time put into the roles and responsibilities undertaken, but that there should be an element of public service
- The scheme encourages Councillors to work flexibly and to develop community roles.

3.2 The Panel was also mindful of the decision taken by the Council, in agreeing the Arun Priorities for 2005-2009, to restrict any increase in the level of Members Allowances to 1% of the existing budget per annum until 2008. This equated to £4,000 in 2005/06 and a further £4,000 in 2006/07. The Panel were mindful to support this decision and has made recommendations within the budget available.

3.3 As the Panel believed it had already addressed many of the issues raised by Members in its previous reviews, their fourth review had focused on comparisons with other authorities and addressing any outstanding matters. The timetable that the Panel has worked to aimed to resolve these outstanding issues so that a new Scheme could be introduced from 1 April 2006.
3.4 The report from the Independent Panel, including any changes being proposed, will be considered by the Council’s Governance Committee comprising Members from all Political Groups. Any recommendations made by the Committee will then considered by Full Council.

4.0 DOCUMENTATION

4.1 The following documents were made available to the Panel:

- South East Employers Regional Survey on Members Allowances – June 2005 and May 2004
- Local Authorities (Members Allowances) (England) Regulations 2003
- Employers Organisation Circular No. 136 - April 2003 - “Pensions for Councillors”
- Details of Councillor Payments in 2004/5
- Meeting Dates in 2004/05, 2005/06 and 2006/07
- Survey results from South East Employers on Allowances payable for Licensing Committee Members – October 2005
- Schedule of Representation on Outside Bodies
- Details of Independent Panel recommendations from a number of local authorities, and
- Comparative data on allowances paid both within West Sussex and the CIPFA ‘Arun District family’ group

5.0 MEETINGS AND RESEARCH

5.1 When the Panel started their initial review in September 2004, they were made aware of the proposed budgetary constraints on any increase in the level of Allowances which were subsequently adopted by the Council. They were also made aware of the comments made by Members on specific issues they wished to see addressed as part of the forthcoming review. These included:

- consideration of a Special Responsibility Allowance payment being made to the Chairman and Members of the Development Control Site Inspection Panel in view of the workload involved in being a member of this Panel
- whether there should be any increase in the level of allowances payable in view of the savings proposed in Arun Priorities and the likely public perception
- how the Council would attract Members who were younger and possibly financially less well off if the level of current allowances was increased by a level less than inflation
- the impact of the reduction in the level of Travel Allowance introduced in the 2003 review of 8p per mile for those travelling long distances in view of the increasing cost of petrol and car insurance
who should pay the data registration fee when Councillors used Council provided PCs under the Data Protection Act

whether the arrangements for the IT Allowance should be re-considered, utilising the funding available to purchase laptops for all Members that could be made available on loan/purchase basis over their term of office

5.2 An issue the Panel particularly wanted to review was the outstanding matter of whether a Special Responsibility Allowance should be payable to Members of the Licensing Committee to reflect any workload increase from the new Licensing Act. At the start of their review, the workload impact was unclear but this had peaked during the summer and autumn months of 2005 and the Panel was able to gain comparative information, through South East Employers, to assist in their deliberations.

5.3 To assist the Panel in taking their review forward, a survey of Members was carried out in October 2004 to establish whether they would want to forego any increase in the Members Allowances Scheme for 2005/06 and offer this as a further saving for the Arun Priorities; or if they did not where the increase should be allocated. A copy of the findings of the survey are attached as Appendix B.

5.4 The Panel met with the Members Allowances Working Group on 6 December 2004 to discuss these issues further. It was at this stage that the review was put on hold whilst proposed changes to the political management structure were discussed.

5.5 In resuming their review, the Panel believed they had developed a fuller understanding of the roles and commitment involved in being a Councillor from previous reviews and did not intend to carry out any further research with Members as they had already received a number of comments to take into account. However, they did seek further views from the Members of the Governance Committee, when they met on 26 January 2006, which included representatives from all political parties.

5.6 Prior to finalising their report, the Panel shared their conclusions with the Group Leaders prior to the report being presented to the Governance Committee and then Full Council.

6.0 GENERAL PRINCIPLES

6.1 In their deliberations the Panel were mindful of the following general principles:

- Membership of the Council should be as inclusive as possible so all types of people could become a Councillor
- The need to encourage people to stand as Councillors - not to see a lack of remuneration/loss of earnings as a deterrent
• There should be an unpaid public service element to Council membership
• Account should be taken of the hidden costs of Council membership
• The commitment and responsibility of Members and the differences in responsibility of Leading Members, Cabinet Members and those who chair committees, including the Chairman and Vice Chairman of the Council should be reflected in Special Responsibilities Allowances
• The impact the new Political Management Structure introduced in May 2001 had had on Members’ roles and revised in May 2005
• Some recompense should be made to Councillors with care responsibilities
• The desirability of clearer public accountability for the work of Members
• Allowances should be broadly in line with those paid by adjacent Authorities and those of a similar size
• The scheme of allowances should be equitable, transparent and simple to understand and administer while being affordable and justifiable in the perception of the public.

7.0 BASIC ALLOWANCE

7.1 In considering the current level of Basic Allowance of £4,620, the Panel revisited the basis on which they had previously agreed payment:

In 2001, this had been to:

- Cover time spent in preparation for and attendance at Council meetings, working parties, etc and representation on outside bodies, ward activities and political work.
- Also to cover telephone, fax machine and information technology expenses
- 30 hours a month concluded as reasonable level, with one third treated as public service

In 2002, to:

- Cover time spent on preparation and attendance at Council meetings, including Committees, Working Parties and Panels, and carrying out Ward activities. Should also cover attendance and preparation for meetings where a Councillor held a position through representation on an Outside Body.
- Still to cover IT expenses
- 50 to 60 hours per month concluded as average level being spent

In 2003, to:

- Cover time spent as in 2002
- Average of 50 to 60 hours per month – still believed element should be treated as public service
Reviewed possible introduction of a SRA for Scrutiny Members but agreed instead to an increase in the Basic Allowance and a consequent reduction in the SRAs for Leader, Deputy Leader, Cabinet Members and Chairman of the Council.

- Introduced SRA for Appeals Panel members and similar one off tasks
- Introduced SRA for Development Control Committee members of £500
- Introduced IT Allowance of £300
- Explored how public accountability might be improved – recommended that the twice yearly report on attendance at key Council meetings should continue to be reported

7.2 The Panel believed that the current level remained fair on the basis of the comparative data they had reviewed from the allowances payable in West Sussex, the South East Region and the CIPFA ‘family’ group.

7.3 The Panel therefore recommend that the Basic Allowance remains unchanged at £4,620.

8.0 SPECIAL RESPONSIBILITY ALLOWANCES

8.1 The Panel recommends that the Special Responsibility Allowances (SRAs) paid in respect of the duties attached to the following posts should remain unchanged as they believe they are fair on the basis of the comparative data they have reviewed from the allowances payable in West Sussex, the South East Region and the CIPFA ‘family’ group:

- Chairman and Vice-Chairman of the Council
- Leader of the Council
- Deputy Leader and Cabinet Members
- Chairman and Vice Chairman of Committees, except Development Control
- Leaders of the Opposition and Minority Groups

However, they are recommending changes to the following SRAs.

8.2 Development Control Committee
The Panel recommend that in view of the level of preparation needed for meetings, the complexity and sensitivity of the business and the greater frequency of meetings, that the allowances for all Members of the Development Control Committee, including the Chairman and Vice-Chairman should be increased by £250 a year. The Panel believed that this proposed increase also addressed the issue they had been asked to review of whether an SRA should be payable to Members of the Development Control Site Inspection Panel. This would mean the SRA payments would increase to £6,250 for the Chairman of the Committee; £2,750 for the Vice-Chairman; and £750 for Members of the Committee.
8.3 Licensing and Enforcement/Licensing Committee
The Panel recommend that in view of the greater frequency of meetings that an SRA for Members of the Licensing and Enforcement/Licensing Committee should be introduced of £250 a year on the basis that the workload is shared out equally between Members of the Committee. Further, the Panel recommend that this allowance is back dated to April 2005 but that payment for 2005/06 should be on the basis of the number of meetings attended, with the level of allowance payable per meeting being £25, as they were advised that some Members of the Committee attended a far greater number of meetings than others during the peak of the workload. In addition, as there had been occasions when meetings had been cancelled at very short notice and the preparatory work had already been concluded by Members, this SRA of £25 should still be payable if the hearing was cancelled once the papers had been circulated. The SRAs payable for the Chairman and Vice-Chairman of the Committee of £5,000 and £2,000 respectively are regarded as appropriate and should remain unchanged.

8.4 Appeals Panels
The Panel learnt how the workload of the Appeals Panel had changed over the past year and that hearings were taking considerable time, sometimes stretched over a full day or more. There had also been occasions when hearings had been cancelled at very short notice even though all the preparatory work had been concluded by the Panel Members. The Panel recommend that in view of the volume and complexity of work involved in preparing for meetings that the SRA for Appeals Panel Members should be set at £50 a meeting. This SRA to be paid as a rate for a half day hearing and to be still be payable if the hearing is cancelled once the papers have been circulated.

9.0 DUAL RESPONSIBILITIES
9.1 In their last review, the Panel recommended that the restriction on Members being able to receive more than one Special Responsibility Allowance should be removed in view of the level of workload of all the roles involved. The Panel recommend that this arrangement should continue.

10.0 CO-OPTED AND INDEPENDENT MEMBERS AND WITNESSES
10.1 The Panel concluded that there should be no change to the allowance payable to members co-opted to Committees or those appointed to Committees as independent members of £25 per meeting attended. These members should also be able to claim travelling expenses on the basis of the Members Allowances Scheme. This allowance and travelling expenses to also be payable to witnesses called to attend Scrutiny Committees.
11.0 CARERS ALLOWANCES

11.1 There continued to be general agreement that Councillors with child and dependent carer responsibilities should not be discouraged from playing as full a part as possible in the work of the Council.

11.2 Although no claims had been made to date, the Panel was recommending no change to the scheme proposed last year. Therefore the maximum payable should be restricted broadly to the time devoted by back-benchers to their Council work. The rate should also properly reflect the cost of care. Members would be expected to produce either signed time sheets or invoices in support of their claims and not engage either members of their family (unless there were special circumstances) or a person under 16 years to carry out carer responsibilities.

12.0 TRAVEL AND SUBSISTENCE ALLOWANCES

12.1 The level of travel allowance was one of the issues the Panel had been asked to look at in this year’s review. As there had been no change in HM Revenue and Customs tax free limits for mileage allowances, the Panel makes no recommendation on this occasion, but will consider the level of allowances as part of their next review.

12.2 The Panel also makes no recommendation to change existing arrangements for the payment of subsistence allowances on the basis of actual costs, as agreed in their last review.

13.0 PENSIONS FOR MEMBERS

13.1 The Panel noted that there had been some take up of the scheme, but make no recommendations for change at this time.

14.0 IT ALLOWANCES

14.1 The Panel had been asked to address two issues in relation to the IT Allowance. Firstly, about who should pay the data registration fee when Councillors used Council provided PCs under the Data Protection Act and, secondly, whether the arrangements for the IT Allowance should be reconsidered, utilising the funding available to purchase laptops for all Members that could be made available on loan/purchase basis over their term of office.

14.2 On the first issue, the Panel was advised by the Council's officers that Members did not need to register with the Information Commissioner to carry out their duties on behalf of the Council. They had the right to access and
process data in the same way as Arun’s employees. However, if a Member acted on his or her own behalf they were likely to have to register in their own right. An example given would be where data was processed electronically for the purpose of timetabling surgeries or dealing with complaints.

14.3 On the second issue, the Panel received advice from the Head of Technology that the costs involved in the purchase of laptops would be in excess of the level of IT Allowance currently budgeted for. Further, that the costs of consumables and internet connections had now reduced considerably with such a competitive market and that the current level of £300 per annum was sufficient to cover Members’ costs.

14.4 On the basis of the advice received, the Panel recommends no change to the current level of IT Allowance of £300 per annum.

15.0 **JOB DESCRIPTION AND TRAINING**

15.1 The Panel was advised that the only SRA position with a Job Description was the Chairman of the Council. However, the Panel was advised of the training arrangements for Members of Regulatory Committees, particularly the Development Control and Licensing and Enforcement/Licensing Committees, where appropriate training was compulsory for Members sitting on these Committees. A target of 100% of attendance at appropriate training by Members was included within the Council’s Corporate Performance Plan which was monitored on a quarterly basis by the Cabinet.

15.2 The Panel remain committed to the view that all Members should be positively encouraged by their Group Leaders to make a formal commitment to undertake appropriate training to assist them in carrying out their roles and discharge their responsibilities. The Council had run a number of workshops and seminars during 2006/06 to help Members understand and develop their role as Councillors and the Panel was advised that this approach to Members’ development would continue. The Panel continued to support the need for Members to be encouraged to take advantage of the training offered.

16.0 **PUBLIC ACCOUNTABILITY**

16.1 The Panel attached great importance to public accountability and note that the Council continues to receive a monitoring report of attendance by Members at key Council meetings on a twice yearly basis.

17.0 **RENUNCIATION**

17.1 The Panel concluded that Councillors may renounce their entitlement to all or part of their allowances.
18.0 **COSTS**

18.1 The Panel estimates that the cost of their recommendations is £7,000 in a full year, plus the cost of allowances payable to Members of the Appeals Panel, which will depend on the number of hearings held. These recommendations do mean that the proposals being made can be accommodated within or very close to the 1% allowed for in the Council’s budget for 2005/06 and 2006/07.

19.0 **RECOMMENDATIONS**

19.1 The Panel makes the following recommendations:

1. That the Basic Allowance remains unchanged at £4,620 per year

2. That all Special Responsibility Allowances remain unchanged, as set out in Appendix A to the report, except for those set out below:
   - An additional £250 per year payable to all Members of the Development Control Committee, including the Chairman and Vice-Chairman, taking their SRAs to £6,250 for the Chairman of the Committee; £2,750 for the Vice-Chairman; and £750 for Members of the Committee
   - An allowance of £250 per year be paid to the Members of the Licensing and Enforcement/Licensing Committee, excluding the Chairman and Vice-Chairman
   - Appeals Panel Members should receive an allowance of £50 per meeting attended (equivalent to a half day session) and that this SRA should still be payable if the hearing is cancelled once the papers have been circulated

3. That all allowances should be payable from 1\textsuperscript{st} April 2006

4. That the SRA payable to Members of the Licensing Committee should be back dated to 1\textsuperscript{st} April 2005 but that payment for 2005/06 should be on the basis of the number of meetings attended, with the level of allowance payable per meeting being £25 and that this SRA should still be payable if the hearing was cancelled once the papers had been circulated.

5. That there is no restriction on receiving dual Special Responsibility Allowances.

6. That a meeting allowance of £25 per meeting be payable to co-opted and independent non-Council members and witnesses.

7. That a Carer’s Allowance be paid for 2006/7 as set out in Appendix A to the report.
(8) That Travel Allowances be administered on the basis of the HM Revenue and Customs Scheme, i.e. 40p per mile with no boundary limits

(9) That Subsistence Allowances be based on actual costs, with receipts being provided wherever possible

(10) That the Council allows all Members to join the West Sussex County Council Pensions Scheme if they wish

(11) That the current IT Allowance remains at £300 per year payable to those Members currently using their own IT equipment

(12) That all Allowances are reviewed again in time for revised allowances to be implemented in May 2007.

(13) That all Members be positively encouraged to make a formal commitment to undertake the training necessary for them to effectively discharge their responsibilities.

(14) That Councillors may renounce their entitlement to all or part of their allowances.

20.0 THANKS

20.1 Members of the Panel wish to record their thanks to Members for their input in the Panel’s deliberations and to Officers for their work in supporting the Panel.

Michael Bevis .................................................................

Hilary Spencer ..............................................................

John Thompson ............................................................

Dated April 2006
## RECOMMENDED MEMBERS' ALLOWANCES FROM 1 APRIL 2006

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**Total Cost**

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<td>403,020*</td>
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* Backdated payments are to be made to Members of the Licensing Committee for hearings attended during 2005/06.

^ This figure shows total costs but will reduce dependent on the number of Members receiving the IT Allowance.

**NB:** Please note these figures make no allowance for any additional employer's pensions costs.
Appendix B

Members Allowances Review 2004

Headline findings November 11th 2004

In total 22 surveys have been returned for analysis. This represents a 39.2% response rate.

Q1) Would you be prepared to forgo any increase in your Members Allowance for 2005/2006 and offer this as a further saving for the Arun Priorities for 2005/2006?

In total 8 Councillors, (36.4%) said ‘yes’ they would be prepared to forgo an increase in their Members Allowance 14 Councillors (63.6%) said ‘no’ they wouldn’t.

Q2) Do you think the 1% increase should just be allocated to the basic Allowance?

In total 7 Councillors, (31.8%) said ‘yes’ they think the 1% increase should just be allocated to the basic Allowance and 9 Councillors, (40.9%) said ‘no’.

Q3) If your answer is no, do you think the 1% increase should be allocated across Special Responsibility Allowance (SRA)

In total 4 Councillors, (18.2%) said ‘yes’ and 5 Councillors, (22.7%) said ‘no’.

Q4) If your answer is yes, which SRA’s do you think need specific attention?

“All of them need to have some protection against inflation”

“Increase across the board”

“A11”

“It should be equal for all”

Q5) In view of the limited funds available, do you think there should be any redistribution of the budget available between the Basic Allowance and the Special Responsibility Allowances (SRA’s)

In total, 1 Councillor, (4.5%) said ‘yes’ and 15, (68.2%) said ‘no’.

Q6) If your answer is ‘yes’, please explain what change(s) you think should be made?

“Spread Development Control on trees – these Members should be acknowledged”
Q7) Are there any issues that you feel the Panel should consider in this years review?

“Not all Members agree with the proposed budgetary constraints. The Panel should continue their work as normal. Any limitation should be an individual decision similar to National Government or Parish Councils.”

“Some of us have to live off our allowances and feel we should maintain the allowance and increase it in line with inflation. This allowance is my only source of income”

“1% is an insult when you consider the cost of petrol duties for Arun District Council”

“The increase in allowances should be the rate of inflation and not less”

“The basic Backbencher allowance does not cover basic costs. Also the Basic Members Allowance is very low and now only average. Do not let it devalue”

“The rate is too low”

“Don’t want to influence the panel because it is independent but if they want to discuss issues with me that is fine”

“Mileage allowance with ever increasing price of petrol”

“Car allowance due to steep rise in petrol”

“If we stick to 1% how in time will we conduct a catch up exercise”