

## MEMBER ALLOWANCES SCHEME

### Introduction

1. The Local Government and Housing Act 1989 and the Local Authorities (Members' Allowances) (England) Regulations 2003 require authorities to make a scheme for payment of allowances to councillors. The regulations do not limit the amount that can be paid.
2. Before making, amending or reworking its allowance scheme, the council is required to have regard to the recommendations of an independent remuneration panel. The council is not, however, bound to adopt all or any of the panel's recommendations provided it has given them due consideration and is satisfied that it has justifiable reasons for not doing so. For this authority the relevant independent panel is the London Councils Panel.
3. Constitutional steering panel at its meeting on Tuesday 5 June 2018 noted the annual local government pay settlement rates applicable from 1 April 2018 and 1 April 2019, which is 2% increase covering the year 2018/19 and a further 2% increase for 2019/20.

### Basic allowance

4. Each member of the council is entitled to receive the annual basic allowance of £11,496.32. This is paid on a monthly basis rather than as a lump sum.

### Special responsibility allowance

5. The council has decided to pay special responsibility allowances (SRAs) to those members whom it considers to have special responsibilities for the discharge of the council's functions. This allowance is in addition to the basic allowance. No member may receive more than one SRA.

Where the leader of the council has appointed two members to the cabinet in a job share, the SRA is split between the members with 50% payable to each member.

The list of SRAs payable is set out below:

<b>Band 1a</b>	<b>SRA</b>
Chair audit & governance committee	£3,005.64
Deputy leader majority opposition	£3,005.64
Leader minority opposition	£3,005.64
Opposition whip	£3,005.64
Vice-chair overview & scrutiny committee	£3,005.64
Deputy cabinet member	£3,005.64

<b>Band 1b</b>	<b>SRA</b>
Deputy Mayor	£9,064.55
Chair community council	£9,064.55

<b>Band 1b</b>	<b>SRA</b>
Scrutiny commission chair	£9,064.55
Planning sub-committee chair	£9,064.55

<b>Band 2a</b>	<b>SRA</b>
Chair planning committee	£15,674.43
Chair licensing committee	£15,674.43
Chief whip	£15,674.43
Leader majority opposition	£15,674.43

<b>Band 2b</b>	<b>SRA</b>
Mayor	£24,547
Chair overview & scrutiny committee	£24,547

<b>Band 3</b>	<b>SRA</b>
Cabinet member	£36,448.90
Deputy leader	£36,448.90

<b>Band 4</b>	<b>SRA</b>
Leader	£54,303.50

6. The level of allowance paid to a band 3 or band 4 member is dependent on the average number of hours per week the member is employed elsewhere, as set out below:
- less than 11 hours elsewhere, full SRA
  - 11 to 24 hours elsewhere, two thirds SRA
  - more than 24 hours elsewhere, one third SRA.

Where cabinet members are appointed in a job share, the average number of hours employed elsewhere are doubled.

### **Licensing committee**

7. Ordinary members of a licensing sub-committee will receive a payment of £126.91 per meeting attended.

Members will be selected to attend the sub-committee in accordance with a system of rotation agreed by members of the licensing committee which ensures all members have an equal opportunity to attend.

Where a sub-committee is cancelled, ordinary members summonsed to sub-committee meetings will be eligible for the attendance payment unless a cancellation notice is sent by 10.00am on the second working day prior to the date of the meeting, thereby giving one clear working day's notice.

Ordinary members attending the licensing committee will not be eligible for the attendance payment.

### **Travel allowance**

8. Councillors (and co-optees receiving a special responsibility allowance) may only claim travel expenses necessarily incurred in carrying out their approved duties outside the borough, subject to the following exceptions:

- Members with mobility difficulties are able to claim the cost of travel when on council business
- Members are able to claim for taxis home after council meetings ending after 9.00pm in summer (BST) and 7.00pm in winter (GMT)
- It is noted that when undertaking civic duties, the Mayor and the Deputy Mayor may be required to use taxis when other forms of transport are unavailable. Similarly cabinet members may on occasions need to take taxis to allow them to efficiently and effectively perform their approved duties, e.g. to enable them to attend back to back meetings.
- Non statutory co-optees (who do not receive an allowance) can claim their travel expenses.

A full list of approved duties is set out in paragraph 27 below.

9. Members cannot reclaim expenses they have incurred due to:
  - a) congestion charges, including fines or penalties
  - b) parking/clamping fines.
10. For public transport, receipts must be produced in respect of all claims. Members using their own transport may submit mileage claims. The maximum rates per mile are set out below.
11. The following is a summary of the conditions, and has been excerpted and adapted from those which apply to officers.

**Car users**

12. Casual car users allowances – general conditions:
  - Public transport must be used on all appropriate occasions, e.g. where more economic, timely etc
  - Members should not use their own cars when there is room in one of the local authority’s cars or in the car of another member making the same journey on the same business. As far as possible journeys over the same route should be arranged so as to synchronise
  - All official mileage has to be recorded
  - Members shall have included and maintain in their insurance policy a clause indemnifying the local authority against all third party claims (including those concerning passengers) arising out of the use of the vehicle on official business
  - Members must ensure that the car they are travelling in has current insurance and MOT certificates and are encouraged to ensure that their car has passed emission checks:
    - For cars less than three years old, annually
    - For cars three years and above, twice yearly.
13. The national joint council reviews the rates payable to staff on an annual basis. The current rates are set out below. There are three bands of allowance according to the cubic capacity of the car: 451-999 cc; 1000-1199 cc; 1200 cc and above.

<b>Casual Users</b>	<b>451-999 cc</b>	<b>1000-1199 cc</b>	<b>1200 cc and above</b>
Per mile-first 8,500 miles	46.9 pence	52.2 pence	65.0 pence
Per mile-after 8,500 miles	13.7 pence	14.4 pence	16.4 pence

### **Motorcycles and mopeds**

There are five bands of allowance according to the engine size of the motorcycle: the rates are set out below:

<b>Engine Size (cc)</b>	
Up to 150	9 pence per mile
151 – 244	14 pence per mile
245 – 500	17 pence per mile
501 – 999	23 pence per mile
1000+	27 pence per mile

### **Pedal cycles**

A monthly cycle allowance is payable to councillors, independent and co-opted members who use their own cycles in connection with their official duties. The rate is currently £20 per month. Members must notify the proper constitutional officer of their intention to claim this allowance as unlike other travel allowances it is not paid as an expense. Except in circumstances agreed by the proper constitutional officer members in receipt of the cycle allowance may not claim other travel allowances. Except in circumstances agreed by the proper constitutional officer members who have taken advantage of the Bikes4Work scheme are required to use their cycle for normal council business whether they claim the cycle allowance or not and will not be eligible to claim other travel allowances.

### **Subsistence allowance**

14. Subsistence allowance may be claimed in respect of approved duties, except where food is provided, if they involve an absence from the normal place of residence exceeding four hours in total which includes one hour travelling time.
15. Claims are subject to the following maximum, which are the same for members as they are for officers:

Breakfast	£6.05
Lunch	£8.34
Evening Meal	£10.30

16. The amount to be reimbursed in respect of approved duties is the actual amount spent subject to the maximum figures quoted above. Receipts must be produced in respect of all claims.

### **Child-care and dependant carers allowance scheme**

17. Members may claim this allowance against any costs they incur in arranging carers to look after dependants who cannot be left by themselves by reason of age or other special needs. The allowance may only be claimed in respect of approved duties and is subject to tax and national insurance deductions at personal rates.
18. The maximum rate claimable shall be set at the level of the London living wage rate set annually by the Living Wage Foundation and calculated by the Greater London Authority. The rate shall be reviewed annually so it keeps in line with changes to the London Living Wage and be reported to the chief executive.

19. The following criteria also apply:

- payment is claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required
- the allowance is not payable to a member of the claimant's own household
- the carer must be 18 or over (and not a spouse or partner/co-habitee of the member or a relative living at the same address)
- the claim shall cover the time spent at the meeting plus up to one hour for travel to and from the meeting
- the allowance will be paid upon submission of the claim form and accompanied by relevant receipts
- claims must be submitted within two months of the duty undertaken
- any dispute as to entitlement and any allegation of abuse will be referred to the audit, governance and standards sub-committee for adjudication.

### **Co-opted members**

20. The following allowances are payable to co-opted members:

- a) All statutory co-optees (i.e. statutory co-optees to the education committee) should receive an annual allowance; this is £1,150.82
- b) No statutory co-optees may receive more than one allowance under (a) above
- c) That statutory co-optees should be subject to the same travel and subsistence claim regime as councillors, i.e. not able to claim for intra borough travel and subsistence except where one of the exceptions applies
- d) Non-statutory co-optees should be able to claim reimbursement of travelling and subsistence expenses.

21. Co-optees may, in writing to the proper constitutional officer, elect not to receive allowances.

22. The allowance to education co-optees should be payable from the date of appointment.

23. Co-optees allowances are subject to the same index linking as members' allowances generally.

24. Co-optees do not receive the basic allowance.

25. If a co-opted member does not serve for the whole of the 12 month period, or become disqualified, they will only be entitled to pro-rata payments for the period(s) during which they were actually a serving co-opted member.

26. Both statutory and non-statutory co-opted members are entitled to claim dependant carer's allowance as set out in paragraphs 17 - 19.

### **Approved duties**

27. For a member, an approved duty for the purpose of travel, subsistence and childcare and dependant carers allowances means:

- a) attendance at a meeting of the council or of any committee or sub-committee of the council
  - b) attendance at a meeting of a body to which the member has been nominated by the council or of any committee or sub-committee of such a body, provided they are a member of the body concerned
  - c) attendance at any other meeting, the holding of which is authorised by the council, or a committee or sub-committee of the council or a joint committee of the council, or a sub-committee of such a joint committee, provided that it is a meeting to which members of at least two political groups have been invited
  - d) attendance at a meeting of any association of authorities of which the council is a member
  - e) attendance at a meeting of the cabinet or of any of its committees
  - f) performance of any duty in connection with the discharge of a function of the authority empowering or requiring the inspection of premises
  - g) performance of any duty in connection with arrangements made by the authority for the attendance of pupils at special schools
  - h) any other duty approved by the council for the purpose of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees
  - i) any duty for the purpose of or in connection with the discharge of the functions of the cabinet
  - j) attendance at neighbourhood forums that fall within the member's ward
  - k) attendance at tenants' council and leaseholders' council
  - l) attendance at licensing or planning committees as a ward representative.
28. No allowances can be claimed in respect of political group meetings, members' surgeries or attendance at college or school governing bodies.

### **Entitlement to allowances**

29. Allowances are paid automatically in equal monthly instalments. If a member of the council does not serve for the whole of the year, becomes disqualified or ceases to be entitled to a special responsibility allowance (SRA), they will only be entitled to payments for the proportion of the number of days served in that year. Overpayment of SRAs for continuing members will be automatically deducted from the basic allowance. Other overpayments must be repaid to the authority. If the scheme is amended so as to affect entitlement any variation will be paid from an agreed date only. Retrospective payments will not be made to members who are no longer serving.

### **Waiving right to receive allowances**

30. Members do not have to take their allowance(s) – if a member wishes to waive their right to receive a basic allowance, SRA, any other allowance, or part thereof, they must notify the proper constitutional officer in writing.

### **Claiming allowances**

31. Claims for travel, subsistence, child-care and independent carers allowances must be submitted within two months of the duty undertaken and accompanied by relevant receipts. Claims submitted outside of the two month period may be put forward to the audit, governance and standards sub-committee for consideration.

## **Taxation and allowances**

32. Allowances are not salaries but are subject to tax and national insurance as any allowance is considered as income. Any such deductions are subject to personal circumstances. Members should note that the council is unable to deal with personal tax enquiries on their behalf and should inform their tax office of any change in circumstances.

## **Publication of allowances**

33. In accordance with the Local Authorities (Members Allowances) (England) Regulations 2003, the council is required to publish details of any basic and special responsibility allowances paid to councillors for the previous financial year, along with details of the allowances scheme which applied at that time. This statutory notice also includes details of subsistence, travel and carer's allowance. In addition the council publishes further information regarding members' expenses. Any payments to cabinet members for loss of office will also be published.

## **Withholding allowances**

34. The audit, governance and standards sub-committee may withdraw allowances from individual members (including co-opted members) in whole or in part for non-attendance at meetings, or, for elected members only, for failure to attend required training. Withheld allowances are not repayable / recoverable.
35. Audit, governance and standards sub-committee may also consider the withdrawal of allowances for a member given approval by council assembly for a failure to attend, subject to a referral being made by council assembly.

## **Amendments to the allowances scheme**

36. Allowances will be adjusted in line with the national local government officer pay settlement and allowances for officers<sup>1</sup>. This includes basic allowance, SRA levels, licensing payments and co-opted member allowances.
37. Travel and subsistence allowances will be amended in line with changes to allowances for officers.
38. Dependant carer's allowance shall be set at the level of the London living wage rate set annually by the Living Wage Foundation and calculated by the Greater London Authority. The rate shall be reviewed annually so it keeps in line with changes to the London Living Wage and be reported to the chief executive.

## **Special leave arrangements**

39. The special leave arrangement for members applies to all recipients of special responsibility allowances. Where SRAs are paid at a reduced level that level will apply during any special leave absence. Where members have elected not to receive their allowance no special leave payment will be made.

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<sup>1</sup> Index linking is to the general settlement rather than any special provision for particular groups of staff such as the low paid.

40. Where a period of special leave includes the annual meeting of council assembly and the member is not reappointed to a post attracting an SRA the special leave allowance will cease on the day following council assembly.

#### **Maternity leave**

41. The maternity leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months. Antenatal care is part of the normal arrangements for short term absence and is not affected by special leave arrangements.
42. Members are not eligible for Statutory Maternity Pay (SMP) if they are not employed elsewhere. The council cannot pay SMP.

#### **Adoption leave**

43. The adoption leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months.

#### **Paternity leave**

44. The paternity leave arrangement will be for ten days paid absence and parental support absence of up to 13 weeks with no allowance.

#### **Sick leave**

45. The sick leave arrangement will be for up to six months full allowance in any 12 months.

#### **Other special leave**

46. Normal leave arrangements and emergency situations do not affect SRAs. Extended absence e.g. service abroad in the Territorial Army or jury service to be in line with officer guidelines.

#### **Other arrangements**

47. During any period for which special leave arrangements are in place any member who is appointed to deputise for the absent member who is not a member of the cabinet will be eligible for the full SRA payments due in the same period.
48. During any period for which special leave arrangements are in place any member who is appointed to deputise for an absent cabinet member will be eligible for a proportion of the SRA payments due in the same period, not exceeding nine tenths of the full SRA payment.

#### **Payment to cabinet members for loss of office**

49. Members entitled to a full band 3 or full band 4 SRA will be entitled to a payment for loss of office when they cease to be eligible for a full band 3 or 4 allowance except if it is the last year of their term and they are not seeking re-election.
50. Members must have served at least one year in cabinet to claim a payment for loss of office. Members are eligible to claim a payment for loss of office no more than once in any 4 year council term.



51. The level of payment is set at 4 weeks of the full band 3 or band 4 SRA plus 1 week for every year in continuous full time service. The maximum level any member can receive is 13 weeks of the full band 3 or band 4 SRA. Where a member has not served for a years' continuous full time service, the plus 1 week will be on a pro rata basis.
52. The audit, governance and standards committee (or its relevant sub-committee) will adjudicate on any dispute as to entitlement and any allegation of abuse, and shall be authorised to determine any reduction or withholding of a loss of office payment.