

HAMBLETON DISTRICT COUNCIL

Report To: Council
18 September 2012

From: Director of Corporate Services

Subject: **MEMBERS' ALLOWANCES SCHEME**

All Wards

1.0 PURPOSE AND BACKGROUND:

- 1.1 The Council is required to maintain a Members' Allowances Scheme which sets out the types of allowances which will be paid to Members for undertaking their duties as Councillors and also the amount of allowances to be paid. The Scheme is renewed each year with effect from 1 April.
- 1.2 This report asks Council to make some amendments to the current Allowances Scheme.
- 1.3 The Council's current Scheme is attached as Annex 'A' to this report and is effective from 1 April 2012.
- 1.4 Amendments to the Scheme can be made at any time, but significant amendments to the Scheme require the Council to consider the views of the Independent Remuneration Panel. The Council is not bound by the recommendations of the Panel, but cannot make significant changes to the Scheme without considering any views.

2.0 PROPOSED CHANGES TO THE SCHEME:

- 2.1 The suggested amendments to the Scheme fall into three categories:-
 - 2.1.1 deletion of references to the former Standards Regime;
 - 2.1.2 amendments in respect of the Co-optees Allowance to take account of the new Standards Regime;
 - 2.1.3 amendments to the list of meetings where Travelling Allowances are paid to include meetings of Political Groups.
- 2.2 Each of these is now considered in turn.

Deletion of References to Former Standards Regime:

- 2.3 Under the current Scheme there is provision for the situation where a Member could be suspended under the former Standards Regime. In those circumstances Members' Allowances could be withheld. This applied to Basic Allowances, Special Responsibility Allowances, Travelling, Subsistence and Accommodation Allowances and Co-optees Allowances. Reference to this is made at paragraphs 2.3, 3.4, 5.2 and 6.3 of the Scheme. The Standards Regime has been changed with effect from 1 July 2012 and there is no

longer a provision whereby Members of the Council can be suspended by the Standards Committee. References to suspension should therefore be deleted from the Scheme.

Independent Persons under the new Standards Regime:

- 2.4 Under the old Standards Regime the Council was required to appoint both Non-elected Members and Parish Council Representatives to the Standards Committee. Section 6 of the existing Scheme provides for payment of a Co-optees Allowance to those Members of the Standards Committee. Under the new Standards Regime, effective from 1 July 2012, there is no provision for co-optees. However, the new Standards Regime does make provision for the appointment of Independent Persons and the Council has appointed three of them. There is no requirement to pay the Independent Persons an allowance but it is recommended that some provision be made to pay an allowance to reflect their duties. This matter has been considered by the Independent Remuneration Panel and it has been suggested that the Independent Persons Allowance should be £233 per annum. It is therefore recommended that the existing Scheme be amended by replacing Section 6 with the wording attached as Annex 'B' to this report and by replacing the Co-optees Allowance with an Independent Persons Allowance of £233.
- 2.5 Section 5 of the Scheme should also be amended to include reference to Independent Persons being eligible for Travelling Allowances, etc.

Travelling Allowances for Attendance at Political Group Meetings:

- 2.6 Travelling Allowances are covered in Section 5 of the existing Scheme. It limits those situations in which allowances can be claimed by Members.
- 2.7 The current Scheme does not allow Members to claim Travelling Allowances for attendance at meetings of Political Groups. Legislation does allow some support for political activities (such as funding political assistants) so this form of support is not unheard of.
- 2.8 Council is asked whether it wishes to extend Travelling Allowances to meetings of Political Groups.

3.0 RECOMMENDATION:

- 3.1 It is recommended that the Members' Allowances Scheme be amended by:-
- 3.1.1 deleting references to the pre-1 July 2012 Standards Regime;
 - 3.1.2 replacing Section 6 with the wording contained in Annex 'B' to this report;
 - 3.1.3 replacing the reference to a "Co-optees Allowance" in the Annex with a reference to an "Independent Persons Allowance" of £233 per annum;
 - 3.1.4 amending Section 5 to entitle Independent Persons to Travelling Allowances, etc;
 - 3.1.5 adding a paragraph 5.1(h) which entitles Members to receive Travelling Allowances for attendance at Political Group Meetings.

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Background papers: None
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MEMBERS' ALLOWANCES SCHEME

1.0 INTRODUCTION:

- 1.1 This Scheme has been adopted for the purposes of the Local Authorities (Members' Allowances)(England) Regulations 2003 ("the Regulations").
- 1.2 The Scheme shall continue in force until amended or revoked by the Council.
- 1.3 The Scheme will apply to all Members of the Council.
- 1.4 All Allowances shall be payable for the period from 1 April 2012 until 31 March 2013 unless specified otherwise.
- 1.5 A Member may by notice in writing to the Chief Executive elect to forego his/her entitlement or any part of his/her entitlement to Allowances.

2.0 BASIC ALLOWANCES:

- 2.1 A Basic Allowance as set out in the Annex to this Scheme as amended from time to time in accordance with Section 7 of the Scheme shall be payable to each elected Member of the Council. The Allowance shall be the same for each elected Member.
- 2.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office as Member subsists bears to the number of days in that year.
- 2.3 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of the Basic Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Standards Committee.

3.0 SPECIAL RESPONSIBILITY ALLOWANCE:

- 3.1 The Special Responsibility Allowances set out in the Annex to this Scheme as amended from time to time in accordance with Section 7 of the Scheme shall be payable to the following elected Members in addition to the Basic Allowance:-

Leader
Deputy Leader
Chairman of Council
Minority Party Leader (only applicable to a group of 5 or more Members)
Chairman of the Audit and Governance Committee
Chairman of Standards Committee
Chairman of Planning Committee
Chairman of Scrutiny Committees
Chairman of Licensing and Environmental Protection Committee
Cabinet Member

- 3.2 A "Minority Party Leader" is a leader of a political group which is not the controlling group as defined in Regulation 5(2) of the Regulations.
- 3.3 Where a Member does not have throughout the whole of the year any special responsibilities as entitle him/her to a Special Responsibility Allowance, his/her entitlement shall be to payment of such part of the Special Responsibility Allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.
- 3.4 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of the Special Responsibility Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Standards Committee.

4.0 DEPENDANT' CARER'S ALLOWANCE;

- 4.1 The Dependant Carer's Allowance set out in the Annex to this Scheme as amended from time to time by Section 7 of the Scheme shall be payable to all elected Members in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in respect of:-
- (a) the attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council, or of any body to which the Council makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
 - (b) the 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 and one or more Local Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee, provided that:-
 - (i) where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
 - (ii) if the Council is not so divided, it is a meeting to which at least two Members of the Council have been invited;
 - (c) the attendance at a meeting of any association of Authorities of which the Council is a member;
 - (d) the attendance at a meeting of the Executive or a meeting of any of its Committees;
 - (e) the performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
 - (f) attendance at:-
 - (i) meetings of Parish Councils;
 - (ii) meetings of a public nature where attendance is of value in carrying out the Members' community role;
 - (iii) meetings with constituents;

where the meeting is within the Members' Ward, undertaken as part of the Members' duties and the expenses are not reimbursed from some other source;

- (g) attendance at any meeting arranged by any other body on which the Member represents the Council where that other body is not reimbursing the Member.

4.2 For the purposes of this Section, "Authority" means an Authority of any description specified in sub-paragraphs (a) to (c) of Regulation 3(1) of the Regulations.

5.0 TRAVELLING, SUBSISTENCE AND ACCOMMODATION ALLOWANCE:

5.1 The Travelling, Subsistence and Accommodation Allowance set out in the Annex of this Scheme as amended from time to time by Section 7 of the Scheme shall be payable to all Members in respect of:-

- (a) the attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council, or of any other body to which the Council makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
- (b) the 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 and one or more Local Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:-
 - (i) where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
 - (ii) if the Council is not so divided, it is a meeting to which at least two Members of the Council have been invited;
- (c) the attendance at a meeting of any association of Authorities of which the Council is a member;
- (d) the attendance at a meeting of the Executive or a meeting of any of its Committees;
- (e) the performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
- (f) attendance at:-
 - (i) meetings of Parish Councils;
 - (ii) meetings of a public nature where attendance is of value in carrying out the Members' community role;
 - (iii) meetings with constituents;

where the meeting is within the Members' Ward, undertaken as part of the Members' duties and the expenses are not reimbursed from some other source;

- (g) attendance at any meeting arranged by any other body on which the Member represents the Council where that other body is not reimbursing the Member.

5.2 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, any Travelling, Subsistence and Accommodation Allowance payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Standards Committee.

5.3 For the purposes of this Section a Member of a Committee or Sub-Committee of the Council is to be treated as a Member of the Council.

6.0 CO-OPTEEES' ALLOWANCE:

6.1 A Co-optees' Allowance as set out in the Annex to this Scheme as amended from time to time in accordance with Section 7 of the Scheme shall be payable to those non-elected Members of a Council Committee or Sub-Committee.

6.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be to payment of such part of the Co-optees' Allowance as bears to the whole the same proportion as the number of days during which his term of office as Member subsists bears to the number of days in that year.

6.3 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of the Co-optees' Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Standards Committee.

7.0 ADJUSTMENT OF ALLOWANCES:

7.1 Subject to 7.2, all Allowances shall be adjusted with effect from each 1 April for the following year in line with the NJC Conditions of Service Award for the year commencing on that 1 April.

7.2 All Travelling, Subsistence and Accommodation Allowances shall be adjusted from time to time to ensure that they are the same as the equivalent allowance for officers of the Council.

8.0 PENSIONS:

8.1 All elected Members of the Council are entitled to pensions in accordance with the North Yorkshire Superannuation Scheme ("the Pension Scheme").

8.2 Both Basic Allowance and Special Responsibility Allowance are to be treated as amounts in respect of which pensions are payable in accordance with the Pension Scheme.

9.0 CLAIMS AND PAYMENTS:

9.1 Claims for payment of Allowances shall be made in writing within one month of the date on which entitlement to the Allowances arises.

9.2 Payment for Basic, Special Responsibility and Co-optees' Allowances shall be made in equal monthly instalments on the 25th day of the relevant month.

9.3 Dependant Carer's Allowance and Travelling, Subsistence and Accommodation Allowance will be paid within one month of receipt of a valid claim.

- 9.4 Where payment of any Allowance has already been made in respect of any period during which the Member concerned is:-
- (a) suspended or partially suspended from his responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
 - (b) ceases to be a Member of the Council; or
 - (c) is in any other way not entitled to receive the Allowance in respect of that period such part of the Allowance as relates to any such period shall be repaid to the Council.
- 9.5 Where a Member is also a member of another Authority that Member shall not receive Allowances under this Scheme if he/she is receiving an Allowance from the other Authority in respect of the same duties.

ATTENDANCE ALLOWANCES 2012/13

	Quantum	Payment £
Basic	N/A	4,297
Leader	3.75	16,114
Deputy Leader - without Delegation Responsibility	1.75	7,519
- with Delegation Responsibility	2.25	9,670
Chairman of Council	0.75	3,222
Minority Group Leader (only applicable to a group of 5 or more Members)	0.25	1,075
Chairman of Planning Committee	1	4,297
Chairman of Standards Committee	0.50	2,148
Chairman of Audit and Governance Committee	0.25	1,075
Chairmen of Scrutiny Committees	0.75	3,222
Chairman of Licensing and Environmental Protection Committee	0.25	1,075
Cabinet Member - without Delegation Responsibility	1.25	5,372
- with Delegation Responsibility	1.75	7,519
Dependant Carer's Allowance	-	7.00 per hour or actual costs if lower. Change to set at national minimum wage (currently £6.08) A maximum of 10 hours per week
Co-optees' Allowance	-	233

All Members will receive the Basic Allowance. Those with special responsibilities will receive the Allowances indicated in addition to the Basic Allowance. The Special Responsibility Allowance will be the Basic Allowance multiplied by the Quantum indicated for that Special Responsibility Allowance.

Delegation Responsibility means functions delegated to the Cabinet Member under the Council's Constitution.

No Member can receive more than one Special Responsibility Allowance.

SUBSISTENCE RATES

	£
Breakfast	7.07
Lunch	9.75
Tea (absence after 6.30pm)	3.83
Dinner (absence after 8.30pm)	12.08

Notes: Tea or Dinner may be claimed but not both
The Allowance is irrespective of the actual cost of the meal.

ACCOMMODATION RATES

	£
Other	Up to £78
Major Cities	Up to £101
London	Up to £134
Conferences (National Conferences attended by Members and Chief Officers)	Actual Costs

Note: Where not included in the accommodation charge, the cost of all meals will be reimbursed up to £20 per meal upon production of receipts. In the absence of receipts, Subsistence Rates will apply.

TRAVEL RATES**Travel by Member's own private motor vehicle**

Car mileage rate per mile:

Not exceeding 999cc	45p
1000cc – 1199cc	45p
1200cc and above	45p

Motorcycle rate per mile	24.0p
Bicycle rate per mile	20.0p

Carriage of Passengers to whom a Travelling Allowance would otherwise be Payable

In respect of each passenger not exceeding four, an additional 3.0p a mile for the first passenger and 2.0p a mile for the second and subsequent passengers.

**SUGGESTED REVISED WORDING OF SECTION 6
OF THE MEMBERS' ALLOWANCES SCHEME**

6.0 INDEPENDENT PERSONS:

- 6.1 An Independent Person's Allowance as set out in the Annex to this Schedule as amended from time to time shall be payable to the Independent Person(s) appointed by the Council.
- 6.2 Where the appointment of the Independent Person begins or ends otherwise than at the beginning or end of a year his/her entitlement shall be payment of such part of the Independent Person's Allowance as bears to the whole the same proportion as the number of days during which his/her appointment subsists bears to the number of days in that year.