

Proposed Changes to the Constitution

Part 7 – Members’ Allowances Scheme

1. MEMBERS’ ALLOWANCES SCHEME – ~~2018-19~~ 2019-20

- 1.1 The Local Authorities (Members’ Allowances) (England) Regulations 2003 require authorities to make a scheme for the payment of allowances to Councillors.

Before making, amending or reworking its allowances scheme, the Council is required by virtue of Regulation 3 of the 2003 Regulations 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.

Government Regulations do not limit the amount that can be paid under allowances schemes. This Council’s total budget including on-costs for Members’ Allowances for ~~2018-19~~ 2019-20 is ~~£953,890.~~ £962,700

Any Member may by notice in writing to the Chief Executive, elect to forego any part of entitlement to an allowance under the scheme.

- 1.2 The Corporate Services Committee on 28 May 2003 adopted the recommendations of the Association of London Government’s Independent Panel’s Second Report into Members’ Allowances. The Committee on 31 July 2003 and Council on 16 September 2003 that the basic and special responsibility allowances be upgraded annually with reference to the annual Local Government Pay settlement.
- 1.3 The Corporate Services Committee on 20 March 2007 considered the recommendations of the December 2006 report of the Independent Remuneration Panel and adopted the recommendations in relation to basic allowance increase, payment of an allowance to the Independent Members on the Standards Committee and the co-optees on the Children and Young People’s Education Committee.
- 1.4 If there are substantial changes to the Scheme it will be submitted to budget Council for approval.
- 1.5 The scheme as approved provides for the following:

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(a) **Basic Allowance**

A Basic Allowance payable equally to each Member for the financial year ~~2018-19~~ 2019-20 is ~~£10,312.78~~ £10,519.04 (This is paid on a monthly basis rather than as a lump sum).

(b) **Special Responsibility Allowance**

Local authorities may make provision within the scheme for the payment of Special Responsibility Allowance and, if so, include a list of posts and the amount of SRA payable. This allowance is paid in addition to the Basic Allowance to those Members considered to bear additional responsibilities. Holders who are entitled to SRA for the period they hold the post must fall into one or more of the following groups.

- * Acting as leader or deputy leader of a political group within the authority;
- * Presiding at meetings of a committee or a sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;
- * Representing the authority at meetings of, or arranged by, any other body;
- * Membership of a committee or a sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;
- * Acting as the spokesman of a political group on a committee or sub-committee of the authority;
- * Such other activities in relation to the discharge of the authority's functions that require of the member an amount of time and effort equal to or greater than would be required by any one of the above activities.

Where an SRA is paid and Members of the authority are divided into at least two political groups, SRA will be paid to at least one Councillor who is not a member of the controlling group provided that Member has a special responsibility as defined above.

No Councillor may receive more than one SRA.

The list of Special Responsibility Allowances is set out in **Appendix A**.

Special Responsibility Allowance and Basic Allowance will be paid pro rata to Councillors whose term of office begins or ends part way through the financial year. Similarly, if the scheme is amended so as to affect entitlement, the Allowance will be paid pro rata.

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(c) **Allowances for the Independent person, co-optees on the Standards Committee, Audit Committee, Children's Services Scrutiny Committee and the Pension Board Independent Member**

Independent and Co-opted members:

An allowance per meeting is payable to the Independent person appointed under the Localism Act 2012 and to the co-optees on the Standards Committee, the Audit Committee and to the Children's Services Scrutiny Committee and the Pension Board Independent Member. This is calculated on the number of meetings per year and at a standard rate as follows:

Standards Committee

Independent Person ~~£119~~ £121 per meeting

Audit Committee and Children's Services Scrutiny Committee

Co-opted Members ~~£119~~ £121 per meeting

Pension Board

Independent Member ~~£119~~ £121 per meeting of the Pension Board and of the Pension Sub-Committee.

The Independent and Co-opted member allowances above, are paid by cheque at the end of each municipal year and it is the Independent Member's responsibility to declare this additional income. The Independent Person may also claim reasonable out of pocket expenses for tasks undertaken outside formal committee meetings. Any such claim shall be made to, and authorised by, the Director of Law and Governance.

(d) **Dependent Carers' Allowance**

A Dependent Carers' Allowance is payable to Councillors who, in order to undertake their duties as a Councillor, incur costs in arranging care for dependent relatives living with them. Dependent relatives are defined as children under the age of 15, elderly, disabled or ~~invalid~~ unwell relatives who cannot be left alone (either temporarily or permanently) ~~relatives who cannot be left alone~~. Payments will not normally be made to carers who are family members or persons resident at the Councillor's home.

The Carers' Allowance also includes costs associated with Councillors who themselves need the help of a carer in order for them to fulfil their duties as a Councillor.

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The maximum rate for this allowance is ~~£8.44 per hour~~ £10.55 per hour, based on the Living Wage Foundation's 'real living wage', to meet, or contribute towards the actual costs incurred in arranging care. The maximum period from which any one claim can be made is the duration of the meeting itself, plus ~~£4.22~~ £10.55 as a contribution towards travelling time to and from the meeting venue.

2. TRAVELLING AND SUBSISTENCE ALLOWANCES

- 2.1 Travel expenses can be claimed to cover the cost of travelling to and from approved duties/conferences **outside** the borough (or within the borough in the case of non-councillor members of the Housing Scrutiny Committee). The amount claimed depends on the means of travel i.e.

Public transport	-	actual fare
Own vehicle	-	schedule of rates set by Central Government

Subsistence allowance is a 'meals' allowance for approved duties lasting 4 or more hours, again payable by a schedule of rates set by Central Government. Copies of these rates are set out in **Appendix B**.

3. BROADBAND EXPENSES

- 3.1 The Scheme provides for the payment of the one-off connection charge to Broadband plus the monthly broadband rental up to the value of £25 per month.

4. PAYMENTS FOR OTHER BODIES

- 4.1 The Local Government Association have their own Members' Allowances Scheme payable to those Members' of Executive and Scrutiny bodies of the Association.

5. CLAIMING THE ALLOWANCES

- 5.1 Basic and Special Responsibility Allowances are paid automatically, once bank details, National Insurance, date of birth and home address are forwarded to the Corporate Director of Resources; all others are claimed by means of the appropriate forms, samples of which are attached at Appendix C.
- 5.2 Payments via the payroll system are made on a regular monthly cycle direct to your bank or building society account with a payslip being sent to you at the

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same time. Travel and Subsistence (if taxable are paid through the payroll). Telephone and Dependent Carers' Allowances are paid through the payroll.

- 5.3 You should submit your claims for Travel, Subsistence and Dependent Carers' Allowance within **two** months of the duty undertaken. Broadband allowance payments need to be claimed either monthly or quarterly and should be accompanied by the relevant invoice.

Receipts **must** accompany all expenses claims.

6. RATES PAYABLE

- 6.1 The rates for each allowance change from time to time, generally with effect from 1 April each year.

7. MATERNITY, PATERNITY AND SICKNESS LEAVE AND PAY

7.1 Leave Periods

- 7.1.1 Members giving birth are entitled to up to 6 months' maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 7.1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 7.1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 7.1.4 Members shall be entitled to take a minimum of 2 weeks' paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 7.1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 7.1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

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- 7.1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 7.1.8 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 7.1.9 Any member taking maternity, paternity, shared parental, adoption or sickness leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

7.2 Basic Allowance

- 7.2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, adoption or sickness leave.

7.3 Special Responsibility Allowances

- 7.3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental, adoption or sickness leave.
- 7.3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 7.3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental, adoption or sickness leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for up to a further six month period.
- 7.3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental, adoption or sickness leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowance shall apply.
- 7.3.5 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Group to which they belong loses control of the Council during their leave period, they shall return

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at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

7.4 Attendance, Resigning from Office and Elections

- 7.4.1 During an agreed period of maternity or paternity leave, and during sickness leave, where the latter is confirmed by a doctor's certificate, Members will not be required to attend committee meetings and their absence will therefore not be recorded and the '6 month rule' in Section 85 of the Local Government Act 1972 will not apply.
- 7.4.2 If a Member decides not to return at the end of their maternity, paternity, shared parental, adoption or sickness leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 7.4.2 If an election is held during the Member's maternity, paternity, shared parental, adoption or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the date that they leave office.

8. GENERAL

A statutory register of all allowances paid to Members is open to inspection by any elector resident in the area. The Council are required to publish details of the Members' Allowances Scheme and of total payments made to each Member annually.

This is a general and by no means exhaustive statement of the law on these matters.

For any advice in relation to the Scheme please contact Democratic Services.

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APPENDIX A

SPECIAL RESPONSIBILITY ALLOWANCES ~~2018-19~~ 2019-20

The SRA figures will come into effect on 1 April ~~2018-2019~~

<u>Band 4</u>	<u>Amount</u> £
Leader of the Council – Councillor Richard Watts	38,814 <u>39,590</u>
<u>Band 3</u>	
Executive Members	
Councillor Janet Burgess	30,306 <u>30,912</u>
Councillor Joe Caluori	30,306
Councillor Kaya Comer-Schwartz	30,306 <u>30,912</u>
Councillor Andy Hull	30,306 <u>30,912</u>
<u>Councillor Una O'Halloran</u>	<u>30,912</u>
Councillor Asima Shaikh	30,306 <u>30,912</u>
Councillor Diarmaid Ward	30,306 <u>30,912</u>
Councillor Claudia Webbe	30,306 <u>30,912</u>
<u>Band 2</u>	
Chair of Policy and Performance Scrutiny Committee	
Councillor Una O'Halloran	12,230
<u>Councillor Rowena Champion</u>	<u>12,475</u>
Chief Whip: Councillor Satnam Gill	5,317 <u>5,423</u>
<u>Band 1(a)</u>	
Chairs of Scrutiny Committees	
Councillor Theresa Debono	5,317
<u>Councillor Vivien Cutler</u>	<u>5,423</u>
Councillor Rowena Champion	5,317 <u>5,423</u>
Councillor Osh Gantly	5,317 <u>5,423</u>
Councillor Mick O'Sullivan	5,317 <u>5,423</u>

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Councillor Dave Poyser 5,423

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Chair of Audit Committee: Councillor Nick Wayne 3,191- 3,255

Chair of Licensing Committee: ~~Councillor Flora Williamson~~ 3,191
Councillor Phil Graham 3,255

Chair of Planning Committee: Councillor Martin Klute 3,191- 3,255

Chair of Planning Sub Committee A: Councillor Angela Picknell 3,191 3,255

Chair of Planning Sub Committee B: Councillor Jenny Kay 3,191 3,255

Mayor

~~Councillor David Poyser~~ 6,514

Councillor Rakhia Ismail 6,644

Deputy Mayor

~~Councillor Rakhia Ismail~~ 133

Councillor Troy Gallagher 136

Member of the Adoption and Fostering Panels

Councillor Paul Convery 6,380- 6,508

Councillors are only entitled to claim one Special Responsibility Allowance. Any allowances marked with an asterisk above are therefore unclaimed.

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Part 4 – Responsibility for Functions

4. MATTERS RESERVED FOR EXECUTIVE DECISION

4.1 GENERAL

~~(j) To calculate the annual budget for income and expenditure including the overall Capital Investment Strategy, the Treasury Policy statement, the Housing Revenue Account Estimates and rents of dwelling houses and fixing charges (other than in-year changes to Cemeteries fees and charges) and the allocation of budgets to departments, recommending these to Council where appropriate and to make recommendations to Council on council tax.~~

(j) To calculate and recommend to the Council the annual budget for income and expenditure, including the overall Capital Investment Strategy, the Treasury Policy statement, the Housing Revenue Account Estimates, the allocation of budgets to departments, and matters related to the setting of council tax.

(k) To calculate and determine fees and charges (other than in year changes to Cemeteries fees and charges).

(The subsequent paragraphs will be re-numbered accordingly)