

MEMBERS' ALLOWANCES SCHEME 2016-17

1. Introduction

This Members' Allowances Scheme has been made having regard to the recommendations of The London Councils' Independent Panel and in accordance with the regulations made under the Local Government and Housing Act 1989 and the Local Authorities (Members' Allowances) England Regulations 2003 No. 1021 (as amended). Any future changes to the scheme will be discussed by the Regulatory Committee and ratified by Full Council. The Monitoring Officer will make minor changes to the scheme, such as annual uplifts in line with the local government pay settlement.

2. Types of allowance

There are six different types of allowance that may be paid to members:

- Basic allowance
- Special responsibility allowance
- Travel allowance
- Carers allowance
- Subsistence allowance
- Co-opted Member Allowance for the Chair of Standards Committee.

3. Basic allowance

Basic allowance is paid equally to all members at the rate set out in appendix A. If a member wishes to waive their right to receive a basic allowance or receive a lower sum they must notify the Monitoring Officer in writing. Where the term of office of a member begins or ends during a municipal year their basic allowance entitlement will be paid in proportion to the number of days as a member. It is paid monthly.

The basic allowance includes:

- Intra borough travel and subsistence costs
- An allowance for basic office and associated costs
- Registration for Data Protection.

4. Suspension or withdrawal of allowances

If payment of any allowance has already been made in respect of any period during which the member concerned:

- a. Is suspended or partially suspended from his responsibilities or duties as a member of an authority;
- b. Has ceased to be a member of the authority; or
- c. Is in any way not entitled to receive the allowance in respect of that period then the allowance or relevant part of it will be repayable to the council.

If a member of the council does not serve as an elected member for the whole of the twelve month period or becomes disqualified, they will only be entitled to pro-rata payments for the period(s) during which they are actually a serving member of the council.

Our Standards Committee can withdraw allowances in whole or in part in the event of a member being suspended or partially suspended.

All allowances will be withheld for the period of total suspension and in the case of partial suspension the basic allowance shall continue to be paid (though it would be expected that a member voluntarily abates their claim according to the extent to which they are able to continue to perform the functions of a non-executive member) and to the extent that the partial suspension makes it impossible or impractical for the member to undertake activities in respect of which a special responsibility allowance was payable. If there is a need to appoint another member to undertake the functions concerned they would become entitled to the allowance.

5. Special Responsibility and Co-opted Member Allowances (chair of Standards Committee)

The council has decided to pay special responsibility allowances (SRA) to those members whom it considers have special responsibilities for the discharge of the functions of the council. The list of SRAs payable is set out In Appendix A. SRA is paid monthly. If a member wishes to waive their SRA or receive a lower sum, they must notify the Monitoring Officer in writing.

The chair of the Standards Committee shall receive an annual allowance (details in Appendix A). The chair may claim travel expenses in the same way as councillors (details in paragraph 8 of this paper and also in Appendix B). The chair may not claim subsistence costs.

6. Maternity/paternity/adoption or long term sick leave

In the event of a member taking leave for any of the above they will continue to receive their basic allowance. However, where a member is in receipt of Special Responsibility Allowance (SRA) they are encouraged to claim any state entitlement as the SRA will only be paid to any substitute accepted by full council as carrying out the role for a specified period and only to the extent that additional funding is not required.

7. Electing to forgo allowances

If a member does not wish to claim an allowance they should provide notice in writing to the Monitoring Officer electing to forgo his/her entitlement or any part of their entitlement to allowances.

8. Travel Allowance

Travel expenses incurred in the performance of "approved duties" (see paragraph 11 below) may only be claimed from the council for meetings held outside the borough subject to the conditions set out in appendix B.

Please note that all claims for travel must be made promptly and accompanied by receipts as a proof of payment. This is an audit requirement.

9. Carers' Allowances

Members may claim this allowance as reimbursement of costs they incur for carers looking after children or elderly, infirm or sick relatives while the Member is carrying out an "approved duty" (see paragraph 11 below).

Members are entitled to claim the allowances for periods starting up to an hour after it finishes in order to allow for essential travelling time. The Member is responsible for making the care arrangements and the council can accept no responsibility for anything that might happen as a result of those arrangements.

Carers' allowances are not payable for carers who are normally resident in the member's home or are under 16 years of age. Payment will only be made after the member has submitted a statement of claim for each use of a carer.

10. Subsistence Allowances

Details on subsistence allowance are set out in appendix B. These allowances are not payable where the council has made arrangements for meals and/or accommodation for an approved duty.

Please note that all claims for subsistence must be accompanied by receipts as proof of payment. This is required by Audit.

11. Approved Duties (for the purpose of travel, subsistence and carers allowance only)

An "approved duty" for a member means:

- (a) Attendance at a meeting of the council or of any 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 provided they are a member of the body concerned;
- (b) Any other meeting convened by the council (but not by an officer of the council).

Provided that, when the council is divided into more than one political group, it is a meeting to which members of more than one political group have been invited; or in any other case, to which at least two members of the council have been invited.

- (c) A meeting of any association of authorities or body of that association of which the council is a member;
- (d) Single member duties i.e. individual Cabinet member decisions, sealing, opening tenders etc.

The following are not "approved duties".

- (a) Attendance at any conference in relation to which there is entitlement to payment of an allowance under Section 175 of the 1972 Act; or:
- (b) If such payment would be contrary to a provision of any enactment or instrument.

- (c) Attendance at college and school governing bodies.
- (d) Members' surgeries.
- (d) Political group meetings.

12. National Insurance

HM Revenue and Customs requires national insurance contributions to be deducted where the allowance for a month exceeds specified levels (currently approximately £486 per month).

Members may be entitled to an exemption from national insurance contributions if they are over the statutory age of retirement. Contact the Department of Work and Pensions for further information.

If a member is employed elsewhere and earns above the specified level (currently approximately £3532 per month) they should send the relevant HMRC form (CA2700) to the payroll team so that only the 1% deduction is made.

13. Claims and Payment

Basic allowance and SRA are automatically paid monthly through the council's payroll system (on 26th of each month) for as long as the councillor remains in office and holds a post of responsibility. Other allowances should usually be claimed within two months of being incurred and in all cases, other than the serious illness/death of a member, the allowance for a financial year must be claimed by 30th June following.

14. Other authorities from which allowances may be claimed

Payment of allowances can only be made by statutory prescribed bodies. The council is a prescribed body and so are many other authorities and boards. Other statutory bodies may have their own schemes through which members can claim attendance. Members may claim attendance allowance from more than one organisation in a 24-hour period, although only one allowance per approved duty may be claimed from each organisation.

15. Review

The Council has decided that

- (a) the level of travel and subsistence payments as set out in appendix B should reflect allowances for staff;
- (b) the level of basic allowance and SRA will not be raised automatically annually in line with the local government pay settlement prior to May 2014.
- (c) the carers' allowance shall reflect the National Minimum Wage as at 1st April each year

16. Records of Allowances

In accordance with the regulations a detailed record will be kept of the amount and nature of each payment made. This will be available for inspection at all reasonable times or copies supplied following the payment of a reasonable fee.

As soon as is reasonably practicable after the end of the municipal year to which the scheme relates the total sum paid to each recipient in respect of basic allowances, special responsibility allowance, dependant carers allowance and travelling and subsistence allowance will be published on the Ealing website.

17. Attendance Records

Each year, along with the record of allowances, the council will publish a record of attendance by all Ealing councillors at formally convened meetings of the council.

18. Independent remuneration panel

The Council has had regard to the recommendations made by the London councils Independent Panel on remuneration for councillors in developing its Members Allowances Scheme. If the Panel recommends any changes they will be considered by the Council with a decision made by Regulatory Committee ratified by full council.

The Council is obliged to ensure that they discuss and consider the Panel recommendations before setting a new or amended scheme.

The Council is not obliged to accept or implement the Panel's recommendations but it must pay regard and consider when agreeing changes to the scheme.

19. Advice and assistance

Members who require advice or assistance regarding their claims or access to the pension scheme should use the following contacts:

Director of Legal and Democratic Services (Monitoring Officer)
Tel: 020 8825 5000

Members' Services Manager
Tel: 020 8825 5000

Payroll and Pensions Manager
Tel: 020 8825 9000

Appendix A

SCHEDULE OF ALLOWANCES		ANNUAL
(2016-17)		£
Basic Allowance		9,708
Allowance for the Chair of the Standards Committee		1,008
Special Responsibility Allowance		
<u>Responsibility</u>	<u>Band</u>	
Leader of the Council	4	32,100
Deputy Leader of the Council	3A	21,384
Chair of Overview & Scrutiny	3	16,032
Cabinet Members x 6	3	16,032
Leader of the Opposition	3	16,032
Chief Whip	3	16,032
Chair of Regulatory	3	16,032
Chair of Planning Committee	3	16,032
Mayor	3	16,032
Opposition Chief Whip	2A	8,328
Deputy Leader of Opposition	2A	8,328
Scrutiny Standing Panels Chair (x 1)	2A	8,328
Chair of Audit Committee	2	6,288

SCHEDULE OF ALLOWANCES		ANNUAL
(2016-17)		£
<u>Responsibility</u>	<u>Band</u>	
Shadow Cabinet Members (x 6)	2	6,288
Scrutiny Review Panel Chair (x 4)	2	6,288
Deputy Mayor	1A	4,176
Chair of Licensing Committee (payable to the deputy chair, where the chair also holds an second post of special responsibility)	1A	4,176
Vice-chair of Planning Committee	1A	4,176
Vice-chair of Regulatory Committee	1	2,112
Leader of 2 nd Opposition Party	1A	4,176
Deputy Chief Whip	1A	4,176
Deputy Whip (Education)	1	2,112
Opposition Spokesperson (Planning & Regulatory) (x2)	1	2,112

Note: When a member has two or more special responsibilities they will only receive the higher value SRA

Appendix B

1. Travel allowances

a) Private motor vehicle

A member's private motor vehicle (or one they have use of) may be used where its use:

- ⊙ Results in a substantial saving of the member's time;
- ⊙ Is in the interest of the council; or
- ⊙ Is otherwise reasonable.

The cost of equivalent travel by public transport should be claimed for other than local journeys; the "public transport rate" for such journeys is 28.1p per mile. A "local journey" is one undertaken within the Greater London area or within a radius of 20 miles of Ealing Town Hall. Car mileage is not paid for journeys into central London.

The rates for the first 8,500 miles are:

After 8,500 miles:

⊙ Up to 999cc	36.9p per mile	13.7p per mile
⊙ Over 1000 cc	40.9p per mile	14.4p per mile

b) Private solo motorcycle

The rate is:

Engines up to 125cc	18.45p per mile
Engines 125cc and over	36.9p per mile

c) Bicycle

The rate is 20p per mile

d) Hired vehicles

Only where this is necessary the actual cost of hiring will be paid.

e) Train, bus & coach

The rate for travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare. Where more than one class of fare is available members may claim first-class fares but wherever possible claim standard class fares.

The following additional expenditure may also be reimbursed:

- ⊙ Pullman car or similar supplements, reservation of seats, deposit or portage of luggage; and

- ⊙ Sleeping accommodation engaged by a member for an overnight journey.

f) Oyster Cards

Councillors wishing to use oyster cards for bus and tube travel are reminded to register their oyster cards with Transport for London so that proof of journey can be submitted with any claim. This is a new and necessary audit requirement.

g) Taxi or mini-cab

The rate shall not exceed

- ⊙ In cases of urgency or, where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
- ⊙ In any other case, the amount of the fare for travel by appropriate public transport.

h) Air travel

The rate for air travel shall not normally exceed the lower of the actual fare or the rate applicable to the alternative means of transport.

i) Subsistence allowance

There is no fixed maximum amount. Reasonable expenses will be reimbursed for claims supported by receipts for meals, hotel accommodations and other necessary expenses.

j) Carers' allowance

- ⊙ The minimum wage per hour
- ⊙ Reimbursement of the babysitter's/carer's travelling expenses may be claimed