

## **MEMBERS' ALLOWANCES SCHEME 2023/24**

### **1. Introduction**

This Members' Allowances Scheme has been made having regard to the recommendations of The London Councils' Independent Panel on the Remuneration of Councillors in London 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).

### **3. Principles**

The Members' Allowances Scheme has been designed to meet the following principles:

- To have regard to the London Councils Independent Panel on the Remuneration of Councillors in London recommendations.
- To enable the effective execution of the council's executive, governance, quasi-judicial, scrutiny, and other functions.
- Fair recognition of the time, workload and responsibility of councillors, so as to enable people to take on these duties without being subject to hardship for doing so.

### **4. Types of allowance**

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

- Basic allowance
- Special responsibility allowance
- Travel allowance
- Carers allowance
- Subsistence allowance

### **5. 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 is ~~£12,014~~ £12,499.37

The basic allowance includes:

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

## 6. Special Responsibility Allowances

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 the table below. The 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.

No member may receive more than one Special Responsibility Allowance. Where a member is appointed to more than one position that attracts a Special Responsibility Allowance, they will be paid only the highest rate Special Responsibility Allowance of those to which they're entitled.

<b>Band 1a</b>	<b>SRA</b>
Deputy Chief Whip x2 (Majority Party) Deputy Mayor Whip Main Opposition Group Whip Second Opposition Group Vice Chair - Licensing Committee Chair – Audit Committee Chair - General Purposes Committee Chair – Local Development Plan Advisory Committee Chair - SACRE Chair – Pensions Committee	<del>£2,807</del> <u>£2,920.40</u>
<b>Band 1b</b>	<b>SRA</b>
Leader - Second Opposition Group Chair - Scrutiny Panel x 3 Vice chair - OSC & Opposition Scrutiny Panel Vice chair – Planning Committee	<del>£4,604</del> <u>£4,790</u>
<b>Band 1c</b>	<b>SRA</b>
Chair – Health and Adult Social Services Scrutiny Panel Chair – Licensing Committee	<del>£6,512</del> <u>£6,775.08</u>
<b>Band 2</b>	<b>SRA</b>
Mayor Leader - Main Opposition Group Chair – Overview and Scrutiny Committee Chair – Planning Committee Chief Whip (Majority Group)	<del>£17,628</del> <u>£18,340.17</u>
<b>Band 3* (see hours adjusted arrangements below)</b>	<b>SRA</b>
Deputy Leader Cabinet Member	<del>£39,860*</del> <u>£41,470.34</u>

	(Capped at £23,916 for 2022/2023)
--	-----------------------------------

<b>Band 4 (see hours adjusted arrangements below)</b>	<b>SRA</b>
Leader	<del>£54,860</del> £57,076.34

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

The council recognises that members of cabinet are expected to perform duties in addition to statutory meetings held during evening, principally during normal working hours. Allowances are calculated against the average number of hours per week the member is employed elsewhere, and set out below:

- 14 hours or less elsewhere, full SRA
- 15 to 27 hours elsewhere, four fifths SRA
- 28 to 35 hours elsewhere, three fifths SRA
- 35 or more hours elsewhere, two fifths SRA

The Leader will notify Annual Council of the intended working hours of each member of the cabinet and notify the next available full council during the year if the declared arrangements are varied.

#### 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.

The Standards Committee may withdraw, stop or suspend entitlement to allowances, for failure to attend or undertake required training. Withheld allowances are not payable / recoverable.

## **5. 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.

## **6. Electing to forgo allowances**

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

## **7. 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 A.

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

## **8. 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.

## **9. Subsistence Allowances**

Details on subsistence allowance are set out in Appendix A. 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.

## **10. 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.

## **11. National Insurance**

HM Revenue and Customs requires national insurance contributions to be deducted where the allowance for a month exceeds specified levels (currently approximately ~~£792~~ £1,048 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 £4,189 ~~67~~ per month) they should send the relevant

HMRC form (CA2700) to the payroll team so that only the 2% deduction is made.

## **12. Claims and Payment**

Basic allowance and SRA are automatically paid monthly through the council's payroll system (on 26<sup>th</sup> 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 30<sup>th</sup> June following.

## **13. Payments to cabinet members for loss of office**

Members of the cabinet entitled to a full (defined in section 3 of the scheme as the full SRA, not a 4/5 payment or less) 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:

- a. The loss of office occurs during the last year of a member's term of office and they are not seeking re-election in their current ward
- b. The loss of office occurs by reason of an incident that the Leader considers to be one of misconduct in office
- c. The member resigns from the council mid-term, or
- d. The member becomes disqualified to be a councillor

Members must have served for at least one full civic year on cabinet to become eligible 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.

The level of payment is set at 4 weeks of the full SRA plus 1 additional week for every year of continuous full-time service as a cabinet member. The maximum loss of office payment any member can receive is 12 weeks of the full cabinet member SRA.

For the avoidance of doubt, any payment for loss of office shall be reduced by the value of any other SRA to which the member becomes entitled within twelve months following the end of their term on the cabinet.

Standards Committee will adjudicate on any dispute as to the entitlement and any allegation of abuse and shall be authorised to determine any reduction or withholding of a loss of office payment.

## **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 allowances. 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 A: Travel & Subsistence Allowances should reflect allowances for staff; and
- (b) the carers' allowance shall reflect the London Living Wage as at 1st April each year.
- (c) Allowances will be adjusted each year in line with the National Joint Council local government officer pay settlement. This will be calculated according to the indexed link general settlement and not take any account of any special provision, such as adjustments for low paid staff on lower banding. This will include the Basic Allowance and SRA levels.

## **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 Council's website.

## **17. Attendance Records**

The records of attendance by all Ealing councillors at formally convened meetings of the council are all available on the council's website.

## **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 and 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. Annual Uplift**

All allowances in this scheme (basic and SRA) will be subject to an automatic annual increase at the same rate as the nationally agreed NJC pay rate for Local Authority Staff, with effect from the start of the following financial year.  
This increase will be subject each year to approval by full council.

## **20. 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)  
Head of Democratic Services

## **Appendix A: Travel & Subsistence Allowances**

### **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 that use oyster cards, or their contactless bank 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 London Living Wage per hour
- Reimbursement of the babysitter's/carer's travelling expenses may be claimed