

General Purposes Committee

Date:	21 June 2023
Classification:	For General Release
Title:	Members' Allowance Scheme 2023-2024: Amendment
Report of:	Director of Law and Governance
Wards Involved:	None
Policy Context:	Management of the Council
Financial Summary:	The proposed changes to the scheme as set out in the report will cost £23,201
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1. Executive Summary

- 1.1 The Council is required, if it wishes to pay such allowances, to adopt a Members' Allowances Scheme on an annual basis with effect from 1 April each year. Such a scheme can be amended in year.
- 1.2 The Members' Allowances Scheme for 2023-2024 received initial approval by the General Purposes Committee at its meeting on 22 February 2023 and was formally adopted by the full Council on 8 March 2023.
- 1.3 In drawing up the revised Members' Allowances Scheme, regard has been given to the recommendations of the London-wide Independent Remuneration Panel convened by London Councils whose most recent report (2022) is listed with the relevant statutory guidance as background documents.
- 1.4 Options to amend the allowances scheme have been proposed by both Groups. The proposals are to enable a Special Responsibility Allowance to be paid to an additional member of the Cabinet and it has also been proposed to create a second Opposition Deputy Leader post. Aside from these changes the Allowances Scheme is based on the current scheme (including the levels of SRA, basic and other allowances), and will remain the same.

2. Recommendations

That the General Purposes Committee

2.1 Considers:

- The proposal to change the number of SRAs payable to Cabinet Members from six to seven.
- The proposal to change the number of SRAs payable to Deputy Leaders of the Opposition from one to two.

2.2 Makes any necessary recommendations to approve an amended Members' Allowances Scheme for 2023-2024 with the effective date of 1 July 2023 to Full Council for adoption.

3. Background

Members' Allowances

3.3 The current Members' Allowances Scheme was adopted by the Council on 8 March 2023, upon recommendation from the General Purposes Committee. As in previous years regard has been given to the findings and recommendations detailed in the Independent Remuneration Panel's most recent report published in 2022.

3.4 Updates to the current scheme have been requested by both Groups which will require the Members Allowances Scheme to be amended.

3.5 The Leader of the Council has requested that provision be made for an additional Cabinet Member SRA to be payable. This would bring the total number of Cabinet Member SRAs to seven, which in addition to two Deputy Leader positions and the position of Leader represents a potential Cabinet of 10 Members, which is the maximum permitted in law. Such a change has been requested to provide the option of appointing a further Cabinet Member to adequately manage the executive business of the Council. A Cabinet Member is currently paid an SRA of £17,008 p.a.

3.6 Separately the Opposition Group have requested the provision of a second Deputy Leader of the Opposition SRA. This request has been made on the basis that it mirrors previous practice in 2020/21 and 2021/22. The change also reflects the availability of two Deputy Leader positions within the Cabinet and, while proportionality considerations do not apply to decisions on SRAs, it would better reflect the political balance of the current Council. A Deputy Leader of the Opposition is currently paid an SRA of £6,193.

3.7 Amending the scheme to reflect both these changes will increase the budget required by £23,201. Should both changes be agreed, the amended scheme would be as set out at Annex A.

- 3.8 The Members Allowance budget is sufficient to meet the revised financial commitments for 2023-24, as set out in the proposed scheme.
- 3.9 There are no other changes proposed to the Member Allowances scheme.

4. Legal Implications

- 4.1 Under Regulations 4 (1) (a) and (b) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (S12003/1021) there is a requirement that councils must make a scheme in accordance with the Regulations which provides for the payment of an allowance in respect of each year to each member of an authority. The scheme may provide for paying a basic allowance and any other allowances permitted by the Regulations. Regulation 10 (1) provides that if it wishes to have a scheme for the following year to commence on 1 April, the Council must make the scheme before the start of the year. Under Regulation 10 (3) schemes can be amended at any time during the year and under Regulation 10(6) amendments can take effect from the beginning of the year. The approval of the full Council is necessary for any amendments to existing schemes or the adoption of new schemes.
- 4.2 Regulations relating to Members' Allowances require the publication of the report of the Independent Remuneration Panel, the scheme of allowances and details of the total sums paid to each Member under each category of allowance in each year. The statutory guidance on the publicity requirements suggests that details of allowances paid are made available on the Council's website together with information on the responsibilities of elected Members which the basic allowance is intended to remunerate.
- 4.3 The IRP's 2022 report provides "Local discretion. It is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer". The changes proposed accord with the discretion provided for by the IRP.

5. Financial Implications

- 5.1 The Members' Allowances budget for 2023-2024 is sufficient to fund the changes proposed in this report.
- 5.2 The existing 2023/24 budget is £1,053,000. Should all roles be appointed to for the whole year, the existing 2023/24 scheme is estimated to cost £998,834, plus ad hoc allowance claims e.g. for travel or childcare (although these are historically very low). The proposed amendments to the scheme will increase the total potential cost of the scheme, without such ad hoc claims, by £23,201 to £1,022,035.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact Tristan Fieldsend:
Email: tfieldsend@westminster.gov.uk**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972
BACKGROUND PAPERS**

The documents referred to in compiling this report are as follows:

- Report of the Independent Remuneration Panel 2022

ANNEX A

MEMBERS' ALLOWANCES SCHEME FROM 1 APRIL 2023 TO 31 MARCH 2024

1. This Scheme is made under, and in accordance with, the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. The rates of allowances specified will apply until the Scheme is amended or replaced, in which event the revised rates of allowances will be paid from the date from which the amendment takes effect.
3. Subject to the relevant form being completed at the appropriate time, entitlement to allowances under the Scheme commences on the date upon which a Member is elected to the Council or is elected or appointed to an office qualifying for special responsibility. The entitlement ceases on the date upon which a Member ceases to hold a qualifying office or ceases to be a Member of the Council (the fourth day after polling day in the year of City Council elections, i.e. the Monday). An apportionment of the relevant allowances will be made in the same proportion as the number of days that the Member held Office or was a Member, bears to the number of days in the relevant year.
4. Any Member may by notice in writing to the Committee and Councillor Support Manager elect to forego for any period any part of an entitlement to an allowance under the Scheme which will take effect from the date upon which the notice is received by the Committee and Councillor Support Manager.
5. Allowances will be paid by equal monthly instalments on the 20th day of each month by BACS to the account notified by the relevant Member for these purposes to the Committee and Councillor Support Manager. Members will also be required to provide a valid National Insurance Number. A £1,250 lump sum additional Basic Allowance for Members to purchase ICT equipment will be paid to any Member elected. This allowance is also payable to any Member elected at a by-election except that this allowance will not be paid if a Member received this allowance upon having been elected at a by-election in the previous 12 months.
6. Except where so authorised by the Committee and Councillor Support Manager any claim for travel, subsistence and care allowances must be made within two months of the date of the duty to which the claim relates

Basic Allowance

7. A Basic Allowance of £10,186 pa from 1 April 2023 will be paid to every Member of the Council who formally elects to receive it.

Special Responsibility Allowance

8. Payments of Special Responsibility Allowances will be made to Members of the Council who hold special offices unless they formally elect not to receive

them. The General Purposes Committee will make a recommendation to Council.

Conferences

9. Councillors are entitled to have their Conference fees met when approved by the appropriate Cabinet Member, Committee or the Committee and Councillor Support Manager in consultation with the relevant party Chief Whip and to receive payments at the approved rates for travel and subsistence in respect of their attendance at conferences held outside the City to discuss matters relevant to the discharge of the Council's functions.

Travel Expenses

10. Members and Co-opted Members are entitled to claim payment of Travel Allowances at the rates of allowance set out in Annex B where expenditure has necessarily been incurred to enable them to attend an approved duty, defined as set out in Annex C, but only when travelling outside the Greater London area. Members of Education Admissions and Exclusions Appeal Panels are entitled to claim travel allowances for attendance at meetings relating to their membership at the rates set out in Annex B.

Members of the Council shall be entitled to a City Council all zones official parking permit for use when undertaking official council duties and otherwise used in accordance with the rules relating to their use.

Subsistence

11. Subsistence may be claimed only for accommodation or meals at conferences (approved in accordance with paragraph (i) of Annex C) where such costs are not included in the conference fee, subject to the maximum allowance referred to in Annex B.

Dependant/Carer's Allowance

12. Members may claim this allowance against care expenses 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 defined in Annex C to this scheme (and is subject to tax and National Insurance deductions at personal rates). The maximum rate claimable shall be set at the level of the London Living Wage rate set annually by the Living Wage Foundation. The following criteria shall 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 any member of the claimant's household.

- The claim shall cover the time spent at the meeting plus up to two hours for travel to and from the meeting.
- The claim needs to be supported by a receipt which should be retained by the Member for auditing purposes for a period of six years.
- Any dispute as to entitlement and any allegation of abuse should be referred to the Council's Monitoring Officer for adjudication.

Sickness and Parental Leave Policy

13. All Members shall continue to receive their Basic Allowance in full in the case of pregnancy, maternity, paternity and sickness leave.

Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, shared parental or adoption leave at a rate of three months full pay and the following three months at half pay.

In accordance with Section 85 of the Local Government Act 1972, Members of the Council are required to attend a meeting of the Council within a six month period unless the Council agrees to an extended leave of absence prior to the expiration of that six month period. Where a Member requires an extended absence they should seek a dispensation from the Leader of the Council by submitting an application in writing to the Committee and Councillor Support Manager.

Payments whilst under Suspension

14. Payments of allowances, basic and special responsibility, shall not be paid to a Member who is suspended or if partially suspended that element of special responsibility allowance which may be payable in respect of an office held by the Member to which the partial suspension relates.

Publication

15. This scheme will be published as required by legislation. At the end of each financial year the City Council is required by legislation to publish the sums paid to councillors under the Scheme.

ANNEX A

MEMBERS ALLOWANCE SCHEME – SPECIAL RESPONSIBILITY ALLOWANCES WITH EFFECT FROM 1 APRIL 2023

Office Holders	Allowances (from 1.7.23) Proposed	Total Cost (full year)
Leader/Deputy Leader	£	£
Leader of the Council (Chair of the Cabinet)	41,612	41,612
Deputy Leader of the Council (x2)	23,483	46,966
Cabinet Members		
Each Cabinet Member (excluding the Leader and the Deputy Leaders) (x7)	17,008	119,056
Opposition Leader/Whips		
Leader of the Opposition	9,987	9,987
Chief Whip (Majority)	5,344	5,344
Chief Whip (Opposition)	5,344	5,344
Opposition Party Deputy Leader (x2)	6,193	12,386
Policy and Scrutiny Committees		
Each Scrutiny Committee Chair (x4)	8,704	34,816
Opposition Party Scrutiny Spokesperson	4,351	4,351
Other Committee/Sub-Committee Chairmen		
Audit and Performance	8,704	8,704
Standards	3,263	3,263
Planning Applications Committees (x2)	4,800	9,600
Licensing Sub-Committees (x3)	4,800	14,400
Pension Fund Committee	3,263	3,263
*Licensing Committee	9,599	9,599
+Planning and City Development Committee	9,599	9,599
Vice-Chairs		
*Planning	5,344	5,344
+Licensing	5,344	5,344

* (If this Chair/Vice Chair is also appointed as a Chair of a Licensing Sub-Committee they will only receive the allowance payable to the Licensing Committee Chair/Vice Chair)

+ (If this Chair/Vice Chair is also appointed as a Chair of a Planning Applications Committee they will only receive the allowance payable to the Planning and City Development Committee Chair/Vice Chair)

Deputy Cabinet Members

Each Deputy Cabinet Member appointed to support a Cabinet Member (x9)	3,763	33,867
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Other Panels

Chair of Rating Advisory Panel	3,263	3,263
Chair of Discretionary Housing Benefits Panel	3,263	3,263

Panel Members of the Discretionary Housing and Benefits Review Panel and the Rating Panel (x6)	2,263	13,578
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Members of Pension Fund Committee except Chair (x3)	2,263	6,789
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Panel Members of the Licensing Sub-Committees and Members of the Planning Applications Committees rate of £2,775 (x23 - £63,825)

Panel Member of the Adoption and Fostering Panel	3,263	3,263
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Basic Allowance (x54)	10,186	550,044
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NOTE REGARDING SPECIAL RESPONSIBILITY ALLOWANCES PAYABLE IN RESPECT OF THE INDEPENDENT PERSON APPOINTED UNDER SECTION 28 OF THE LOCALISM ACT 2011 AND CO-OPTED MEMBERS ON OTHER COMMITTEES

Independent Persons on the Standards Committee shall be paid a Special Responsibility Allowance of £500 pa.

The Independent Person on the Audit and Performance Committee shall be paid a Special Responsibility Allowance of £2,500 pa.

The co-opted Members of the Policy and Scrutiny Committee that covers education matters shall be paid upon election and completion of the necessary acceptance of office a sum of £300 to cover their out-of-pocket expenses for the period of their office.

ANNEX B

TRAVEL AND SUBSISTENCE ALLOWANCES: (OUTSIDE THE GREATER LONDON AREA)

(A) TRAVEL

- (a) Travel by own private vehicle

Motor Mileage Allowance	Pence Per Mile
Motorcycles:	
Up to 150cc	8.5
151-500cc	12.3
Over 500cc	<u>16.5</u>
Cars & Tri cars:	
500cc-999cc	35.8
1000-1199cc	39.9
Over 1199cc	<u>49.4</u>

- (b) **Travel by Public Transport**

The ordinary fare or any reasonably available cheap fare actually paid.

- (c) **Travel by Taxi**

Members are not permitted to claim for travel by taxi except as part of onward or return travel to or from a conference held outside the Greater London area where a claim for other travel expenses has or could be made.

The Head of Committee and Governance Services shall be authorised to reimburse claims for taxi fares, on an exceptional basis, for example on medical advice, to and from approved duties. Such authority to be obtained in advance, if possible.

- (d) **Travel by Rail and Air**

(i) The ordinary fare or any available cheap fare actually paid.

(ii) Actual expenditure incurred on:
Reservation of seats
Sleeping accommodation for an overnight journey
Deposit on portorage of baggage

(iii) Travel by Air shall only be allowed when included as part of the formal approval of the attendance at a conference or overseas visit. In the case of overseas visits the cost to be met from the budget of the relevant service.

(e) **Additional Travel Expenses**

The rates specified above may be increased by not more than the amount of any expenditure incurred on tolls, ferries, parking fees or cost of overnight garaging of a motor vehicle, except that reimbursement of the Central London Congestion Charge shall not be permitted.

(f) **Subsistence**

Subsistence claims for the reasonable costs of overnight accommodation or meals not included in the Conference fee can only be claimed, up to a maximum of £180 per day, upon production of relevant receipts.

(g) **Receipts**

Claims for reimbursement of expenditure by main line rail, air or any other additional expenses, or subsistence, must be accompanied by a receipt.

Note: All Members shall be entitled to apply to the Head of Members' Services for the use of an all zones parking permit for their use whilst on Official Council business only such permit only to be used in accordance with the guidance notes for use issued with the permits.

ANNEX C

LIST OF APPROVED DUTIES FOR TRAVEL, SUBSISTENCE AND CARER'S ALLOWANCE:

The following are the categories of duties which qualify for payment of travel, subsistence and carer's allowance, where such expenditure has been incurred (although separate payments will only be reimbursed for travel and subsistence outside the Greater London area):

- (a) Meetings of the Council, the Cabinet, their Committees, Sub-Committees, Panels and meetings of the Westminster Scrutiny Commission and the Policy and Scrutiny Committees and Task Groups of which the Councillor is a member or at which a Councillor who is not a member of that body attends to address the meeting with the prior permission (where such permission is required under Standing Orders) of the Chairman.
- (b) Attendance as the Council's representative at a meeting of any joint authority or Committee of local authorities or of any Committee or Sub-Committee of the body of which the Council is a constituent member.
- (c) Attendance as the Council's representative at meetings of any association of authorities or Committee or Sub-Committee of the association of which the Councillor is a member.
- (d) Attendance at duties which qualify for attendance allowance as single member duties as specified in the Regulations, currently:
 - Meetings to determine the attendance of individual pupils at any out of borough special schools.
 - Rota and other visits to inspect establishments outside of the borough on behalf of the Cabinet Members for Children and Young People and Adults Social Care.
- (e) Attendance at any other meeting convened by the Council, the Cabinet, a Committee or Sub-Committee to discuss matters relevant to the discharge of the Council's functions and to which Members of more than one Party Group have been invited.
- (f) Attendance at any meeting, which is an induction training session, seminar, presentation, or briefing arranged by Chief Officers of the City Council for all Members of a Committee, Sub-Committee or Panel to discuss matters relevant to the discharge of the Council's functions and to which Members of more than one Party Group have been invited.
- (g) Attendance as the Council's representative in connection with the discharge of the Council's functions at meetings of outside bodies (excluding local authority maintained schools), their Committees and Sub-Committees. The Head of

Governance and Councillor Liaison maintains a list of such representatives and has delegated powers to add and remove bodies to this category to reflect formal appointments made by the City Council.

- (h) Attendance at visits and inspection of sites and premises arranged by officers or approved by Cabinet/Committee (eg opening of new facilities).
- (i) Attendance approved by the appropriate Committee or by the Head of Governance and Councillor Liaison, in accordance with their delegation at conferences convened by other authorities and organisations to discuss matters relevant to the discharge of the Council's functions.
- (j) Attendance by the Leader of the Council, Cabinet Members, Deputy Cabinet Members, Leader of the Opposition, and Chief Whips on matters concerning the discharge of the Council's functions.
- (k) Attendance by Cabinet Members, Chairs and Vice-Chairs of Committees and Sub-Committees concerning the discharge of functions relevant to the work of their portfolio or their Committees or Sub-Committees, including Chair's Call-over meetings and site visits.
- (l) Attendance before Parliamentary Committees, official bodies and inquiries to give evidence or make representations on the council's behalf.
- (m) Attendance as the Council's appointee or nominee at any meeting. (This excludes party group meetings but includes single member duties where one member has been appointed, appearing as a Council witness at a Planning Inquiry or court proceedings or member-level working groups appointed by a Committee and representation on any outside body which is not eligible for attendance allowance.