

Decision under Delegated Powers

Officer Making the Decision

Head of Governance & HR

Recommendation

To approve the amended Scheme Of Members Allowances for 2022/23 as appended to this decision, and that the resulting increases in basic and special responsibility allowances be backdated to take effect from 1st April 2022.

Reason

To reflect increases in basic and special responsibility allowances which are linked to the officer pay awards that have now been finalised for 2022/23.

Authority for Decision

At their meeting on 21st February 2022, full Council agreed that amendments in Member allowances should be linked to an index based on officer pay awards as follows: amendments in basic allowances be linked to any pay awards for officer salary grade PO1 (Principal Officer) and any amendments to special responsibility allowances be linked to any pay awards for officer salary grade JNC E (Strategic Director), and that delegated authority be given to the Head of Strategic Support (now the Head of Governance & HR) to implement any adjustments in basic and special responsibility allowances once the relevant officers' pay awards are finalised, including updating the Scheme of Members' Allowances as required and back-dating any such adjustments to the relevant effective dates.

Decision and Date

Background

The national local government officer pay awards for 2022/23 have now been agreed, at a flat rate increase of £1,925 per annum.

This works out as the following increases in allowances:

BASIC ALLOWANCE (linked to officer salary grade PO1)

| Spinal Point | 2021/22 £ | 2022/23 £ |
|-------------------------|--------------|--------------|
| 29 | 33,486 | 35,411 |
| 30 | 34,373 | 36,298 |
| 31 | 35,336 | 37,261 |
| 32 | 36,371 | 38,296 |
| Average Increase | | 5.5% |

SPECIAL RESPONSIBILITY ALLOWANCES (linked to officer salary grade JNC E)

| Spinal Point | 2021/22 Pay £ | 2022/23 Pay £ |
|-------------------------|------------------|------------------|
| 66 | 77,230 | 79,155 |
| 67 | 79,008 | 80,933 |
| 68 | 80,306 | 82,231 |
| 69 | 82,566 | 84,491 |
| Average Increase | | 2.4% |

The updated Scheme of Members Allowances for 2022/23, applying these increases, is attached as an appendix.

Comments from HR

Not applicable.

Financial Implications

The increases in allowances can be met from the existing relevant budgets.

Risk Management

There are no risks associated with this decision.

Key Decision:

No

Background Papers:

N/A

CHARNWOOD BOROUGH COUNCIL

SCHEME OF MEMBERS' ALLOWANCES

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, Charnwood Borough Council has agreed the following scheme for members' allowances. In the scheme the term year means the financial year commencing on 1st April 2022.

1. BASIC ALLOWANCE

Subject to paragraph 8, for each year a basic allowance as specified in schedule 1 to this scheme shall be payable to each councillor.

2. SPECIAL RESPONSIBILITY ALLOWANCE

(1) Subject to paragraph 8, for each year a special responsibility allowance shall be payable to those councillors and co-opted members who have the special responsibilities that are specified in schedule 2 to this scheme. For those councillors who have more than one special responsibility allowance, the highest will be paid at 100% and the second or subsequent allowances will be paid at 50%.

(2) Where a majority of councillors belong to the same political group (the controlling group), a special responsibility allowance shall be paid to at least one person who is not a member of the controlling group and has special responsibilities specified in schedule 2 to this scheme.

3. BASIC ALLOWANCE – CO-OPTED MEMBERS

Subject to paragraph 8, for each year, a basic allowance as specified in schedule 1 to this scheme shall be payable to co-opted members and Parish Members of the Member Conduct Committee.

4. CARERS' ALLOWANCE

Expenditure incurred by councillors in providing childcare or in providing care for an elderly, sick or disabled dependent relative to facilitate their attendance at duties specified in the Regulations and approved by the Council shall be reimbursed in accordance with schedule 3 to this scheme.

5. TRAVEL AND SUBSISTENCE ALLOWANCES

Expenditure incurred by councillors in respect of travel and subsistence to facilitate their attendance at duties specified in the Regulations and approved by the Council shall be payable in accordance with schedule 4 to this scheme.

The travel and subsistence allowances set out in this scheme are available to the Co-opted and Parish Members of Council committees described in paragraph 3.

6. APPROVED DUTIES

Duties specified in the Regulations, together with specific duties approved by the Charnwood Borough Council in respect of which travel, subsistence and carers' allowances are payable are listed in schedule 5 to this scheme.

7. RENUNCIATION

A councillor may by notice in writing given to the Head of Financial & Property Services elect to forego any part of his or her entitlement to an allowance under this scheme.

8. PART-YEAR ENTITLEMENTS AND CEASING OF PAYMENTS

Councillors who are elected, or cease to be elected, part way through the Municipal Year shall receive their basic allowance pro-rata. The same provisions exist for those councillors who are appointed to a position attracting a Special Responsibility Allowance or who cease to hold a position attracting a Special Responsibility Allowance.

9. PENSIONS

Members of the Council are not entitled to be eligible for membership of the Local Government Pension Scheme.

10. CLAIMS AND PAYMENTS

- (1) Payment of basic and special responsibility allowances shall be made in monthly instalments of one-twelfth of the amounts specified in this scheme.
- (2) Claims for carers' allowance shall be in accordance with the conditions as specified in Schedule 3 to this scheme.
- (3) Claims for travel and subsistence allowances shall be in accordance with the conditions as specified in Schedule 4 to this scheme.

11. IT FOR COUNCILLORS

In addition to the allowances specified in the Local Authorities (Members Allowances)(England) Regulations 2003, Charnwood Borough Council has authorised the IT support to councillors set out in Schedule 6.

SCHEDULES

All amounts in the following schedules are paid from 1st April 2022 to 31st March 2023.

SCHEDULE 1

BASIC ALLOWANCES

| | Allowance |
|---|-----------|
| Councillor | £5,610 |
| Parish Member of the Member Conduct Committee | £280 |

SCHEDULE 2

SPECIAL RESPONSIBILITY ALLOWANCES

| | Allowance |
|--|-----------|
| Leader | £13,192 |
| Deputy Leader | £9,233 |
| Cabinet Lead Members * | £5,277 |
| Cabinet Deputy Lead Members * | £2,262 |
| Mayor | £7,387 |
| Deputy Mayor | £1,846 |
| Independent Chair of Audit Committee | £3,695 |
| Chair of Plans Committee | £3,957 |
| Leader of the Opposition | £4,423 |
| Chair of the Member Conduct Committee | £1,584 |
| Chair of Licensing Committee | £2,638 |
| Vice-chair of Plans Committee | £1,584 |
| Vice-chair of Licensing Committee (2) | £792 |
| Chair of Scrutiny Commission | £3,957 |
| Vice-chair of Scrutiny Commission | £1,584 |
| Chair of Finance & Performance Scrutiny Committee | £3,695 |
| Vice-chair of Finance & Performance Scrutiny Committee | £1,478 |

* There shall be no more than 10 members of the Cabinet in total, including the Leader and Deputy Leader.

SCHEDULE 3

CARERS' ALLOWANCE

A Carers' Allowance shall be payable for duties specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 and approved by the Council subject to the following conditions:

- (i) The maximum hourly rate reimbursed for independent care of a child under the age of 14 shall be equal to the minimum wage.
- (ii) The maximum hourly rate reimbursed for the professional care of a dependent relative shall be equal to the Leicestershire County Council's hourly rate for a Home Care Assistant.
- (iii) Councillors must certify that the costs have been actually and necessarily incurred and the allowance shall be paid as a reimbursement of incurred expenditure against receipts.
- (iv) The allowance shall not be payable to a member of the claimant's own household.
- (v) The Head of Strategic Support shall be able to exercise discretion in respect of the above conditions in exceptional and justified circumstances.
- (vi) Claims shall be made within four months of the duty to which it relates.

SCHEDULE 4

TRAVEL AND SUBSISTENCE ALLOWANCES

Travel and Subsistence Allowance shall be payable in respect of duties specified in the Regulations and approved by the Council (see Schedule 5). Claims shall be made within four months of the approved duties to which they relate.

In respect of travel the following may be claimed:

- (a) The actual cost of travel by public service must not exceed the ordinary or any available cheap fare. Standard class rail fare may be claimed. In the case of travel by ship, first class fare is applicable.
- (b) Deposit or portage of luggage and sleeping car accommodation subject to reduction by one-third of the subsistence allowance for that night.
- (c) Taxi-cab fares in cases of urgency or where no public service is reasonably available. The amount claimed shall not exceed the actual fare and any reasonable gratuity.
- (d) The cost of hiring a car which must not exceed the rate applicable to the members' own car.
- (e) Where a councillor uses his or her own motor car or motor cycle, the mileage

rate claimed shall be as the rates available to staff (casual users) and agreed by the National Joint Council for Local Government Services (JNC) on an annual basis.

Current rates per mile are:

| | Up to 10,000 miles | Over 10,000 miles |
|------------|--------------------|-------------------|
| Car | 45p per mile | 25p per mile |
| Motorcycle | 24p per mile | 24p per mile |
| Bicycle | 20p per mile | 20p per mile |

For journeys out of the county, councillors are encouraged to use rail travel. However, if they use their car, the cost claimed shall be the mileage rate above or the cost of standard return rail fare, whichever is the lower.

- (f) Where a councillor carries an official passenger, the additional mileage allowance of 5p per mile per passenger set by HMRC applies.

In respect of subsistence:

Subsistence allowance for councillors shall be the same as for staff and in accordance with guidance from the Inland Revenue such that the Council will refund actual amounts spent in respect of subsistence where supported by receipts and provided that the amounts are reasonable. The following rates are considered by the Inland Revenue to be acceptable as a guideline as to whether actual expenditure is reasonable and also for payment as "flat rates" where receipts are not available:

In the case of absence not involving overnight stay, but not at the normal place of residence:

- (i) for more than four hours before 11am – Breakfast allowance - £4
- (ii) for more than five hours after this time, ending before 8.30pm – Lunch/Tea allowance - £5
- (iii) for more than five hours ending after 8.30pm – Dinner allowance - £8

Use will not be made of a "flat rate" in respect of overnight absence as all expenditure in that respect should be claimed based on actual expenditure only, supported by receipts. However, a flat rate (without the need for receipts) of up to £5 for incidental expenses resulting from overnight absence is claimable. Where possible, overnight accommodation should be booked by the Council so that the VAT element can be reclaimed.

Subsistence allowances may not be claimed where adequate refreshments are provided.

SCHEDULE 5

APPROVED DUTIES OF THE COUNCIL

The Council has agreed that an approved duty, for the purpose of the payment of travel (except those marked with an asterix * for which travel expenses cannot be claimed),

subsistence and carers' allowances, is attendance at meetings of the following, where the councillor attending is a member of the relevant body or is acting as a substitute for such, or has been requested to attend to assist with the business being considered by the body:

Council*
Cabinet*
Scrutiny Bodies*
Plans Committee* and its site inspections
Licensing Committee* and its Sub-committees*
Member Conduct Committee* and its Panels*
Audit Committee*
Personnel Committee* and its Panels*
Appeals and Reviews Committee* and its Panels*
Joint Consultative Committee*
Housing Management Advisory Board*

** NB. Travel expenses cannot be claimed for attending these meetings*

Meetings of all outside bodies to which the Council makes appointments and upon which the councillor serves as a representative of the Council or substitute representative.

Conferences authorised by committees or in accordance with the scheme of delegation.

Interviews for the appointment of staff.

The opening of tenders in accordance with the requirements of the Council's Constitution.

Attendance by Cabinet Members at meetings within the Borough that relate directly to their lead member role.

Attendance by the Mayor and Deputy Mayor at meetings and events, both inside and outside the Borough, that relate directly to their roles.

Such other meetings at which individual members have been appointed to represent the Borough Council other than as members of outside bodies, either by virtue of a specific resolution or in the capacity of Leader or Deputy Leader or as Chair or Vice-chair of a Committee.

Training sessions, briefings and other meetings certified by the Head of Strategic Support.

Further to the above, the Council has agreed the following:

- (i) That travel allowance and carers' allowance, but not subsistence allowance be payable to a borough councillor in respect of attendance by invitation at a Parish Council or Parish Meeting to participate in the discussion of a Borough Council function.
- (ii) That travel and subsistence allowance and carers' allowance be payable to a

borough councillor in respect of attendance at Borough Council premises or other establishments within the Borough on such occasions as they consider necessary in connection with the discharge of the Council's functions up to a limit of 15 occasions in each Council year. These are known as "duty days". This provision is an authorisation to carry out an approved duty of a councillor's own choice on 15 occasions of whatever duration and not 15 duty days which might be interpreted, for example, as 30 half days. Visits to the Council offices for IT support purposes should be classed as duty days if travel and subsistence or carers' allowances are to be claimed.

- (iii) That travel and subsistence allowance and carers' allowance be payable to a borough councillor in respect of full meetings of political groups held at Borough Council premises and specifically related to the business of the Borough Council on not more than 15 occasions in the period commencing with the day of the Annual Meeting of the Council in any year and terminating on the day preceding the Annual Meeting in the following year."

SCHEDULE 6

IT FOR COUNCILLORS

On request, the Council provides all Councillors with a computer or a tablet device, a printer and appropriate software and support.

If a Councillor chooses to use their own device no payment is made for this.

No payments are made towards home broadband or other connectivity cost