

## **Part 6**

Members' Allowance Scheme

## **APPENDIX B**

# **Part 6**

# **Members' Allowance Scheme**



## ***Part 6 – Members' Allowances Scheme*** (effective 1 April 2008)

The Leicestershire County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:

1. This scheme may be cited as the Leicestershire County Council Members' Allowances Scheme and shall have effect from 1 April 2008, until the scheme is amended or a new scheme is adopted.

2. In this scheme,

“the Regulations” means the Local Authorities (Members' Allowances) (England) Regulations 2003.

“member” means a member of the Leicestershire County Council who is a councillor;

“co-opted member” means a co-opted member of the Education Scrutiny Committee or Independent Member of the Standards Committee.

“year” means the 12 months ending with 31 March.

### **Basic Allowance**

3. Subject to paragraph 9, for each year a basic allowance of £9,948 shall be paid to each member.
4. Where a member is suspended or partially suspended from his/her responsibilities or duties as a member of the Authority in accordance with Part III of the Local Government Act or regulations made under that Part, the part of the basic allowance payable to the member in respect of the period for which he/she is suspended or partially suspended may be withheld by the Standards Committee. Where payment has already been made to a member who is suspended or partially suspended, who ceases to be a member or who in any other way is not entitled to receive the allowance, the Authority may require allowances to be repaid to the Authority, by virtue of paragraph 10(7) of the Regulations.

### **Special Responsibility Allowances**

5. (1) For each year a special responsibility allowance shall be paid to those members who hold the special responsibilities in relation

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to the County Council that are specified in Schedule 1 to this scheme.

- (2) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in Schedule 1.
  - (3) Where the Deputy Leader is required to take the place of the Leader during unavoidable absence of more than two weeks, an "Acting Up" allowance shall be payable, increasing the allowance of the Deputy to that of the Leader for the period concerned.
6. Where a member is suspended or partially suspended from his/her responsibilities or duties as a member of the Authority in accordance with Part III of the Local Government Act or regulations made under that Part, the part of the special responsibility allowance payable to the member in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Standards Committee. Where payment has already been made to a member who is suspended or partially suspended, who ceases to be a member or who in any other way is not entitled to receive the allowance, the Authority may require allowances to be repaid to the Authority, by virtue of paragraph 10(7) of the Regulations.

### **Renunciation**

7. A member may, by notice in writing given to the Chief Executive elect to forgo any part of his/her entitlement to an allowance under this scheme.

### **Membership of more than one Authority**

8. Where a member of the Authority is also a member of another authority, as defined in the Regulations, that member shall ensure that he/she does not receive allowances from more than one authority in respect of the same duties.

### **Part-Year Entitlements**

9. (1) In accordance with the requirements of the Regulations, part-year payments shall be calculated as set out in this paragraph.
- (2) If an amendment to this scheme changes the amount to which a member is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

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- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (3) Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which the member's term of office subsists bears to the number of days in that year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a member does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such member to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which the term of office as a member subsists bears to the number of days in that period.
- (5) Where a member has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that member's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which the member has such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a member has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle the member to a special responsibility allowance, that member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during

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which the member has such special responsibilities bears to the number of days in that period.

10. (1) Payments shall be made in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month;
- (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the member receiving more than the amount to which, by virtue of paragraph 7, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

### **Dependants 'Carers' Allowance**

11. A Dependants 'Carers' Allowance will be available on the basis set out in Regulation 7 of The Local Authorities (Members' Allowances) (England) Regulations 2003 subject to the following conditions:-
  - (1) The maximum hourly rate reimbursed for the independent care of a child under the age of 14 shall be equal to the minimum wage;
  - (2) The maximum hourly rate reimbursed for the professional care of a dependent relative shall be equal to the Council's own hourly rate for a Home Care Assistant;
  - (3) Members 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;
  - (4) The allowance shall not be payable to a member of the claimant's own household.

### **Travel and Subsistence**

12. The responsibilities and duties for which travel and subsistence allowances shall be payable and other matters relating to the regulation of the Scheme shall be as specified in Schedule 2 to this Scheme.
13. Where a member or co-opted member is suspended or partially suspended from his/her responsibilities or duties as a member of the Authority in accordance with Part III of the Local Government Act or regulations made under that Part, the part of the travel and subsistence allowances payable to the member in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Standards Committee. Where payment has already

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been made to a member who is suspended or partially suspended, who ceases to be a member or who in any other way is not entitled to receive the allowance, the Authority may require allowances to be repaid to the Authority, by virtue of paragraph 10(7) of the Regulations.

### Mileage Rates

14. Where a member uses a private vehicle the rates payable shall at the level of the Approved Mileage Allowance Payments (AMAPs) laid down by the Inland Revenue as a tax free "approved amount" and shall be amended in line with any changes made to these amounts as and when they occur.

At the time of writing these amounts are as follows:-

Car or van	40p per mile for the first 10,000 miles 25p per mile after that
Motor cycle	24p per mile (all miles)
Cycle	20p per mile (all miles)

An additional 5p per mile to be paid when one or more passengers travel to an approved duty in the same vehicle.

### Subsistence

15. The following rates of subsistence allowance shall apply:-

#### Rate A - County Hall

Rates based upon purchase of a meal in the County Hall restaurant:

Breakfast	£4.70
Lunch	£7.40

#### Rate B – Other than County Hall

Breakfast	£8.00
Lunch	£11.00
Tea	£5.00
Dinner	£19.00

16. The Qualifying duty period (inclusive of travelling time) for all subsistence allowances relating to meals shall be as follows:-
- |           |  |
|-----------|--|
| Breakfast | 3 hours before 11.00 a.m.                |
| Lunch     | 3 hours including 12 noon to 2.00 p.m.   |
| Tea       | 3 hours including 3.00 p.m. to 6.00 p.m. |
| Dinner    | 3 hours ending after 7.00 p.m.           |

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17. The following rates shall apply for overnight absence (Room only):

Provincial Rate – not to exceed £90.  
London Rate – not to exceed £110.

### Co-optees' Allowance

18. For each year the following co-optees allowances shall be payable to those non-elected members of the County Council specified below:-

	£
Chairman of Standards Committee	1056
Independent Member of Standards Committee	792

19. Where a non elected member is suspended or partially suspended from his/her responsibilities or duties as a member of the Authority in accordance with Part III of the Local Government Act or regulations made under that Part, the part of the special responsibility allowance payable to the member in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Standards Committee. Where payment has already been made to a member who is suspended or partially suspended, who ceases to be a member or who in any other way is not entitled to receive the allowance, the Authority may require allowances to be repaid to the Authority, by virtue of paragraph 10(7) of the Regulations.

### Pensions

20. All Members of the County Council who satisfy the requirements laid down in the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 shall be entitled to join the Local Government Pension Scheme. Both the Basic Allowance and Special Responsibility Allowances shall be treated as amounts in respect of which pensions shall be payable in accordance with that Scheme.
21. This provision shall be effective from 1 May 2003.



**Claims**

22. Claims for carers', travel and subsistence allowances shall be made by the member concerned within 2 months of the date of the duty to which it relates. Requests for payment of previously unclaimed allowances will not normally be backdated beyond two months entitlement from the date of the claim.

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### **SCHEDULE 1**

#### **SPECIAL RESPONSIBILITY ALLOWANCES**

**EFFECTIVE FROM 1<sup>st</sup> APRIL 2008**

	£
Leader of the Council	35,520
Deputy Leader of the Council	21,312
Members of the Cabinet	18,960
Cabinet Support Members	7,188
Opposition Group Leaders	684
	Per group member
Chairman of Scrutiny Commission	10,260
Group Spokesmen of Scrutiny Commission	8,208
Chairmen of Scrutiny Committees	5,124
Chairman of Development Control and Regulatory Board	3,900
Chairman of Corporate Governance Committee	2,532

**SCHEDULE 2****TRAVEL AND SUBSISTENCE – APPROVED DUTIES AND OTHER  
CONDITIONS**

The duties listed below qualify for travel and subsistence allowances.

**(A) GENERAL COUNTY COUNCIL DUTIES**

- (a) Attendance at meetings of the County Council and relevant bodies appointed by or on behalf of the Council.
- (b) Working Parties or Panels of members properly convened by the Chief Executive in consequence of a decision of the relevant body of the Council.
- (c) Formal briefing meetings or conferences of members convened by the Chief Executive or conferences of members properly convened in relation to the proceedings of meetings or functions of a relevant body of the Council in accordance with arrangements approved by that body. (Separate provisions exist for conferences organised by other bodies.)
- (d) Meetings for the appointments of Chief Officers.
- (e) Inspections and tours of County Council and other establishments and venues, approved in advance by or on behalf of the relevant body of the Council.
- (f) Official deputations to or meetings with government departments, statutory authorities or other local authorities.
- (g) Joint meetings with other local authorities or consortia of authorities.
- (h) Attendance by Members appointed for that purpose, at a meeting properly convened on behalf of a public authority or government department to discuss issues relating to the work of the County Council.
- (i) Meetings of Community Forums covering the Member's particular electoral division.
- (j) Attendance by invitation at a Parish Council or Parish Meeting to participate in the discussion of a County Council function (this provision to apply to travel allowance but not subsistence).
- (k) Meetings between group whips or their nominees to make recommendations on appointments.

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- (l) Attendance by members at meetings of County Council bodies, or site visits when requested specifically by the body concerned or in response to a notice sent under the sensitive issues procedure for the purpose of speaking on the item concerned.
- (m) Political Process days in connection with the Management Foundation Programme.
- (n) Official and courtesy visits when:
  - (i) approved by or on behalf of the relevant body; or
  - (ii) made by the Chairman of the County Council (or the Vice-Chairman when deputising for him) in his capacity as Chairman of the County Council for purposes directly connected with the functions of the Council.
- (o) General information visits or tours having been previously approved by or on behalf of the relevant body.
- (p) The following, as tasks approved by the County Council for the purpose of, or in connection with, the discharge of the functions of the County Council, or any of its relevant bodies.
  - (i) Attendance by members at County Hall or other establishments within the County 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". (Please note this provision is an authorisation to carry out an approved duty of member's own choice on 15 occasions of whatever duration and not 15 duty days which could be interpreted for instance as 30 half days.)
  - (ii) Attendance by each Group Leader and any member of the Cabinet of the Council or Cabinet Support Member at County Hall or other County Council establishments for any purpose which he/she considers to be necessary in connection with the discharge of the County Council's functions.
  - (iii) Attendance by individual members before the Ombudsman when requested by him.
  - (iv) Full meetings of Political Groups held at County Hall and specifically related to the business of the County 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.

**(B) CONFERENCES**

Overnight accommodation and conference fees are normally booked by or on behalf of the Chief Executive and paid for by the Authority direct. There are no limits placed on such expenses subject to the Chief Executive being satisfied that they are reasonable.

Travel and subsistence allowances are payable for conferences organised by other bodies. Attendance must be approved beforehand by or on behalf of the relevant body and the rates for conference travelling and subsistence are the same as for other duties.

**(C) OTHER BODIES**

Attendances by individual members at meetings of outside bodies to which the County Council makes appointments or nominations qualify for travel and subsistence allowances. The approval relates to meetings of the bodies concerned, its standing committees and subcommittees but not to other activities of the body except in the case of the Local Government Association where the approval extends to all its activities including service on other bodies on the appointment or nomination of the Association.

**TRAVEL AND SUBSISTENCE RATES**

In all cases expenditure must have been actually and necessarily incurred.

**Travel**

Travelling expenses are limited to the actual journey from home or a members' regular place of work except in exceptional circumstances approved by the Constitution Committee or Chief Executive on the Committee's behalf (for definition of exceptional circumstances see note below). Long journeys such as travelling back from holiday to attend a meeting do not qualify other than the amount equivalent to the local journey. If a member's home is outside the County the distance and time used for any claim is from the point where the journey to County Hall crosses the County boundary. If a member's usual business address is outside the County the full journey may be claimed on the basis that a person's work venue is not always within an individual's control.

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### **(i) Air**

Air fare may be paid if the rate compares reasonably with the cost of alternative means of travel having regard to the likely savings in time, subject to the agreement of the Chief Executive.

Applications must be raised with the Chief Executive as soon as possible prior to the date the duty is to be performed.

### **(ii) Car Hire**

The rate or repayment for a hired car shall not exceed the rate which would have been applicable for a member's own car

### **(iii) Mileage Rates**

Where a member uses his own private car or one belonging to a member of his family or otherwise provided for his use the rate claimed shall be laid down in the Council's Scheme of Allowances.

Where a member uses a lease car the rate claimed shall not exceed the relevant rates specified for the Council's officers.

### **(iv) Rail**

The rate of travel by rail shall be by reference to the second class fare. Travel warrants for use on British Rail for official journeys may be obtained from the Members Secretariat.

### **(v) Taxis**

The rate for travel by taxi cab shall not exceed,

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

### **(vi) Other Expenses**

Actual expenditure incurred on tolls, ferries or parking fees.

### **Definition of Exceptional Circumstances**

The Constitution Committee, or the Chief Executive on the Committee's behalf, will normally only be prepared to consider granting exceptions to the general policy of the County Council in relation to the payment of travelling allowances for long journeys where the following circumstances apply:-

**Nature of Duty**

1. Attendance at a meeting to consider a “sensitive” issue which will have a substantial impact on the member’s particular electoral division whether or not the member serves on the body concerned; or
2. Attendance at a meeting of the County Council where non attendance, taken together with that of other members, might upset the elected party balance to such an extent that the decision is likely to be affected; or
3. In other cases where it would not be appropriate or reasonable to expect a substitute to act on the member’s behalf; and

**Exceptional Circumstances**

4. Illness or bereavement in respect of a close family member; or
5. Unplanned and/or unavoidable absence due to unusual work commitments.

**General**

Applications must be raised with the Chief Executive as soon as possible prior to the date on which the duty is to be performed.

The making of any payments retrospectively will not normally be considered.

**Subsistence**

The amount of subsistence claimed relates to the period of time a member is engaged on an approved duty together with an exception for main meals taken on trains.

When main meals, that is a full breakfast, lunch or dinner, are taken on trains during an approved duty which would attract the payment of day subsistence the reasonable cost of the meals, including VAT, may be reimbursed in full.

Rates and qualification periods are specified in the Council’s Scheme of Allowances.

**[end of Members’ Allowances Scheme]**