

## **MEMBERS' ALLOWANCES SCHEME** **(Approved by the Council on 16<sup>th</sup> February 2011)**

The Borough Council of Calderdale ("the 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 Calderdale Metropolitan Borough Council Members' Allowances Scheme, and shall have effect commencing 1<sup>st</sup> April 2011.

2. In this scheme

"Councillor" means a Member of the Council who is a Councillor;

Co-opted Member" means a member of a Scrutiny Panel or Committee who is not a member of the Council.

"year" means the twelve months ending with 31st March.

### **3. Basic Allowance**

Subject to paragraphs 10 and 15, for each year a basic allowance of £9,931 (from 1<sup>st</sup> April 2011) shall be paid to each Councillor.

### **4. Special Responsibility Allowances**

(1) Subject to paragraphs 10 and 15, for each year a special responsibility allowance (SRA) shall be paid to those Councillors who hold the special responsibilities in relation to the Council that are specified in paragraph 4(2) below and the amount of each allowance shall be the amount specified against that special responsibility in that paragraph.

(2) The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances (from 1<sup>st</sup> April 2011):

	<u>Annual Rate</u>
Leader	£29,794
Deputy Leader	£14,897
Cabinet Member	£11,918
Chair of a Scrutiny Panel	£ 7,448
Chair of the Planning Committee	£ 8,939
Chair of the Licensing and Regulatory Committee	£ 5,958
Leader of largest Minority Party Group (with more than 25% of the Council Membership)	£11,918
Leader of a Party Group (with between 10% and 24% of Council Membership)	£ 5,958
Leader(s) of other Party Group(s) (With less than 10% of Council Membership)	£ 1,490

Chair of West Yorkshire Services Joint Committee            £ 7,448  
(where the Chair is a Calderdale Councillor)

(3) Where

- (a) the Members of the Council are divided into at least two groups constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,
- (b) either a majority of Councillors, or half of the Councillors and the Mayor belong to the same political group ("the controlling group"), and
- (c) no special responsibility specified in sub-paragraph (2) above is held by a Councillor who is not a member of the controlling group.

A special responsibility allowance in an amount to be determined by the Council shall be paid to:-

- (i) where the Members of the Council are divided into only two political groups, the Leader of the political group which is not the controlling group;
- (ii) where the Members of the Council are divided into more than two political groups, each Leader of a political group which is not the controlling group.

(4) No Councillor shall receive more than one Special Responsibility Allowance.

## 5. Co-optees' Allowance

- (1) Subject to paragraphs 10 and 15, for each year an allowance of £360 shall be paid to each Co-opted Member and to each Independent Member and Parish Council Representative on the Standards Committee.
- (2) Subject to paragraphs 10 and 15, for each year a Special Responsibility Allowance of £7,448 (from 1<sup>st</sup> April 2011) shall be paid to the Independent Member appointed as Chair of the Standards Committee.
- (3) Where a Co-opted Member is appointed as the Chair of a Scrutiny Panel which wholly or partly scrutinises any education functions which are the responsibility of the Cabinet, the allowance shall not be less than the minimum amount of a Special Responsibility Allowance payable to the Chair of any other Scrutiny Panel or Committee.

## 6. Dependent Carers' Allowance

Dependent Carers' allowances may be claimed by a Councillor or Co-opted Member for the provision of care for a dependent relative to enable the Councillor or Co-opted Member to undertake an approved duty.

- (1) A 'dependent' relative is defined as a child under the age of 14, or a

disabled, invalid (temporary or permanent) or elderly relative who cannot be left alone.

(2) An 'approved duty' is any activity included on the list of approved duties approved by the Council and set out in Appendix 1 to this Scheme.

(3) The amounts of the allowances are

Childcare - actual cost of care up to a maximum of £41.84 per day (covering a period of 24 hours)

Dependent care - at the rate chargeable by the Council from time to time for home care assistance.

(4) No allowance shall be payable when the care is provided by someone who is a household or family member.

(5) Payment will be made to the Councillor or Co-opted Member on the submission of a signed claim which includes a declaration that the conditions of the scheme have been complied with.

## 7. Travel Allowances

(1) Travel allowances may be claimed by a Councillor or Co-opted Member where expenditure is incurred on travel in the performance of an approved duty at the same rates determined by the Council for officers (as set out at Appendix B).

The general presumption is that travel is by public transport when it is convenient and cost effective.

First Class Rail and Other Forms of Travel – for travel by train to out of Authority meetings Councillors and Co-opted Members are expected to travel standard class unless exceptional circumstances require otherwise, in which case prior approval shall be obtained from the Head of Democratic and Partnership Services.

(2) Taxi fares may be claimed by a Councillor or Co-opted Member where expenditure is incurred in the performance of an approved duty and the rate for travel by taxi shall not exceed:

(i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and

(ii) in any other case, the amount of the fare for travel by appropriate public transport.

(3) Car parking charges may be claimed by a Councillor or Co-opted Member where expenditure is incurred in the performance of an approved duty.

(4) A passenger allowance of 5p per mile may be claimed by a Councillor or Co-

opted Member carrying a fellow Councillor or Co-opted Member to the same approved duty.

- (5) A bicycle allowance may be claimed by a Councillor or Co-opted Member where a bicycle is used in the performance of an approved duty at the same rate determined by the Council for officers (public transport rates for journeys undertaken).
- (6) An 'approved duty' is any activity included on the list of approved duties approved by the Council and set out in Appendix A to this Scheme.

## **8. Subsistence Allowances**

- (1) Subsistence allowances may be claimed by a Councillor or Co-opted Member where expenditure is incurred on subsistence in the performance of an approved duty outside of the Calderdale area. Subsistence allowances cannot be claimed for approved duties undertaken within the Calderdale area. Subsistence allowances will be available at the same rates determined by the Council for officers (as set out at Appendix B) subject to reasonable costs up to a maximum of £25 per day being reimbursed on production of receipts.
- (2) An 'approved duty' is any activity included on the list of approved duties approved by the Council and set out in Appendix A to this Scheme.

## **9. Overnight Accommodation and Subsistence**

- (1) The Council will, wherever possible, make advance arrangements for necessary overnight accommodation and subsistence provision for Councillors and Co-opted Members in the performance of approved duties. Where advance arrangements are not made, the allowance rates determined by the Council for officers will apply.
- (2) An 'approved duty' is any activity included on the list of approved duties approved by the Council and set out in Appendix A to this Scheme.

## **10. Calculation and Annual Adjustment**

- (1) Basic Allowance and Special Responsibility Allowance:
  - (a) These have been calculated in accordance with a formula used by the Independent Remuneration Panel and approved by the Council. This is related to the day session rate advised by the Local Government Association based on the national annual median percentage increase in all full time salaries.
  - (b) The Basic and Special Responsibility Allowances will be increased in line with the Local Government Association's recommended rate (as described in (a) above) published each year, from the date of the Annual Meeting of the Council in that year, except that there will be no increase for the year 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012.

- (2) The Co-optees' Allowance will be increased in line with the percentage increase applied to the Basic and Special Responsibility Allowances.
- (3) The childcare element of the Dependent Carers Allowance will be increased in line with the percentage increase applied to the Basic and Special Responsibility Allowances.
- (4) Travel and Subsistence Allowances will be increased in line with the rates determined by this Council for officers.
- (5) These arrangements will be reviewed every four years in accordance with the 2003 Regulations or earlier if required by the Council.

#### **11. Backdating of Allowances**

In-year changes to the amounts of any of the allowances included in this Scheme may be backdated to the beginning of the municipal year in which the changes take place in accordance with an approval of the Standards Committee.

#### **12. Suspension of Allowances**

The allowances included in this Scheme may be suspended or part suspended where a Councillor or Co-opted Member is suspended for a breach of the Members' Code of Conduct in accordance with an approval of the Standards Committee.

#### **13. Time Limit on Claims**

Claims made by Councillors and Co-opted Members for the payment of travel, subsistence and dependent carers' allowances must be made to the Head of Finance within two months of the date of the approved duty to which the claim relates.

- (1) The payment of claims made after the two month limit will be subject to an approval of the Standards Committee.

#### **14. Renunciation**

A Councillor or Co-opted Member may by notice in writing given to the Head of Democratic and Partnership Services elect to forego any part of his/her entitlement to an allowance under this scheme.

#### **15. Part-year Entitlement**

- (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances and a Co-opted Member to a co-optees' allowance where, in the course of a year, this scheme is amended or that Councillor or Co-opted Member becomes, or ceases to be, a Councillor or Co-opted Member, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (2) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance or a Co-opted Member is entitled by way of a co-optees' allowance, then in relation to each of the periods:-
- (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 Councillor or Co-opted Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance and the entitlement of that Co-opted Member to a co-optees' allowance shall be to the payment of such part of the allowance as bears to the whole the same proportion as the number of days during which his/her 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 Councillor or Co-opted Member does not subsist throughout the whole of a period mentioned in sub-paragraph (2), the entitlement of any such Councillor to a basic allowance and such Co-opted Member to a co-optees' allowance shall be to the 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 during which his/her term of office as a Councillor or Co-opted Member subsists bears to the number of days in that period.
- (5) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor'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 he/she 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 Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2) of that paragraph any such special responsibilities as entitle him/her to a special responsibility allowance, that Councillor'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 he/she has such special responsibilities bears to the

*Reference:*

*Local Government and Housing Act 1989*

*Local Authorities (Members' Allowances) (England) Regulations 2003*

*DETR Guidance on New Constitutions - Consolidated Regulations for Local Authority Allowances*

number of days in that period.

## **16. Payments**

- (1) Payments shall be made in respect of basic, special responsibility and co-optees' allowances in instalments of 1/12th of the amount specified in this scheme on the 15th day of each month.
- (2) Where a payment of 1/12th of the amount specified in this scheme in respect of a basic allowance, special responsibility allowance or a co-optees' allowance would result in the Councillor or Co-opted Member receiving more than the amount to which, by virtue of paragraph 15, he/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/she is entitled.

*Reference:*

*Local Government and Housing Act 1989*

*Local Authorities (Members' Allowances) (England) Regulations 2003*

*DETR Guidance on New Constitutions - Consolidated Regulations for Local Authority Allowances*

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## APPENDIX A

### APPROVED DUTIES FOR TRAVEL AND SUBSISTENCE AND DEPENDENT CARERS' ALLOWANCES

The following duties are approved for the purpose of paying travel and subsistence and dependent carers' allowances:-

- (a) attendance at any meeting (as a Member or as an appointed representative of the Council):-
  - (i) of the Council, its committees, panels or forums or of any working parties appointed by those bodies;
  - (ii) of a Joint Committee established with one or more other authorities, and its Sub Committees;
  - (iii) of the Cabinet or its committees or working parties;
  - (iv) of any other body to which the Council makes appointments or nominations (excluding charitable, voluntary or parochial bodies/organisations) including Rochdale Canal Trust Limited;
  - (v) arranged by the Council, its committees or panels or the Cabinet for the purposes of:
    - consulting the public on any issue relating to the functions of the Council;
    - a site visit in connection with the carrying out of its business (excluding Ward Councillor attendance at site visits arranged by the Planning Committee in relation to planning applications);
    - a seminar in connection with the carrying out of its business;
  - (vi) arranged by the Chief Executive in consultation with the Leader of the Council for the purpose of a seminar in connection with the carrying out of the Council's business;
  - (vii) arranged with a Government Department or agency and public utilities on any issue relating to the functions of the Council;
  - (viii) of associations of local authorities of which the Council is a Member;
  - (ix) of the Leaders of the West Yorkshire District Councils;
  - (x) of a Cabinet Member or Chair of a Committee or Scrutiny Panel or a Party Group representative with a Chief Officer or their nominated representative;
- (b) the undertaking of any duties on behalf of the Council:
  - (i) in connection with the discharge of any function of the Council conferred by

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*Local Government and Housing Act 1989*

*Local Authorities (Members' Allowances) (England) Regulations 2003*

*DETR Guidance on New Constitutions - Consolidated Regulations for Local Authority Allowances*

or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;

- (ii) in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of Section 342 (Approval of non-maintained special schools) of the Education Act 1996;
- (c) official and courtesy visits within the United Kingdom undertaken by the Leader, as the Leader of the Council (or by the Leader's nominee on the Leader's behalf); and
- (d) attendance at approved conferences, seminars and training events.

*Reference:*

*Local Government and Housing Act 1989*

*Local Authorities (Members' Allowances) (England) Regulations 2003*

*DETR Guidance on New Constitutions - Consolidated Regulations for Local Authority Allowances*

**APPENDIX B**

**RATES FOR TRAVEL AND SUBSISTENCE ALLOWANCES  
(same as approved by the Council for officers)**

**Car User Allowances**

	<b>451 – 999cc</b>	<b>1000cc and above</b>
Per mile – first 8,500 miles	46.9p	52.2p
Per mile – after 8,500 miles	13.7p	14.4p

**Subsistence Allowances**

Breakfast	£6.69
Lunch	£9.24
Tea	£3.63
Evening Meal	£11.43

**The above is subject to a maximum of £25 per day on production of receipts – see paragraph 8(1) of the Scheme.**

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