

## **Appendix 2: Dependants' Carers' Allowance (Part 6, Members' Allowance Scheme) - amended**

- 5 (1) A dependants' carers' allowance may be claimed by a councillor in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in the attendance at meetings or the performance of functions of a type specified in Schedule 2.
- (2) For the purposes of 5(1) above:
- A Councillor's dependants are defined as children aged 15 or under, elderly, disabled or unwell relatives who cannot be left alone (either temporarily or permanently).
  - Payments will not normally be made to carers who are family members or person's resident at the Councillor's home.
  - Carers must be aged 18 or over.
- (3) The Carers' Allowance can also cover costs associated with Councillors who themselves need the help of a carer in order for them to fulfil their duties as a Councillor.
- (4) The maximum rate for this allowance is based on the Living Wage Foundation's 'real living wage' (unless specialist care is required and approved) to meet, or contribute towards, the actual costs incurred in arranging care. The maximum period from which any one claim can be made is the duration of the meeting/duty, plus 'reasonable' travel time to and from meetings up to the maximum of an hour each way. What equates to reasonable travel time will be agreed with the Head of Executive and Member Services.
- (5) Payments will only be made where:
- a) receipts are produced for any claim; and
  - b) written/email approval of the claim has been obtained from the Head of Executive and Member Services prior to the meeting.
- (6) Any queries on expenses or claims should be referred to the Head of Executive and Member Services.
- (7) For the purposes of regulation 7(1)(h) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (see Schedule 2), the following are approved duties in respect of which councillors are entitled to claim a dependants' carers' allowance:
- i) all approved internal and external learning and development sessions as part of the Council Member Learning and Development programme;
  - ii) meetings with government departments and other official bodies;
  - iii) meetings and/or briefings convened or authorised by Chief Officers provided that councillors of at least two political groups have been invited;
  - iv) Cabinet member/officer meetings;
  - v) formal inspections and site visits authorised by the Council;
  - (vi) conferences that a councillor is appointed to attend;
  - vii) formal joint meetings with members of other authorities; and
  - viii) meetings of all other bodies to which councillors are appointed as a representative of the Council or a Committee. These include:
    - a. joint committees with staff;
    - b. working panels;
    - c. steering groups; and
    - d. advisory groups and outside bodies (appointed to by the Council).

- ix) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or subcommittees.

Summary: Care costs can be claimed for all formal Council work including attending Council meetings, committees and sub-committees, meetings for other bodies for which councillors have been appointed by the council, as well as attending internal and external learning and development sessions.

Care costs cannot be claimed for ward work, constituency meetings, meeting preparation or travel time as these are covered by the Basic Allowance.

- (8) Section 85 of the Local Government Act 1972 states that if “a member of the executive of that local authority, fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the executive, he shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.”

Summary: Members who take maternity leave must be careful to track their attendance to ensure they attend at least one meeting of the executive (such as Full Council, any Member Learning or Development session, or a Committee meeting) within six months of their last meeting to avoid being inadvertently removed as a member of Brent Council.

## SCHEDULE 2

### Extract from The Local Authorities (Members' Allowances) (England) Regulations 2003 Dependants' carers' allowance

7.

(1) A scheme may provide for the payment to members of an authority of an allowance (“dependants' carers' allowance”) in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in—

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

(b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that—

(i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

(ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority is a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;

(e)the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

(f)the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g)the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non maintained special schools)(1); and

(h)the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or subcommittees.