

# **PART 8**

## **MEMBERS ALLOWANCE SCHEME**

The London Borough of Brent, in exercise of the powers conferred by the ~~Local Authorities (Members' Allowances) Regulations 1991, the Local Authorities (Members' Allowances) (Amendment) Regulations 1995, the Local Authorities (Members' Allowances) (England) Regulations 2001–2003 and the Local Government Act 1972 and the Local Government Act 1972~~, hereby makes the following Scheme.

## Introduction

1. This is The London Borough of Brent Members' Allowances Scheme. The allowances in Schedule 1 shall become effective from ~~4<sup>th</sup> June 2002~~ 1<sup>st</sup> December 2003 and will continue (subject to paragraph 10) until a further decision of the Council. ~~For the period 1 April 2002 to 31 May 2002 the allowances set out in the Brent Members' Allowances Scheme commencing 1 April 2001 shall apply on a pro rata basis in so far as they are relevant.~~

## Interpretation

In this Scheme:

"Councillor" means a member of the London Borough of Brent who is a Councillor.

"Year" means a period of 12 months ended 31 March.

"Week-day" means a day between Monday and Friday (inclusive).

## Basic Allowance

2. ~~Subject to Paragraph 9, f~~ For each year a basic allowance as set out in Schedule 1 of this Scheme shall be paid to each Councillor.

## Special Responsibility Allowances

3. (1) For each year, a Special Responsibility Allowance shall be paid to those Councillors who have the Special Responsibilities in relation to the authority that are specified in Schedule 1 of this Scheme.
- (2) ~~Subject to Paragraph 9, t~~ The amount of each such Allowance shall be the amount specified against that Special Responsibility in Schedule 1.
- (3) No member shall receive more than one Special Responsibility ~~a~~ Allowance.

## Conference Attendance Allowance

### Allowances for voting co-opted members and independent members on Standards Committee

4. ~~For each year an allowance as set out in Schedule 1 of this Scheme shall be paid to the education voting co-opted members and the Independent members~~

~~Attendance at a conference which is both non-commercial and non-political and whose purpose relates to the interests of Brent and/or its inhabitants, where the Councillor has been appointed as a representative by the Council or the Executive~~

~~(or a Committee of the Council), or where approval has been obtained from the Democratic Services Manager, in consultation with the Leader or the relevant Committee Chair.~~

~~(1) For each such duty, the Attendance Allowance payable shall be £80.00 per day.~~

~~(2) No Councillor shall be entitled to payment of more than one Attendance Allowance in respect of any period of 24 hours beginning, at 3.00 a.m.~~

~~(3) No such allowance shall be payable in respect of any duty in relation to which the Councillor is entitled to a payment in the nature of an allowance from any other body.~~

~~(4) No such allowance shall be payable if such a payment would be contrary to a provision made by, or under any enactment.~~

### **Travel ~~and Subsistence~~ Allowances**

~~5.5. (1) Subject to Paragraph 9, travel and subsistence allowances shall be paid to each Councillor in respect of each occasion on which the Councillor carried out the following approved duties:~~

~~(i) Attendance at a daytime, weekday meeting of the Full Council.~~

~~(ii) Attendance at a daytime weekday meeting of a committee or sub-committee of the Council where the Councillor is a member or alternate of the committee or sub-committee.~~

~~(iii) Attendance at a daytime, weekday meeting of a Body listed in schedule II (or a Committee or Sub-Committee of a Body); where the Councillor is appointed as a representative of the Council.~~

~~(iv) Attendance at a conference within paragraph 4.~~

~~(v) Duties undertaken on behalf of the Council in pursuance of any standing order requiring a Councillor to be present when tender documents are opened, where the Councillor has been specifically brought in by the Democratic Services Manager~~

~~(vi) Duties undertaken on behalf of the Council requiring a Councillor to sign legal documents, where the Councillor has been specifically brought in by the Democratic Services Manager~~

~~(vii) Any other duty undertaken by the Leader, Deputy Leader, Executive Member or Chair of a Main Committee or which is both connected with the Authority's functions and approved by the Democratic Services Manager, in consultation with the Leader of the Executive or the relevant chair.~~

~~(2) For each such duty, Travel and Subsistence Allowances shall be payable at the maximum rate specified by the Secretaries of State for the Environment and Wales under Section 174 of the Local Government Act 1972 in the Appendix to Joint Circular 1/86, as amended annually by the Secretaries of State, except that motor vehicle rates shall be set at a flat 32.5 pence per mile.~~

~~(3) Travel Allowances shall also be payable for attending any meeting of the Council where a Councillor has to make a journey in excess of 30 miles~~

~~(one way) at the maximum rate specified by the Secretaries of State in the Appendix to Joint Circular 1/86, as amended annually. Where the journey involves travel other than from England and Wales, the Council has agreed that the saving in time is so substantial as to justify travel by air.~~

~~(4) No such allowance shall be payable in respect of any duty in relation to which the Councillor is entitled to a payment in the nature of an allowance from any other body.~~

~~(5) No such allowance shall be payable if such a payment would be contrary to a provision made by, or under any enactment.~~ A travel allowance may be claimed by a councillor or voting co-opted member or independent member in respect of the cost of travel to or from a meeting or conference or other similar event (together referred to as a "meeting" for the purposes of this Scheme) provided that:

- a) the meeting is of a type specified in the regulations (an extract of which is reproduced for information purposes only at Schedule 2 to the Scheme)
- b) the allowance will be for reimbursement only of the reasonable costs of standard class travel
- c) an allowance can only be claimed for travel outside of the borough
- d) approval of the claim is sought from the Mayor's Office Manager prior to the meeting; and
- e) no allowance may be claimed for travel to any meeting of the Council or a meeting of a committee or sub-committee of the Council (other than a joint committee).
- f) Claims for car mileage or travel by bicycle shall be made in accordance with the scheme that is in place from time to time for officers.

## **~~Civic dignitaries~~**

6. In accordance with the necessary tax dispensation, for each year the allowances set out in schedule 1 shall be paid to the Mayor and Deputy Mayor to meet the expenses of their office ~~and the following allowances shall be retained in the Democratic Services Manager budget.~~

~~Mayoral and civic expenses £5,290~~

## **Renunciation**

7. A Councillor (or voting co-opted or independent member) may, by notice in writing given to the Mayor's Office~~Democratic Services~~ Manager, elect to forego any part of their entitlement to an allowance under this Scheme.

## **Part-year Entitlements**

8. In so far as this scheme has effect for only part of a year or where, in the course of a year, this Scheme is amended or a Councillor or voting co-opted or independent member becomes or ceases to be a Councillor or voting co-opted or independent

member, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable, the entitlement to such an allowance shall be to such part of the allowance as bears to the whole in the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.

### Claims and Payments

9. (1) A claim for travel ~~or subsistence~~ allowance or voting co-opted or independent members allowance under this Scheme shall be made in writing within two months of the date on which the duty in respect of which the entitlement to the allowance arises.

(2) Payments shall be made:

(a) in respect of Basic and Special Responsibility Allowances, subject to Sub-Paragraph (4) below, in instalments of one-twelfth of the amount specified in this Scheme on a day each month as determined by the Mayor's Office Democratic Services Manager.

(b) in respect of Mayoral and Deputy Mayoral allowances, in accordance with a scheme for which a tax dispensation has been given.

(c) in respect of travel ~~and subsistence~~ allowances, on the day as determined by the Mayor's Office Democratic Services Manager in respect of claims received up to the last day of the preceding month.

~~(3) Council shall agree annually on a cash limit for travel and subsistence allowances; and payments relating to duties undertaken in each financial year shall not exceed that amount.~~

(4) 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 Councillor receiving more or less than the amount to which, by virtue of Paragraph 8, he or she is entitled, the payment shall be such amount as will ensure that no more or no less is paid than the amount to which he or she is entitled.

(5) A record of all payments made under this Scheme showing recipient, nature and amount shall be maintained and made available for public inspection.

~~(6) No member may claim an allowance under this Scheme if he or she is already claiming an allowance from another authority in respect of the same duties~~

~~(7) Where an allowance has already been paid in respect any period during which the person claiming the allowance was not entitled to so claim the Council may recover the amount paid.~~

### Annual Uplift

10. Basic, special and civic allowances payable under this Scheme shall be increased with effect from each April by a percentage equal to the inflation pay award agreed as part of the Local Government Pay Settlement to NJC officers in the previous financial year, unless otherwise determined by the Council. This annual uplift shall cease to apply after 30<sup>th</sup> November 2007.

### **Suspension**

11. Where a councillor or voting co-opted or independent member is suspended then any allowance payable to him or her in respect of the period of the suspension will be withheld. Where a person is partially suspended then any Special Responsibility Allowance payable to him or her in respect of the period of the partial suspension will be withheld but the Basic Allowance shall continue to be payable. No travel allowance will be paid in respect of any travel during the period of the suspension or partial suspension.

### **Pensions**

12. (a) The following members of the Council are entitled to pensions in accordance with a members pension scheme:

*[list category of members so entitled]*

- (b) The following allowances shall be treated as amounts in respect of which such pensions are payable:

*[specify basic allowance or special responsibility allowance or both]*

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## SCHEDULE 1

ALLOWANCE	Number of Posts/Amount	Total
<b>BASIC</b> Payable to all Councillors	63 x 7,000	441,000
<b>SPECIAL RESPONSIBILITY</b> Only one special responsibility will be payable to any one member.		
<b>Post</b>		
Leader	1 x 32,000	32,000
Executive Members Deputy Leader Other Executive Members	1 x 22,400 8 x 13,600	131,200
Chairs of main Overview and Scrutiny Committees	2 x 11,000	22,000
<u>Chairs of the Overview and Scrutiny sub-committees</u>	<u>6 x 4,340</u>	<u>26,040</u>
Chair of council committees <i>Planning</i> <i>General Purposes</i>	1 x 12,000 1 x 5,600	17,600
Leader of 1 <sup>st</sup> opposition party	1 x 11,500	11,500
Chairs of consultative forums	<del>42</del> 13 x 4,340	<del>56,420</del> 52,080
Vice chairs of council committees <i>Planning</i>	1 x 1,920	1,920
Chair of sub-committee <i>Licensing</i> <i>Pension Fund</i>	1 x 1,920 1 x 1,920	3,840
Opposition spokesman <i>On Overview Committee</i>	1 x 1,920	1,920
Deputy of 1 <sup>st</sup> opposition party	1 x 3,840	3,840
Leader of 2 <sup>nd</sup> opposition party	1 x 4,420	4,420
Whip of main party	1 x 8,000	8,000
Whip of main opposition party	1 x 5,000	5,000
Whip of 2 <sup>nd</sup> opposition party	1 x 1,920	1,920
	<b>TOTAL for Basic and Special Responsibilities</b>	<b><u>7638,620</u>240</b>



ALLOWANCE	Number of Posts/Amount	Total
<b>CIVIC RESPONSIBILITY</b>		
Mayor	1 x 6,920	6,920
Deputy Mayor	1 x 5,093	5,093
	<b>TOTAL</b>	<b>12,013</b>
<b><u>CO-OPTED AND INDEPENDENT MEMBERS</u></b>		
<u>Voting co-opted members</u>	<u>4 x 400</u>	<u>1,600</u>
<u>Independent members</u>	<u>2 x 400</u>	<u>800</u>
	<b><u>TOTAL</u></b>	<b><u>2,400</u></b>
<b><u>TOTAL FOR SCHEME</u></b>		<b><u>783, 033*</u></b>

***\*This figure represents the total indicative cost of the scheme. Since members may only claim one SRA some of the allowances included in the scheme are not taken up and so the total actual cost of the scheme will be less than that shown above.***

**SCHEDULE 2****Extract from The Local Authorities (Members Allowances) (England) Regulations 2003**

The following are specified as the Bodies approved for the purposes of paragraph 4(iii) of this Scheme:

~~Local Government Association  
Association of Local Government  
Planning Committee Rota Visits~~

**Travelling and subsistence allowance**

8. - (1) A scheme may provide for the payment to members of an authority of an allowance in respect of travelling and subsistence ("travelling and subsistence allowance"), including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken in connection with or relating to such duties as are specified in the scheme and are within one or more of the following categories -

(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 one or more 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 (approval of non-maintained special schools) of the Education Act 1996, 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 of any of its committees or sub-committees.