

PART 6

MEMBERS' ALLOWANCE SCHEME

The London Borough of Brent, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003; the Local Government and Housing Act 1989; the Local Government Act 2000 and the Local Government Act 1972 hereby makes the following Scheme.

Introduction

1. This is Brent Council's Members' Allowance Scheme. The allowances in Schedule 1 shall become effective from 1st April 2023. The Scheme was made on 23 February 2023.

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 ending 31 March.

Basic Allowance

2. 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) 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 Allowance.
(4) No member of the Planning Committee, Licensing Committee, Adoption and Permanency Panel and Fostering Panel shall receive a Special Responsibility Allowance unless the member has attended or completed the mandatory training sessions for that body. The reference to mandatory training sessions are to such sessions as determined by the Council from time to time.

Allowances for the education co-opted members and the independent members on Audit and Standards Advisory Committee

4. For each year an allowance as set out in Schedule 1 of this Scheme shall be paid to the education co-opted members and the independent members on the Audit and Standards Advisory Committee. The allowance will be paid in two instalments during the municipal year. For terms of office commencing from or after 18 May 2023 the allowance will only be paid where the co-opted/independent member has not been absent for a majority of meetings over the previous 6 months.

Dependants' Carers' Allowance

- 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.

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.

Travelling and subsistence allowances

7. (1) Subject to the conditions set out in this paragraph, reasonable travelling and subsistence expenses may be claimed by councillors (or co-opted or independent members) in respect of the attendance at conferences outside of the borough of Brent.
- (2) Subject to the conditions set out in this paragraph, reasonable expenses may be claimed for travel by councillors (or co-opted or independent members) with disabilities.
- (3) The expenses shall be for the purpose of, or in connection with, the discharge of the functions of the Council.
- (4) The prior written approval of the Head of Executive and Member Services or the Director Performance, Policy and Partnerships shall be obtained in respect of both the incurring of the expenses and the amount of the expenses.
- (5) Claims shall be reimbursed at the same rate as the Council reimburses expenses claimed by officers. Subject to any maximum limits which may apply, the amount of the claim shall be limited to the expense actually incurred.
- (6) Receipts shall be produced in respect of all claims.

Renunciation

8. A Councillor (or co-opted or independent member) may, by notice in writing given to the Head of Executive and Member Services, elect to forego any part of their entitlement to an allowance under this Scheme.

Part-year Entitlements

9. 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 co-opted or independent member becomes or ceases to be a Councillor or 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

10. (1) A dependents' carers' allowance, travelling and subsistence allowances or education 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 Head of Executive and Member Services.
 - (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 dependents' carers' allowances, on the day as determined by the Head of Executive and Member Services in respect of claims received up to the last day of the preceding month.
- (3) 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.
- (4) A record of all payments made under this Scheme showing recipient, nature and amount shall be maintained and made available for public inspection.
- (5) 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.
- (6) 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

11. 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 in the previous financial year, unless otherwise determined by the Council.

Pensions

12. (a) The following members of the Council are entitled to pensions in accordance with a members pension scheme:
- [none]*
- (b) The following allowances shall be treated as amounts in respect of which such pensions are payable:

[none]

Maternity, Paternity, Adoption and Sickness Pay

13. (1) A Councillor shall continue to receive in full a basic allowance as set out in Schedule 1 of this Scheme during any period of maternity, paternity, adoption and sickness leave.
- (2) Councillors giving birth are entitled to up to six months maternity leave with the option to extend up to 52 weeks with the approval of the Chief Executive following consultation with the Chief Whip, where applicable. Maternity leave can begin:
- (a) When the councillor chooses but no earlier than 11 weeks before the expected week of childbirth, or
- (b) from the day following childbirth if the baby is born earlier
- (3) A Councillor entitled to a Special Responsibility Allowance shall continue to receive their allowance during any period of maternity, paternity, adoption and sickness leave in the same way that the Council's employees enjoy such benefits.
- (4) If another Councillor is appointed to cover the period of absence, the replacement will be entitled to receive the same allowance. In accordance with paragraph 3.3 of this scheme, no Councillor shall receive more than one Special Responsibility Allowance.
- (5) Councillors shall be entitled to take up to 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- (6) A Councillor who has made Shared Parental Leave arrangements is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate the Council's staff policy in terms of leave as far as practicable with the approval of the Chief Executive following consultation with the Chief Whip, where applicable.
- (7) Where both parents are Councillors, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity with the approval of the Chief Executive following consultation with the Chief Whip, where applicable.
- (8) If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

*Where adoption has taken place through an approved adoption agency.

SCHEDULE 1

BASIC, SPECIAL RESPONSIBILITY AND CO-OPTED MEMBER ALLOWANCES WITH EFFECT FROM 1 APRIL 2022 (AS REVIEWED ON 23 FEBRUARY 2023)

Basic Allowance

Payable to all councillors = £12,988

Special Responsibility Allowances
(No more than one allowance per member)

1. Leader of the Council = £41,354
2. Deputy Leader of the Council = £30,138
3. Other Cabinet Members = £19,858
4. Chair of the Community and Wellbeing Scrutiny Committee = £14,858
5. Chair of the Resources and Public Realm Scrutiny Committee = £14,858
6. Chair of the Planning Committee = £14,858
7. Members of the Planning Committee = £2,265
8. Chair of the Audit and Standards Committee (Vice-Chair of the Audit and Standards Advisory Committee) = £5,202
9. Chairs of the Brent Connects Area Consultative Forums = £1,301
10. Chair of the Licensing Committee = £3,365
11. Members of the Licensing Committee = £1,040
12. Member of the Adoption and Permanency Panel = £3,354
13. Member of the Fostering Panel = £3,354
14. Leader of the Principal Opposition Group* = £8,323
15. Leader of the Second Opposition Group = £4,000
16. Group Whip for the majority group with over 50% of councillors = £4,161
17. Mayor = £7,429
18. Deputy Mayor = £3,365

*For the purposes of this Scheme this is the second largest group of the Council. If there are two or more opposition groups of the same size, it is such group as the Council shall decide.

Co-opted Member Allowances

1. Chair of the Audit and Standards Advisory Committee (voting) = £1,561
2. Independent members of the Audit and Standards Advisory Committee (voting) = £444

3. Education voting and non-voting co-opted members of the Community and Wellbeing Scrutiny Committee £235.

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 sub-committees.