

RECOMMENDED MEMBERS' ALLOWANCES SCHEME FOR 2019/20

MEMBERS' ALLOWANCES SCHEME

The South Lakeland District 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 South Lakeland District Council Members' Allowances Scheme, and shall apply to the year commencing on 1 April 2019 and to subsequent years.

2. In this scheme,

“Councillor” means a member of the South Lakeland District Council who is a Councillor;

“year” means the 12 months ending with 31 March

“co-opted member” means a person who is not a member of the Council but who is a member of a committee or sub-committee of the Council.

Basic Allowance

3. Subject to paragraphs 8 to 12, for each year a basic allowance of up to £4,118.76 shall be paid to each Councillor.

Special Responsibility Allowance

4. (1) for each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 of this scheme; and

(2) subject to paragraphs 8 to 12, the amount of each such allowance shall be as specified in the said Schedule 1.

(3) with the exception of Group Leaders' Allowance, where a Councillor carries out more than one special responsibility, he/she will only be entitled to receive one allowance.

Child Carers' Allowance

5. (1) An allowance in respect of the cost of child care for children up to the age of 14 shall be paid to Councillors of a minimum of £3.00 per hour, up to a maximum of £15.00 per hour. The allowance shall be payable from the time the recipient leaves home to the time of return. There is no requirement for carers to be registered.

(2) The allowance shall be payable when Councillors are required to arrange for child care when undertaking duties as a Councillor, in accordance with Regulation 7 of the Local Authority (Members Allowances) (England) Regulations 2003, upon production of proof of payment to the satisfaction of the Assistant Director (Resources). Those duties listed in Regulation 7 are set out at Schedule 2.

Dependant Carers' Allowance

6. (1) An allowance in respect of the cost of a dependant carer shall be paid to Councillors of a minimum of £3.00 per hour, up to a maximum of £15.00 per hour. The allowance shall be payable from the time the recipient leaves home to the time of return. There is no requirement for carers to be registered.

(2) The allowance shall be payable when Councillors are required to arrange for dependent care when undertaking duties as a Councillor in accordance with Regulation 7 of the Local Authorities (Members Allowances) (England) Regulations 2003, upon production of proof of payment to the satisfaction of the Assistant Director (Resources). Those duties listed in Regulation 7 are set out at Schedule 2.

Renunciation

7. A Councillor may by notice in writing given to the Assistant Director (Resources) elect to forego his or her entitlement or any part of his or her entitlement to an allowance under this scheme.

Part-year Entitlements

8. (1) the provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, 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, 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 begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor 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 his or 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 does not subsist throughout the period mentioned in sub-paragraph (2)
 - (a), the entitlement of any such Councillor 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 his or her term of office as a Councillor 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 the special responsibility allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year; and
 - (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) (a) of that paragraph any 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 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 which he or she has such special responsibilities bears to the number of days in that period.

Claims & Payments

9. The Basic and Special Responsibility Allowances will be paid automatically on a monthly basis unless the Councillor in question has renounced his entitlement to payment as set out in

paragraph 7 above. Claims will be met for a period of up to 12 months from the date of the entitlement.

10. (1) payments shall be made in respect of basic and special responsibility allowance in instalments of one-twelfth of the amount specified in this scheme on the twentieth 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 Councillor receiving more than the amount to which, by virtue of paragraph 8, 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.
- (3) All Councillors are reminded that the Council's policy in respect of the submission of receipts should be adhered to at all times in order that the Council may maximise the recovery of VAT.

Repayment of Allowance

11. Where payment of any allowance has already been made in respect of any period during which the Councillor concerned
 - (a) ceases to be a member of the Council, or
 - (b) is in any other way not entitled to receive the allowance in respect of that period,the Council may require that such part of the allowance as related to any such period be repaid to the Council.
12. Where a member of an authority is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

Other Allowances

13. Travelling & Subsistence Expenses
 - (1) Councillors and co-opted members may claim travelling and subsistence expenses undertaken in connection with or relating to those duties specified as an approved duty at Schedule 2 Part I in accordance with Regulation 8 of the Local Authorities (Members Allowances) (England) Regulations 2003. The rate of travelling and subsistence are set out in Part II of Schedule 2.
14. Co-optees' allowance
 - (1) For each year an allowance shall be payable, if claimed, to a person who is not a member of the Council but who is a member of a committee or sub-committee of the Council in respect of attendance at conferences and meetings, in accordance with Regulation 9 of the Local Authorities (Members Allowances) (England) Regulations 2003. This amount shall be £38.38 per meeting. Co-optees to the Council will be paid their allowances on a monthly basis subject to submitting a claim form.
 - (2) Where the appointment of the co-opted member begins or ends otherwise than at the beginning or end of a year, his or her entitlement shall be to payment of such part of the Co-optees' allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.
 - (3) A co-opted member may by notice in writing given to the Assistant Director (Resources) elect to forgo his or her entitlement or any part of his or her entitlement to allowances.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCE

The following are specified as special responsibilities in respect of which special responsibility allowances are claimable (in addition to the basic allowances) and the amounts of these allowances:-

		£ p.a.
Leader of the Council (With Portfolio)		Up to 12,120.00
Deputy Leader of the Council (With Portfolio)		7,171.00
Other Members of the Cabinet		6,060.00
Leader of the Opposition		1,863.00
Chairman of the Council		1,863.00
Chairman of the Planning Committee		2,794.50
Chairman of the Audit, HR, Lake Administration and Overview and Scrutiny Committees		1,863.00
Chairman of the Licensing, Licensing Regulatory and Standards Committees		931.50
Group Leaders	Number of Councillors in the Group at the preceding Annual Council meeting	372.00
	2 – 5	
	6 – 10	496.00
	11 – 15	621.00
	16 – 20	742.00
	21 – 26	871.00
	27 +	1,245.00
Members of the Shadow Cabinet (with the exception of the Leader of the Opposition)		505.00

'Group' is as defined in the Local Government (Committees and Political Groups) Regulations 1990, and comprises of at least two Members.

SCHEDULE 2

Part I

List of Approved Duties where travel and subsistence, and child care and dependants' carers' expenses may be claimed.

(Note – Approved duty only applicable to Members of the relevant Committee, Sub-Committee, etc.)

List of Approved Duties

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or 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 Cabinet or a meeting of any of its committees, where the authority is operating executive arrangements; (To include:-
 - (1) Informal meetings of Cabinet Members called by the Leader;
 - (2) Leader and Portfolio Holders' briefings with officers;
 - (3) Portfolio Holders' attendance on site visits and meetings with other organisation in connection with their responsibilities; and
 - (4) Attendance by Portfolio Holders and their nominated Councillors at advisory and focus group);
- (e) travel and subsistence expenses are to be paid to those Members of the Shadow Executive attending formal meetings of the Cabinet, and other formal Council meetings to which they are invited in their role as Shadow Cabinet Members, and the attendance at up to 12 informal meetings of the Shadow Executive per Council year;
- (f) travel expenses are to be paid those members who attend a Parish or Town Council Meeting for their Ward save where they are also a member of that Parish or Town Council;
- (g) travel and subsistence expenses are to be paid to Members in respect of attendance at Local Area Partnerships and in connection with their duties;
- (h) 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;
- (i) 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;
- (j) 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. (These currently include the following):-
 - (1) The attendance by Chairman/Vice-Chairman of the Council/Committee at agenda briefing meetings with officers where this is held on a day other than the day of the relevant meeting;
 - (2) Council-run seminars and training events;
 - (3) Civic duties undertaken by the Chairman and Vice-Chairman of the Council;
 - (4) Site visits organised by Officers in respect of matters under consideration; and
 - (5) Visits to other authorities/ organisations where specifically authorised by Council/ Committee.

Part II

Travel

Public Transport will be paid at ordinary fare, standard class or cheapest fare for the journey whichever is the least amount.

The mileage rate for travel by car to be in accordance with the maximum rates set by HMRC without attracting a tax charge (currently 45p per mile), this to apply to the first 150 miles of a return journey regardless of the destination and 25p per mile thereafter.

Where the use of a taxi is unavoidable, the Council will reimburse the actual cost.

If because of a disability Members are driven to a meeting by their spouse/ partner it is appropriate for them to claim for double journeys in cases of long meetings. This will avoid the need for their spouse/partner to wait for the duration of the meeting.

The mileage rate for travel by bicycle and motorcycle to be in accordance with the maximum rates set by HMRC without attracting a tax charge (currently 20p and 24p per mile respectively).

When members car share to an Approved Duty the Mileage Allowance be increased by 5p per mile per passenger (maximum 4 passengers). Passengers may include Members and Officers of the Council

Appropriate incidental expenses, e.g. car parking charges, will be reimbursed on the production of receipts.

Subsistence

The Council will reimburse actual expenses incurred by Members on subsistence on the production of receipts, subject to a maximum of:

Period of Absence	Maximum Allowance
4 to 8 Hours	£9.67
Over 8 but less than 12 Hours	£13.82
Over 12 but less than 24 Hours	£26.05
Overnight Stay	Reasonable Actual Expenses
Bed & Breakfast	Reasonable Actual Expenses

Note – the rates for travel expenses may change from 1 April 2019, in accordance with the rates issued by H.M. Revenue and Customs and subsistence in line with the increase in the Retail Price Index for the period from April 2019 to March 2020.