

Part 6

Members' Allowances Scheme

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1. INTRODUCTION

- 1.1 This Scheme has been approved by Council of the London Borough of Enfield in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.2 Before the start of each municipal year, full Council shall adopt a Scheme for the payment of Basic Allowances, as required by the Regulations.

Employment Protection

- 1.3 Councillors do not have the same employment protection rights that are afforded to officers of the Council because councillors are not employees but are elected officials holding public office.

2. TYPES OF PAYMENT

- 2.1 A councillor may choose not to receive any part of the allowances payable to them under this scheme, by giving written notice to the Director of Law and Governance.

Basic Allowance

- 2.3 In recognition of their work and commitment to the London borough of Enfield, all Councillors will receive a basic allowance of 11,441 for each year.

Special Responsibility Allowances (SRA)

- 2.4 A Councillor who carries out any of the special responsibilities listed in **Schedule 1** to this scheme will receive an SRA for each year. The amount of the allowance is the amount specified against the relevant special responsibility in the Schedule. If a Councillor is entitled to two or more SRAs applicable, only one SRA may be paid to the qualifying Councillor, whichever is the higher.

3. MATERNITY, PARENTAL & ADOPTION LEAVE

Maternity Leave

- 3.1 A councillor will be entitled to take a leave of absence from all or part of their official duties for up to 6 months subject to the councillor giving notice of their intended maternity leave start and end date to the Monitoring Officer.
- 3.2 A Member on Maternity Leave will continue to receive their allowance throughout the Maternity, Parental and Adoption Leave period. If, however, an election is held during the Member's Maternity Leave and they are not re-elected, or they decide not to stand for re-election, the basic allowance will cease from the Monday after the election date, when their office officially ends.

Maternity Leave Start Date

- 3.3 Maternity Leave will start on a date chosen by the Member, which can be at any time after the beginning of the 11th week before the Member's expected week of childbirth and up to the date the baby is born.
- 3.4 Maternity Leave may be triggered before the chosen date where:
- (i) The baby is born early. Maternity leave commences the day after the Member gives birth; or
 - (ii) The Member is unable to undertake their member duties due -to pregnancy-related sickness in the four weeks before the expected week of childbirth Maternity Leave will commence the date the sickness absence begins.

Notification of Maternity Leave

- 3.5 The Member must notify Monitoring Officer in writing no later than the end of the 15th week, or soon as reasonably practicable, before the expected week of childbirth.
- 3.6 On receipt of the information, within two weeks, Monitoring Officer will acknowledge that the period of absence has been noted and forward the information to the Council's Payroll Team.

Premature Baby Leave

- 3.7 Parents of babies born before 37 weeks will be entitled to receive one extra day of Premature Baby Leave, if applicable receiving full SRA, for every day their premature baby spends in hospital before 37 weeks. This leave entitlement will be added to the end of the Members Maternity Leave period after this leave entitlement has been exhausted.

Still Birth

If a baby is delivered after the 24 weeks of pregnancy the Member is entitled to maternity leave and allowance(s).

Parental Leave

- 3.8 Members are entitled to a maximum of two weeks parental leave.
- 3.9 To qualify the Member must:
- Be the parent, legal guardian or principal carer and have or expect to have responsibility for the child's upbringing; or
 - Be the spouse (husband or wife), civil partner or partner of the person above and have or expect to have the main responsibility for the child's upbringing, along with the person who gave birth.

Adoption Leave

- 3.10 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

Special Responsibility Allowance (SRA)

- 3.11 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full.
- 3.12 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 3.13 Should a Member appointed to replace the member on leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
- 3.14 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

Resigning from Office and Elections

- 3.15 If a Member decides not to return at the end of their maternity, paternity, or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 3.16 If an election is held during the Member's maternity, paternity 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.

4. DEPENDENT CARERS' ALLOWANCE

- 4.1 A Dependent Carers' Allowance is payable to Councillors who, in order to undertake their duties as a Councillor, incur costs in arranging care for dependent relatives living with them. Dependent relatives are defined as children under the age of 15, 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 persons resident at the Councillor's home.
- 4.2 The Carers' Allowance also includes costs associated with Councillors who themselves need the help of a carer in order for them to fulfil their duties as a Councillor.

- 4.3 The maximum rate for this allowance is £10.75 per hour, based on the Living Wage Foundation's 'real living wage', 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 itself, plus £10.75 as a contribution towards travelling time to and from the meeting venue.

5. ANNUAL REVIEW

- 5.1 Increases in allowances in future years will be linked to average earnings, for the period ending the previous March of each year. New rates will be effective from the new Municipal year.
- 5.2 The Executive of Law and Governance will monitor expenditure under this scheme against the Council's agreed budget for members' allowances and shall report this to General Purposes Committee annually.

6. PART-YEAR ENTITLEMENTS

- 6.1 This Section applies to a councillor's entitlement to payment of an allowance where during the course of a year:
- There is an amendment to the scheme;
 - A councillor becomes or ceases to be a councillor; or
 - A councillor accepts or loses a special responsibility listed in Schedule 1.
- 6.2 Schedule 3 sets out how to calculate the amount payable.

7. EXPENSES

- 7.1 A Councillor must claim for travel expenses and permitted allowances in writing within two months of the date they carried out the relevant duty or incurred the expense. Travel costs can only be claimed for approved duties/conferences/outside the borough.
- 7.2 A claim made outside the two-month period will be paid, providing it is within 3 months from the date of the relevant duty.
- 7.3 A receipt must be produced for any claim in order to be paid.
- 7.4 Schedule 2 provides more information on this. Any queries on expenses and claims should be referred to the Director of Law and Governance.

8. WITHHOLDING AND REPAYMENT OF ALLOWANCES

- 8.1 Basic, SRAs plus travel and subsistence payments may be withheld from Members who are fully or partially suspended from Council duties by the Councillor Conduct Committee.
- 8.2 Repayment of such allowances can also be requested of a Councillor for any such allowance paid in respect of a period during which that Members has been suspended.

9. SIX MONTH RULE

- 9.1 Any Member who takes any form of leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.

10. ABUSE OF THE SCHEME

- 10.1 Any allegation of abuse of the Scheme shall be referred to the Council's General Purposes Committee and Risk Management for adjudication.

SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

	£
Leader of the Majority Party	28,537
Deputy Leader of the Majority Party	17,132
Leader of the Opposition Party	17,132
Majority Party Whip	9,133
Opposition Party Whip	4,572
Cabinet Members (x8 @ 14,168)	114,168
OSC Chair & Scrutiny Panel Chairs (x5 @ 8,235)	41,175
Scrutiny Panel Vice Chairs (x4 @ 6,176)	24,704
Associate Cabinet Members (x4 @ 8,235)	32,940
Chair of Planning Committee	8,235
Chair of Licensing Committee	8,235
Chair of General Purposes	8,235
Chair of Pension Policy & Investment Committee	8,235
Chair of Local Pension Board	1,082
Mayor	19,007
<i>Includes £3,000 cover hosting events in the Mayor's Parlour</i>	
Deputy Mayor	6,360
North London Waste Authority (x2 @ 8,235)	16,470
Chair of Equalities Board	1,082
Fostering Panel (x2 @ 4,117)	8,234

SCHEDULE 2

Rates of Travelling and Subsistence Allowance

1. The Council has agreed that Members (including Co-opted members) are entitled to receive travelling and subsistence allowances where such expenditure is necessarily incurred outside of the Borough of Enfield for the purpose of attending as the Council's representative a meeting of any of the bodies or organisations, a conference or other meeting.
2. Members will be reimbursed for mileage incurred travelling to and from Council duties outside of the Borough of Enfield at the rate of the appropriate second class return rail fare.
3. If the journey was undertaken by train or underground, the amount shown on the ticket or actual fare claimed, will be reimbursed. Under current tax legislation, all claims which are not supported by receipts/tickets stubs are subject to tax deduction.
4. Where no other form of transport is reasonably available, and the journey is outside of Enfield, the rate for travel by taxicab or cab shall not exceed:
 - (a) In cases of urgency the amount of the actual fare and any reasonable gratuity paid; and
 - (b) In any other case, the amount of the fare for travel by appropriate public transport.
5. Where taxi or car travel is unavoidable, Members travelling to the same location are encouraged to share vehicles.
6. The rate for travel by air, justified only when substantial time saving can be demonstrated will be:
 - (a) The ordinary fare or any available cheap fare for travel by regular air service; or
 - (b) Where no such service is available or in case of urgency, the fare actually paid by the member.

Rates of Subsistence Allowance and Related Provisions

1. In the case of an absence of more than 4 hours, but not involving an absence overnight from home, the rate of subsistence allowance shall not exceed:
 - (i) Breakfast Allowance - a meal taken before 11am - £5.43;
 - (ii) Lunch Allowance – a meal taken during the lunchtime between 12 and 2pm - £7.48;
 - (iii) Tea Allowance -a meal taken during the afternoon period 3 and 6pm hours - £2.95; or
 - (iv) Evening Meal Allowance – a meal during the evening, ending after 7pm - £9.25.
2. In the case of an overnight absence from home¹ Councillors may claim up to £84.71.
3. For an absence overnight in London, or for the purposes of attendance at an annual conference (including an annual meeting) of the Local Government Association or such other association of bodies as the Secretary of State may for the time being approve for the purpose, £96.62.

¹ “Home” meaning the usual place of residence

SCHEDULE 3

How to Calculate Part Year Entitlements

1. An amendment to the scheme may change the amount of basic or special responsibility allowance payable to a councillor. When this happens, either of the following periods will need to be calculated:

- (a) The number of days from the beginning of the year to the day before the effective date of the first amendment of the scheme in that year;

OR (where there has been more than one amendment)

- (b) The number of days from the effective date of an amendment to the end of the year or the effective date of the next amendment (if there is one).

This period is called "the relevant period". For each period, a councillor will receive payment of part only of the basic or special responsibility allowance (at the amended rate) to be calculated as follows:

$$\frac{\text{number of days in relevant period}}{\text{number of days in the year}} \times \text{total annual basic or special responsibility allowance at new rate}$$

2. If a councillor's term of office is for less than a full year, his or her entitlement to payment of basic allowance will be calculated as follows:

$$\frac{\text{number of days of term of office}}{\text{number of days in the year}} = \text{total annual basic allowance for the year}$$

3. If an amendment to the scheme changes the amount of the basic allowance and for any relevant period a councillor's term of office does not extend for the whole of the period, the councillor's entitlement to payment of basic allowance for each such relevant period will be calculated as follows:

$$\frac{\text{number of days of term of office during the relevant period}}{\text{number of days in the relevant period}} = \text{total basic allowance payable for the relevant period}$$

4. If a councillor has special responsibilities entitling him or her to payment of an allowance for part of a year only, he or she will receive payment of a part of the annual allowance to be calculated as follows:

$$\frac{\text{number of days during which councillor has special responsibilities}}{\text{number of days in the year}} = \text{total annual special responsibility allowance}$$

5. This paragraph applies if:

- (a) an amendment to the scheme changes the amount of a special responsibility allowance payable to a councillor, and
- (b) the councillor has the relevant special responsibilities for part only of any "relevant period".

If so, the councillor will receive payment of part only of the allowance for each "relevant period" to be calculated as follows:

$$\frac{\text{number of days in relevant period for which councillor has special responsibilities}}{\text{total number of days in the relevant period}} = \text{total special responsibility allowance payable for relevant period}$$