

Date:	28 February 2018
Classification:	For General Release
Title:	Members' Allowance Scheme 2018-2019
Report of:	Head of Committee and Governance Services
Wards Involved:	None
Policy Context:	Management of the Council
Financial Summary:	There are no additional financial impacts arising from the proposals set out in this report
Report Author and Contact Details:	Mick Steward Tel: 020 7641 3134 Email: msteward@westminster.gov.uk

1. Executive Summary

- 1.1 The Council is required, if it wishes to pay such allowances, to adopt a Members' Allowances Scheme on an annual basis with effect from 1 April each year. Such a scheme can be amended in year.
- 1.2 In drawing up the revised Members' Allowances Scheme regard has been given to the recommendations of the London-wide Independent Remuneration Panel convened by London Councils whose most recent report (2018) is listed with the relevant statutory guidance as background documents are attached (Appendix B).
- 1.3 Each year an assessment is undertaken to ensure that existing budget levels are sufficient. However, as set in paragraph 3.10 of the report a 2% increase is proposed.

2. Recommendation

- 2.1 That the Council be recommended to approve the Members' Allowances Scheme attached as Appendix A for 2018-2019 with effect from 1 April 2018.
- 2.2 That the City Treasurer be directed to include provision to reflect inflation in the Members Allowances Budget in 2018/19 and future years at the same level as that set aside for the salary increase for officers.

3. Background

- 3.1 There is a requirement for local authorities if they wish to adopt a Members' Allowance Scheme on an annual basis, with effect from 1 April each year. Schemes can be amended at any time during the year.
- 3.2 When considering a new scheme, or amending an existing scheme, local authorities must have regard to the report of the London Councils' Independent Panel on the Remuneration of Councillors and relevant guidance from the Secretary of State. The Committee and the Council are required to have regard to the Panel's report in considering its own scheme. The Council's overall budget for Members Allowances remains towards the bottom of all London Boroughs. The Council asked the following matters of the Panel:
1. Previously the Panel have recommended that SRAs should be paid to a maximum of only 50% of the whole Council membership. At WCC we pay an SRA also to members of panels which meet fairly frequently, in particular day time, as well as Cabinet Members, Committee Chairmen etc. Does the Panel consider this as a reasonable exception to its 50% "rule"?
 2. The Panel's view is WCC pays more than one SRA to the same member and indeed in some but rarely up to 3 or 4 in a few cases. The logic is that if Members are doing the task they should be paid the SRA. These are generally at the lower end of the SRAs payable, but does the Panel have a view, please?
 3. The Council does not pay travel expenses for travel within the Greater London Authority area, saying that such costs should be met from the allowances paid. It does provide all Members with a parking permit for use only when undertaking approved duties. In cases where there is a medical justification it will reimburse taxi fares. The Council does not pay other allowances – for example dependent care allowances. Any views?.

All Members were given the opportunity to put issues to the Panel.

Members' Allowances

- 3.3 The current Members' Allowances Scheme was adopted by the Council on 2 March 2017. The Scheme for the 2018/19 municipal year requires the approval of the full Council, upon recommendation from the General Purposes Committee. As in previous year's regard has been given to the findings and recommendations detailed in the Panel's most recent report published in January 2018.
- 3.4 An annual review is undertaken to assess the financial commitments and evaluate if a finance pressure will materialise. If it transpires then, budgets are uplifted to offset inflationary pressures or mitigating initiatives are adopted.

The Members Allowance budget is deemed sufficient to meet the financial commitments for 2018-19.

- 3.5 The Chief Whip of the Majority Party has, as in previous years, been consulted on the proposals. The Chief Whip of the Minority Party was also invited to give views on matters to be considered.
- 3.6 The City Council elections on 3 May 2018 could lead to changes in the Council's committee structures. It is therefore anticipated that a further report seeking approval to some amendments to the scheme will be submitted at some point after the forthcoming local elections.

Basic Allowance

- 3.7 It is proposed to increase the level of Basic Allowance payable to all Members by 2%, therefore making this i.e £9,180 per annum.

Special Responsibility Allowance (SRA)

- 3.8 Significant adjustments were made to the scheme in 2010 which intended, within the constraints of the existing budget provision, to ensure the scheme rewarded more fully the duties and tasks undertaken by Members. The changes to the Scheme proposed in this report continue the trend commenced previously to visit the SRAs to tasks undertaken in particular day time duties.
- 3.9 The Scheme continues to reflect and reward the levels of duties undertaken by Members in formal posts, including those bodies which have a particularly frequent schedule of meetings.
- 3.10 As reflected in the Independent Panel's report it is proposed that they be increased by the amount of the proposed Local Government Pay Award. This could be circa 2% uplift in allowance which would be funded from central finance.

ICT Allowance

- 3.11 As part of the Members Allowances Scheme approved at the time of the City Council elections in 2006, provision for the payment of a one off allowance of £1,000 upon election was made to allow for the purchase of ICT equipment. This is paid as an enhancement to the Basic Allowance. This was paid in 2010 and again in 2014. This is next due this year. The Chief Information Officer has confirmed that the value of the IT allowance continues to be acceptable given that the cost of IT commodity computing kit has been stable or reducing over recent years. The IT requirements of Members and the associated governance requirements are being reviewed and are to be the subject of a separate report to the Cabinet Member for Finance, Property and Corporate Services. The IT allowance is to cover cost of IT equipment including all related kit and supplies.

Travel and Subsistence Allowance

- 3.14 The Council's scheme continues to be more restrictive than the Panel's recommendations and only allows for travel claims for approved duties outside of the Greater London area (travel to other London Boroughs is not reclaimable). No change to this part of the scheme is proposed. Reference is included in the scheme to the availability of all zone permits for Members, for use when undertaking official duties.

4. Legal Implications

- 4.1 There is a requirement that councils must make a scheme if it wishes to have one for the following year to commence on 1 April. Schemes can be amended at any time but new schemes can be introduced only from the start of each year commencing on 1 April. The approval of the full Council is necessary for any amendments to existing schemes or the adoption of new schemes.
- 4.2 Regulations relating to Members' Allowances require the publication of the report of the Independent Remuneration Panel, the scheme of allowances and details of the total sums paid to each Member under each category of allowance in each year. The statutory guidance on the publicity requirements suggests that details of allowances paid are made available on the Council's website together with information on the responsibilities of elected Members and the duties and time commitment which the basic allowance is intended to remunerate. This has previously been agreed by this Committee.

Legal implications verified by Rhian Davies, Chief Solicitor (Litigation and Social Care)

5. Financial Implications

- 5.1 The Members' Allowances budget for 2018-2019 is £0.958m which excludes the provision for the employer National Insurance. The annual allowance is expected to be £0.923m. The remaining balance is transferred to reserves to fund the ICT allowance every four years. The provision for National Insurance is £0.098m.
- 5.2 The budget is unchanged and is deemed to be sufficient to meet all the financial commitments. However, a proposed uplift in allowance could take place in the near future as per an Independent Panel's report. The uplift could be circa 2% which would be funded from central finance.

6.1 Consultation

The Chief Whip of the Minority Party has been consulted. Any comments received will be reported at the meeting.

If you have any questions about this report, or wish to inspect one of the background papers, please contact Mick Steward:

Email: msteward@westminster.gov.uk

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972
BACKGROUND PAPERS**

The documents referred to in compiling this report are as follows:

- Report of the Independent Remuneration Panel 2018
- Guidance Issued by Secretary of State
- Report of the General Purposes Committee – 25 February 2017

APPENDIX A

MEMBERS' ALLOWANCES SCHEME FROM 1 APRIL 2018 TO 31 MARCH 2019

1. This Scheme is made under, and in accordance with, the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. The rates of allowances specified will apply until the Scheme is amended or replaced, in which event the revised rates of allowances will be paid from the date from which the amendment takes effect.
3. Subject to the relevant form being completed at the appropriate time, entitlement to allowances under the Scheme commences on the date upon which a Member is elected to the Council or is elected or appointed to an office qualifying for special responsibility. The entitlement ceases on the date upon which a Member ceases to hold a qualifying office or ceases to be a Member of the Council (the fourth day after polling day in the year of City Council elections, i.e. the Monday). An apportionment of the relevant allowances will be made in the same proportion as the number of days that the Member held Office or was a Member, bears to the number of days in the relevant year.
4. Any Member may by notice in writing to the Head of Committee and Governance Services elect to forego for any period any part of an entitlement to an allowance under the Scheme which will take effect from the date upon which the notice is received by the Head of Committee and Governance Services.
5. Allowances will be paid by equal monthly instalments on the 20th day of each month by BACS to the account notified by the relevant Member for these purposes to the Head of Committee and Governance Services. Members will also be required to provide a valid National Insurance Number. A £1,000 lump sum additional Basic Allowance for Members to purchase ICT equipment will be paid to any Member elected. No ICT allowance shall be payable unless the confirmation is received that computer hardware and an email address for Council use is available. This allowance is also payable to any Member elected at a by-election except that this allowance will not be paid if a Member received this allowance upon having been elected at a by-election in the previous 12 months.
6. Except where so authorised by the Head of Committee and Governance Services any claim for travel and subsistence allowances must be made within two months of the date of the duty to which the claim relates.

Basic Allowance

7. A Basic Allowance of £9,180 pa from 1 April 2018 will be paid to every Member of the Council who formally elects to receive it.

Special Responsibility Allowance

8. Payments of Special Responsibility Allowances will be made to Members of the Council who hold special offices unless they formally elect not to receive them. Attached as Annex A is a list of the Special Responsibility Allowances payable from 1 April 2018.

Conferences

9. Councillors are entitled to have their Conference fees met when approved by the appropriate Cabinet Member, Committee or the Head of Members Services in consultation with the relevant party Chief Whip and to receive payments at the approved rates for travel and subsistence in respect of their attendance at conferences held outside the City to discuss matters relevant to the discharge of the Council's functions.

Travel Expenses

10. Members and Co-opted Members are entitled to claim payment of Travel Allowances at the rates of allowance set out in Annex B where expenditure has necessarily been incurred to enable them to attend an approved duty, defined as set out in Annex C, but only when travelling outside the Greater London area. Members of Education Admissions and Exclusions Appeal Panels are entitled to claim travel allowances for attendance at meetings relating to their membership at the rates set out in Annex B.

Members of the Council shall be entitled to a City Council all zones official parking permit for use when undertaking official council duties and otherwise used in accordance with the rules relating to their use.

Subsistence

11. Subsistence may be claimed only for accommodation or meals at conferences (approved in accordance with paragraph (i) of Annex C) where such costs are not included in the conference fee, subject to the maximum allowance referred to in Annex B.

Payments whilst under Suspension

12. Payments of allowances, basic and special responsibility, shall not be paid to a Member who is suspended or if partially suspended that element of special responsibility allowance which may be payable in respect of an office held by the Member to which the partial suspension relates.

Publication

13. This scheme will be published as required by legislation. At the end of each financial year the City Council is required by legislation to publish the sums paid to councillors under the Scheme.

ANNEX A

MEMBERS ALLOWANCE SCHEME – SPECIAL RESPONSIBILITY ALLOWANCES WITH EFFECT FROM 1 APRIL 2018

Office Holders	Allowances (from 1.4.18) Proposed	Total Cost (from 1.4.18)
Leader/Deputy Leader	£	£
Leader of the Council (Chairman of the Cabinet)	35,700	35,700
Deputy Leader of the Council (Vice Chairman of the Cabinet)	17,850	17,850
Cabinet Members		
Each Cabinet Member (excluding the Leader and the Deputy Leader) (x8)	10,200	81,600
Opposition Leader/Whips		
Leader of the Opposition	8,160	8,160
Chief Whip (Majority)	5,100	5,100
Chief Whip (Minority)	4,080	4,080
Minority Party Deputy Leader	4,080	4,080
Policy and Scrutiny Committees		
Each Scrutiny Committee Chairman (x4)	8,160	32,640
Minority Party Scrutiny Spokesperson	4,080	4,080
Other Committee/Sub-Committee Chairmen		
Audit and Performance	8,160	8,160
Standards	3,060	3,060
Planning Applications Committees (x3)	4,080	12,240
Licensing Sub-Committees (x4)	4,080	16,320
Pension Fund Committee	3,060	3,060
*Licensing Committee	8,160	8,160
+Planning and City Development Committee	8,160	8,160

* (If this Chairman is also appointed as a Chairman of a Licensing Sub-Committee they will only receive the allowance payable to the Licensing Committee Chairman)

+ (If this Chairman is also appointed as a Chairman of a Planning Applications Committee they will only receive the allowance payable to the Planning and City Development Committee Chairman)

Deputy Cabinet Members

Each Deputy Cabinet Member appointed to support a Cabinet Member (x16)	3,060	48,960
--	-------	--------

Other Panels

Chairman of Rating Advisory Panel	3,060	3,060
Chairman of Discretionary Housing Benefits Panel	3,060	3,060

Panel Members of the Discretionary Housing and Benefits Review Panel and the Rating Panel (x8)	2,040	16,320
--	-------	--------

Council Members of CityWest Homes Board (x4)	2,020	8,080
--	-------	-------

Members of Pension Fund Committee except Chairman (x3)	2,020	6,060
--	-------	-------

Panel Members of the Licensing Sub-Committees, Members of the Planning Applications Committees rate of £2,020 (x24 - £48,960), including one additional reserve Panel Member for the Planning Applications Committee one to be nominated by the Majority Party Chief Whip and one by the Minority Party Chief Whip. This separate SRA is not payable to the Chairmen of these bodies.

Panel Member of the Adoption and Fostering Panel	3,060	3,060
--	-------	-------

NOTE REGARDING SPECIAL RESPONSIBILITY ALLOWANCES PAYABLE IN RESPECT OF THE INDEPENDENT PERSON APPOINTED UNDER SECTION 28 OF THE LOCALISM ACT 2011 AND CO-OPTED MEMBERS ON OTHER COMMITTEES

Each Independent Person shall be paid a Special Responsibility Allowance of £500 pa.

The co-opted Members of the Children and Community Services Policy and Scrutiny Committee shall be paid upon election and completion of the necessary acceptance of office a sum of £300 to cover their out of pocket expenses for the period of their office.

ANNEX B

TRAVEL AND SUBSISTENCE ALLOWANCES: (OUTSIDE THE GREATER LONDON AREA)

(A) TRAVEL

- (a) Travel by own private vehicle

Motor Mileage Allowance	Pence Per Mile
--------------------------------	-----------------------

Motorcycles:

Up to 150cc	8.5
151-500cc	12.3
Over 500cc	<u>16.5</u>

Cars & Tri cars:

500cc-999cc	35.8
1000-1199cc	39.9
Over 1199cc	<u>49.4</u>

- (b) **Travel by Public Transport**

The ordinary fare or any reasonably available cheap fare actually paid.

- (c) **Travel by Taxi**

Members are not permitted to claim for travel by taxi except as part of onward or return travel to or from a conference held outside the Greater London area where a claim for other travel expenses has or could be made.

The Head of Committee and Governance Services shall be authorised to reimburse claims for taxi fares, on an exceptional basis, for example on medical advice, to and from approved duties. Such authority to be obtained in advance, if possible.

- (d) **Travel by Rail and Air**

- (i) The ordinary fare or any available cheap fare actually paid.

- (ii) Actual expenditure incurred on:
Reservation of seats
Sleeping accommodation for an overnight journey
Deposit on portage of baggage

- (iii) Travel by Air shall only be allowed when included as part of the formal approval of the attendance at a conference or overseas visit. In the case of overseas visits the cost to be met from the budget of the relevant service.

(e) **Additional Travel Expenses**

The rates specified above may be increased by not more than the amount of any expenditure incurred on tolls, ferries, parking fees or cost of overnight garaging of a motor vehicle, except that reimbursement of the Central London Congestion Charge shall not be permitted.

(f) **Subsistence**

Subsistence claims for the reasonable costs of overnight accommodation or meals not included in the Conference fee can only be claimed, up to a maximum of £180 per day, upon production of relevant receipts.

(g) **Receipts**

Claims for reimbursement of expenditure by main line rail, air or any other additional expenses, or subsistence, must be accompanied by a receipt.

Note: All Members shall be entitled to apply to the Head of Members' Services for the use of an all zones parking permit for their use whilst on Official Council business only such permit only to be used in accordance with the guidance notes for use issued with the permits.

ANNEX C

LIST OF APPROVED DUTIES FOR TRAVEL AND SUBSISTENCE ALLOWANCE:

The following are the categories of duties which qualify for payment of travel and subsistence allowance, where such expenditure has been incurred (although separate payments will only be reimbursed for travel outside the Greater London area):

- (a) Meetings of the Council, the Cabinet, their Committees, Sub-Committees, Panels and meetings of the Westminster Scrutiny Commission and the Policy and Scrutiny Committees and Task Groups of which the Councillor is a member or at which a Councillor who is not a member of that body attends to address the meeting with the prior permission (where such permission is required under Standing Orders) of the Chairman.
- (b) Attendance as the Council's representative at a meeting of any joint authority or Committee of local authorities or of any Committee or Sub-Committee of the body of which the Council is a constituent member.
- (c) Attendance as the Council's representative at meetings of any association of authorities or Committee or Sub-Committee of the association of which the Councillor is a member.
- (d) Attendance at duties which qualify for attendance allowance as single member duties as specified in the Regulations, currently:

Meetings to determine the attendance of individual pupils at any out of borough special schools.

Rota and other visits to inspect establishments outside of the borough on behalf of the Cabinet Members for Children and Young People and Adults Social Care.
- (e) Attendance at any other meeting convened by the Council, the Cabinet, a Committee or Sub-Committee to discuss matters relevant to the discharge of the Council's functions and to which Members of more than one Party Group have been invited.
- (f) Attendance at any meeting, which is an induction training session, seminar, presentation, or briefing arranged by Chief Officers of the City Council for all Members of a Committee, Sub-Committee or Panel to discuss matters relevant to the discharge of the Council's functions and to which Members of more than one Party Group have been invited.
- (g) Attendance as the Council's representative in connection with the discharge of the Council's functions at meetings of outside bodies (excluding local authority maintained schools), their Committees and Sub-Committees. The Head of Committee and Governance Services maintains a list of such representatives

and has delegated powers to add and remove bodies to this category to reflect formal appointments made by the City Council.

- (h) Attendance at visits and inspection of sites and premises arranged by officers or approved by Cabinet/Committee (eg opening of new facilities).
- (i) Attendance approved by the appropriate Committee or by the Head of Member Services, in accordance with his delegation at conferences convened by other authorities and organisations to discuss matters relevant to the discharge of the Council's functions.
- (j) Attendance by the Leader of the Council, Cabinet Members, Deputy Cabinet Members, Leader of the Opposition, and Chief Whips on matters concerning the discharge of the Council's functions.
- (k) Attendance by Cabinet Members, Chairmen and Vice-Chairmen of Committees and Sub-Committees concerning the discharge of functions relevant to the work of their portfolio or their Committees or Sub-Committees, including Chairman's Call-over meetings and site visits.
- (l) Attendance before Parliamentary Committees, official bodies and inquiries to give evidence or make representations on the council's behalf.
- (m) Attendance as the Council's appointee or nominee at any meeting. (This excludes party group meetings but includes single member duties where one member has been appointed, appearing as a Council witness at a Planning Inquiry or court proceedings or member-level working groups appointed by a Committee and representation on any outside body which is not eligible for attendance allowance).