

General Purposes Committee

Date:	23 February 2021
Classification:	For General Release
Title:	Members' Allowance Scheme 2021-2022 and Creation of Planning and Licensing Vice-Chair Positions
Report of:	Head of Committee and Governance Services
Wards Involved:	None
Policy Context:	Management of the Council
Financial Summary:	The two new Vice-Chair positions will both receive an annual allowance of £5,252
Report Author and Contact Details:	Reuben Segal Email: rsegal@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.
- 1.2 In drawing up the 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.
- 1.3 It is proposed that vice chairmen posts are established for the Planning & City Development Committee and the Licensing Committee. The proposed Members' Allowances Scheme from the 1st April 2021 has been prepared on the basis of the current scheme, subject to the inclusion of allowances for the Vice-Chair posts previously referred to, as set out in Appendix A.

2. Recommendations

That the General Purposes Committee recommend that Full Council:

- 2.1 Approve the Members' Allowances Scheme attached as Appendix A for 2021-2022 with effect from 1 April 2021 subject to the inclusion of an uplift for both basic and special responsibility allowances in line with the approach outlined

in paragraph 3.6 below.

- 2.2 Establish the positions of Planning and City Development Vice-Chair and Licensing Committee Vice-Chair with immediate effect.

3. Background

- 3.1 There is a requirement for local authorities if they wish to adopt a Members' Allowance Scheme, that this be done 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 amongst the lowest of all London boroughs.

Members' Allowances

- 3.3 The current Members' Allowances Scheme was adopted by the Council on 4 March 2020 upon recommendation from the General Purposes Committee. As in previous years regard has been given to the findings and recommendations detailed in the Panel's most recent report published in January 2018.
- 3.4 As mentioned in paragraph 1.3 it is proposed to establish the positions of Vice-Chair for both the Planning and Licensing Committees with each position receiving a Special Responsibility Allowance at the rate of £5,252 pa from 1 April 2021 to reflect the duties and time commitment that this role requires.
- 3.5 The Members Allowance budget is deemed sufficient to meet the revised financial commitments for 2021-22, as set out in the proposed scheme.
- 3.6 The proposed scheme from the 1st April 2021 has been prepared on the basis of the current scheme. Any potential increases to the Basic and Special Responsibility Allowances will be in line with any increase in salary for Council staff in 2021-22 agreed by the National Joint Council for Local Government Services. In the event that there is an increase in allowances the allowances set out in Appendix A will be amended accordingly and payments backdated to 1 April 2021.
- 3.7 The Chief Whip of the Majority Party has, as in previous years, been consulted on the proposals. The Chief Whip of the Minority Party has also been invited to give views on matters to be considered. Any comments received will be verbally reported at the Committee meeting.

Basic Allowance

- 3.8 In 2020-21 the level of Basic Allowance payable to all Members was increased by 2.75% to £9,622 per annum which was in line with the increase in salary for Council staff agreed by the National Joint Council for Local Government Services.

Special Responsibility Allowance (SRA)

- 3.9 Special responsibility allowances reflect the tasks undertaken, in particular day time duties.
- 3.10 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.
- 3.11 In 2020-21 the level of Special Responsibility Allowances was increased by 2.75% which was in line with the increase in salary for Council staff agreed by the National Joint Council for Local Government Services.

ICT Allowance

- 3.12 The IT allowance is not changed as part of this review and was paid to all Members in June 2018 with the exception of one Councillor to whom it was paid following their election in November 2018.

Travel and Subsistence Allowance

- 3.13 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.

Planning and Licensing Vice-Chairs

- 3.14 It is proposed to establish two new positions of Planning and City Development Committee Vice-Chair and Licensing Committee Vice-Chair. It is proposed that both positions receive an annual allowance of £5,252 from 1 April 2021 which is considered appropriate for the range of duties they will be expected to carry out in support of the Chairs. This will include providing assistance in ensuring that the work of the committees is in alignment with national and local plans and Council priorities and helping develop and maintain effective relationships with partner organisations and other agencies in relation to the work of the Committees as appropriate.

4. Legal Implications

- 4.1 Under Regulations 4 (1) (a) and (b) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (S12003/1021) there is a requirement that councils must make a scheme in accordance with the Regulations which provides for the payment of an allowance in respect of each year to each member of an authority. The scheme may provide for paying a basic allowance and any other allowances permitted by the Regulations. Regulation 10 (1) provides that if it wishes to have a scheme for the following year to commence on 1 April, the Council must make the scheme before the start of the year. Under Regulation 10 (3) schemes can be amended at any time during the year and under Regulation 10(6) amendments can take effect from the beginning of the year. 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.

5. Financial Implications

- 5.1 The Members' Allowances budget for 2022-2022 is sufficient to fund the changes proposed in this report.
- 5.2 The Members Allowances Scheme proposed for 2021-2022 is fully funded in the draft budget for 2021-2022. The total cost is £1,007,590, excluding employers National Insurance contributions.
- 5.3 Any further increase in members' allowances is expected to be met within budget.
- 5.4 The Council at its meeting on the 18th September 2019 agreed to amend the members' allowances scheme to include the ability for councillors to claim reimbursement of care expenses they incur in arranging carers to look after dependents when they are undertaking approved council duties. To date no such claims have been made. Based on this information the likely financial impact of any claims is not expected to be material. No additional budget provision has been made for such claims as any claims should be able to be met from the existing budget.

6. Consultation

- 6.1 The Chief Whips of the Majority Party and Minority Party have been consulted.

- 6.2 The Chief Whip of the Majority Party supports the proposals.
- 6.3 The Whip of the Minority Party on behalf of the labour party does not support the creation of the Planning and Licensing Committee vice-chairman posts and the payment of related SRAs and the reason given is that in their view these are neither necessary or proportionate as there has been no change to the regimes which has resulted in an increased workload to the extent that the Scheme needs to be amended.

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

Email: rsegal@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

APPENDIX A

MEMBERS' ALLOWANCES SCHEME FROM 1 APRIL 2021 TO 31 MARCH 2022 (AMENDED)

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, subsistence and care 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 £9,622 pa from 1 April 2021 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 2021.

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.

Dependant/Carer's Allowance

12. Members may claim this allowance against care expenses they incur in arranging carers to look after dependants who cannot be left by themselves by reason of age or other special needs. The allowance may only be claimed in respect of approved duties defined in Annex C to this scheme (and is subject to tax and National Insurance deductions at personal rates).

The maximum rate claimable shall be set at the level of the London Living Wage rate set annually by the Living Wage Foundation.

The following criteria shall also apply:

- Payment is claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required.
- The allowance is not payable to any member of the claimant's household.
- The claim shall cover the time spent at the meeting plus up to one hour for travel to and from the meeting.
- The claim needs to be supported by a receipt which should be retained by the Member for auditing purposes for a period of six years.
- Any dispute as to entitlement and any allegation of abuse should be referred to the Council's Monitoring Officer for adjudication.

Sickness and Parental Leave Policy

13. All Members shall continue to receive their Basic Allowance in full in the case of pregnancy, maternity, paternity and sickness leave.

Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, shared parental or adoption leave at a rate of three months full pay and the following three months at half pay.

In accordance with Section 85 of the Local Government Act 1972, Members of the Council are required to attend a meeting of the Council within a six month period unless the Council agrees to an extended leave of absence prior to the expiration of that six month period. Where a Member requires an extended absence they should seek a dispensation from the Leader of the Council by submitting an application in writing to the Head of Committee and Governance Services.

Payments whilst under Suspension

14. 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

15. 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 2021

Office Holders	Allowances (from 1.4.21) Proposed	Total Cost (full year)
Leader/Deputy Leader	£	£
Leader of the Council (Chairman of the Cabinet)	39,308	39,308
Deputy Leader of the Council (Vice Chairman of the Cabinet) (x2)	19,916	39,883
Cabinet Members		
Each Cabinet Member (excluding the Leader and the Deputy Leader) (x7)	11,531	80,716
Opposition Leader/Whips		
Leader of the Opposition	9,434	9,434
Chief Whip (Majority)	5,252	5,252
Chief Whip (Minority)	5,252	5,252
Minority Party Deputy Leader (x2)	5,252	10,504
Policy and Scrutiny Committees		
Each Scrutiny Committee Chairman (x4)	8,554	34,215
Minority Party Scrutiny Spokesperson (Not currently paid)	4,276	4,276
Other Committee/Sub-Committee Chairmen		
Audit and Performance	8,554	8,554
Standards	3,207	3,207
Planning Applications Committees (x3)	4,717	14,151
Licensing Sub-Committees (x4)	4,717	18,868
Pension Fund Committee	3,207	3,207
*Licensing Committee	9,434	9,434
+Planning and City Development Committee	9,434	9,434
Vice-Chairmen		
*Planning	5,252	5,252
+Licensing	5,252	5,252

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

+ (If this Chairman/Vice 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/Vice Chairman)

Deputy Cabinet Members

Each Deputy Cabinet Member appointed to support a Cabinet Member (x12)	3,207	38,484
--	-------	--------

Other Panels

Chairman of Rating Advisory Panel	3,207	3,207
Chairman of Discretionary Housing Benefits Panel	3,207	3,207

Panel Members of the Discretionary Housing and Benefits Review Panel and the Rating Panel (x8)	2,138	17,104
--	-------	--------

Members of Pension Fund Committee except Chairman (x3)	2,138	6,414
--	-------	-------

Panel Members of the Licensing Sub-Committees, Members of the Planning Applications Committees rate of £2,621 (x20 - £52,410)

Panel Member of the Adoption and Fostering Panel	3,207	3,207
--	-------	-------

Basic Allowance (x60)	9,622	577,358
------------------------------	--------------	----------------

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 Policy and Scrutiny Committee that covers education matters 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 portorage 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, SUBSISTENCE AND CARER'S ALLOWANCE:

The following are the categories of duties which qualify for payment of travel, subsistence and carer's allowance, where such expenditure has been incurred (although separate payments will only be reimbursed for travel and subsistence 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).