



City of Westminster

# General Purposes Committee

<b>Date:</b>	<b>8 June 2022</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Members' Allowance Scheme 2022-2023: Amendment</b>
<b>Report of:</b>	<b>Director of Law</b>
<b>Wards Involved:</b>	<b>None</b>
<b>Policy Context:</b>	<b>Management of the Council</b>
<b>Financial Summary:</b>	<b>There are no additional financial impacts arising from the proposals set out in this report</b>
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## 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. Such a scheme can be amended in year.
- 1.2 The Members' Allowances Scheme for 2022-2023 received initial approval by the General Purposes Committee at its meeting on 22 February 2022 and was formally adopted by the full Council on 2 March 2022. The Council agreed that an uplift in allowances of 1.75% should be applied in line with the salary increase for Council staff agreed by the National Joint Council for Local Government Services.
- 1.3 It had previously been discussed by the General Purposes Committee that a review of the scheme would be undertaken following the local elections in May 2022. Following these elections, the amended scheme is set out in this report which reflects the reduction in the total number of Councillors from 60 to 54.
- 1.4 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 (2022) is listed with the relevant statutory guidance as background documents.

## **2. Recommendations**

- 2.1 That the Council be recommended to approve the amended Members' Allowances Scheme attached as Annex A for 2022-2023.

## **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 22 February 2022, upon recommendation from the General Purposes Committee. As in previous year's regard has been given to the findings and recommendations detailed in the Independent Remuneration Panel's most recent report published in 2022. The Council agreed to increase all allowances by 1.75% in line with the salary increase for Council staff agreed by the National Joint Council for Local Government Services.
- 3.4 The Members Allowance budget is deemed sufficient to meet the revised financial commitments for 2022-23, as set out in the proposed scheme.
- 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 has also been invited to give views on matters to be considered. Any comments received will be verbally reported at the Committee meeting.
- 3.6 The main amendment to the scheme relates to the reduction in Councillors from a total of 60 to 54 following a review of ward boundaries by the Local Government Boundary Commission.

### **Basic Allowance**

- 3.6 It is proposed to maintain the level of Basic Allowance payable to all Members at £9,790 per annum.

### **Special Responsibility Allowance (SRA)**

- 3.7 Special responsibility allowances reflect the tasks undertaken, in particular day time duties.
- 3.8 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.
- 3.9 The Lord Mayor is paid an annual special responsibility allowance of £24,781, however this does not form part of the Members Allowances Scheme as this is paid from the Lord Mayor's Office Budget.

### **ICT Allowance**

- 3.10 The IT allowance is not changed as part of this review and will be paid to Members in June 2022.

### **Travel and Subsistence Allowance**

- 3.11 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 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 2022-2023 is sufficient to fund the changes proposed in this report.
- 5.2 The Members Allowances Scheme proposed for 2022-2023 is fully funded in the draft budget for 2022-2023 including any potential uplift. The total cost is £936,843, excluding employers National Insurance contributions.

## **6. Consultation**

- 6.1 The Chief Whips of the Majority Party and Minority Party have 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 Tristan Fieldsend:**

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**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 2022

## **APPENDIX A**

### **MEMBERS' ALLOWANCES SCHEME FROM 1 APRIL 2022 TO 31 MARCH 2023 (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 Committee and Councillor Support Manager 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 Committee and Councillor Support Manager.
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 Committee and Councillor Support Manager. 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. 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 Committee and Councillor Support Manager 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 £9,790 pa from 1 April 2022 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 Committee and Councillor Support Manager 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 Committee and Councillor Support Manager.

### **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 JULY 2022

<b>Office Holders</b>	<b>Allowances (from 1.7.22) Proposed</b>	<b>Total Cost (full year)</b>
<b>Leader/Deputy Leader</b>	£	£
Leader of the Council (Chair of the Cabinet)	39,996	39,996
Deputy Leader of the Council (x2)	20,265	40,530
<b>Cabinet Members</b>		
Each Cabinet Member (excluding the Leader and the Deputy Leaders) (x6)	11,733	70,398
<b>Opposition Leader/Whips</b>		
Leader of the Opposition	9,599	9,599
Chief Whip (Majority)	5,344	5,344
Chief Whip (Opposition)	5,344	5,344
Opposition Party Deputy Leader (x2)	5,344	10,688
<b>Policy and Scrutiny Committees</b>		
Each Scrutiny Committee Chair (x4)	8,704	34,816
Opposition Party Scrutiny Spokesperson	4,351	4,351
<b>Other Committee/Sub-Committee Chairs</b>		
Audit and Performance	8,704	8,704
Standards	3,263	3,263
Planning Applications Committees (x2)	4,800	9,600
Licensing Sub-Committees (x3)	4,800	14,400
Pension Fund Committee	3,263	3,263
*Licensing Committee	9,599	9,599
+Planning and City Development Committee	9,599	9,599
<b>Vice-Chairs</b>		
*Planning	5,344	5,344
+Licensing	5,344	5,344

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

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



**Deputy Cabinet Members**

Each Deputy Cabinet Member appointed to support a Cabinet Member (x10)	3,263	32,630
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**Other Panels**

Chair of Rating Advisory Panel	3,263	3,263
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Chair of Discretionary Housing Benefits Panel	3,263	3,263
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Panel Members of the Discretionary Housing and Benefits Review Panel and the Rating Panel (x6)	2,175	13,050
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Members of Pension Fund Committee except Chair (x3)	2,175	6,525
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Panel Members of the Licensing Sub-Committees and Members of the Planning Applications Committees rate of £2,667 (x21 - £56,007)

Panel Member of the Adoption and Fostering Panel	3,263	3,263
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<b>Basic Allowance (x54)</b>	<b>9,790</b>	<b>528,660</b>
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**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

<b>Motor Mileage Allowance</b>	<b>Pence Per Mile</b>
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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 Committee and Councillor Support Manager 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 Committee and Councillor Support Manager 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 Adult 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 Committee and Councillor Support Manager 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 Committee and Councillor Support Manager, 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, Chairs and Vice-Chairs of Committees and Sub-Committees concerning the discharge of functions relevant to the work of their portfolio or their Committees or Sub-Committees, including Chair'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).