

COUNCIL

25 MAY 2011

SCHEME OF ALLOWANCES 2011/2012

RICHARD LONG,

DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

PURPOSE OF REPORT

1. To approve the Scheme of Allowances for the year 2011/12.

BACKGROUND

2. The Council receives an annual report from the Independent Panel on Members' Remuneration recommending which posts should be remunerated and the level of allowances to be paid to Members. The Panel has made its recommendations in respect of the 2011/2012 municipal year and those recommendations are the subject of a separate report on this agenda. The attached Scheme of Allowances reflects the recommendations of the Panel, which are that the Scheme of Allowances remains unchanged for the forthcoming year. The only changes to the Scheme are in respect of the Carers' Allowance which is linked to the Home Care contract rate and has been increased from £11:00 per hour to £11:25 per hour, and the Child Care Allowance which is linked to the Statutory Minimum Wage and has been increased from £5:80 to £5:93 per hour. This report was presented to and deferred from the previous meeting held on 13 April 2011.
3. Members will note that sections 4.3 to 4.6 of the attached Scheme of Allowances have been amended to reflect the current legislation.
4. The legislation requires that at least one Special Responsibility Allowance is paid to a person who is not a member of the majority Group in respect of duties of a political Group leader. Because neither of the two largest minority Groups comprise at least 10% of the total number of Members of the Council, and that they both have exactly the same number of members, Council needs to decide whether either one or two allowances shall be paid to the leaders of the minority Groups, and in either case to which Group leaders the allowance shall be paid.

RECOMMENDATION

5. (a) That Council agrees the attached Scheme of Allowances.
(b) That in accordance with section 4.6 of the Scheme of Allowances, Council determines which minority Group leaders shall be remunerated.

BACKGROUND PAPERS

Report of the Independent Panel on Members' Remuneration

AUTHOR

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MIDDLESBROUGH BOROUGH COUNCIL MEMBERS' ALLOWANCES

The Middlesbrough Borough 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 Middlesbrough Borough Council Members' Allowances Scheme, and shall have effect for the year commencing on 1st April 2011 and subsequent years, unless amended by the Council.
2. In this Scheme:

"Councillor" means a Member of the Middlesbrough Borough Council who is a Councillor or Elected Mayor and where appropriate, a Co-opted Member.

"year" means the 12 months ending with 31st March.
3. Basic Allowance

Subject to paragraphs 9, 12 and 13 a basic allowance of £6,130, shall be paid to each Councillor for the year 1st April 2011 to 31st March 2012.
4. Special Responsibility Allowances
 - 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 to this Scheme, PROVIDED THAT no Member shall be entitled to receive more than one Special Responsibility Allowance.
 - 4.2 Subject to paragraphs 9, 12 and 13 the amount of each such allowances shall be the amount specified against that special responsibility in that Schedule.
 - 4.3 A special responsibilities allowance relating to the duties of a Political Group Leader shall be payable to the leader of the majority Group and to the leaders of the two largest minority Groups, where each of the minority Groups comprise at least 10% of the total number of Members of the Council.
 - 4.4 Where only one of the two largest minority Groups comprise at least 10% of the total number of Members of the Council, a special responsibilities allowance relating to the duties of political Group leader shall be payable to the leader of the majority Group and to the largest minority Group.
 - 4.5 Where neither of the two largest minority Groups comprise 10% of the total number of Members of the Council, a special responsibilities allowance relating to the duties of political Group leader shall be payable to the leader of the majority Group and to the leader of the largest minority Group.
 - 4.6 Where neither of the two largest minority Groups comprise 10% of the total number of Members of the Council, and the two largest minority Groups have the same number of Members of the Council, a special responsibilities allowance relating to the duties of political Group leader shall be payable to the leader of the majority Group and to such other Group leaders as determined by Council.
5. Co-opted Members Allowance
 - 5.1 A Co-opted Members Allowance shall be paid to such Co-opted Member as detailed in Schedule 2 to this Scheme.
 - 5.2 Subject to paragraphs 9, 12 and 13 the amount of each such allowance shall be the amount specified against the Co-opted Member in that schedule.

6. Travelling and Subsistence Allowance – Councillors

- 6.1 A Councillor shall be entitled to receive appropriate travel and subsistence allowances where he/she necessarily incurs expenditure on travel or subsistence in order to perform an approved duty.
- 6.2 The amount of the allowance payable to a Member in respect of subsistence shall be the same as that approved by the Authority in respect of officers of the Council who are paid officer rates.
- 6.3 The allowance payable shall be increased or decreased to the same extent as determined by the Authority in respect of officers.
- 6.4 The allowance payable to a Member in respect of travel shall be paid at the Inland Revenue rate.
- 6.5 For the purposes of this paragraph approved duties shall include all those duties which are specified in Part I of Schedule 3 to this Scheme.

7. Travelling and Subsistence – Co-opted Members

- 7.1 A Co-opted Member shall be entitled to receive appropriate travel and subsistence allowances as specified in Part II of Schedule 3 to this Scheme.

8. Dependent Carers Allowance

- 8.1 A Councillor or Co-opted Member shall be entitled to receive a child care allowance of up to a maximum of £5.93 per hour where he/she has necessarily incurred that expenditure in respect of a child who is looked after by a registered provider whilst the Councillor or Co-opted Member is carrying out an approved duty.
- 8.2 A Councillor or Co-opted Member shall be entitled to receive a carers allowance of up to a maximum of £11.25 per hour where he/she has necessarily incurred that expenditure in respect of an adult who is looked after by a registered provider whilst the Councillor is carrying out an approved duty.
- 8.3 The Child Care Allowance referred to in paragraph 8.1 shall be increased in line with any increase in the national minimum wage.
- 8.4 The Adult Care Allowance referred to in paragraph 8.2 above shall be increased in line with any increase in the maximum hourly rate as notified by the Executive Director of Social Care as charged by the independent care sector in respect of providing adults with home care.
- 8.5 For the purposes of this paragraph an approved duty is any duty listed in Part I of Schedule 3 to this Scheme.

9 Suspension and Disqualification

- 9.1 No Councillor, including Co-opted Members shall be entitled to, nor receive, any Basic Allowance, Special Responsibility Allowance, Travel and Subsistence Allowance, Dependent Carers Allowance or Co-optees Allowance whilst he or she is suspended or disqualified.
- 9.2 Any payment of any allowance referred to in paragraph 9.1 which has been paid to a Member in respect of a period during which the Councillor has been suspended or disqualified shall be repaid by the Councillor in accordance with a direction issued by the Director of Resources.

10 Pensions

- 10.1 The Councillors specified in Schedule 4 to this Scheme shall be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972, or any re-enactment thereof.

10.2 The allowances to be treated as amounts in respect of which pensions are payable are those specified in Schedule 4 to this Scheme.

11. Renunciation

A Councillor may by notice in writing given to the Director of Resources elect to forego any part of his entitlement to an allowance under this Scheme.

12. Part-year Entitlements

12.1 The provision of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility 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 is payable.

12.2 If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a basic allowances 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 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.

12.3 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/her term of office subsists bears to the number of days in that year.

12.4 Where this Scheme is amended as mentioned in sub-paragraph 12.2, and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph 12.2a, 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 term of office as a Councillor subsists bears to the number of days in that period.

12.5 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 that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

12.6 Where a remunerated chairperson has been absent due to exceptional circumstances, and another Member acts as chair for more than 50% of the meetings in any Municipal Year, then the person who has acted as chair shall be remunerated, and the entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

12.7 Where this Scheme is amended as mentioned in sub-paragraph 12.2 and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 12.2a of that paragraph any such 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.

12.8 Where a scheme of allowances is amended, the Council can choose to apply any amendment retrospectively to the beginning of the financial year in which the amendment is made.

13. Claims and Payments

13.1 Payments of allowances shall be made as follows:

- a) Basic Allowances:
Monthly
- b) Special Responsibility Allowances:
Monthly
- c) Travel and Subsistence Allowance:
Monthly
- d) Dependent Carers Allowance:
Monthly
- e) Co-optees Allowance:
Monthly

13.2 All payments shall be made direct to a Bank or Building Society.

13.3 The Director of Resources shall have authority to agree a different frequency of payment with an individual Member on request.

**THE COMMON SEAL OF THE COUNCIL OF THE
BOROUGH OF MIDDLESBROUGH WAS HEREUNTO
AFFIXED IN THE PRESENCE OF:**

Signed:

Date:

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 (such amounts to be varied in accordance with any variation made to the basic allowance)

<u>OFFICE</u>	<u>ALLOWANCE</u>
Mayor (Basic Allowance x 10)	61,300
Deputy Mayor (Basic Allowance x 3)	18,390
Executive Members (Basic Allowance x 2)	12,260
Chair of Overview & Scrutiny Board (Basic Allowance x 2)	12,260
Chair of Licensing Committee (Basic Allowance x 1.5)	9,200
Chair of Planning & Development Committee (Basic Allowance x 1.5)	9,200
Chair of the Council (Basic Allowance x 1)	6,130
Chair of Corporate Affairs Committee (Basic Allowance x 1)	6,130
Chairs of Scrutiny Panels (Basic Allowance x 1)	6,130
Chair of Staff Appeals Committee (Basic Allowance x 1)	6,130
Chair of Audit and Governance Committee (Basic Allowance x 1)	6,130
Vice Chair of the Council (Basic Allowance x 0.5)	3,070
Chair of Complaints & Appeals Committee (Basic Allowance x 0.5)	3,070
Chair of Teesside Pension Fund & Investment Panel (Basic Allowance x 0.5)	3,070
Chair of Corporate Parenting Board (Basic Allowance x 0.5)	3,070
Political Group Leaders:	
Majority Group (Basic Allowance x 1.5)	9,200
Largest Minority Groups - maximum x 2 providing they have 10% of Council membership (Basic Allowance x 0.5)	3,070

SCHEDULE 2

The following are specified as the allowances to be paid in respect of Co-opted Members:

<u>OFFICE</u>	<u>ALLOWANCE</u>
Chair of Standards Committee (Basic Allowance x 1)	£6,130
Chair of Standards Sub-Committees (Initial Assessment Sub-Committee; Appeals Sub-Committee; and Hearings Sub-Committee)	
• for meeting of up to 4 hours: £70	
• for meetings exceeding 4 hours: £140	
except that these shall not apply when the Chair of the Standards Committee chairs a Sub-Committee meeting.	

SCHEDULE 3

TRAVEL & SUBSISTENCE ALLOWANCES

Part 1 Duties that may qualify for Travelling & Subsistence Allowances

- a) the attendance at a meeting of the Authority or of any Committee or Sub Committee of the Authority, or of 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 one or more 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 Executive or a meeting of any of its Committees, where the Authority is operating executive arrangements;
- e) 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;
- f) 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;
- g) the performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996, and
- h) the carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purposes of, or in connection with, the discharge of the functions of the Authority or of any of its Committees or Sub Committees. For the purpose of this Section approved duties shall include the following:
 - i) travel to and from Ward Surgeries
 - ii) travel to the Town Hall for any Council related purpose
 - iii) travel in connection with Scrutiny site visits or investigations
 - iv) authorised attendance at Seminars or Conferences
 - v) the undertaking of any other duties by the Mayor or any other Member of the Council in relation to responsibilities in respect of which a Special Responsibilities Allowance under this scheme may be payable, other than those duties and / or responsibilities that relate to the roles and duties of political group leaders.
- i) In cases of urgency, the Members' Office Manager is authorised to approve duties where there is insufficient time to report to Corporate Affairs Committee.

Part II Co-opted Members Travelling & Subsistence Allowances

- a) Co-opted Members of the following Council bodies shall be entitled to receive a combined travel & subsistence allowance as specified in paragraph (b) following production of a signed declaration that expenses had been incurred:
 - (i) Scrutiny Committees (including Overview & Scrutiny Board, Scrutiny Panels and Scrutiny Working Groups);
 - (ii) Standards Committee (including Sub Committees and Panels)
 - (iii) The Independent Panel on Members' Remuneration, and
 - (iv) Teesside Pension Fund & Investment Panel
- b) The amount of the combined Travel & Subsistence Allowance shall be £10 per meeting.

SCHEDULE 4

PENSIONS

MEMBERS

None

ALLOWANCE

Nil