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**MEMBERS' ALLOWANCES**

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**Responsible Cabinet Member(s) - Councillor John Williams, Leader**

**Responsible Director(s) - Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To consider the recommendations of the Independent Panel appointed by the Council in relation to the adoption of a new Scheme of Members' Allowances.

**Summary**

2. The Independent Panel has produced a report with recommendations in accordance with the Council's terms of reference for the Panel. The report covers a wide range of issues and the conclusion of the Panel is that the current scheme has stood the test of time and is not in need of substantial restructuring at the current time.

**Information**

3. Council, at its meeting on 29th November, 2007, asked its Independent Remuneration Panel to review its Members' allowances to comply with legislation. A review has been conducted in accordance with the terms of reference approved by the Council and the report of the Panel is attached at **Appendix 1**.

**Allowances**

4. The process and methodology of the Panel's Review is detailed in paragraphs 9 to 16 of Appendix 1. Its main conclusion is that the current scheme is not in need of substantial restructuring and it has recommended the following to Council :-
  - (a) Basic Allowance - (all inclusive of travelling and subsistence allowances, within the Borough and personal telephone allowances) – no change.
  - (b) Leader's/Deputy Leader's and Cabinet Members' Allowances - no change.
  - (c) Chair of Monitoring and Co-ordination Group - a new allowance to be paid for this role to recognise the dual role of Scrutiny Chair and Chair of the Group. It is recommended that the increase be 2.5% of the Leader's allowance which equates to £558 per annum.
  - (d) Scrutiny Chair – no change.

- (e) Scrutiny Vice-Chair - the Panel recommends that Scrutiny Vice-Chairs be paid at the same level as Planning and Licensing Vice-Chairs and that that be 35 per cent of the Scrutiny/Planning/Licensing Chairs allowances, £3,125.
- (f) Chairs of Planning/Licensing – an increase is recommended in line with payments to Scrutiny Chairs, i.e. 40 per cent of Leader’s allowance, £8,928.
- (g) Vice Chair of Planning/Licensing – 35 per cent of Planning/Licensing/Scrutiny Chairs Allowance (see (e) above), £3,125.
- (h) Leader and Deputy Leader of the Opposition – no change.
- (i) Leader of Minority Group – no change.
- (j) Chair of Audit Committee – no change.
- (k) Pensions – The Panel continues to support the right of Members to join the Council’s pension fund and provides authority for a further four years.
- (l) Dependent Carers’ Allowances (DCA) - The Panel has recommended that DCA’s be available to any Councillor with dependents who have to be cared for whilst that Member is on Council business. The recommendation is subject to different rates and capping levels - the detail is contained in paragraphs 54 to 65 of Appendix 1. The Scheme in relation to Dependent Carers has been amended in **Appendix 2**.
- (m) Independent/Co-opted Members on the Standards Committee – It is recommended that allowances for ordinary and parish members be increased to 10 per cent of the Members Basic Allowance i.e. £781 per annum and that the independent chair’s allowance be increased and set at 15 per cent of the Basic Allowance, i.e. £1,172 per annum. The increase recommended in allowances is to reflect the changing role of the Standards Committee. It is also recommended that statutory co-optees on the Standards Committee who reside outside the Borough be permitted to claim travel and subsistence allowances when attending meetings of the Standards Committee.
- (n) Index Linking - Annual increments continue to be linked to annual Local Government pay percentage for a further four years.
- (o) Travelling and Subsistence Allowances - Continue to be indexed to same rates applicable to employees.

5. For comparison purposes, the table below sets out the current allowances together with the Panel's recommendations.

	<b>Current</b>	<b>Recommended</b>
	£	£
Basic	£7,812.00	No change
Leader	22,319.00	No change
Deputy Leader	13,391.00 (60 per cent of Leader)	No change
Cabinet Member	11,160.00 (50 per cent of Leader)	No change
Chair of Monitoring and Co-ordination Group	No allowance currently paid to the Chair of Monitoring and Co-ordination Group – in receipt of allowance of £8,928.00 as Chair of Scrutiny (40 per cent of Leader)	9,486.00 (new allowance to be paid for this role in recognition of the dual role of Scrutiny Chair and Chair of the Monitoring and Co-ordination Group) (42.5 per cent of Leader)
Scrutiny - Chair	8,928.00 (40 per cent of Leader)	No change
Scrutiny - Vice-Chair	3,571.00 (40 per cent of Scrutiny Chair)	3,125.00 (35 per cent of Scrutiny/Planning/Licensing Chairs)
Chair - Planning	7,812.00 (35 per cent of Leader)	8,928.00 (40 per cent of Leader)
Vice-Chair - Planning	3,124.00 (40 per cent of Chair of Planning)	3,125.00 (35 per cent of Planning/Licensing/Scrutiny Chairs)
Chair - Licensing	7,812.00 (35 per cent of Leader)	8,928.00 (40 per cent of Leader)
Vice-Chair - Licensing	3,124.00 (40 per cent of Chair of Licensing)	3,125.00 (35 per cent of Licensing/Planning/Scrutiny Chairs)
Leader of Opposition	8,928.00 (40 per cent of Leader)	No change
Deputy Leader of Opposition	1,116.00 (5 per cent of Leader)	No change
Leader of Minority Group	1,116.00 (5 per cent of Leader)	No change
Chair Audit Committee	543.06	No change

## **Affordability**

6. The cost of implementing the Panel's recommendations is minimal and the recommendations can be accommodated within the 2008/09 revenue budget.

## **Members' Allowances Scheme**

7. Should any or all of the Independent Panel's recommendations be approved it will be necessary to amend Darlington Borough Council's Members' Allowances Scheme.
8. An amended scheme is attached at **Appendix 2** which takes into account all the recommendations suggested by the Independent Panel.

## **Legal Implications**

9. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

10. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **Council Policy Framework**

11. The issues contained within this report are required to be considered by Council.

## **Recommendation**

12. Members are requested to :-
  - (a) approve the Members Independent Panel's recommendations as detailed in Appendix 1 in full, with effect from 1st April, 2008; and
  - (b) approve the new Members' Allowances Scheme attached at Appendix 2.

## **Reasons**

13. The recommendations are supported by the following reason :-
  - (a) To implement the recommendations of the Independent Panel appointed by the Council to adopt a new Members' Allowances Scheme.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

- (i) Independent Panel's Report to the Council
- (ii) Darlington Borough Council's Members' Allowances Scheme

Linda Todd : Extension 2354  
PB

# Part 6

## Members' Allowances Scheme

The Darlington Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) , hereby makes the following scheme :-

### Introduction

1. This scheme may be cited as the Darlington Borough Council Members' Allowances Scheme, and shall have effect for the period commencing 1st April, 2008 and shall continue in force thereafter until amended
2. The previous Darlington Borough Council Members' Allowances Scheme is revoked with effect from 1st April, 2008.
3. In this scheme,  
  
    'the Authority' means Darlington Borough Council;  
  
    'Councillor' means a Member of the Darlington Borough Council who is a Councillor; and  
  
    'Year' means :
  - (a) the period beginning 1st April, 2008 and ending 31st March, 2009
  - (b) any period of 12 months ending with 31st March in any year

### Basic Allowance

4. For each year a basic allowance ('Basic Allowance') set out in Schedule 1 shall be paid to each Councillor
5. Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of 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 as Councillor subsists bears to the number of days in that year
6. Where a Councillor is suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part, the part of basic allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Authority. Travelling and Subsistence Allowances may also be withheld.

## **Special Responsibility Allowances**

7. For each year for which this scheme relates a Special Responsibility Allowance ('Special Responsibility Allowance') shall be paid to those Councillors who have the special responsibilities in relation to the Authority that are specified in Schedule 2.
8. The amount of each Special Responsibility Allowance shall be the amount specified against that special responsibility in Schedule 2
9. Where a Councillor does not have throughout the whole of the year any such special responsibilities as entitle him/her to a Special Responsibility Allowance, his/her entitlement shall be to payment of such part of the Special Responsibility Allowance as bears to whole of the same proportion as the number of days during which he/she has such Special Responsibilities bears to the number of days in that year.
10. Where a Councillor is suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part, the part of Special Responsibility Allowance payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Authority. Travelling and Subsistence Allowances may also be withheld.
11. Any Councillor who will be entitled to claim more than one special responsibility allowance in accordance with Schedule 2, shall only be entitled to receive one such allowance (and where the allowances are of different amounts, the entitlement shall be to the highest amount), unless otherwise provided in Schedule 2.

## **Dependent Carers' Allowance**

12. An Allowance ('the Dependent Carers' Allowance') will be paid to each Councillor who needs to incur the expenses of arranging for the care of their children or dependants whilst undertaking the duties as specified in Schedule 3.
13. The Dependents' Carers' Allowance will be payable in respect of actual expenditure up to the amount specified in Schedule 3.

## **Travel and Subsistence Allowances**

14. No allowance will be made to any Councillor for any travelling or subsistence incurred whilst performing Council duties within the Borough Council boundary.
15. Travelling and Subsistence Allowances will be paid at the same rate as employees of Darlington Borough Council who are covered by National Joint Council for Local Government Services (Green Book) when Councillors incur travelling and subsistence expenditure outside the Borough boundary on approved Council business

## **Co-optees Allowance**

16. For each year an allowance shall be paid to a co-optee as specified in Schedule 4 in respect of the Independent Members and Parish Council Members serving on the Council's Standards Committee. The amount of each co-optee's allowance shall be the amount specified in Schedule 4.
17. Where the appointment of a co-optee begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment as such part of the co-optees allowance as bears to the whole the same proportion as the number of days during which his/her term of office as co-optee subsists bears to the number of days in that year.
18. Where a Co-optee is suspended or partially suspended from his/her responsibilities or duties as a co-optee of the Authority in accordance with the Part III of the Local Government Act 2000 or Regulations made under that Part, any co-optee's allowance payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Authority. Travelling and Subsistence payments may also be withheld.

## **Co-optees Travelling and Subsistence Allowances**

19. Statutory co-optees on the Standards Committee who reside outside the Borough are able to claim travel and subsistence payments when attending Standards Committee meetings and associated approved duties at the same rates as applied to Members of the Council who are able to claim allowances for attending approved duties outside the Borough boundary.

## **Amendments and Repayment of Part of Allowances**

20. This scheme may be amended at any time but may only be revoked with effect from the beginning of a year.
21. This scheme makes provision for an annual adjustment of the Basic, Special Responsibility and Co-optees allowances for a period of four years indexed to the annual local government pay percentage increase as agreed each April and the Travel and Subsistence Allowances indexed to the same rates applicable to employees.
22. Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the entitlement to such allowance may apply with effect from the beginning of the year in which the amendment is made.
23. Where payment of any allowance already being made in respect of any period during which the Councillor or co-optee concerned :-
  - is suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 or Regulations made under that part;
  - ceases to be a Councillor or a co-optee;



- is in any other way not entitled to receive the allowance in respect of that period;

The Authority may require that such part of the allowances relates to any such period be repaid to the Authority.

24. Where a Councillor is also a Member of another Authority (as defined in the Regulations) that Councillor may not receive allowances from more than one Authority in respect of the same duties.

### **Pensions**

25. All Councillors shall be entitled to Pensions in accordance with the Scheme made under Section 7 of the Superannuation Act 1972.
26. Both basic allowance and special responsibility allowance shall be treated as amounts in respect of which such pensions are payable in accordance with the scheme made under Section 7 of the Superannuation Act 1972.

### **Election to Forego Allowances**

27. A person may, by notice in writing given to the Director of Corporate Services, elect to forego all or part of his/her entitlement to any allowances under this scheme.

### **Payments**

28. Payments shall be made in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme.
29. Where a payment of one-twelfth of the amount specified in this scheme in respect of the basic allowance or a special responsibility will result in the Councillor receiving more than the amount to which, by virtue of the basic and special responsibility allowance, he/she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he/she is entitled.

### **Publicity**

30. The Council is required to make arrangements for the publication of this Scheme within the Council's area as soon as practicable after it is made.
31. The Council is also required to publish after the end of the year the total sum paid to each Councillor during the year.

**Basic Allowance 2008/09**

The amount of the Basic Allowance payable to each Member of the Council is £7,812.00.

**Special Responsibility Allowance 2008/09**

The following are specified as special responsibility allowances in respect of which special responsibility allowances are payable, and the amounts of those allowances, subject to the provisions contained in this scheme are :

	£
Leader	22,319.00
Deputy Leader (60 per cent of Leader)	13,391.00
Cabinet Member (50 per cent of Leader)	11,160.00
Chair of Monitoring and Co-ordination Group (to include role of Chair of Scrutiny Committee) (42.5 per cent of Leader)	9,486.00
Scrutiny - Chair (40 per cent of Leader)	8,928.00
Scrutiny - Vice-Chair (35 per cent of Scrutiny Chair)	3,125.00
Chair - Planning (40 per cent of Leader)	8,928.00
Vice-Chair - Planning (35per cent of Chair of Planning)	3,125.00
Chair - Licensing (40 per cent of Leader)	8,928.00
Vice-Chair - Licensing (35 per cent of Chair of Licensing)	3,125.00
Leader of Opposition (40 per cent of Leader)	8,928.00
Deputy Leader of Opposition (5 per cent of Leader)	1,116.00
Leader of Minority Group (5 per cent of Leader)	1,116.00
Chair Audit Committee	543.06

**Darlington Borough Council**

**Dependent Carers' Allowance Scheme**

1. A Councillor may claim a Carers' Allowance in accordance with this scheme when they incur additional expenditure for the care of children or dependent relatives whilst undertaking the following 'approved duties' :-
  - a meeting of Council
  - a meeting of Cabinet
  - a meeting of a Scrutiny Committee or a Task and Finish Group
  - a meeting of Planning Applications Committee
  - a meeting of Licensing Committee
  - a meeting of the Audit Committee
  - a meeting of a Subsidiary Body appointed by the Council
  - a Training and Development Session
  - a meeting of an outside body

**The Childcare Element**

2. The childcare element reimburses reasonable expenses incurred for the care of dependent children whilst a Member carries out approved duties as specified in the 2003 Members' Allowances Regulations.
3. The re-imburement is for actual expenditure incurred up to a maximum of 35 hours in any one week. A Member can therefore claim for care for multiple children but the total number of hours claimed for can be no more than 35 hours in total in any one week. The maximum hours claimable also allows for cancellation of meetings and for childcare that has to be booked in pre-defined blocks of time.

**Qualifying Criteria**

4. The childcare element of the allowance is paid on the basis of self monitoring. A Member must :-
  - (a) self-register with the Council's Monitoring Officer (the Borough Solicitor) that they have a dependent child or children under the age of 16 living with them.
  - (b) Claim the allowance on production of a receipt or signed statement, which declares that the childcare has actually been provided by a childminder and not by a member of the immediate family normally resident at the Member's home address.

**Care for Dependents on Social/Medical Grounds**

5. The DCA also provides for care of dependents on social/medical grounds, such as dependents who are elderly and/or disabled. The social/medical dependent care element of

the allowance will be paid at a similar rate chargeable by Darlington Borough Council Community Services Department for provision of a Home Care Assistance.

6. The allowance is to be paid only on the production of a receipt for actual expenditure incurred whilst a Member is on approved duties. As care for dependents with social/medical needs will be provided by professional carers they will be in a position to provide formal receipts in a way that many child carers will not be able to do so.
7. The social/medical element of the Dependants' Carers Allowance is available to Members who have an express need for such an allowance. This express need is to take the form of a written declaration by a Member, which is lodged with the Monitoring Officer (the Borough Solicitor).

#### **Further Restrictions on Claiming the DCA**

8. Members can not claim for multiple carers for multiple dependents within the same category of care.

## SCHEDULE 4

<b>Co-optees Allowance</b>	<b>£</b>
Chair of Standards Committee (if an Independent Member) (15 per cent of Basic Allowance)	£1,172.00
Independent Member (including Parish Council representatives) (10 per cent of Basic Allowance)	£781.00