

Westmorland and Furness Council

Members' Allowances Scheme 2023/24

Westmorland and Furness 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 Westmorland and Furness Council Members' Allowances Scheme and shall have effect for the period set out in ***Schedule 1 to this scheme, until amended or revoked.***
2. In this Scheme, 'Councillor' means an Elected Member of Westmorland and Furness Council.
3. In this Scheme "Co-opted Member means a person who is not a Councillor but who is a co-opted member of a Committee of the Council.
4. **Independent Remuneration Panel (IRP)**
 - Westmorland and Furness Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel (IRP), which will have the function of providing the Council with advice on its Members Allowances Scheme and the amounts to be paid.
 - The IRP will make recommendations about the level of Basic Allowance for all Councillors, a recommendation about the Special Responsibilities for which a Special Responsibility Allowance should be paid and the levels of those allowances.
 - The IRP will make recommendations about Childcare and Dependent Carer's Allowance and the level of this allowance.
 - The IRP will make recommendations about the rates of Travel & Subsistence Allowances which Members can claim when undertaking Council business.
 - The IRP will make recommendations in respect of allowances to be paid to Co-opted members of Committees and the levels of those allowances.

Any decision of the Council to amend, revoke or replace their scheme of allowances, and to make a new annual scheme must be taken having regard to the recommendations of the IRP.

- The IRP will also make recommendations in respect of Parental Leave.

The function of agreeing and adopting a Members Allowances Scheme is the function of the full Council for Westmorland and Furness Council.

5. **Basic Allowance (BA)**

A Basic Allowance will be paid to each Councillor **at the annual rate specified in Schedule 1 to this Scheme**. The allowance will be paid in monthly instalments.

6. **Special Responsibility Allowances (SRA)**

A Special Responsibility Allowance (SRA) will be paid **at the annual rate specified in Schedule 1** to those Councillors who hold the special responsibilities in relation to Westmorland and Furness Council which are specified in that Schedule. The allowance will be paid in monthly instalments.

No Councillor will be entitled to be paid more than one SRA at any one time, and in the event that a Councillor undertakes more than one Special Responsibility at a time then the entitlement will be to the SRA of that Councillor's choice.

An SRA ceases to be payable as at the day immediately prior to the Annual Council meeting.

Chairs' who are re-elected at the Annual Council meeting will receive an SRA payable effective from that date.

Where a Chair is not elected at the Annual Council meeting and the Committee with the responsibility to elect the Chair does not sit until sometime after the Annual Council meeting, any SRA will not be payable to the outgoing Chair after the day before the Annual Council meeting and will only be payable from the date the committee sits and the new Chair is elected or re-elected.

7. **Telephone Provision / Miscellaneous expenses**

No separate provision will be paid in respect of line rental, broadband, telephone calls or other miscellaneous expenses associated with being a Councillor except as provided within this scheme. All such costs are to be met from the annual amount of Basic Allowance identified in **Schedule 1**.

8. **Dependant Carer's Allowances**

A Dependant Carer's Allowance will be payable based upon a reimbursement of actual receipted costs of **up to the rate per hour specified in Schedule 1** to any Councillor who incurs expenditure in respect of the care of their children, or

dependent relatives, whilst undertaking any of the qualifying approved duties specified in **Schedule 1**.

This rate of allowance may be exceeded by agreement with the Director of Resources where professional care is required for children, or dependent relatives, with medical or other special needs. Receipted claims must be submitted to the Democratic Services Manager.

8. **Subsistence Allowances**

Subsistence Expenses will be reimbursed in accordance with **the scales detailed in Schedule 1**, in respect of the qualifying duties specified in that Schedule by reference to the period of absence from home or place of work as appropriate

9. **Travel Arrangements**

Councillors should travel by Public Transport where reasonably possible. Where Members travel by rail, they will be entitled to travel at Standard Class rates, and tickets for the journey can be organised through the Council's officers.

Where a Councillor undertakes a journey by car then reimbursement will not exceed **the mileage rates specified in Schedule 1**.

Travel by Air will only be authorised and paid on the conditions and rates set out **in Schedule 1**.

10. **Travel Abroad**

When travelling beyond the United Kingdom, the Councillor in consultation with the organising department and the Democratic Services Manager should ensure as far as practical that the arrangements are made for accommodation to be provided on a fully inclusive basis as a direct charge to the Council. Where this is not practical, the Democratic Services Manager will determine an appropriate scale of allowance having regard to the nature of the event, the location, and any published scales relating to Senior Civil Servants undertaking duties abroad in the location concerned.

11. **Parental Leave**

Councillors will be eligible to take maternity, paternity, shared parental leave and adoption leave in accordance with the guidance set out in **Schedule 1**.

12. **Part Year Entitlements**

- (i) The provisions of this paragraph regulate the entitlement of a Councillor to a Basic or Special Responsibility Allowance, where, in the course of a year, this Scheme is amended, or a Councillor becomes or ceases to be a Councillor, or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable under this Scheme.
- (ii) If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, or if a Councillor accepts or relinquishes a Special Responsibility Allowance, then the entitlement to the allowance will be in proportion to the number of days entitlement to each allowance relative to the number of days in that year.
- (iii) If an amendment to this Scheme changes the amount payable by way of a Dependant Carer's or Subsistence Allowance or to the rates of travel entitlement, the entitlement to such an allowance or payment will be to the amount under the scheme as it has effect when the duty was carried out.
- (iv) 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 or Special Responsibility Allowance will be in proportion to the number of days of their term of office, relative to the number of days in that year.

13. **Renunciation**

A Councillor may by notice, in writing given to the Democratic Services Manager forego any part of their entitlement to an allowance under this Scheme.

14. **Annual Review of Allowances**

The Local Authorities (Members' Allowances) (England) Regulations 2003 enables Councils to make provision for the annual adjustment of allowances by reference to an index, which may apply for a period of no longer than four years.

Accordingly, the allowances payable under this scheme will be reviewed annually based on the National Joint Committee (NJC) for Local Government Services annual review and any percentage increase applied automatically.

In addition the Independent Remuneration Panel will undertake an annual review of the scheme to assess whether any further recommendations are required in relation to any of the allowances paid under the scheme.

15. **Claims and Payments**

- (a) A claim for Dependant Carer's or Subsistence Allowance or reimbursement of travel expenses under this Scheme will be made in writing within **two months** of the date of the meeting in respect of which the entitlement arises.
- (b) A claim for Dependant Carer's or Subsistence Allowance or reimbursement of any travel expenses, will be on the form provided by the Democratic Services Manager and will include a statement by the Councillor making the claim that he or she is not entitled to receive remuneration, reimbursement or any allowance claimable from another body in respect of the matter to which the claim relates, otherwise than under this Scheme.
- (c) Where a payment of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in a Councillor receiving more than the amount to which he or she is entitled, the payment will be restricted to such an amount as will ensure that no more is paid than the amount to which he or she is entitled. In the event of a Councillor no longer holding a Special Responsibility, or ceasing to be a Councillor, the amount of any allowance which has been overpaid will be recovered.

16. **Pensions**

On the 1 April 2014 the Local Government Pension Scheme was closed to Councillors.

Councillors are therefore recommended to make their own Pension Provision as appropriate to their own individual circumstances and should note that the Council is unable to make any contribution to any such arrangements.

17. **Revocation**

The previous Westmorland and Furness Members Allowance Scheme for the Shadow Authority which took effect from May 2022 is revoked with effect from 1 April 2023, without prejudice to Councillors entitled to payment under that scheme.

SCHEDULE 1

2. Basic and Special Responsibility Allowances (SRA)

The following are specified as the **Basic and Special Responsibility Allowances** which shall be payable at the **Annual** rates specified below *for the period commencing April 2023 until revoked or amended: -*

BASIC ALLOWANCE (BA)	Role	£ Value	
	All Councillors (65 Members)	£13000	
SPECIAL RESPONSIBILITY ALLOWANCES (SRA)	Role	Multiplier x BA	£ Value
Band 1	Council Leader	X 1.8 X 2	23,400 26,000
Band 2	Deputy Leader	X 1 X 1.2	13,000 15,600
Band 3	Cabinet Member (8 members)	X 0.6 X 1	7,800 13,000
Band 4	Chair of Council* Chairs of: Audit Committee (NB until Independent Chair appointed) Strategic Planning Committee	X 0.5	6,500

	<p>Eden Local Area Planning Committee</p> <p>Barrow-in-Furness Local Area Planning Committee</p> <p>South Lakeland Local Area Planning Committee</p> <p>Licensing / Regulatory Committee</p> <p>Corporate OSC</p> <p>Children & Young People & Families OSC</p> <p>Health & Adults OSC</p> <p>Communities & Environment OSC</p> <p>Joint OSC Hosted Services with Cumberland (NB Chair rotates)</p> <p>Pensions Committee</p>		
<p>Band 5</p>	<p>Chairs of:</p> <p>Eden Locality Board</p> <p>Furness Locality Board</p> <p>South Lakeland Locality Board</p>	<p>X 0.4</p>	<p>5,200</p>

	Standards & Governance Committee		
	Staffing Committee		
	Lake Administration Committee		
	Leader of Opposition Group		
Band 6	No nominations	X 0.3	3,900
Band 7	Deputy Chair of Council*	X 0.2	2,600
	Leader of other groups with minimum of 5 members		
	Co-opted Members*	Nil	Nil
	Independent Remuneration Panel*	Chair Panel Members	£600 £500

* These allowances are payable under other legislation

3. Dependent Carer's Allowances

A Dependent Carer's Allowance will be payable based upon a reimbursement of actual receipted costs of up to the rate £10.42 per hour (alignment with the National Living Wage) and will be paid for care of dependents whether children, elderly person's or people with disabilities, to those Councillors representing the Council on approved duties (see paragraph 8). The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time. The allowance will not be payable where the care is provided by a member of the claimant's own household or if a member already receives a carers' allowance.

This rate of allowance may be exceeded by agreement with the Director of Resources where professional care is required for children, or dependent relatives, with medical or other special needs. Receipted claims must be submitted to the Democratic Services Manager.

3. Travel

Councillors should travel by Public Transport where reasonably possible.

Rail Travel – the amount of the ordinary Standard Class fare at the cheapest rate available for the journey wherever possible.

Taxi Cab - in cases of urgency or where no other form of public transport is reasonably available the amount of the actual fare and any reasonable gratuity paid - in any other cases the amount of the fare for travel by appropriate public transport.

Private Motor Vehicle – Travel allowances are payable to all members who necessarily incur expenditure in the performance of an approved duty. The mileage rates are the prevailing HM Revenue and Customs limits for tax allowance purposes. Currently these are as follows:

Cars and Vans: First 10,000 miles: 45p per mile

Over 10,000 miles: 25p per mile

Motorcycles: First 10,000 miles: 24p per mile

Over 10,000 miles: 24p per mile

Bicycles: First 10,000 miles: 20p per mile

Over 10,000 miles: 20 p per mile

Councillors who submit mileage claims for reimbursement must request and submit VAT receipts for the purchase of fuel to support their claim. This procedure is necessary to allow the Council to recover VAT from HM Revenue & Customs (HMRC).

Air - the rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air. Where the saving in time is so substantial as to justify payment of the fare for travel by air, the amount paid shall not exceed:

- a) The ordinary fare or any available cheap fare for travel by regular air service, or
- b) Where no such service is available or in the case of urgency, the fare actually paid by the member

Other Costs - The rates detailed above may be increased by not more than the amount of any necessary expenditure incurred on tolls, ferries or parking fees including overnight garaging, however receipts must be submitted with claims.

4. **Subsistence**

Where expenditure on subsistence is necessarily incurred in the performance of an 'approved duty' outside of the Westmorland and Furness Council area an allowance **not exceeding the following maximum rates** may be claimed upon the production of receipts, as set out below:

- (a) Breakfast allowance (more than 4 hours away from normal place of residence before 11 a.m.) **£7.00**
- (b) Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2 p.m.) **£9.00**
- (c) Evening meal allowance (more than 4 hours away from the normal place of residence ending after 6 p.m.) **£15.00**
- (d) In the case of an **absence overnight** from the usual place of residence,
Accommodation should be pre-arranged through Democratic Services.

However, where a member **makes their own accommodation arrangements** reimbursement of hotel bills will be limited to the following maximum rates.

Non-London Hotel - **£130.00 plus VAT**

London Hotels - **£150.00 plus VAT**

NB. For the purposes of this, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and the City of Westminster.

5. **Conference Allowance**

There is no Conference Allowance payable.

6. **Submission of Claims**

Claims under this scheme for the payment of travel and subsistence and carers' allowances should be submitted electronically on a monthly basis on a form prescribed for the purpose to the Democratic Services Manager by the fourteenth day of the following month.

7. **Membership of Other Local Authorities**

Where a Councillor is also a member of another local authority, that Councillor may not receive allowances from more than one local authority in respect of the same duties.

8. **Qualifying Approved Duties**

For payment of Travel and Subsistence and Dependent Carer's

Allowance:

- Attendance at any meeting of the Council, Cabinet, Committee, Sub-Committee, Panel or Working Group
- Attendance as the Council's appointed representative on any outside body including public bodies, charity, voluntary body or other organisation formed for a public purpose (and not for the benefit of the Councillor).
- Attendance by the Chair, Vice Chair or Cabinet Member for the purposes of a briefing prior to a meeting of any meeting of the Council, Cabinet, Committee, Sub-Committee, Panel or Working Group and/or events convened by a Chief Officer to deal with Council business.
- Attendance at Member Learning and Development Events and approved Training Courses.
- Attendance at Parish Council meetings where the Councillor is representing Westmorland and Furness Council (but not where the Councillor is already a member of the Parish Council).
- Attendance at Governor meetings where the Councillor is representing Westmorland and Furness Council
- Attendance at Tenants or Housing Forums where the Councillor is representing Westmorland and Furness Council
- The inspection of children's homes and inspections and site visits to other Council owned premises
- Formal site visits by members of the Strategic Planning Committee or Local Area Planning Committees.
- Court Hearings or Public Inquiries where the Councillor is attending on behalf of the Council.

- Meetings of associations of local authorities (including committees, special interest groups or working groups) of which the Council is a member.
- Civic Duties undertaken by the Chair or Vice Chair of the Council.
- Attendance at Ward Surgeries

9. Parental Leave

Councillors are eligible to take maternity, paternity, shared parental leave and adoption leave in accordance with the guidance set out below:

Maternity Leave

(a) Councillors giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

Paternity Leave

(b) Councillors shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

(c) A Councillor who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

(d) Where both parents are Councillors leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks.

Adoption Leave

(e) A Councillor who adopts a child through an approved adoption agency will be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

Leave Arrangements

(f) Any Councillor who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

(g) Any Councillor intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

(h) Any Councillor taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

Basic Allowance

(i) All Members will continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

(j) Councillors entitled to a Special Responsibility Allowance will continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

(k) Where a replacement is appointed to cover the period of absence that person will receive an SRA on a pro rata basis for the period of the temporary appointment.

(l) The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave will continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

(m) Should a Councillor appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances will apply.

(n) Unless the Councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they will return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

Resigning from Office and Elections

(o) If a Councillor decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

(p) If an election is held during the Councillors maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA, if appropriate, will cease from the Monday after the election date when they would technically leave office.