



**Cumberland
Council**

Elected Members' Allowances Scheme

2023/24

Cumberland 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 Cumberland 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 a Member of Cumberland Council who is a Councillor.
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)**
 - Cumberland Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel (IRP), which will broadly have the functions of providing the Council with advice on its 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 regarding which aspects of a Members Remuneration.
 - The IRP will make recommendations about the rates of travel & subsistence allowances which Members can claim when undertaking Official Authority business.
 - The IRP will make recommendations in respect of Parental Leave.
 - 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 function of agreeing and adopting a scheme is the function of the full Cumberland Council.

5. **Basic Allowance**

Subject to paragraph 12, a Basic Allowance shall be paid to each Councillor ***at the annual rate specified in Schedule 1 to this Scheme.*** The allowance shall be paid in monthly instalments.

6. Special Responsibility Allowances

Subject to paragraph 12, a Special Responsibility Allowance shall be paid **at the annual rate specified in Schedule 1** to those Councillors who hold the special responsibilities in relation to Cumberland Council as are specified in that Schedule. The allowance shall be paid in monthly instalments.

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

SRA ceases to be payable as at the day immediately prior to the Annual Council meeting. Chair's re elected at the Annual Council meeting will receive SRA payable effective from that date.

Where a Chair is not elected at the Annual Council meeting and the committee does not sit until some time after the Annual Council meeting, 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 Chair is elected or re elected.

7. Telephone Provision / Miscellaneous expenses

No separate provision shall 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 shall be payable based upon a reimbursement of actual receipted costs to any Councillor who incurs expenditure in respect of the care of their children or dependent relatives, whilst undertaking the qualifying duties specified in *Schedule 1*.

This rate of allowance may be exceeded by advance agreement of 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 Monitoring Officer.

9. 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***.

10. Disability

Cumberland Council will undertake all reasonable adjustments to support Councillors with disabilities.

11. Subsistence Allowances

Subsistence Expenses shall 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

12. Travel Arrangements

Councillors should travel by Public Transport where reasonably possible. Where Members travel by rail, they shall 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 shall 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.***

13. Travel Abroad

When travelling beyond the United Kingdom, the Councillor in consultation with the organising department and the Monitoring Officer 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 Authority. 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 the published scales relating to Senior Civil Servants undertaking duties abroad in the location concerned.

14. 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.
- (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 shall 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 Conference, Dependant Carer's or Subsistence Allowance or to the rates of travel entitlement, the entitlement to such an allowance or payment shall 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 shall be in proportion to the number of days of his term of office, relative to the number of days in that year.

15. Renunciation

A Councillor may by notice, in writing given to the Monitoring Officer forego any part of his/her entitlement to an allowance under this Scheme.

16. **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.

17. **Claims and Payments**

(a) A claim for Dependant Carer's or Subsistence Allowance or reimbursement of travel expenses under this Scheme shall 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 to reimbursement of any travel expenses, shall be on the form provided by the Monitoring Officer and shall 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 shall 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 that has been overpaid will be recovered.

18. **Elected Members' 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.

19. **Co Opted Members Allowances**

The Local Authorities (Members' Allowances) Regulations 2003, allow the Council to pay Co-opted members of committees an annual allowance in respect of their attendance at meetings.

The IRP recommends that no allowance be set for co-opted Members, however, they can claim expenses in line with this Scheme.

20. **Independent Members**

To receive a set allowance of £1,000 pa, we understand that they should be able to claim expenses in line with the agreed Scheme.

SCHEDULE 1

1. 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 1 April 2023 until revoked or amended: -*

BASIC ALLOWANCE	Meeting Frequency	£
All Councillors		14,500
SPECIAL RESPONSIBILITY ALLOWANCES (SRA)		
Band 1 x 1.7		
Leader of the Council		24,650
Band 2 x1.3		
Deputy Leader (s) allowance per post holder		18,850
Band 3 x1.0		
Executive Portfolio Holder		14,500
Band 4 x0.6		
Chair of Council	8 weekly	8,700
Chair of Planning Committee	6 weekly	8,700
Chair of Standards and Governance Committee	8 weekly	8,700
Chair of Audit Committee	8 weekly	8,700
Band 5 x0.3		
Chair of Business and Resources Overview and Scrutiny	8 weekly	4,350
Chair of People Overview and Scrutiny	8 weekly	4,350
Chair of Place Overview and Scrutiny	8 weekly	4,350
Chair of Health Overview and Scrutiny	8 weekly	4,350

Band 6 x0.2		
Chair of Regulatory Committee	<i>Quarterly</i>	2,900
Chair of Community Panels	<i>Quarterly</i>	2,900
Chair of Staffing Committee	<i>Quarterly</i>	2,900
Band 7 x0.1		
Chair of LEP Overview and Scrutiny	<i>Bi-annual</i>	1,450
Group Leaders:		
- 2nd biggest group Band 5		6,000
- All other groups		3,000
(note: A group must be a minimum of five councillors)		

Notes

- (i) No separate provision shall 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 above

No Councillor shall receive more than one Special Responsibility Allowance.

2. **Dependant Carer's Allowances**

A carer's allowance will be payable based upon a reimbursement of actual receipted costs 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 5). The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time or the minimum required booking 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 advance 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 Monitoring Officer.

3. **Travel**

Members 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: 20p 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' out with the Authority area, an allowance not exceeding the following maximum rates may be claimed upon the production of receipts, as set out below:

- (a) Breakfast allowance (spending more than 4 hours away from normal place of residence before 11 a.m.) **£7.00**
- (b) Lunch allowance (spending 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 (spending 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**

* 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 shall be submitted electronically on a monthly basis via iTrent.

7. Membership of Other Local Authorities

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

8. Qualifying Approved Duties

(i) For payment of Travel and Subsistence and Dependent Carer's Allowance:

- Attendance at any meeting of the Council, Executive, Committee, Sub-Committee, Panel or Working Group to which the Councillor has been appointed in an official capacity.
- Attendance as the Council's appointed representative on any public body, 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 Executive Member for the purposes of a briefing prior to a meeting of any meeting of the Council, Executive, 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 Cumberland Council (but not where the Councillor is already a member of the Parish 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.

(b) In addition, where the birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months'

period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

(c) In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

Paternity Leave

(d) 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).

(e) 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.

(f) 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

(g) 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

(h) 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.

(i) 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.

(j) 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

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

Special Responsibility Allowances

(l) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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

(q) 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.

(r) If an election is held during the Councillor's 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.

Absence

If a councillor who is in receipt of an SRA is absent for a prolonged period of time the deputy or vice who takes their place will be entitled to receive an acting up allowance at the discretion of the Chief Executive.