

Part 4C: Members' Allowances Scheme

1 Introduction

- 1.1 The Cumbria County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme:

2 Members' Allowances Scheme

- 2.1. This Scheme may be cited as the Cumbria County Council Members' Allowances Scheme ('the Scheme'), and shall have effect from 1 April 2017.

- 2.2. In this Scheme:

"Member" means a member of the Cumbria County Council who is a councillor;

"year" means the 12 months ending with 31 March;

"Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003.

Basic Allowance

- 2.3 Subject to paragraphs 2.15 – 2.16 for each year a Basic Allowance of the amount specified in Part 1 of Schedule 1 to this Scheme shall be paid to each member.

Special Responsibility Allowance

- 2.4 For each year a Special Responsibility Allowance shall be paid to those members who hold the special responsibilities that are specified in Part 2 of Schedule 1 to this Scheme.

- 2.5 Subject to paragraphs 2.15 – 2.16 the amount of such allowance shall be the amount specified against that special responsibility in that Schedule.

- 2.6 No member shall receive more than one Special Responsibility Allowance. Where a member would qualify for more than one Special Responsibility Allowance then, subject to paragraphs, the member shall be paid the higher Special Responsibility Allowance.

- 2.7 Special Responsibility Allowances shall continue to be paid from the date of the four-yearly elections to the date of the annual meeting of the Council, unless the member concerned ceases to be a councillor.

Renunciation

- 2.8 A member may, by notice in writing given to the Assistant Director – Corporate Governance elect to forego any part of their entitlement to an allowance under this Scheme.

Part-year Entitlements

- 2.9 The provisions of this paragraph shall have effect to regulate the entitlements of a member to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended or that member becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.

- 2.10 If an amendment to this Scheme changes the amount to which a member is entitled by way of a Basic Allowance 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 before 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 days in the period bears to the number of days in the year.

- 2.11 Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member to a Basic Allowance shall be to the payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.

- 2.12 Where this Scheme is amended as mentioned in paragraph 2.9, and the term of office of a member does not subsist throughout the period mentioned in paragraph 2.9 (a), the entitlement of any such member 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 their term of office as a member subsists bears to the number of days in that period.

- 2.13 Where a member has, during part of, but not throughout, a year, such special responsibilities as entitle him or her to a Special Responsibility Allowance, that member'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.

- 2.14 Where this Scheme is amended as mentioned in paragraph 2.9, and a member has during part, but does not have throughout the whole, of any period mentioned in paragraph 2.9 (a) of that paragraph any such special responsibilities as entitle him or her to a Special Responsibility Allowance, that member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with paragraph 2.9 (a) 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.

Payments and Withholding of Payments

- 2.15 Payments shall be made on the last working day of each month, on the basis of 1/12 of Basic Allowance and, as applicable, of Special Responsibility Allowance.
- 2.16 Where a payment of 1/12 of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the member receiving more than the amount to which, by virtue of paragraphs 2.8 - 2.13, he or 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 or she is entitled.

Payment of Pensions

- 2.17 No provision is made under this Scheme for the payment of a pension to any member.

Allowances to Co-optees

- 2.18 With the exception of the position of Chair of the Workington Harbour Board, no provision is made under this Scheme for the payment of an annual allowance to any co-opted or appointed member who serves on any committee or sub-committee of the County Council. Such co-opted or appointed members shall, however, be entitled to claim travel expenses in connection with their attendance at officially convened meetings of any committee or sub-committee to which they have been appointed on the same basis as members under this Scheme. For the avoidance of doubt, "committee or sub-committee" shall include service on a Panel, Forum, Group or Appeals Panel or similar body.

Dependents' Carers' Allowance

- 2.19 A member shall be entitled to claim an allowance ("dependents' carers' allowance") in respect of such expenses of arranging for the care of their children or dependents as are necessarily incurred in the performance of any of the approved duties set out in Schedule 2.
- 2.20 Dependent relatives shall include children aged 14 or under, elderly people or people with disabilities where there is medical or social work evidence that care is required. The amounts which may be claimed must reflect the sum incurred in employing an independent carer to enable a member to carry out the duties

specified above and shall be subject to a maximum of £6.25 per hour and a limit of £1,250 per annum. A payment shall not be made if a member already receives a carers' allowance.

- 2.21 All claims shall be accompanied by evidence that the amount claimed has been incurred in employing a carer. A carer may be any responsible adult who does not normally live with the member as part of that member's family.

Travel Allowances

- 2.22 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:

Type of Vehicle	First 10,000 miles	Above 10,000 miles
Cars and vans	45p per mile	25p per mile
Motorcycles	24p per mile	24p per mile
Cycles	20p per mile	20p per mile

- 2.23 The above rates may be increased by a sum of 5.0p per mile for each official passenger up to a maximum of four passengers, to whom a travelling allowance would otherwise be payable.

Subsistence Allowances

- 2.24 Members shall be entitled to claim the following subsistence allowances for any duty approved by the County Council as set out in Schedule 2.

(a) **Day Allowance**

Absence from the usual place of residence, but not involving absence overnight	1p per day
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(b) **Overnight Allowance**

For absence overnight from the usual place of residence for a continuous period of 24 hours the maximum sums which may be claimed for accommodation and the cost of meals on production of receipts for payment are as follows. Members may not claim the cost of alcoholic drinks.

London	£140
Otherwise	£120

- 2.25 Where members attend a national or regional conference for which there is a nominated delegate hotel(s), members may claim the actual cost of stay at the hotel on production of a receipt for payment. Where they are not included in the overall cost members may also claim for meals (excluding alcoholic drinks) taken on

production of receipts for payment up to a maximum amount of £30 for breakfast, lunch and dinner. Where members do not stay in the nominated delegate hotel the maximum amounts payable will be those set out under paragraph 2.23 (b) above.

- 2.26 Where members make their own arrangements for overnight accommodation and meals and are unable to produce receipts an allowance of one-half of the amounts set out under paragraph 2.24 (b) shall be payable.
- 2.27 The actual cost of main meals taken on a train (i.e. breakfast, lunch or dinner) while travelling to or from an approved duty **outside the County** of Cumbria will be reimbursed on production of a receipt within the limits specified below. Such allowances will not be paid, however, where refreshments are included in the cost of a rail ticket.
- (a) £6.10 for breakfast for an absence of more than 4 hours before 11.00 am.
 - (b) £8.20 for lunch for an absence of more than 4 hours before 12 Noon and after 2.00 pm.
 - (c) £10.20 for dinner for an absence of more than 4 hours ending after 7.00 pm.

Submission of Claims

- 2.28 Claims under this scheme for the payment of travel and subsistence and carers' allowances shall be submitted electronically on a monthly basis on a form prescribed for the purpose to the Assistant Director – Corporate Governance by the fourteenth day of the following month.

Membership of Other Local Authorities

- 2.29 Where a member 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.

Approved Duties

- 2.30 The schedule of approved County Council duties can be found at Schedule 2 of this Scheme. Members of the County Council may claim a Travel and Subsistence Allowance and/or Dependents Carers' Allowances only in relation to these duties.

Schedule 1 – Remuneration Allowances

Part 1

Basic Allowance

An amount of £ 8,322 for each year to each County Council member from 1 April 2017.
An amount of £ 8,405 for each year to each County Council member from 1 April 2018.

Part 2

Special Responsibility Allowances

The following are specified as special responsibilities in respect of which special responsibility allowances in the amounts set against them are payable to the County Council members holding those responsibilities:

Position	Allowance with Effect from 8 May 2017	Allowance with Effect from 1 April 2018 1% increase
Chairman of the County Council	£ 5,217	£5,269
Vice-Chairman of the County Council	£ 1,974	£1,994
Leader of the Council	£ 25,000	£25,250
Deputy Leader of the Council	£ 14,000	£14,140
Cabinet Members	£ 10,000	£10,100
Chair of Scrutiny Management Board	£ 10,000	£10,100
Chairs of Overview and Scrutiny Advisory Boards (3)	£ 6,949	£7,018
Chair of Cumbria Health Scrutiny Committee	£ 6,949	£7,018
Chairs of Local Committees (6)	£ 6,949	£7,018
Chair of Audit and Assurance Committee	£ 6,949	£7,018
Chair of Development Control and Regulation Committee	£ 6,949	£7,018
Chair of Staffing Committee	£ 1,974**	£0**

Chair of Cumbria Pensions Committee	£ 6,949	£7018
Chair of Corporate Parenting Board	£ 1,974**	£0**
Chair of Workington Harbour Board	£ 6,886	£6955
Leader of the Largest Qualifying Opposition Group*	£ 12,166	£12,288
Leader of the Second Largest Qualifying Opposition Group*	£ 5,217	£5,269

*** A qualifying opposition group is one with a minimum of 8 members, i.e. 10% of the total number of members on the Council**

**** The Allowance for the Chairs of the Staffing Committee and Corporate Parenting Board was discontinued from 18 May 2017.**

Schedule 2: Approved County Council Duties

APPROVED DUTIES FOR THE PURPOSES OF THE PAYMENT OF TRAVELLING AND SUBSISTENCE ALLOWANCES

1. Attendance by members at meetings of:
 - the County Council;
 - Cabinet, Cabinet Sub-Committees, Working Groups and Panels; and
 - Committees, Sub-Committees, Forums and Panels of the County Council, and Working Groups, Working Parties, Liaison and Advisory Committees established by the Council, a committee, sub-committee or panel of which the member is a member or is entitled to attend under the Articles of the Council's Constitution and its rules of procedure.

Including meetings authorised by any of the above for the purpose of:

 - inspecting sites or establishments in connection with the discharge of its functions, provided that, except for the Council and a main committee, a decision to visit a site or establishment outside the County shall be notified in advance to the Leader of the Council; and
 - formal or informal presentations or submissions about matters related to the functions and work of the Council.
2. Attendance at meetings of Joint Committees of the Council with one or more other authorities, and Joint Consultative Committees with Health Authorities.
3. Attendance at meetings of the Adoption Panel, and County Council Education Appeals Committees, and at meetings of Education Appeals Committees constituted by Voluntary Aided or Special Agreement Schools, by members who are on the Council's panel list for that purpose.
4. Attendance at meetings of:
 - Governing Bodies of Universities and Colleges (or their successors);
 - National and Provincial Negotiating bodies;
 - Regional Arts and Sports Associations; and
 - Committees or sub-committees of such bodies.
5. Attendance at meetings between representatives of the County Council and representatives of other local authorities, Government Departments and other bodies/organisations or distinguished visitors, where the holding of, or

attendance at, such meetings has been authorised by the Council or by a committee, sub-committee, forum or panel or, in cases of urgency, by the Assistant Director - Corporate Governance after consultation with the Leader of the Council.

6. Attendance at public meetings concerning a County Council service, where the holding of such meetings has been authorised by the Council or by the committee, sub-committee, forum or panel responsible for that service or, in cases of urgency, by the Assistant Director - Corporate Governance.
7. Attendance:
 - (a) in pursuance of any standing order requiring a member or members to be present while tender documents are opened;
 - (b) in connection with the discharge of any function of the County Council confirmed by or under any enactment and empowering or requiring the County Council to inspect or authorise the inspection of premises; and
 - (c) in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of section 342 (Special Schools) of the Education Act 1996.
8. A member visiting:
 - a Corporate Director or their authorised representative on matters concerning the work of the County Council;
 - a project, site or establishment relating to the service of the County Council with a corporate director or their authorised representative.
9. Official duties undertaken by the Chairman and the Vice-Chairman of the Council or their substitutes; and official duties undertaken by the Chair and Vice-Chair of a committee, sub-committee, forum or panel, or their substitute, or by a member in receipt of a special responsibility allowance, provided the performance of the duty has the prior agreement of the Chairman of the Council.
10. Rota visits to County Council establishments authorised by a committee, sub-committee or panel insofar as not covered by paragraph 7(b) above.
11. Meetings of political groups, subject to:
 - the meetings being concerned with the discharge of the functions of the County Council;
 - the Group ensuring that members sign an attendance record and forwarding it to the Assistant Director - Corporate Governance together with the starting and finishing times of the meeting; and
 - the Group retaining a copy of the minutes of the meetings for production to the Council's external auditor if required.

12. Visits by official Council delegations to the Council's 'twin authority' Rheinisch-Bergischer Kreis, Germany.
13. Attendance at conferences and meetings to which section 175 of the Local Government Act 1972 applies, where such attendance has been approved in advance by:
 - the committee etc. concerned; or
 - in cases of urgency, by the Assistant Director - Corporate Governance.
14. Attendance at training events for members arranged or authorised by a committee or sub-committee, or arranged through the auspices of the Member Development Group or, in cases of urgency, approved by the Assistant Director - Corporate Governance.
15. Attendance by members at a 'hospitality' function, exhibition, open day at County Council premises or similar events authorised in advance as an approved duty for these purposes by the Council, a committee, sub-committee, forum or panel or, in cases of urgency, by the Assistant Director - Corporate Governance.
16. Attendance by up to four members appointed by the Corporate Director – Economy and Environment and the appropriate local member(s) if not amongst the appointees to represent the Council at official road opening ceremonies, public launches, and other similar events associated with highways and transportation.
17. Attendance at meetings of Town Councils, Parish Councils and Parish meetings within a member's electoral division.
18. Attendance as the Council's appointee/nominee at meetings of a variety of outside bodies as agreed by Council, Cabinet and Local Committees. In the event of any query contact the Democratic Services Manager:

For the avoidance of doubt:

- (a) Performance of the above duties includes, where appropriate, performance by member representatives substituting for the appointed member representatives, and
- (b) Attendance at such meetings includes meetings of committees, sub-committees or working parties of such bodies.