

6. Members' Allowances Scheme

The Cumbria County 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 Cumbria County Council Members' Allowances Scheme, and shall have effect from 1 April 2009.

2. In this Scheme,

“Councillor” 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

3. Subject to paragraph 7, for each year a Basic Allowance of the amount specified in Part 1 of Schedule 1 to this Scheme shall be paid to each Councillor.

Special Responsibility Allowance

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 Part 2 of Schedule 1 to this Scheme.

(2) Subject to paragraph 7, the amount of such Allowance shall be the amount specified against that special responsibility in that Schedule.

(3) No Councillor shall receive more than one Special Responsibility Allowance. Where a Councillor would qualify for more than one Special Responsibility Allowance then, subject to paragraph 5, the Councillor shall be paid the higher Special Responsibility Allowance.

(4) 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 Councillor concerned ceases to be a Councillor.

Renunciation

5. A Councillor may, by notice in writing given to the Head of Member Services and Scrutiny, elect to forego any part of his entitlement to an Allowance under this Scheme.

Part-year Entitlements

6. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances 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 Allowance is payable.

(2) 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, 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.

(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 of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where this Scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2)(a), 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.

(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.

(6) Where this Scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any 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 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.

Payments and Withholding of Payments

7. (1) Payments shall be made on the 15th day of each month, on the basis of 1/12 of Basic Allowance and, as applicable, of Special Responsibility Allowance.

Note: Where a day or date referred to above falls on a non-working day, the nearest preceding working day will apply.

(2) 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 Councillor receiving more than the amount to which, by virtue of paragraph 6, 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.

(3) Where a member is wholly or partially suspended from his responsibilities or duties as a County Councillor in accordance with Part III of the Local Government Act 2000 or regulations made under that Part (for a breach of the Code of Conduct), the Corporate Director – Resources shall immediately withhold payment of any basic, special responsibility and travelling and subsistence allowances to which that Councillor is entitled under the Scheme for such period as the suspension is effective.

(4) Where a Councillor receives payment of any basic, special responsibility and travelling and subsistence allowances under this Scheme in respect of a period for which he or she is suspended, the Councillor concerned shall repay such allowances to the Corporate Director – Resources within one month after the date of payment or such longer period as may be agreed with the Corporate Director – Resources.

Up-rating of Basic Allowance and Special Responsibility Allowances

8. The amounts of basic and special responsibility allowance specified in Schedule 1 to this Scheme shall be increased automatically on 1 April 2009, and annually thereafter until 31 March 2012, in line with the national pay award for local government employees covered by the National Joint Council for Local Government Services on spinal column point 29. Where the annual settlement for the local government employees above is not agreed until

after the 1st April, the increase in the allowances shall be backdated to the 1st April for the year to which the settlement applies.

9. The previous Scheme approved by the County Council on 16 February 2006 made provision for basic and special responsibility allowances to be increased from 1 April 2008 applying the formulae in paragraph 8 above. For the avoidance of doubt if the 2008 pay settlement for local government employees has not been agreed before 31 March 2009, this scheme also authorises the basic and special responsibility allowances specified in schedule 1 to this scheme to be increased from 1 April 2008 applying the formulae in paragraph 8 above.

Payment of Pensions

10. No provision is made under this Scheme for the payment of a pension to any Councillor.

Allowances to Co-optees

11. 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 Councillors 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

12. (1) A Councillor 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 duties set out in paragraph 7 of the Regulations.

(2) 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 Councillor 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 Councillor already receives a carers’ allowance.

(3) 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 Councillor as part of that Councillor’s family.

Travel Allowances

13. (1) Councillors shall be entitled to claim the following allowances for use of their own car or tri-car for any duty approved by the County Council under section 8 of the Regulations.

for cars not exceeding 999cc	38.1p per mile
for cars 1000cc and above	42.4p per mile

(2) The rates in (1) above may be increased by a sum of 5.0p per mile for each passenger up to a maximum of four passengers, to whom a travelling allowance would otherwise be payable.

(3) (i) the Corporate Director – Resources shall be authorised to amend the mileage allowances in 13(1) above from 1 April 2009, and annually thereafter until 31 March 2012, by the percentage change in the travel allowances recommended by the NJC for Local Government Services for local government employees over the previous twelve month period with any annual adjustment being rounded to the nearest 0.1p

(ii) the Corporate Director - Resources shall be authorised to amend the travel allowances in (4) and (6) below from 1 April 2009, and annually thereafter until 31 March 2012, by the percentage change in the travel allowances recommended by the NJC for Local Government Services for local government employees over the previous twelve month period. Any annual adjustment shall be rounded to the nearest 0.1p.

(4) Councillors shall be entitled to claim the following allowances for use of their own motor cycle for any duty approved by the County Council under section 8 of the Regulations.

(i) Not over 120cc	7.3p per mile
(ii) 121 – 150cc	7.3p per mile
(iii) 151 – 500cc	10.7p per mile
(iv) Over 500cc	14.5p per mile

(5) The rates in (4) above may be increased by a sum of 1.0p per mile for any passenger to whom a travelling allowance would otherwise be payable.

(6) An allowance of 6.2p per mile shall be paid to Councillors who use a pedal cycle for any duty approved by the County Council under section 8 of the Regulations.

Subsistence Allowances

14. (1) Councillors shall be entitled to claim the following subsistence allowances for any duty approved by the County Council under section 8 of the Regulations.

(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 twenty four 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) 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 14(1)(b) above.

(3) 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 14(1)(b) shall be payable.

(4) 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** 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 p.m.

(5) The Corporate Director – Resources shall be authorised to amend the subsistence allowances in 14(1)(b) and (2) above from 1 April 2009, and annually thereafter until 31 March 2012, by the percentage change in the subsistence allowances recommended by the NJC for Local Government Services over the previous twelve month period. Any annual adjustment shall be rounded to the nearest 0.1p.

Submission of Claims

15. Claims under this scheme for the payment of travel and subsistence and carers' allowances shall be submitted monthly on a form prescribed for the purpose to the Head of Member Services and Scrutiny by no later than the third day of the following month.

Membership of Other Local Authorities

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

Schedule 1

Remuneration Allowances

Part 1

Basic Allowance

An amount of £8,030 for each year to each County Councillor from 1 April 2008.

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 Councillors holding those responsibilities:-

	POSITION	ALLOWANCE FROM 1 APRIL 2008
COUNTY CHAIRMAN AND VICE-CHAIRMAN	Chairman of the County Council	£5,165
	Vice-Chairman of the County Council	£1,954
LEADER, DEPUTY LEADER AND CABINET MEMBERS	Leader of the Council	£22,937
	Deputy Leader of the Council	£12,617
	Cabinet Members	£8,600
OVERVIEW AND SCRUTINY	Chair of Scrutiny Management Board*	£8,600
	Chairs of Overview and Scrutiny Advisory Boards (4)*	£6,880
	Vice-Chairs of Overview and Scrutiny Advisory Boards (4)*	£3,437
	Chair of Cumbria Health and Wellbeing Committee	£6,880
LOCAL COMMITTEES	Chairs of Local Committees (6)	£6,880
	Vice-Chairs of Local Committees (6)	£1,954
NON-EXECUTIVE	Chair of Development Control and Regulation Committee	£6,880
	Vice-Chair of Development Control and Regulation Committee	£1,954
	Opposition Group Spokesperson on Development Control and Regulation Committee	£1,954
	Chair of Personnel Cases Committee	£5,165
	Chair of Cumbria Pensions Committee	£2,296
	Chair of Corporate Parenting Panel	£5,165
	Chair of Workington Harbour Board	£6,818
GROUP LEADERS	Leader of the Conservative Group	£12,046
	Deputy Leader of the Conservative Group	£1,954
	Leader of the Liberal Democrat Group	£12,046
	Deputy Leader of the Liberal Democrat Group	£1,954
	Leader of the Labour Group	£12,046
	Deputy Leader of the Labour Group	£1,954

(*subject to review by the Independent Remuneration Panel after June 2009)