

## ITEM 15 – APPENDIX 1

### DERBY CITY COUNCIL COUNCILLORS' ALLOWANCES SCHEME

Derby City Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, made the following scheme on 28 February 2022 and amended its previous scheme made on 21 July 2021.

1. This scheme may be cited as the Derby City Council Councillors' Allowances Scheme, and shall have effect in accordance with paragraph 13.
2. In this scheme:  
  
    'councillor' means a member of the Derby City Council who is a councillor;  
    'year' means the 12 months ending with 31 March.
3. **Basic Allowance**
  - a. Subject to paragraph 9, for each year a Basic Allowance of £11,523 shall be paid to each councillor.
  - b. Basic Allowances are to be adjusted annually, in line with the salary award for local government employees, up to and including the 2024/25 financial year.
  - c. Where a Member is suspended or partially suspended from their responsibilities or duties as a member of an authority, the part of basic allowance payable to them in respect of the period for which they are suspended or partially suspended may be withheld by the Council.
4. **Special Responsibility Allowances**
  - a. For each year a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority, which are specified in Schedule 1 to this scheme.
  - b. Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
  - c.
    - (i) Subject to paragraphs (ii) and (iii), no councillor shall receive more than one Special Responsibility Allowance. Where a councillor is entitled to more than one such allowance, s/he shall receive the higher or highest allowance.
    - (ii) With the exception of the chair or vice chairs, a member of the Licensing Committee may receive a Special Responsibility Allowance payable as a member of that committee and its sub-committees in addition to any other Special Responsibility Allowance to which they may be entitled.
  - d. Special Responsibility Allowances are to be adjusted annually, in line with the salary award for local government employees, up to and including the 2024/25 financial year.

- e. Where a member is suspended or partially suspended from their responsibilities or duties as a member of an authority the part of special responsibility allowance payable to them in respect of the responsibility or duties from which they are suspended or partially suspended may be withheld by the Council.
- f. In respect of offices where mandatory training is deemed to be required by the Chief Executive, upon expiry of an initial eight-week period following appointment and where reasonable opportunity has been provided for training to be completed, the Chief Executive may withhold payment of any Special Responsibility Allowance until such time as necessary training has been completed.

## **5. Travelling and Subsistence Allowances**

- a. Subject to paragraph 9, Travelling and Subsistence Allowances shall be payable to each councillor at the rates specified in Schedule 2 to this Scheme, for the approved duties listed in Schedule 3 to this Scheme.

On 5 March 2014, Council accepted the recommendation of the Independent Remuneration Panel (IRP), to comply with guidance issued by HMRC, that councillors can have only one place of work, that being the Council House. This ruling replaces the previous arrangement which accepted that a councillor's home was also a place of work. Councillors are no longer able to claim travel allowances for journeys between home and the Council House.

- b. Where a councillor is suspended or partially suspended from their responsibilities or duties as a member of an authority any travelling and subsistence allowance payable to them in respect of the responsibilities or duties from which they are suspended or partially suspended may be withheld by the Council.

## **6. Dependant Carer's Allowance**

- a. Subject to paragraph 9, a Dependant Carer's allowance shall be paid to those councillors who incur expenditure on the care of children or other dependants while carrying out any of the approved duties listed in Schedule 3 to this Scheme.
- b. A councillor claiming this allowance will be reimbursed actual costs up to the following maximum hourly rates, per dependant:
  - i. For the care of children under 14 years of age, up to £9.90 per hour.
  - ii. For dependant adult care or children with enhanced needs, up to £16.92 per hour, in line with the Council's commissioned hourly home care rate.
- c. Rates for Dependant Carer's Allowance are to be adjusted annually, in line with the Real Living Wage for dependent childcare and the Council's commissioned hourly home care rate for dependent adult care or children with enhanced needs.

- d. The Director of Legal, Procurement and Democratic Services may vary the provisions of the scheme to assist those claimants who require specialist care that costs more than the approved hourly rates, where it would be appropriate to do so.
- e. The Director of Legal, Procurement and Democratic Services may authorise remuneration of costs incurred relating to informal care arrangements on an individual basis, subject to the requirements of paragraph 12c.

**7. Co-optees' Allowance to Independent Members of the Standard's Committee and the Audit and Governance Committee**

Subject to paragraph 9, a Co-optees Allowance of £500 a year shall be paid to independent and co-opted members of the Council's Standard's Committee and the Audit and Governance Committee.

**8. Youth Mayor Bursary**

Subject to paragraph 9, a fixed-sum payment of £1,000 shall be made to the Youth Mayor and £750 to the Deputy Youth Mayor, upon confirmation of their election by Council.

**9. Renunciation**

A councillor or independent member may by notice in writing given to the Strategic Director of Corporate Resources elect to forego any part of his or her entitlement to an allowance under this scheme.

Where any scheme is in place for Council employees to receive a non-monetary benefit in lieu of some part of their salary the Council may allow councillors to participate in any such scheme on the same terms and conditions as employees subject to any participating councillor electing to forego part of their basic allowance in return for the non-monetary benefit.

**10. Pensions**

- a. From 1 April 2014, councillors in England have been unable to join the Local Government Pension Scheme (LGPS).

**11. Part-year Entitlements**

- a. 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.
- b. 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

- i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
- ii) 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 the days in the period bears to the number of days in the year.

- c. 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.
- d. Where this scheme is amended as mentioned in sub-paragraph b., and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph – b. i), 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.
- e. 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.
- f. Where this scheme is amended as mentioned in sub-paragraph b., and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph b.i. 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.

## 12. **Claims and Payments**

- a. Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph b., in instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month or the nearest working day to the 25th day.

- b. Where a payment of one-twelfth 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 9, 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.
- c. Payments in respect of a Dependant Carer's Allowance will be based on the reimbursement of actual costs, supported by receipted accounts
- d. Payments in respect of Travelling and Subsistence Allowances will be based on a claim submitted by the councillor or independent member concerned.
- e. A claim for a Travelling and Subsistence or Dependant Carer's Allowance must be made in writing within two months of the date on which the duty in respect of which the entitlement to the allowance arises.

### **13. Indexing and Backdating of Allowance**

The Basic and Special Responsibility Allowances will be reviewed on an annual basis by the IRP.

In accordance with Paragraph 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003, an increase will be applied to Basic and Special Responsibility Allowances in the 2022/23, 2023/24 and 2024/25 financial years in respect of any pay award made to local government employees.

The allowances shown will be applied from 1 April 2022.

### **14. Application of Scheme**

All provisions in this Scheme shall come into effect on 1 April 2022.

## SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances (SRAs) are payable, and the amounts of those allowances, following the Constitutional Appointments at the Annual Meeting in May 2021.

	<b>Position</b>	<b>Pro-rata Percentage</b>	<b>Number<sup>1</sup></b>	<b>Yearly Allowance</b>
1	Leader of the Council	100%	1	34,569
2	Deputy Leader of the Council	75%	1	25,927
3	Other Council Cabinet Members	50%	7	17,285
4	Leader of Minority Group	25%	3 <sup>2</sup>	8,642
5	Deputy Leader of Minority Group	12.5%	1 <sup>3</sup>	4,321
6	The Mayor	25%	1	8,642
7	Chairs of Overview and Scrutiny Boards	25%	6	8,642
8	Vice Chairs of Overview and Scrutiny Boards	6.25%	5	2,161
9	Chairs of Regulatory Committees	25%	2	8,642
10	Chair of Audits and Governance Committee	17.5%	1	6,050
11	Chair of Personnel Committee	17.5%	1	6,050
12	Vice Chair of Planning Control Committee	12.5%	1	4,321
13	Vice Chairs of the Licensing Committee	12.5%	4	4,321
14	Members of the Licensing Committee	6.25%	10	2,161
15	Youth Mayor Bursary	N/A	1	1,000
16	Deputy Youth Mayor Bursary	N/A	1	750

<sup>1</sup> The figures in this column were correct at the point that the Scheme was set and are subject to variations in Constitutional Appointments. They should be treated as guidance only – for actual figures contact Democratic Services on 01332 643643

<sup>2</sup> The Leader of a Minority Group allowance is only payable to minority groups with a minimum of four members, following a motion of Council on 22 May 2019.

<sup>3</sup> The Deputy Leader Minority Group allowance is only payable to minority groups with a minimum of ten members, following recommendations from the Independent Remuneration Panel.

## SCHEDULE 2

### Rates for Travelling and Subsistence Allowances

#### **Travelling Allowances**

Members will be able to claim the following rates for travel when using their vehicle:

Motor cycle	-	Not exceeding	500 cc	9.6p per mile
Motor cycle	-	Over	500 cc	14.8p per mile
Motor car etc	-			45p per mile
Cycle	-			15p per mile

An additional 5p per mile payable for motor vehicle travel when carrying passengers who are either fellow councillors undertaking approved duties or employees of the Council.

The following can be claimed when journeys are made by public transport or taxi:

- a. bus - actual fare charged;
- b. rail - standard class fare;
- c. taxi - actual fare charged.

#### **Subsistence Allowances**

Period of Absence

*Not involving Absence Overnight*

<b>Breakfast</b> Duty of 4 hours, before 11.00 am	£4.48
<b>Lunch</b> Duty of 4 hours including 12 noon to 2.00 pm	£6.17
<b>Tea</b> Duty of 4 hours including 3.00 pm to 6.00 pm	£2.43
<b>Dinner</b> Duty of 4 hours ending after 7.00 pm	£7.64

*Overnight Absence* (deemed to cover a continuous period of 24 hours) £79.82

**London** and Annual Conferences of the LGA £91.04

Please ensure that all travel and subsistence allowance claims (other than for cycle allowance) are supported by a recent VAT receipt.

### **SCHEDULE 3**

#### **Approved Duties for the Purposes of Travelling and Subsistence and Dependant Carer's Allowances.**

**To comply with guidance issued by HMRC, Members can have only one place of work, that being the Council House. This ruling replaces the previous arrangement which accepted that a Member's home was also a place of work. Members are no longer able to claim travel allowances for journeys between home and the Council House.**

#### **Approved Duties Within Categories Specified by the Local Authorities (Members' Allowances) (England) Regulations 2003**

- (a) The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that -
  - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
  - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) The attendance at a meeting of any association of authorities of which the authority is a member;
- (d) The attendance at a meeting of the executive (Cabinet) or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) The performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.



## Other Approved Duties

The carrying out of the following duties insofar as they are for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub committees. These duties shall not include 'case work' on behalf of constituents or work in relation to individual preparation for formal meetings.

- (h) Duty of a Council Cabinet Member or a chair of a committee, sub-committee, board or panel within the city boundary, subject to a maximum of twenty visits per calendar month.
- (i) Any duty of a vice chair of a committee, sub-committee, board or panel within the city boundary, at the request of the chair of that committees, sub-committee, board or panel. Such duty shall be within and counted as part of the maximum limits permitted for the chair but shall be in addition to duties defined in (k) below.
- (j) Visits by leaders and deputy leaders of each political group, to the Council's offices to discuss Council business subject to a maximum of ten visits per month. Such visits by a leader and deputy leader to be additional to the visits permitted as chair or vice chair of a committee, sub-committee, board or panel of the Council.
- (k) Visits by councillors (other than leaders, deputy leaders and chairs of committees, sub-committees, boards or panels) to the Council's offices to discuss Council business or to attend meetings, subject to a maximum of fifty such visits or attendances a year. In the case of opposition spokespersons (who are nominated as such to the Strategic Director of Corporate Resources) the maximum number of visits shall be sixty a year.
- (l) Attendance by members at meetings with trade union officials to discuss conditions of service.
- (m) Visits, inspections, annual tours or official openings of new Council premises.
- (n) Official visits outside the Council area with the prior approval of the Council Cabinet or the appropriate committee, sub-committee, board or panel and, if abroad, with the prior approval of the Council.
- (o) Attendance at conferences, seminars and meetings as approved by the Council or the Strategic Director of Corporate Resources.
- (p) Attendance at public meetings and public inquiries when acting in the capacity of a councillor or an office of special responsibility.
- (q) Attendance at councillors' surgeries and any meeting to which a member is invited as a ward councillor.
- (r) Attendance, with the prior written approval of the Chief Executive, at any meeting not otherwise provided for in this list and where the Chief Executive considers it appropriate and necessary on the grounds of urgency to grant such approval in the interest of the efficient conduct of the Council's affairs. Such attendance to be additional to any entitlements contained in other paragraphs.
- (s) Attendance where requested by the Strategic Director of Corporate Resources or the Director of Legal, Procurement and Democratic Services in furtherance of legal proceedings involving the Council.