

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMBERS' ALLOWANCES SCHEME (1 APRIL 2011 - 31 MARCH 2012)**

Please note that this Scheme has been adopted in compliance with the Local Authorities (Members' Allowances) (England) Regulations 2003. However there are other types of Councillors' expenses whilst on Council business which the Council is prepared to re-imburse or cover outside this Scheme. Details of these are covered in the 'Scheme for the Agreement to, and Repayment of, Costs incurred as part of business by Elected Councillors', reported in full to Council on 3 March 2010.

1. Introduction

1.01 This Members' Allowances Scheme is made under and in accordance with the Local Government and Housing Act 1989 (as amended) and the Local Authorities (Members' Allowances) (England) Regulations 2003.

2. Entitlement to allowances

2.01 Member's entitlement to allowances shall be determined and paid in accordance with this Scheme.

2.02 There are five different types of allowances that may be paid to Members:

- (a) Basic allowance
- (b) Special responsibility allowance
- (c) Dependants' carers' allowance
- (d) Travel and subsistence allowance
- (e) Co-optees' allowance

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

2.04 Member may, by notice in writing given to the Director of Strategy and Service Improvement, elect to forgo his or her entitlement or any part of his or her entitlement to allowances.

3. Basic Allowance

3.01 A Basic Allowance is an annual allowance paid equally to all Members. It is calculated on the basis of an hourly rate for a reasonable commitment of time, discounted appropriately to reflect councillors' commitment to providing a significant element of their public service on a voluntary basis. The Basic Allowance covers all intra-Borough travel costs (except those of the Leader and Deputy Leader and the congestion charge) and subsistence.

3.02 Appendix A sets out the amount of the entitlement by way of Basic Allowance.

3.03 Where the term of office of a Member begins or ends during a year, the basic allowance entitlement will be calculated in proportion to the number of days as a Member.

4. Special Responsibility Allowance

- 4.01 A Special Responsibility Allowance is an allowance paid to those Members who have special responsibilities in relation to the Authority. A Member is only entitled to claim one Special Responsibility Allowance. Where a Member would have been entitled to receive two Special Responsibility Allowances they may claim the higher of the two.
- 4.02 Appendix B lists the special responsibilities for which a Special Responsibility Allowance is payable and the entitlement for each responsibility.
- 4.03 Where a Member does not have special responsibilities throughout the whole of a year, the Special Responsibility Allowance entitlement will be calculated in proportion to the number of days the Member has special responsibilities.
- 4.04 Where Members of the Authority are divided into at least two political groups a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group but who has special responsibilities for which an allowance is payable.

5. Dependants' Carers' Allowance

- 5.01 A Dependants' Carers' Allowance is an allowance paid in respect of expenses incurred in arranging for the care of Members' children or dependants whilst the Member is carrying out an approved duty.
- 5.02 The Dependants' Carers' Allowance is payable in respect of dependants aged 15 years or under or in respect of other dependants where there is medical or social work evidence that care is required.
- 5.03 The Dependants' Carers' Allowance is not payable to a member of the Member's household.
- 5.04 The Dependants' Carers' Allowance is payable against receipts as a reimbursement of incurred expenditure.
- 5.05 The Dependants' Carers' Allowance will be reviewed after not more than 12 months' operation.
- 5.06 Appendix C sets out the amount of the entitlement by way of the Dependants' Carers' Allowance.

6. Travel and Subsistence Allowance

Travel

- 6.01 Travel expenses to meetings and events outside the Royal Borough can be refunded. All journeys are expected to be by the cheapest form of public transport except that:

- (a) journeys by car can be reimbursed at 48.5p per mile*, providing the cost is not more than the cost of travel by public transport (which might be true if groups are travelling together).

*or as subsequently updated in the Members Allowances Scheme in accordance with the Staff Expenses Scheme.

- (b) as Councillors are likely to need to use travel time to read official papers and for work, journeys of more than two hours on a train or six hours on a plane can be taken as first class (train) or business class (plane). Councillors should use advance purchase or discounted tickets where possible.

6.02 Taxi travel is only appropriate if necessary to avoid late arrival and therefore discourtesy to others, if luggage or other materials are being taken; or if an individual has special needs*. Furthermore

- (i) Minicabs should be booked in advance as a cheaper alternative than black cab street hire whenever possible;
- (ii) taxi journeys should **not** include waiting time at destinations; and
- (iii) claims for taxi fare reimbursement should specify the reason for the claim and the destination meeting.

* **Note:** taxi fares can be reclaimed by the Leader and Deputy Leader in respect of travel **within** the Borough but only when public transport may not be best way to travel owing to time constraints.

6.03 Travel abroad will be acceptable if in pursuit of official ‘town twinning’ activities, attendance at agreed conferences or on agreed study tours. Any visit, which may result in costs or a claim, should be agreed by routine advance report to Cabinet, and are therefore subject to scrutiny. This report should set out the purpose of the visit, estimated costs and asserted benefits.

Subsistence

6.04 No subsistence claim will be paid for costs of meals etc. for individuals alone, whilst attending, or between, official duties.

6.05 Hotel costs can be borne where necessarily part of official duties, or part of agreed conference attendance. Such claims are restricted to bed and breakfast costs only and other extras (e.g. laundry, room entertainment, calls, bar bills, newspapers etc.) will not be refunded, and should be paid separately. The exception is that for trips over three nights away, essential laundry costs can be claimed.

6.06 Outside of conference arrangements, claims for hotel accommodation costs are restricted to four star hotels or equivalent. Conferences may be held at specific venues and acceptance of these inclusive costs is acceptable.

7. Co-optees' Allowance

7.01 A Co-optees' Allowance is an annual allowance in respect of attendance at conferences and meetings paid to a person who is not a member of the authority but who is a co-opted member of a committee or sub-committee. This annual allowance is calculated in relation to each co-optee with reference to the number of anticipated meetings per year at a standard rate per meeting.

7.02 Co-optees are entitled to be reimbursed for all travel costs, whether travel is within or outside the Borough. Co-optees are not entitled to subsistence.

7.03 Appendix D sets out the amount of the entitlement by way of co-optees' allowance.

7.04 The amount of the Co-optees' Allowance payable to a co-opted member who presides at a meeting of a Scrutiny Committee, where that Committee's functions relate wholly or partly to any education functions which are the responsibility of the Authority's Executive, shall not be less than the minimum amount of any Special Responsibility Allowance payable to a person who presides at meetings of any other authority's committees or sub-committees.

7.05 Where the appointment of a co-opted member begins or ends during a year, the co-optees' allowance entitlement will be calculated in proportion to the number of days as a co-opted member.

8. Approved duty

8.01 For the purposes of the dependants' carers' allowance and the travelling and subsistence allowance, an approved duty is:

- (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 at least one other local authority, 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 or a meeting of any of its committees;
- (e) The performance of any duty in pursuance of any standing order 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 approved non-maintained special schools; and
- (h) The carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

8.02 An approved duty is not attendance at:

- (a) party political conferences.
- (b) college and school governing bodies.
- (c) Members' surgeries.
- (d) political group meetings.

9. Annual adjustment

9.01 All allowances will be increased annually with reference to the local pay settlement.

10. Suspension or partial suspension of a Member

10.01 Where a Member is suspended from his or her responsibilities as a member, the Standards Committee may withdraw the part of the Basic Allowance and all other allowances payable to them in respect of the period for which they are suspended.

10.02 Where a Member is partially suspended from his or her responsibilities as a member, the Basic Allowance payable to them in respect of the period for which they are partially suspended may continue to be paid but to the extent that the partial suspension made it impossible or impracticable for a Member to undertake activities in respect of which a Special Responsibility Allowance was payable, that allowance may be withdrawn by the Standards Committee.

- 10.03 Where an allowance is paid in respect of any period during which the Member concerned is:
- (a) Suspended or partially suspended;
 - (b) Ceases to be a member of the Authority; or
 - (c) Is in any other way not entitled to receive the allowance in respect of that period, the Standards Committee may require that such part of the allowance as relates to any such period be repaid to the Authority.

11. Claims

- 11.01 In order to claim an allowance a Member must submit a valid claim form to the Executive Director, Finance, Information Systems and Property.
- 11.02 Where an entitlement to the following allowances arise, a claim must be submitted within the following time limit:
- (a) Dependants' carers' allowance - six months of the expenses being incurred.
 - (b) Travelling and subsistence allowance - six months of the expenses being incurred.
 - (c) Co-optees' allowance - six months of the entitlement to the allowance.
- 11.03 A Member is not required to submit a claim form for a Basic Allowance or a Special Responsibility Allowance. However, a Member who does not wish to claim for these allowances must notify the Executive Director, Finance, Information Systems and Property in writing.
- 11.04 The Authority is not prevented from making a payment where the allowance is not claimed within the period specified within this Scheme.

12. Payments

- 12.01 A basic allowance, and a special responsibility allowance, is paid monthly.
- 12.02 A dependants' carers' allowance, a travelling and subsistence allowance and a co-optees' allowance is paid in the month following receipt of a valid claim.

13. Records of allowances and publication

- 13.01 The Authority shall keep a record of the payments made by it in accordance with this Scheme, including the name of the recipients of the payment and the amount and nature of each payment.
- 13.02 The record of the payments made by the Authority in accordance with this Scheme shall be available at all reasonable times for inspection at no charge. A copy shall also be supplied to any person who requests it on payment of a reasonable fee.

13.03 As soon as reasonably practicable after the end of the year to which this Scheme relates, the Authority shall make arrangements to publish the total sums paid by it to each recipient in respect of each different allowance.

14. Publicity

14.01 This Scheme will be published as required by law.

14.02 A copy of this Scheme shall be supplied to any person who requests it on payment of a reasonable fee.

15. Entitlement to pensions

15.01 Appendix E sets out which Members are entitled to pensions.

15.02 The basic allowance and the special responsibility allowance may be treated as amounts in respect of which pensions are payable.

16. Disputes

16.01 Any dispute as to a Member's entitlement and any allegation of abuse shall be referred to the Standards Committee for adjudication.

17. Amendment

17.01 The Authority may amend this Scheme at any time. Before amending it, the Authority shall have regard to the recommendations made to it by an independent remuneration panel.

17.02 Where the only amendment to be made to this Scheme is that affected by the annual adjustment in accordance with paragraph 9 this Scheme shall be deemed not to have been amended.

17.03 Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made the entitlement to the amended allowance applies from the beginning of the year in which the amendment is made.

18. Revocation

18.01 The Authority may only revoke this Scheme with effect from 1 April of any year.

18.02 Prior to revocation of this Scheme the Authority shall make a further Scheme for the period beginning with the date on which the revocation takes effect and ending at the end of the year in question.

SCHEDULE OF ALLOWANCES
(with effect from 1 April 2011 to 31 March 2012)

Appendix A: Basic Allowance (1 April 2011 – 31 March 2012)

Part Six – Members’ Allowances Scheme

Type of allowance	Eligibility	Amount per year
Basic allowance	All members	£10,597

Appendix B: Special Responsibility Allowance (1 April 2011 – 31 March 2012)

Special Responsibility		Amount per year
Post	Portfolio	
Leader		£54,227
Deputy Leader/ Cabinet Member	Planning Policy	£41,262
Cabinet Member	Family and Children's Services	£40,509
Cabinet Member	Transportation, Environment and Leisure	£40,509
Other Cabinet Members		£35,048
Leader of the Minority Party		£20,093
Chairman	Audit Committee	£5,915
Chairman	Investment Committee	£5,915
Chairman	Licensing Committee	£20,093
Chairman	Planning Applications Committee	£20,093
Chairman	Regulation and Enforcement Review Committee	£5,915
Scrutiny Chairman	Cabinet and Corporate Services	£20,093
Scrutiny Chairman	Family and Children's Services	£20,093
Scrutiny Chairman	Health, Environmental Health and Adult Social Care	£20,093
Scrutiny Chairman	Housing and Property	£20,093
Scrutiny Chairman	Public Realm	£20,093
Chief Whip of the Minority Party		£5,915
Majority Party Spokesman	Cabinet and Corporate Services Scrutiny Committee	£5,915
Minority Party Spokesman	Family and Children's Services Scrutiny Committee	£5,915
Minority Party Spokesman	Health, Environmental Health and Adult Social Care Scrutiny Committee	£5,915
Minority Party Spokesman	Housing and Property Scrutiny Committee	£5,915
Minority Party Spokesman	Public Realm Scrutiny Committee	£5,915
Lead Members (8)		£4,437

Part Six – Members' Allowances Scheme

The Mayor		£9,645
Chairman	Western Riverside Waste Authority (WRWA)	£5,252
Vice- Chairman	WRWA	£2,918
Member	WRWA	£2,387

Appendix C: Dependants' carers' allowance (1 April 2011– 31 March 2012)

Nature of expense	Amount of entitlement
Expenses of arranging for the care of children or dependants. Children or dependants are: (a) children aged 15 or under; or (b) other dependants where there is medical or social work evidence that care is required (i.e. dependants with a disability, elderly dependants or similar responsibility).	Not exceeding £9.22 per hour.

Appendix D: Co-optees' allowance (1 April 2011 – 31 March 2012)

Post	Committee	Amount per year
Chairman	Standards Committee	£2,143
Vice-Chairman	Standards Committee	£1,399
Other independent member	Standards Committee	£1,399
Independent Members	Audit Committee	£2,143
Chairman	Fostering Panel	£4,398
Independent Panel Members	Fostering Panel	£1,399
Chairman	Adoption Panel	£4,398
Independent Panel Members	Adoption Panel	£1,399
Independent Members	Investment Committee	£1,399
Independent Members	Family and Children's Services Scrutiny Committee	£1,399

Appendix E: Entitlement to Pensions (1 April 2011 – 31 March 2012)

Member
Any Members of the Council below the age of 75.