

PART 6. MEMBERS' ALLOWANCES SCHEME

Local Authorities (Members' Allowances) (England) Regulations 2003

1. In this Scheme,

'member' means a member of the High Peak Borough Council who is a councillor.

'year' means the period beginning on the first day of any municipal year and ending with the last day of that municipal year.

'municipal year' means a period of time commencing with the annual meeting of the Council.

3. Basic Allowance

Subject to paragraph 12, for each year or part thereof, the Basic Allowance specified in Schedule 1 of this Scheme shall be paid to each member. The Basic Allowance is deemed to cover such incidental costs as personal use of Members home lines, mobile phones, broadband and IT consumables and in-borough Subsistence.

4. Special Responsibility Allowances

- (i) For each year a Special Responsibility Allowance (SRA) shall be paid to those members who hold the special responsibilities specified in Schedule 1.
- (ii) Subject to paragraph 12, the amount of each such allowance shall be as specified in Schedule 1.

Regardless of the number of remunerated posts a Member may hold that they may only be paid one SRA only.

5. Child Care and Dependent Carer's Allowance

A Child Care and Dependent Carer's Allowance shall be payable as set out in Schedule 1.

6. Travel and Subsistence Allowances

Travel allowances are payable for duties set out in Schedule 2 and shall be as follows:

- Public transport - reimbursement of actual costs incurred.
- Private transport - see Schedule 3.

Subsistence shall be payable as specified in Schedule 3. If an overnight stay is required, a member or co-optee can claim the actual reasonable cost of any accommodation.

7. Co-optees

Any co-optees, as permitted by the Council's Constitution, shall be paid a co-optee' Special Responsibility Allowance as specified in Schedule 1 to this Scheme, together with Travel and Subsistence Allowance and Child Care and Dependent Carer's Allowances on the same basis as any member of the Council.

8. Backdating and Indexation

The provisions of paragraphs 3, 4, 6 and 7 of this Scheme shall be implemented with effect from 18 May 2023. The High Peak Borough Council Members Allowances are indexed as follows:

- Basic Allowance, SRAs, Co-optees' and Subsistence Allowances:
 - Indexed to the annual percentage salary increase for local government staff set at SCP 43 to be applied for the same year that applies to staff
- Travel Allowance – Mileage Rates:
 - Indexed to HMRC approved mileage rates for motor, hybrid and electric vehicles, motor cycles and bicycles
- Dependants' Carers' Allowance – Maximum Rates:
 - Childcare element:
 - indexed to the 'national living wage' hourly rate
 - Elderly or Other Dependant Relatives element:
 - indexed to median hourly rate charged for a Home Care Assistant by Derbyshire County Council Social Services Department

The indices apply for the maximum length permitted by the 2003 Regulations namely four years and to run from start of 2023/24 municipal year until the end of the 2027/28 municipal year.

9. Suspension of Allowances

Where a Member is suspended, or partially suspended, from his or her responsibilities or duties as a member or co-optee of the Council in accordance with Part III of the Local Government Act 2000, that part of any allowance payable to that member or co-optee under this Scheme will be withheld or recovered. Subject to the outcome of any investigation, any amount withheld or recovered may be reimbursed.

10. Renunciation

A member or co-optee may by notice in writing given to the Monitoring Officer elect to forego any part of his or her entitlement to an allowance under this Scheme.

11. Part Year Entitlements

- (i) The provisions of this paragraph shall have effect to regulate the entitlements of a member or co-optee to Basic and Special Responsibility Allowances (as appropriate) where, in the course of any year, this Scheme is amended or that member or co-optee becomes, or ceases to be, a member or co-optee 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 member or co-optee 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 municipal 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 there is no amendment) the end of the year

the allowance paid shall be proportional to the number of days in that period to the number of days in the year.

- (iii) If an amendment to this Scheme changes the duties specified in Schedule 2 to this Scheme, the entitlement to Travel and Subsistence Allowance or Child Care and Dependent Carer's Allowance, shall be to the amount applicable under the Scheme when the duty is carried out.
- (iv) Where the term of office of a member begins or ends otherwise than at the beginning or end of a municipal year, the Basic Allowance paid shall be proportional to the number of days in that period to the number of days in the year.
- (v) Where the Scheme is amended as mentioned in sub-paragraph (ii), and the term of office of a member does not subsist throughout the period mentioned in sub-paragraph (ii) (a), the Basic Allowance paid shall be proportional to the number of days in the period of office of that member to the number of days in the year.
- (vi) Where a member or co-optee has during part of, but not throughout, a municipal year such special responsibilities as entitle him or her to a

Special Responsibility Allowance, the Special Responsibility Allowance paid shall be proportional to the number of days during which that office is held to the number of days in the year.

- (vii) Where this Scheme is amended as mentioned in sub-paragraph (ii), and a member has during part but not the whole of, any such period, any special responsibilities as entitle him or her to a Special Responsibility Allowance, the Special Responsibility Allowance paid shall be proportional to the number of days during which the member has such special responsibilities to the number of days in the year.

12. Claims and Payments

Any claim for allowances other than the Basic and Special Responsibility Allowances, shall be made using the Council's payroll system within three months of the end of the month in which the entitlement to the allowance arose.

13. Payment Shall Be Made

- (i) In respect of Basic and Special Responsibility Allowances, subject to sub-paragraph (ii), in instalments of one-twelfth of the amount specified in this Scheme on the fifteenth day of each month, or the working day preceding that date.
- (ii) In respect of other allowances, on the fifteenth day of each month following the receipt of a claim, providing such claim is received no later than the end of the preceding month.
- (iii) 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 member or co-optee receiving more than the amount to which, by virtue of paragraph 12, 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.

14. Parental Leave Policy

The Council has formally adopted a Parental Leave Policy after consideration of the LGA Labour Group Parental Leave Policy as set out in appendix 1 to this report.

15. Broadband Allowance

The broadband allowance (£17.99 per month) be discontinued from start of the 2024/25 municipal year.

**MEMBERS' ALLOWANCES SCHEME
SCHEDULE 1**

BASIC ALLOWANCE

Each member shall be entitled to a Basic Allowance of £4,954

SPECIAL RESPONSIBILITY ALLOWANCES

	£
Leader of the Council	14,862
Deputy Leader of the Council	8,917
Executive Members	6,688
Assistant Executive Members	2,340
Chair of Corporate Select Committee	3,716
Chair of Community Select Committee	2,972
Chair of Economy and Growth Select Committee	2,972
Chair of Audit & Regulatory Committee	2,972
Chair of Development Control Committee	4,459
Vice Chair of Development Control Committee	1,560
Chair of Standards Committee	743
Parish Representatives to Standards Committee	410
Chair of Licensing Committee	2,510
Main Opposition Group Leader	3,716
Leaders of other opposition groups (if have 4 members)	743
Chair of Council Business	2,972
Co-optees' Allowance	410

DEPENDENT CARER'S ALLOWANCE

Payable in respect of child or dependent relative care whilst undertaking the qualifying duties specified in Schedule 2.

- Childcare - maximum hourly rate at National Living Wage (£10.42 from 1 April 2023)
- Elderly/disabled care – maximum hourly rate at the median hourly rate charged by Derbyshire County Council Social Services Department for a Home Care Assistant

MEMBERS' ALLOWANCES SCHEME

SCHEDULE 2

Approved duties for the purpose of Travel and Subsistence Allowance and Child Care and Dependent Carer's Allowance (Members cannot claim Subsistence Allowances for attending in-borough duties):

1. A meeting of the Borough Council, Committee, Executive or Panel or of any Sub-Committee whether as a member, substitute or observer.
2. Site Inspections by members of the Council, Executive, a Committee, Panel or Sub-Committee approved by the Chief Executive.
3. Site Inspections by the Leader or Deputy Leader of the Council, a Chair or Vice-Chair of a Committee, Sub-Committee or Panel undertaken on his or her own authority, providing the visit is reasonably necessary to discharge his or her duties.
4. As Leader or Deputy Leader of the majority group on the Council (or, in the event of a coalition of groups, the Leader and Deputy Leader of the coalition), Leader of any opposition group on the Council, or a Chairman or Vice-Chairman of a Committee, Sub-Committee or Panel, any place within the High Peak Borough, within Derbyshire or within 30 miles of the Council's offices at Buxton, for the purposes of transacting Council business, provided that any other member of the Council may, attend in their place with the approval of the Chief Executive.
5. Subject to a limit of not more than three visits per member within each cycle of meetings, visits to offices of the Council for the purposes of conducting constituency business.
6. Government offices for the purposes of transacting Council business.
7. The Council's offices or other place within the High Peak at the request of the Chief Executive, an Executive Director or the Monitoring Officer.
8. Official and courtesy visits of a civic nature within the United Kingdom where (other than in the case of the Mayor or Deputy Mayor) first approved in writing by the Chief Executive.
9. Official openings, presentations or other events within the Borough where first approved in writing by the Chief Executive.
10. A meeting of a body to which a member has been appointed by the Local Government Association or by the Derbyshire or East Midlands Local Government Association.
11. Training for Councillors with the approval of the Chief Executive.

12. As Leader of any duly notified political group on the Council, at any political group meeting organised under by or on behalf of the Local Government Association or the East Midlands Regional Local Government Association; provided that:
 - (a) the number of such visits shall in each case not exceed four per annum:
 - (b) any other member of the Council may attend in the place of a group Leader with the approval of the Chief Executive.
13. Other meeting or function, whether in the United Kingdom or abroad, where attendance has been approved in advance by the Chief Executive.
14. Attendance as the Council's appointee/nominee, or duly appointed substitute, at meetings of such bodies or any Committee, Sub-Committee or Panel of such body.

MEMBERS' ALLOWANCES SCHEME

SCHEDULE 3

Mileage Rates Payable

The current HMRC Mileages rates are applicable for the following modes of transport:

- Travel by cars and vans: 45p per mile
- Travel by motorcycle: 24p per mile
- Travel by bicycle: 20p per mile
- Passenger supplement rate: 5p per passenger (maximum of 4)

The Passenger Supplement allowance should only be claimed for carrying fellow elected Members to an approved duty who would also be eligible for claiming the mileage allowance if travelling in their own vehicle.

Where a Member claims the mileage allowance by travel in a hybrid/electric vehicle the HMRC rates are also applicable.

Subsistence Rates Payable

Breakfast	(absence of 4 hours or more ending Before 11.00 am)	£7.00
Lunch	(absence of 4 hours or more Including the period between 12 noon And 2.00 pm)	£9.00
Tea	(absence of 4 hours or more Including the period from 3.00 pm to 6.00 pm)	£5.00
Evening	(absence of 4 hours or more for a Period ending after 7.00 pm)	£12.00

Appendix 1: LGA Labour Group – Parental Leave Policy

Introduction

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members 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.

1.2 In addition, where the birth is premature, the Member 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.

1.3 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.

1.4 Members 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).

1.5 A Member 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.

1.6 Where both parents are Members 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. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall 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.

1.8 Any Member 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.

1.9 Any Member 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.

1.10 Any member 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.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 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 shall 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.

3.4 Should a Member 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 shall apply.

3.5 Unless the Member 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 shall 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.

4. Resigning from Office and Elections

4.1 If a Member 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.

4.2 If an election is held during the Member'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.