

# **PART 9 – MISCELLANEOUS ITEMS**

## **A – MEMBERS' ALLOWANCES**

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

**MEMBERS' ALLOWANCES SCHEME**

1. This Scheme is the Royal Borough of Windsor & Maidenhead's Members' Allowances Scheme and shall have effect for the year ending 31 March 2021, and subsequent years.
2. The Scheme is made under the Local Authorities (Members' Allowances) (England) Regulations 2003.

In this scheme:

"Councillor" means an elected Member of the Royal Borough of Windsor and Maidenhead.

"Co-optee" means a non-councillor co-opted or appointed to serve on the Council's Committees or Panels.

"year" means the financial year ending on 31 March in any year.

4. **Basic Allowance**

The Council shall pay equally to each Councillor a Basic Allowance of £8,472 each year.

This allowance is intended to recognise the time each Councillor spends on their work, and associated costs which includes all Council related telephone calls; including calls on mobile phones, broadband costs, postage and stationery, routine travel (such as meetings with Ward residents) and subsistence costs and other incidental costs, such as office equipment for home use.

5. **Special Responsibility Allowances**

The Council shall pay each year an allowance to those Councillors who hold the positions of office as specified in Schedule 1 to this Scheme.

Where a Councillor holds more than one of the positions attracting a Special Responsibility Allowance as specified in Schedule 1, the Councillor will only be eligible to receive one such allowance. The sum to be paid to be the highest eligible allowance.

6. **Travelling Allowance**

Councillors and co-optees should seek to choose a mode of transport that is both cost-effective and environmentally responsible, making an appropriate judgement between the cost and convenience of the mode of travel selected. Councillors/Co-optees shall normally be expected to make use of public transport as a first choice of travel.

Travelling expenses incurred in the performance of an “approved duty” referred to in Schedule 2 may be reclaimed from the Council subject to the following conditions:-

### *Public Transport*

The rate of travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare. Where more than one class of fare is available the standard class fare should be claimed.

With regard to rail fare, the second class or any cheap day travel fare may be claimed. The rate specified above may be increased by supplementary allowances not exceeding expenditure actually incurred:

- i) on Pullman Car or similar supplements, reservation of seats and deposit or portage of luggage; and
- ii) on sleeping accommodation for an overnight journey.

### *Own Vehicle*

The rate claimed shall be the following rates approved by the Inland Revenue (Approved Mileage Allowance Payments).

Cars	-	45p per mile
Motorcycles	-	24p per mile
Bicycles	-	20p per mile
Passengers	-	5p per mile for each passenger* carried

\* Passenger must be a Councillor, co-optee or an officer of the Royal Borough of Windsor and Maidenhead.

If a Councillor/co-optee uses his or her car to travel to a conference or a meeting outside of the borough and the mileage rate exceeds the cost of an ordinary class rail fare, the cost of the rail fare only will be reimbursed, unless good reason could be given for necessitating car travel.

### *Parking and toll charges*

The cost of parking, including overnight garaging, and toll charges may be claimed provided these were necessarily incurred.

### *Travel by taxi*

Taxi fares and any reasonable gratuity paid, may be claimed in the following circumstances:-

- a) in cases of urgency;
- b) where no public transport is reasonably available;
- c) where luggage or equipment has to be carried; or
- d) where the claimant has a medical condition or disability which necessitates the use of a taxi.

In any other case where a taxi is used, the amount that may be claimed shall be the amount of the fare for travel by appropriate public transport.

### *Hired Motor Vehicle*

The cost of a hired motor vehicle other than a taxi shall not exceed the total mileage costs which would have been applicable had the vehicle belonged to the Councillor/co-optee who hired it.

### *Travel by Air*

The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport. Where the saving in time is so substantial as to justify payment of the fare for travel by air, an amount not exceeding the following will be paid;

- i) the ordinary fare or any available cheap fare for travel by regular air service, or
- ii) where no such service is available or in case of urgency, the fare actually paid.

### *Start and finish points for a journey*

The starting and finishing point for any journey made by a Councillor shall be either the Councillor's home within the Borough or the Town Hall, St Ives Road, Maidenhead. If Councillors start and/or finish their journey from a place other than their home within the Borough, the claim shall be in respect of the lesser of the cost of either the journey to/from that other place or to/from their home within the Borough.

## 7. **Subsistence Allowance**

No Subsistence allowances shall be paid.

## 8. **Dependants' Carers' Allowance**

The Dependants' Carers' Allowance can be claimed by all Members who are the main carers of dependant relatives. The allowance will be paid where a Member requires care provision for a dependant relative or co-habitee to enable the Member to perform an Approved Duty (as defined in Schedule 2).

There are two categories of dependants:

- Childcare – i.e. children aged fifteen or less
- Care for dependants on social/medical grounds – i.e. elderly parents or disabled children/siblings who are dependant upon a Member.

The Dependants' Carers' Allowance may be claimed from the Council subject to the following conditions:-

- The allowance is payable for the length of the qualifying approved duty and can include travel time up to a maximum of one hour per claim.

- The total amount claimable per approved duty is capped at 5 hours and within any one week a maximum of 20 hours can be claimed.
- No claims are permitted for when dependant children are at school.
- The hourly rate payable will be as follows:
  - Childcare - to be paid at and indexed to the hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or less for actual reimbursement.
  - Care for dependants on social/medical grounds – the hourly rate paid to be the Royal Borough’s average hourly homecare charge.
- Councillors wishing to claim the allowance will need to complete a Dependants’ Carers’ Allowance claim form and sign a declaration that states:
  - the carer provided a babysitting/carer service to the Member in order that the Member could attend the meetings listed in the claim.
  - the carer is 16 years of age or over and not an immediate member of the claimant’s family or person residing with the Councillor who has provided the care.

## 9. **Co-optees Allowance**

No Co-optees allowances are payable.

*The following remuneration is not within the formal scope of the 2003 Regulations but has been included in the scheme for transparency purposes.*

The payment of a financial loss allowance to Independent Education Appeal Panel and Independent Review Panel Members will be paid. The payment to be the actual financial loss incurred (not the loss of potential earnings) up to an agreed maximum as follows:

- for a period not exceeding 4 hours - £32.37
- for a period exceeding 4 hours but not exceeding 24 hours - £64.74.

## 10. **Record of Allowances Paid**

A record will be kept of the payments made in accordance with this Scheme, including the name of the recipients of the payment and the amount and nature of each payment. The record of the payments made in accordance with this Scheme shall be made available on the borough website following the end of the financial year (see paragraph 11 below). Current year payments will be made available at all reasonable times for inspection at no charge. A hard copy shall also be supplied to any person who requests it on payment of a reasonable fee.

## 11. **Publicity**

As soon as reasonably practicable after the end of the financial year, arrangements will be made to publish the total sums paid to each recipient in respect of basic, special responsibility, travel, dependants’ carers’ and co-optees allowances.

As soon as reasonably practicable after receiving a report from the Independent Remuneration Panel setting out the Panel's recommendations, copies will be made available for inspection and a notice will be published in a local newspaper.

Once the Scheme has been made or amended, copies will be made available for inspection and a further notice published in a local newspaper with details of the scheme and also of the recommendations of the Remuneration Panel.

A notice be published as soon as possible after the expiration of twelve months after the previous publication of such a notice, irrespective of whether the scheme has been amended during that twelve month period.

12. **Pensions**

No Councillor shall be eligible to join the Local Government Pension Scheme.

13. **Withholding and Repayment of Allowances**

a) When a Member of the Council, or co-optee, is suspended fully or partly from their duties, all allowances, with the exception of childcare and dependants' carers' allowances, will be withheld for the period of suspension.

b) Any allowance that has been paid to a Councillor/co-optee whilst on suspension or any allowance paid after a Councillor has ceased to be a Member of the authority shall be recovered.

14. **Payment and Submission of Claims**

a) Basic and Special Responsibility Allowances will be paid monthly direct into the Member's bank account on the 25th day of the month.

b) Claims for travel, child care and dependants' carers' allowances, if submitted by the 25<sup>th</sup> day of the month together with any necessary supporting receipts, will be paid on the 25th day of the following month. Claims shall be made on the prescribed claim form within two months of the date on which the duty in respect of which the entitlement to the allowance arises is carried out.

c) Receipts or other proof that expenditure has been incurred should always be provided in support of any claim.

d) Claims that are received six months after the date on which the duty in respect of which the entitlement to the allowance arises is carried out will not be paid without the specific authorisation of the Cabinet.

15. **Renunciation**

Councillors may by notice in writing given to the Head of Governance elect to forgo any part of their entitlement to an allowance under this scheme.

To minimise the administrative burden of managing the scheme:

- All Members are requested to provide such notification, or to confirm they do not wish to renounce any part of their allowances, by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.
- All Members are requested to confirm to Payroll their wish to participate in the GAYE scheme by 1 April each year. Following local elections, newly elected Members are requested to provide a similar notification within 1 calendar month of election.

#### 16. **Part-Year Entitlements**

Part-year apportionments under this scheme shall be made in accordance with the regulations and on the basis of Schedule 3.

#### 17. **Annual Adjustments**

The following allowances will be automatically increased annually (and rounded as appropriate to the nearest pound), on the following basis:-

- Basic, special responsibility, Civic allowances and financial loss allowances shall be updated annually in line with the average pay increase given to Royal Borough employees (and rounded to the nearest pound as appropriate). Any implementation of this index should continue to be applicable from the same date that it applies to officers.
- Travelling allowances shall be adjusted on the 1 April each year by reference to the approved HMRS AMAP (authorised Mileage allowance Payments) approved rates.
- The Dependant Carer's Allowance be paid at the maximum hourly minimum wage applicable to the age of the carer (who must be 16 years of age or over) or, for carers for dependants on social/medical grounds, the Royal Borough's average hourly homecare charge
- The adjustments above to be made each year for a period of up to 4 years (until October 2024) without the need for a review by the Independent Remuneration Panel, unless such a review is requested by the Panel or the Council.

The Head of Governance is authorised to amend the scheme in accordance with any annual adjustment by reference to the approved index.

#### 18. **Civic Allowances**

The following allowances are paid under the Local Government Act 1972 and are subject to the same annual index that applies to the Basic Allowance and SRAs

Mayor: £10,612

Deputy Mayor: £3,714

#### 19. **Maternity, Adoption and Paternity Leave**

The Basic Allowance should continue to be paid during any period of maternity, adoption or paternity leave, noting that any period of absence from qualifying meetings greater than six months would require special dispensation by Full Council.

For maternity and adoption leave, the Member to continue to receive SRA payments on the following basis:

- Six weeks at 90% of actual SRA level
- Twelve weeks at 50% of actual SRA level

For paternity leave, the Member to continue to receive SRA payments in full for a period of two weeks.

No qualifying period to apply for entitlement to receive either the Basic Allowance or SRA payments during a period of maternity, adoption or paternity leave.

If a Member chose to resign in the three month period following a return from maternity or adoption leave, they would be required to pay back the 12 weeks at 50% allowance.

If the individual ceased to be a Member in the three months following a return from maternity or adoption leave because they stood, but were not selected as a candidate by their party, or stood as a candidate in a local election but did not win their seat, they would not be required to repay the 12 weeks at 50% allowance.

Shared parental leave should only apply if both parents/legal guardians are Royal Borough councillors; the Basic allowance would continue to be paid whichever Member took the parental leave.

Shared parental leave does not apply to Special Responsibility Allowances unless, at the time of the child's birth or placement with a family, both Members receive a Special Responsibility Allowance of the same value. In this scenario the Members could chose to share the parental leave related to their SRAs.

Given that costs as a result of maternity, adoption or paternity leave will be incurred on an ad hoc basis, the Head of Finance has delegated authority to add necessary funding to the Member Allowances budget as and when required to cover costs incurred.



**SCHEDULE 1****SPECIAL RESPONSIBILITY ALLOWANCES**

The following payments shall be paid to those Councillors holding the following positions:-

<b>POSITION</b>	<b>Allowance £ p.a – from 1 April 2022</b>
Leader of the Council	25,416
Deputy Leader of the Council	13,979
Deputy Chairman of Cabinet	13,979
Cabinet Member	12,708
Chairman of the Area Development Management Panels (maximum of 2)	6,355
Chairman of the Licensing Panel (maximum of 1)	6,335
Chairmen of the Overview and Scrutiny Panels (maximum of 4)	5,084
Chairman of the Audit and Governance Committee	5,084
Chairman of the Berkshire Pension Fund Panel	5,084
Members of the Appeals Panel	£35 (meetings up to a maximum of three hours in length); £68 (meetings over three hours in length)
Leader(s) of the Opposition Groups (minimum of 3 Members) *	6,355*
Mayor	3,183
Deputy Mayor	1,061
Non-Executive Director of Optalis (N. B. funded by Optalis)	3,121

\* To be split proportionately between Group Leaders based on the number of Members in each Group.

NOTE

Leader of the Council	-	basic allowance multiplied by 3.00
Deputy Leader of the Council	-	Leader's allowance multiplied by 55%
Deputy Chairman of Cabinet	-	Leader's allowance multiplied by 55%
Cabinet Member	-	Leader's allowance multiplied by 50%
Chairman of Area Development Management Panels	-	Leader's allowance multiplied by 25%
Chairman of Borough-wide Development Management Panel	-	Leader's Allowance multiplied by 25%
Chairman of Overview and Scrutiny Panels	-	Leader's allowance multiplied by 20%
Chairman of Audit and Governance Committee	-	Leader's allowance multiplied by 20%
Chairman of the Licensing Panel	-	Leader's allowance multiplied by 25%
Chairman of the Berkshire Pension Fund Panel	-	Leader's allowance multiplied by 20%
Leaders of the Opposition Groups*	-	Leader's allowance multiplied by 25%
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**SCHEDULE 2****APPROVED DUTIES**

Approved Duties for the purpose of paying the Travelling Allowances are as follows:-

For all Councillors in receipt of a Special Responsibility Allowance

- All duties carried out in connection with that responsibility

For all Councillors:

- a) Meetings of the full Council
- b) Attendance as a voting Member at Cabinet, Committee, Panel, Forum, working group, Task & Finish Group or steering group set up by the Council, Committee or Panel which is properly established by the Council, Cabinet, Committee or Panel and formally and properly convened (i.e. there is a resolution to this effect).
- c) Attendance as a non-voting Member to discuss the Member's own motion that has been referred to Cabinet/Committee/Panel by the Council;
- d) Attendance at meetings of a Committee or Panel when the Councillor concerned is not a Member of that Committee or Panel but is attending to represent the views of the Ward on a specific matter relating to that Ward.
- e) Attendance at meetings of any other body as the fully authorised appointee, representative or nominee of the Council or on any committee or Sub-Committee of such body (excluding an appointment as a School Governor).
- f) Attendance at a meeting of any association of authorities of which the Council is a member as the Council's appointed representative which includes meetings of any committee or Sub-Committee of that body.
- g) Attendance as the Council's appointed representative at meetings of any external organisation ('outside body'), its Committees or Sub-Committees (except where such organisations pay the Councillor's expenses)
- h) Attendance at a meeting, briefing, training and development session or event (other than those excluded below) at the invitation of a Director, Head of Service or their named nominee.

Members cannot claim allowances for the following type of meetings:

- Political group or party meetings.
- School Governing Bodies
- Events primarily of a social nature
- Meetings with Ward residents (covered by Basic Allowance)

**PART-YEAR ENTITLEMENTS**

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 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 the 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 to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her 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/her 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.

