Luton

Luton Borough Council Constitution

Section 4: Members & Standards

Part 4 B: Scheme of Members' Allowances

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Section 4: Members & Standards

Part 4 B: Scheme of Members' Allowances

1. The scheme

Luton Borough Council hereby make this Scheme of Members' Allowances under the Local Authorities (Members Allowances) (England) Regulations 2003 as amended.

1. Definitions

1.1 The following expressions in this Scheme shall have the meanings given to them below:

(1) "**the Council**" means Luton Borough Council;

(2) "**the Regulations**" means the Local Authorities (Members Allowances)(England) Regulations 2003 as amended;

(3) "**the Scheme**" means the Scheme hereby made under the Regulations;

(4) "**the Schedule**" means the Schedule to the Scheme;

(5) "**authority**" means a body of any of the descriptions specified in Regulation3(1)(a) to (c) of the Regulations;

(6) "**Councillor**" means an elected Member of the Council;

(7) " **co-opted member**" means:

(a) an independent member of the Council's Standards Committee or its Audit and Governance Committee who is not a Councillor ("an Independent Member");

(b) a member of the Council's Overview and Scrutiny Committee (or of any Sub-Committee of the Overview and Scrutiny Committee) who has been appointed under section 9FA of the Local Government Act 2000 ("a Diocesan Representative"); and

(c) a member of the Council's Overview and Scrutiny Committee (or of any Sub-Committee of the Overview and Scrutiny Committee) who has been appointed under section 9FA of the Local Government Act 2000 and the Parent Governor Representatives (England) Regulations 2001 ("a Parent Governor Representative")

(8) "**Basic Allowance**" means the allowance payable in respect of the year to each Councillor in accordance with paragraph 4 of the Scheme;

(9) "**Special Responsibility Allowance**" or "**SRA**" means an allowance payable to a Councillor who has a special responsibility in relation to the Council as specified in paragraph 5 of the Scheme and section 14.2 of the Schedule to the Scheme;

(10) "**Co-optees' Allowance**" means an allowance payable under paragraph 6 of the Scheme to a co-opted member;

(11) "**Dependants' Carers' Allowance**" or "**DCA**" means an allowance payable under aragraph 7 of the Scheme to a Councillor;

(12) "**Travelling and Subsistence Allowance**" or "**TSA**" means an allowance payable under paragraph 8 of the Scheme;

(13) "**approved duty**" means:

(a) attending a meeting of the Council or of any Committee or Sub- committee of the Council, or of any other body to which the Council makes appointments or nominations, or of any Committee or Sub- committee of such a body;

(b) attending any meeting, the holding of which is authorised by the Council, the Council's Executive, a Committee or Sub-committee of the Council or by a Joint Committee, provided that it is a meeting to which at least two political groups have been invited;

(c) attending a meeting of any association of authorities of which the Council is a member;

(d) attending a meeting of the Council's Executive or any Committee of the Executive;

(e) performing any duty in connection with the discharge of any statutory function of the Council empowering or requiring the Council to inspect or authorise the inspection of premises;

(f) performing any duty in accordance with arrangements made by the Council for the attendance of pupils at any school approved for the purposes of Paragraph 82 of Schedule 30 to the School Standards and Framework Act 1998; or

(g) carrying out any other duty approved by the Council, the Council's Executive, or a Committee or Sub-committee of the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council, its Executive, or any of its Committees or Sub-committees.

(14) "**relevant date**" means the date(s) on which the approved duty was performed, discharged or carried out;

(15) "**Joint Committee**" means a Committee of the Council and at least one other local authority within the meaning of Section 270(1) of the Local Government Act 1972 or a Sub-committee of such a Committee;

(16) "**political group**" means a group of Councillors constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 as amended

(17) "**the year**" means the period from 1st April 2017 to 31st March 2018 inclusive.

(18) "**Major Opposition Group**" means the political group having the largest number of seats on the Council not taking account of any political group the Leader of which is the Executive Leader.

2. Commencement and Duration

2.1 The Scheme shall take effect from 1st April 2024 and shall cease to have effect on 31 March 2025, but, in the event that the Council fail before 1st April 2025 to authorise the making of a new scheme for the payment of allowances to Councillors and statutory co-opted Members, the Scheme shall be deemed to remain in force without amendment until amended or revoked by the Council in accordance with the Regulations.

3. General

3.1 Before making the Scheme the Council, in compliance with its duty under Regulation 19 of the Regulations, considered a report of its Independent Panel on Members' Allowances, being an Independent Remuneration Panel established under the Regulations.

3.2 Allowances shall be payable to Councillors and co-opted members under the Scheme as provided for below and in the Schedule.

4. Basic Allowance

4.1 A Basic Allowance shall be payable to each Councillor in respect of the year and the Basic Allowance shall be the same for each Councillor.

4.2 The amount of the Basic Allowance shall be as specified in section 14.1 of the Schedule.

5. Special Responsibility Allowance ("SRA")

5.1 Subject to Paragraph 6.4 below, an SRA shall be payable to each of the holders of the positions specified in section 14.2 of the Schedule in respect of the special responsibilities of those positions.

5.2 The amount payable by way of SRA to the holder of a particular position shall be the amount specified in section 14.2 of the Schedule.

5.3 A person shall not be entitled to receive more than one SRA.

5.4 An SRA shall not be payable to any person who is not a Councillor.

6. Co-optees' Allowance

6.1 A Co-optees' Allowance shall be payable to a co-opted member in respect of attendance at conferences and meetings.

6.2 The amount of Co-optees' Allowance shall be as is specified in section 14.3 of the Schedule.

6.3 A co-opted member shall not be entitled to be paid a Co-optees' Allowance unless he/she submits a claim on the prescribed form within one month of the date on which the Scheme takes effect or the date on which the statutory co-opted member was appointed, whichever in the year is later, but the Council's Director of Governance and Monitoring Officer at his/her discretion may pay a Co-optees' Allowance where a co-opted member has not complied with these requirements.

7. Dependants' Carers' Allowance ("DCA")

7.1 A DCA shall, subject to the conditions and qualifications set out in paragraphs 7.5 to 7.8 below, be payable to a Councillor in respect of the expenses of arranging for the care of his/her child(ren) or dependant(s) where such expenses are necessarily incurred in performing an approved duty.

7.2 A Councillor shall only be entitled to be paid a DCA in respect of expenses actually and necessarily incurred in the performance of an approved duty;

7.3 A Councillor claiming a DCA shall do so by submitting a claim on the prescribed form to the Business and Member Services Manager on a monthly basis accompanied by a receipt or receipts relating to the expenses incurred.

7.4 The Director of Governance and Monitoring Officer may at his/her discretion pay a DCA to a Councillor who has not complied with the requirements of paragraph 7.3 above where the Director of Governance and Monitoring Officer is of the view that compliance with those requirements would be impossible or unreasonable in the circumstances of the particular case.

7.5 A Councillor may only claim a DCA in respect of the expenses of arranging for the care of a child where on the relevant date the Councillor was the parent, foster parent or legal guardian of the child.

7.6 A claim by a Councillor for a DCA in respect of the expenses of arranging for the care of more than one child shall be treated as if it was a claim in respect of the expenses of arranging for the care of one child.

7.7 For the purposes of eligibility to claim a DCA the term "child" shall mean a person who is under 14 years of age.

7.8 A Councillor may only claim a DCA in respect of the expenses of arranging for the care of a dependant who is not a child in the following circumstances:

(1) where, on the relevant date, the dependant was suffering from a physical or mental impairment as a result of which the dependant was, on the relevant date, unable, or not reasonably able, to look after him/herself without the assistance of another person;

(2) where the Councillor was, on the relevant date, the person with primary responsibility for the provision of care or assistance to the dependant and where the provision of such care and assistance was necessary or required during the period of the approved duty; or

(3) where neither the Councillor nor the dependant was, on the relevant date, in receipt of a State Dependant Carer's Allowance.

7.9 The amount payable in respect of DCA shall be the normal rate specified in section 14.4 (a) of the Schedule, unless the exceptional rate specified in section 14.4 (b) of the Schedule applies as provided for in Paragraph 7.10 below.

7.10 The exceptional rate shall apply where, before the expenditure is incurred, the Director of Governance and Monitoring Officer determines that the exceptional rate shall apply by reason of exceptional circumstances, which must be recorded in writing.

8. Travelling and Subsistence Allowance ("TSA")

8.1 A Councillor or co-opted member shall be entitled to claim the actual cost necessarily incurred in respect of authorised duties within or outside the Borough of Luton, as shown in section 14.5 of the Schedule, provided that:

(1) where public transport is used payment of TSA will be based on ordinary or concessionary travel where appropriate; or

(2) where a private vehicle is used then the amount of a TSA payment will be calculated as if the Councillor or co-opted member were an employee of the Council entitled to a casual user car allowance.

8.2 A Councillor or co-opted member shall not be entitled to be paid a TSA unless he/she submits a claim on the prescribed form within one month of the date on which the expenditure was incurred, but the Director of Governance and Monitoring Officer may, at his/her discretion and if satisfied that it is reasonable to do so in the circumstances, agree to pay a TSA where a Councillor or co-opted member has not complied with these requirements.

9. Pensions

9.1 In accordance with the recommendation of the Council's Independent Remuneration Panel, no Councillor is to be entitled to a pension in accordance with a scheme made under Section 7 of the Superannuation Act 1972.

9.2 Neither the Basic Allowance nor any SRA may be treated as amounts in respect of which pensions are payable in accordance with a scheme made under Section 7 of the Superannuation Act 1972.

10. General

10.1 Where a person is appointed to or holds an office which entitles that person to payment of an allowance under the Scheme and the person's term of office begins or ends otherwise than at the beginning or end of the year, that person's entitlement shall be to payment of such proportion of the allowance as bears the same proportion to the whole of the allowance as the number of days during which his/her term of office subsists bears to the number of days in the year.

10.2 A person who is a member of another authority ("the other authority") shall not be entitled to payment of any allowance under the Scheme if the person has received or has claimed an allowance from the other authority in respect of the same duty,

10.3 A person as is referred to in Paragraph 10.2 above who has received payment of an allowance or part of an allowance under the Scheme shall not claim payment of an allowance from the other authority in respect of the same duty.

11. Election to Forgo Allowance

11.1 Any person entitled to an allowance under the Scheme may, by notice in writing to the Chief Executive, elect to forego his/her entitlement or any part of his/her entitlement to any allowance payable under the Scheme.

12. Withholding and Repayment of Allowances

12.1 A person who would otherwise be entitled to payment of an allowance under the Scheme shall not be entitled to be paid the allowance, and the Council shall withhold payment of the allowance, during any of the following periods:

(1) a period during which the person, if a Councillor, has ceased to be a member of the Council;

(2) a period during which a co-opted member has ceased to be a co-opted member; or

(3) a period in respect of which the person is not entitled to receive the allowance for any other reason.

12.2 Where the Council has made a payment to any person in respect of an allowance under the Scheme and such payment related in whole or in part to any of the periods specified in Paragraph 12.1 above, the Council may recover the payment, or such part of the payment as related to any of the periods so specified, from the person to whom the payment was made.

13. Amendment of Scheme

13.1 The Scheme may be amended by the Council at any time but may only be revoked with effect from 1st April in any year.

14. The Schedule (with effect from 1st April 2026 pending the annual pay increase for NJC staff)

14.1 Basic Allowance

(1) All Councillors - £10,129

14.2 Special Responsibility Allowance (SRA)

(1) Executive Leader – Two and a half times the Basic Allowance (£25,323)

(2) Deputy Executive Leader – One and a quarter times the Basic Allowance (£12,661)

(3) Members of the Executive with Portfolio Responsibilities (other than Executive Leader and Deputy Executive Leader) – One time the Basic Allowance (£10,129)

(4) Chairs of the following Committees: Development Control Committee; Standards Committee; Overview and Scrutiny Board - One third of the Basic Allowance (£3,376)

(5) Chairs of the following Committees and Sub- Committees: Administration and Regulation Committee; Audit and Governance Committee; Scrutiny Health and Social Care Review Group; Scrutiny Finance Review Group; Scrutiny Children's Services Review Group - One sixth of the Basic Allowance (£1,687)

(6) Leader of the Major Opposition Group - One third of the Basic Allowance (£3,376)

14.3 Co-optees' Allowance

(1) One sixth of the Basic Allowance (£1,687)

14.4 Dependants' Carers' Allowance (DCA)

(a) Normal Rate - Actual and necessary expenses up to a maximum of £7 per hour

(b) Exceptional Rate - Actual and necessary expenses up to a maximum of £20 per hour to be paid only on the prior approval of the Head of Policy and Performance.

14.5 Travelling and Subsistence Allowance (TSA)

Travel and subsistence expenses actually and necessarily incurred, during the year, by councillors and co-opted members in connection with their approved duties shall be reimbursed at the following rates:

a) travel by members' own car: 52.2p per mile (Casual Users rate); this rate being in line with that paid to officers of the Council;

b) travel by bicycle: 20p per mile;

c) travel by public transport or rail: the ordinary or any concessionary fare may be claimed with advantage being taken of cheaper or concessionary rates whenever reasonably practicable and subject to prior approval by the Director of Governance and Monitoring Officer.

14.6 Where the amount payable by way of an allowance is expressed as a proportion, fraction or multiple of the Basic Allowance, then, if the Basic Allowance is changed. the amount of any allowance which is so expressed shall change to reflect the change in the Basic Allowance, the figures in brackets appearing after the description of the amount of the allowance merely reflecting the amount payable by reference to the proportion, fraction or, as the case may be, multiple of the Basic Allowance on the date the Scheme takes effect.

14.7 Allowances shall be increased in line with the Local Government pay award for NJC staff applicable from the 1st April each year until such time as another review is implemented.