

## 26. Members Allowances Scheme

### 26.1 The Scheme

Essex County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 and any subsequent amendments has made the following Scheme which shall have effect from 13 July 2022.

### 26.2 Definitions

In this Scheme,

**'Approved Duties'** are those set out in Appendix 1;

**'Committee'** means, unless the context otherwise requires, a committee of the Council including the Cabinet;

**'Council'** means the Essex County Council;

**'Deputy Cabinet Member'** means a Member appointed by the Leader as a deputy to a Cabinet Member;

**'Sub-Committee'** means, unless the context otherwise requires, a sub-committee, group, panel or Task and Finish Group formally constituted by a committee;

**'The County of Essex'** means the ceremonial county of Essex (i.e. the area covered by Essex County Council and the two unitary authorities of Southend and Thurrock); and

**'year'** means a period of 12 months ending with 31 March.

### 26.3 Payment of Allowances

Allowances shall be paid as set out in Appendix 2 to this Scheme.

### 26.4 Suspension of Allowances

Where a Member has been convicted of any offence and has had been given a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, the Council shall suspend any part of any Allowance from the date of sentence. Such suspension shall remain in force until such time as section 80 of the Local Government Act 1972 (disqualification for election and holding office as member of a local authority) takes effect. Where an application for leave to appeal or the appeal is finally disposed of or abandoned or succeeds by reason of the prosecution determining that the conviction and/or sentence should be quashed, or reduced so as to fall outside the remit of section 80, the Council shall reimburse to the

Member those amounts of allowance suspended to be included with the next available payment date.

## **26.5 Loss or damage to vehicles**

The Council shall not be responsible for any loss or damage to any vehicle whilst being used by a Member during the course of their duties or parked on the Council's property.

The Council shall provide limited insurance through the in house insurance fund to protect Members in certain circumstances against loss of their 'no claims bonus'. Broadly the insurance will provide payment where, as a result of using their vehicle on Approved Duties, Members have a claim or claims upon their own motor insurance and, without any fault on the part of the Member, suffer a loss of no claims bonus. The maximum amount payable to any one Member consequent upon loss of bonus arising from claims in any one year of insurance is £500.

## **26.6 Reimbursement of Dependent Carers costs**

Reimbursement of expenditure incurred by Members

- (i) in providing child care arrangements; and/or
- (ii) on professional care for elderly, sick or dependant relatives;

to facilitate their attendance at Approved Duties of the Council is provided in accordance with Appendix 2 to this Scheme. Such payments are not covered by any special exemptions for taxation purposes. They are treated as emoluments (remuneration) of the office and will be subject to tax and national insurance accordingly.

Appendix 2 to this Scheme shall apply subject to any relevant regulations.

## **26.7 Part-Year Entitlements**

The entitlements of a Member to allowances where, in the course of a year, this Scheme is amended or that Member becomes, or ceases to be, a Member, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable shall be calculated in accordance with the proportion of the year for which the Member is eligible.

The term of office of a Member shall begin on the day on which the Member makes a declaration of acceptance of that office under Section 83(1) of the Local Government Act 1972 and shall end when they cease to be a Member.

## **26.8 Co-opted Members of Committees Allowances**

The four Education Co-opted Members may in accordance with the provisions of this Scheme claim travelling and subsistence allowances in respect of attendance at the People and Families Policy and Scrutiny Committee and

Corporate Policy and Scrutiny Committee, or any other Approved Duty authorised by those bodies.

Any Co-Optee to the Pension Strategy Board who is not an employee, officer or member of their appointing organisation and who is not otherwise entitled to payment for time spent on the role is entitled to claim an allowance in accordance with appendix 2.

#### **26.9 Members with a Disability**

Members with a disability which restricts their ability to access some types of transport may, to the extent agreed by the Audit, Governance and Standards Committee, claim for specific travel expenses according to their needs.

#### **26.10 National Insurance and Social Security, Statutory Sick Pay and Income Tax**

Payment of allowances shall be subject to such deductions as may be statutorily required in respect of national insurance and social security and income tax and such information relating thereto as is reasonably required shall be provided on request.

In the event of sickness, Members shall provide such information as may reasonably be required to determine eligibility for statutory sick pay and shall, in any case, notify the Head of Democracy and Transparency immediately of any sickness which is likely to prevent any Approved Duty being undertaken.

#### **26.11 Parental Leave**

Members are entitled to allowances in accordance with the parental Leave policy as set out at Appendix 3. Members are asked to notify the Head of Democracy and Transparency should arrangements relating to this policy need to be made. Members are not entitled to receive a special responsibility allowance and payment under this policy at the same time.

#### **26.12 Election to Forego**

A Member may by notice in writing given to the Chief Executive elect to forego any part of his entitlement to an allowance under this Scheme.

#### **26.13 Payments and Claims**

Payment of basic allowance, special responsibility allowances, co-optees allowance and parental leave allowance shall be made in instalments of one-twelfth of the amounts specified in the schedule at Appendix 2 as appropriate (subject to paragraph 26.4) on a monthly basis. 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 receiving more than the amount to which, by virtue of Appendix 2, they are entitled, the

payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

Claims for travelling and subsistence allowances should be submitted monthly via the Council's e-payroll system. Payment will be made direct to a Bank or Building Society account via BACS in accordance with the payment dates which will be notified from time to time.

Claims must be made via the e-payroll, completed in all particulars and backed up by receipts. Members must not claim any allowance unless they are satisfied that the amounts claimed are correct and the duty is an "Approved Duty" for the purpose of the payment of allowances in accordance with Appendix 1. Failure to supply receipts and appropriate detail will result in non-payment of claims. If in exceptional circumstances the necessary receipts or documentation could not be retained a written explanation to that effect should be included and payment may be made at the discretion of the Monitoring Officer or the Head of Democracy and Transparency.

All Members' claims must be checked and approved by the Monitoring Officer Head of Democracy and Transparency, or such other person as they may nominate. Claims made by Cabinet Members, the Chairman or Vice-Chairman, must also be approved by the Monitoring Officer or such other officer as the Monitoring Officer may nominate for this purpose.

Members may not make any claim for any expenses which they have not incurred themselves or which they have claimed or intend to claim from any other organisation.

Members may claim expenses only where they were incurred wholly, exclusively and necessarily in performing their duties for the Council.

A claim under this Scheme for an allowance under this scheme shall include, or be accompanied by, such statement as the council may from time to time required.

Members must make any claim for payment under this scheme promptly and in any event within four months of the date on which the duty in respect of the entitlement to the allowance arises is carried out. Claims submitted for duties undertaken more than four months previously will be rejected.

#### **26.14 Record of Allowances Paid**

A record of the payments made by the Council to each Member shall be maintained in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and shall be published in accordance with the Regulations and on the Council's website.

#### **26.15 Publication of Scheme**

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 as soon as practicable after the making or amendment of any scheme made under the Regulations arrangements shall be made for its publication within the Council's area.

#### **26.16 Indexation of Allowances**

The amount of basic allowance, special responsibility allowance and co-optee's allowance will be annually adjusted on 1 May each year (save in a year in which ordinary elections to the County Council take place when the changes shall take effect from the date upon which newly elected members take their office) in proportion with the change, since the last review, in the Public Sector Pay Index (excluding bonuses) published by the Office of National Statistics.

This clause shall cease to have effect on 11 July 2026.

#### **26.17 Date of Scheme**

This Scheme is made by the Council on 12 July 2022.

## Appendix 1

### Approved Duties

Subject to paragraphs (k) and (l) below, an **"Approved Duty"** is:

- (a) attendance at a meeting of the Council, or of any Committee or Sub-Committee or Joint Committee to which a Member has been appointed (this includes attendance by a named substitute at a meeting even if the member is not required to substitute for another Member);
- (b) attendance at a meeting of any Committee or Sub-Committee as the local Member and where the consent of the Chairman has been given in advance;
- (c) attendance at a meeting of any Committee or Sub-Committee to which a Member has not been appointed, subject to payment being limited to two such meetings per Member per month;
- (d) attendance by the Chairman of any Committee at a meeting of any Sub-Committee of that Committee, even if the Chairman is not a member of that Sub-Committee;
- (e) attendance at a meeting of any other body to which the Council makes appointments or nominations as set out in Appendix 3, or of any Committee or Sub-Committee of such a body, except where a claim can be made direct to that body;
- (f) any other meeting the holding of which is authorised by the Council, or a Committee or Sub-Committee, or a Cabinet Member, or a Committee Chairman, or a joint committee of the Council and one or more other authorities, 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;
  - (ii) if the authority is not so divided, it is a meeting to which at least two Members of the authority have been invited; and

including any locality briefing, site visit, inspection or similar duty, public consultation meetings on significant matters of policy or service change or attendance at an official opening when a Member is specifically required to attend as the Council's representative;

- (g) a meeting of any association of authorities of which the Council is a member (special arrangements apply for the Local Government Association see paragraph (i) (viii) below);
- (h) duties undertaken on behalf of the Council:

- (i) in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; or
  - (ii) in connection with arrangements made by the Council for the attendance of pupils at a special school;
- (i) any other duty approved by the Council, a Committee or Sub-Committee, or Cabinet Member, or Committee Chairman, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council, or of any of its Committees or Sub-Committees; but shall not include attendance at any meeting or any other duty undertaken as a member of a governing body of a school (other than a special school).
- (j) The following duties:
- (i) reasonable attendances in pursuance of the role and duties of Cabinet Member or a Deputy to a Cabinet Member;
  - (ii) reasonable attendances in pursuance of the role and duties of Committee Chairman;
  - (iii) reasonable attendances in pursuance of the roles and duties of the Leader of a registered political group;
  - (iv) attendance by Chairmen and Vice-Chairmen at agenda conferences for meetings of Committees or Sub-Committees;
  - (v) attendance at additional meetings by Chairmen and Vice-Chairmen with Chief or other officers to conduct business relevant to the work of their Committee or Sub-Committee;
  - (vi) attendance at seminars, study courses and similar activities that a Member is authorised to attend by the Council, or a Committee or Sub-Committee, or a Cabinet Member, or a Committee Chairman;
  - (vii) attendance as the local County member at town and parish council meetings or associations of such authorities; and
  - (viii) attendance as an Office Holder or member of an Executive where the Member receives a lump sum payment from the Local Government Association and travelling and subsistence allowances are not paid by the Association.
- (k) Notwithstanding any other provision of this scheme, the following are not approved duties and no payment shall be made unless the Member has the prior written authority of at least two of the Chief Executive, the Section 151 Officer or the Monitoring Officer:

- (i) where it involves travel outside the United Kingdom of Great Britain and Northern Ireland;
- (ii) where the total cost for the Member is estimated to exceed £500 when only one member is involved; or
- (iii) where the aggregate costs for all the Members is estimated to exceed £1,000 when more than one Member is involved.

Visits include attendance at conferences, seminars and external training courses and the cost of visits include all costs paid by the Council or claimable from it, including the cost of travel, hotel accommodation, conference or course fees and ancillary costs, such as car parking and subsistence.

Details travel approved under this paragraph will be published annually.

- (l) No travel or subsistence allowance shall be paid with respect to a meeting unless the Member has attended the majority of the meeting or for the whole of the discussion of the item in which a Member has a particular interest.

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## Appendix 2

### Members Allowances Scheme

#### Basic Allowance

£12,292 per annum

#### Special Responsibility Allowances

Postholder	Rate	Amount
Basic Allowance (75)	-	£12,292
Leader	450% of basic allowance	£55,314
	As a % of the Leader's allowance	
Deputy Leader	80%	£44,251
Cabinet Member (8)	67%	£37,060
Deputy to Cabinet Member (11)	25%	£13,828
Scrutiny Board Chairman	30%	£16,594
Committee Chairman (8)	25%	£13,829
Leader of the largest opposition group	30%	£16,594
(The SRA for the leader of the main opposition group will be split equally between two or more leaders of opposition groups for the duration of any period of time in which they have an equality of members in the group.)		
Smaller opposition group leaders (for groups which include at least 5% of Members in their Group)	10%	£5,531
Chairman of the Council	40%	£22,126
Vice-Chairman of the Council	20%	£11,063
Co-opted members of Pension Strategy Board (in accordance with paragraph 26.8)		£16.08 per hour to include reasonable preparation time.

#### Eligibility for more than one Special Responsibility Allowance

No Member shall be eligible to receive more than one Special Responsibility Allowance and a payment under the parental leave policy is treated as a Special Responsibility Allowance for this purpose.

#### Limit on the Number of Special Responsibility Allowances

No more than eleven members may receive an allowance as a Deputy Cabinet Member.

### **Further clarification**

These allowances are intended to recognise the time devoted by Members to their work relating to the Council, including such inevitable calls on their time as meetings with constituents and political group meetings. It also covers incidental costs (such as the use of their homes, home computer and printer, postage and telephone calls including mobile 'phones) for which other provision is not made.

### **Telephone / E Mail**

Cabinet Members, the Chairman of the Council and the Leader of the Opposition may have access to a laptop and a mobile device. All other Members are entitled to a laptop.

No claims can be made for the cost of broadband connection, or telephone bills whether they are land line, mobile or both.

### **Stationery**

No claims can be made for the cost of printer cartridges, printer paper, envelopes, stamps, pens, files etc. or for any of these to be provided free of charge for use at home.

### **Travel Expenses**

For travel on Approved Duties Members and co-opted Members will be reimbursed at the rates set out below.

Travel by the member's own private car at the rates set for tax allowance purposes by the Inland Revenue for business travel. Currently these are 45p per mile for the first 10,000 miles and 25p per mile thereafter. This allowance is also payable for electric vehicles at the same rate. In addition 5p per mile can be claimed for carrying a fellow Member on a business journey.

Travel by motorcycle 24p per mile

Travel by own bicycle 20p per mile.

Travel expenses will be reimbursed for relevant journeys on Approved Duties between premises as agreed for tax purposes. Travel may not be claimed for journeys within their Division other than for the purpose of attending formal meetings.

When claiming mileage for using a motor vehicle, fuel VAT receipts must be provided; the receipt(s) should show that sufficient fuel to undertake the journey(s) was purchased prior to the journey(s) taking place. However, a Member who is registered for VAT and provides a copy of the relevant VAT Certificate to the Democratic Services Team can claim mileage without receipts.

## **Other travel expenses**

Parking fees, public transport fares will be reimbursed at cost, but only on production of a valid ticket or receipt - the cheapest available fare for the time of travel should normally be purchased.

## **Taxi**

Taxi fares will only be reimbursed on production of a valid receipt and if use of public transport or the Member's own car, motorcycle or bicycle is impracticable.

## **Air and Rail**

Air and rail travel other than within Essex or London should be booked in advance through officers to enable use of discounting arrangements and to ensure the most economical means of travel has been chosen for the journey. All rail travel must be Standard Class.

## **Air travel and travelling abroad**

Air travel is permissible where:

- a journey would take five hours or more by other forms of transport;
- where such travel is cheaper than other forms of transport;
- where it avoids the need for an overnight stay.

Air travel must be economy class. Members may upgrade to business class (not first class) only if:

- the total flight time is longer than four hours;
- the journey involves an overnight flight; or
- there are no economy seats available and it is not possible to travel on an alternative day when economy seats are available.

Travel expenses will only be reimbursed if claimed within four months.

## **Subsistence Expenses**

### **Approved Duties outside of the County of Essex**

Subsistence can only be claimed for approved duties undertaken at locations outside of the County of Essex.

Subsistence will be paid at the same rates as those applying to officers. The rates currently applying are payable where a member is working for at least four hours including time travelling to and from the Member's normal place of residence, and which include the periods of the day specified below:

Breakfast: duty starting before 7:30am	Up to £5.00
Lunch: duty including the period 12 noon to 2:30pm	Up to £10.00

Dinner: duty ending after 8:30pm	Up to £20.00
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Please note expenditure on alcohol will never be reimbursed and must not be claimed.

A valid receipt will need to accompany any claim.

Hotel accommodation should be booked through officers. Any other reasonably unavoidable costs related to overnight stays, other than subsistence, will be reimbursed on production of a receipt. Where hotel stays are necessary, hotel accommodation will be paid at the same rates applying to officers. At present these are:

Main Cities in UK (Bristol, Birmingham, Cardiff, Edinburgh, Glasgow, Leeds, Liverpool, London (including Gatwick and Heathrow), Manchester, Newcastle, Plymouth and Reading).	£150.00
Elsewhere in UK	£100.00
Foreign hotels – reasonable, but not luxury class	3 quotes

(These rates determine how much members can claim for hotels booked themselves and are a guide where hotels are booked directly by the Council).

When staying in a hotel it is permissible to claim for certain relevant necessary incidentals such as business telephone calls and faxes against receipts when the equipment provided by the Council cannot be used.

Newspapers, bar drinks, mini bar, hotel video, health and fitness and laundry facilities cannot be claimed.

## Hospitality

Council funds should not normally be used for offering hospitality to third parties. If it is likely that a 'typical' member of the public would think that using Council funds to offer hospitality is inappropriate, then it probably is and should therefore not be offered.

In exceptional circumstances Members may be in a position where they are required to provide hospitality (e.g. buying lunch for the purpose of managing the reputation of the Council). The need to incur such expenses must be approved in advance by the authorising officer. In these circumstances there must be appropriate supporting information provided with the claim / P-Card which includes relevant receipts and demonstrates the authorisation given, the reasons for the need to offer hospitality, and the names of those involved (both those of the external body offered the hospitality, and any County Council officers present). It is expected that the subsistence rates would normally apply, although there may be occasions when a higher level of hospitality is appropriate. In these cases, the same rate as that applying to officers is permitted which is currently a maximum of £40 per head, including alcohol. Catering may be provided for formal meetings with external

bodies in certain circumstances, for example, if meetings take place outside of normal office hours.

It should be noted that the office of Chairman incorporates a large element of ceremonial duties which by their very nature will include an expectation of formal hospitality for which a separate budget is allocated and within which it is acceptable.

## **Dependents Carers' Allowances**

Members with care responsibilities in respect of dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for reasonable actual payments to a carer while the Member is on Approved Duties.

For the purpose of this allowance, payment will be made for care provided when the member is undertaking work at home which would be an Approved Duty if it were undertaken at the Council's offices.

The rate payable is based at cost upon production of receipts. In the case of specialist care, reimbursement will be made only where supported by such evidence as the council may require that this type of care is required is necessary.

No payment will be made with respect to care provided by a carer who is a member of the claimant Member's household.

In cases of difficulty either the member concerned or an officer may refer the question to the Audit, Governance and Standards Committee for decision.

A valid receipt will need to accompany any claim.

## **Unavoidable Fees and Charges**

Where a Member is required to register with the Information Commissioner's Office as a data controller the cost of this fee will be met by the Council.

Where a member incurs expenditure with the Disclosing and Barring Service (DBS) with respect to checks arising from requests made by the Council, that expenditure may be claimed subject to the production of evidence of payment.

## **Gifts and Prizes**

Council funds should not be used to purchase gifts of any kind. For example, none of the following can be reclaimed through the Council's expenses system:

- Christmas or other greetings cards, other than corporate Christmas cards, which are charged directly to individual cost centres and used only for official purposes;
- Staff or Member entertaining, including Christmas lunches and other parties;
- Gifts to members of staff or other Members or ex-members of staff or ex-Members;

- Gifts, gratuities or donations of any nature to external bodies or individuals;
- Prizes to staff members or Members rewarding special work efforts or good business ideas, other than through the approved corporate scheme – the costs of which would not be met through the expenses claim system;
- Cards for those officers sitting exams, or "get well" cards;
- Leaving gifts;
- Long service awards; and
- Flowers in respect of bereavements.

### **Provision of valid receipts**

Failure to supply receipts and appropriate detail for any expense will result in non-payment of claims.

**No other Allowances are payable**

## **Appendix 3**

### **Parental Leave Policy for Essex County Councillors**

The County Council wishes to encourage parents to be represented at all levels of politics.

The purpose of this Policy is to confirm ECC's commitment to supporting members who have or wish to have children in the future and encouraging individuals to stand for election to the Council.

Within this policy, Parental Leave refers to the period of absence for an elected member of this Council following the birth or adoption of a child, this is applicable for both mothers and fathers.

#### **1. Attendance and leave periods**

- 1.1 Section 85 of the Local Government Act 1972 requires councillors to attend at least one meeting of the Council in any six-month period.
- 1.2 Following the birth or adoption of a child, a dispensation will be put to the full Council to be given an extended leave of absence if requested.
- 1.3 Elected members will be allowed to attend any meetings of Council during this period if they wish.
- 1.4 Elected members giving birth are entitled to up to 52 weeks parental leave. This leave may be split between the parents. If either parent is in paid employment then any shared parental leave will reflect the arrangements made with the member's employer.
- 1.5 If no shared parental leave arrangement is in place then elected members shall in any event be entitled to two weeks parental leave following the birth of a child to their partner/spouse. Special and exceptional arrangements may be made in cases of premature birth.
- 1.6 If an elected Member adopts a child through an approved adoption agency, they shall be entitled to take up to 26 weeks adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 1.7 Elected members will be provided with adequate IT equipment to allow them to work remotely whilst on parental leave and when returning to their role.
- 1.8 Any member taking parental 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.
- 1.9 Members will not be expected to deal with constituency business during the absence. The Head of Democracy and Transparency will work with members

to identify alternative arrangements, preferably via another local member agreed with the member concerned for dealing with this.

## **2. Allowances**

- 2.1 Elected Members on Parental Leave will continue to receive their Basic Allowance without deduction.
- 2.2 Elected Members on Parental Leave will continue to receive any Special Responsibility Allowances to which they are entitled.
- 2.3 Essex County Council's Democracy Team will facilitate any arrangement to allow case work to be completed and in consultation with the individuals Group will support cover arrangements.
- 2.4 Where a member who is taking parental leave is in receipt of a special responsibility allowance this will be paid for the period of their parental leave.
- 2.5 Where a replacement member is appointed to cover the period of parental leave, that member must be formally appointed via the usual processes and will receive the special responsibility allowance on a pro rata basis for the period of the temporary appointment (subject to the rule that no member may have more than one special responsibility allowance).
- 2.6 Payment of allowance to someone on parental leave will cease if the member ceases to be a member for any reason. In addition, payment of a special responsibility allowance will stop if
  - (a) There is a change in the leader of the Council and the leader appoints a permanent replacement
  - (b) The role attracting the special responsibility is abolished or ceases to attract a special responsibility allowance
  - (c) The member resigns from the role or indicates that they do not wish to return to the role.
  - (d) The member has been on parental leave for six months (unless the Council agrees to extend it in any particular case).
- 2.7 The Council's policy is that a member receiving special responsibility allowance whilst on parental leave will normally be entitled to return to the same role (or if that's not possible, a similar role) when they return from parental leave. This applies subject to the normal rules on appointments and would not apply in the circumstances set out in paragraph 2.7 (a) to (c). It is recognised that any member may be removed from any office as part of a wider reshuffle at any time.

## **3. Resigning from Office and Elections**

- 3.1 If a Member decides that they no longer wish to be a councillor, they must notify the Head of Democracy and Transparency at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 3.2 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 day on which they leave office (normally the Monday after polling day).