

**Wandsworth Borough Council****Members' Allowances Scheme****With effect from 1st April 2020****This Scheme will apply to 2020/21****[Approved by the Council 4<sup>th</sup> July 2019]**

Wandsworth Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (2003 No.1021), [as amended] hereby approves a Members' Allowances Scheme, which will take effect from 1<sup>st</sup> April 2020.

1. This Scheme may be cited as the Wandsworth Borough Council Members' Allowances Scheme and shall have effect for the year commencing on 1<sup>st</sup> April 2020 and will apply to 2020/21. Uplifting for the purposes of inflation (when appropriate) is not considered an amendment under the Regulations.

2. In this Scheme -

“councillor” means a Member of Wandsworth Borough Council who is an elected member;

“member” for the purposes of this Scheme shall mean elected councillors and co-opted or appointed members of a committee or sub-committee; and

“year” means the 12 months ending 31st March.

3. The Council in agreeing this Scheme has had due regard to the recommendations of the Independent Remuneration Panel commissioned by London Councils as set out in their report “The Remuneration of Councillors in London 2018” published in January 2018.

**Basic Allowance**

4. For each year a basic allowance of £10,597.00 shall be paid to each councillor. Basic Allowances payable under this scheme will be paid *pro rata* to Councillors whose term of office begins or ends part way through this period.

**Special Responsibility Allowances**

5. (1) For each year a special responsibility allowance shall be paid to those members who hold the special responsibilities in relation to the Council that are specified in Schedule 1 to this Scheme.
- (2) The term of office begins on the date the Councillor makes their declaration of acceptance of office or is appointed to a post where an SRA is payable. Similarly, if the scheme is amended or there are changes to SRA post holders or relevant positions which attract SRA payment so as to affect entitlement, the Allowance will be paid *pro rata*.

- (3) Subject to paragraphs 5(2), 5(4) and 15, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
- (4) Where a member holds more than one position of special responsibility then only one special responsibility allowance shall be paid. Members may be paid an Adoption and Fostering Allowance in addition to a special responsibility allowance.
- (5) An Adoption and Fostering Allowance of £4,400 will be divided proportionately between the Members appointed to the Adoption, Fostering and Permanency panels.

### **Childcare and Dependent Carers' Allowance**

6. The Regulations allow for an allowance scheme to include provision for payment of allowances to councillors in respect of such expenses in arranging for the care of their children or dependants as are necessarily incurred in attending meetings (as determined eligible by the Chief Executive). The principal criteria for the payment of such allowances are:
  - (a) the maximum hourly rate payable not to exceed £10.75 per hour or as notified by the Head of Support & Member Services;
  - (b) payment can be claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required;
  - (c) only one payment shall be claimable in respect of the household of each councillor for any specific occasion except in special circumstances to be judged by the Standards Committee;
  - (d) the allowance can be paid as a reimbursement of incurred expenditure against receipts;
  - (e) the allowance cannot be paid to a member of the claimant's own household;
  - (f) any disputes as to entitlement and any allegations of abuse shall be referred to the Standards Committee;
  - (g) claims should be submitted no later than six months following the month in which the expense was incurred; and
  - (h) claims must be in respect of expenditure necessarily incurred in performance of the duties specified in the Regulations (Part 2, Regulation 7) and as appropriate subject to the criteria in Regulation 7(b).

### **Parental Leave Policy**

#### General provisions

7. Wandsworth Council recognises that time off linked to the birth or adoption of a child (Parental Leave) is an important component of being a modern and family friendly organisation. This is an important priority for the Council in its role as an employer, but equally the council recognises that councillors are the cornerstone of local democracy and it is important that any barriers to attracting and supporting their role is also addressed.

8. The 2018 report of the Independent Panel into the Remuneration of Councillors in London reports that “members’ allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave...”.
9. Within this policy, Parental Leave refers to a period away from the normal expected responsibilities by an elected member following the birth or adoption of a child. It is recommended that arrangements should be actively considered to allow any Member to take up to one year’s (52 weeks) time off from duties as a councillor immediately before and following the birth of a child (maternity leave). This is to be voluntary and flexible respecting the wishes of the Member.
10. Similarly, a Member should be supported to take two weeks’ paternity leave away from duties following the birth or adoption of their child(ren), and they have the main responsibility for the child’s upbringing during the period of leave. During this period Members will continue to receive their basic allowance and any special responsibility allowances without deduction.
11. Where a Member adopts a child through an approved adoption agency (adoption leave) arrangements similar to the above should extend up to one year (52 weeks).
12. Where councillors have made **Shared Parental Leave** arrangements, the Council, in consultation with the Leaders of the Political Groups, will make every effort to replicate such arrangements in terms of leave from Council as set out in this policy.
13. It is the responsibility of the individual political groups (and not the Council or its officers) to put in place appropriate arrangements to ensure that there is cover for that Member’s ward role and duties, should they take any period of parental leave under this policy. However, the council will make sure that Members have access to adequate IT provision to support this and also allow a member to work from home while on Parental Leave – if they so wish - and upon returning to their role. The Council will also help facilitate any changes (for example email re-directs) needed to support other members (for example their ward colleagues) who might be covering a member’s ward duties.
14. Under Section 85 of the Local Government Act 1972 Members are required to attend at least one meeting of the authority in any six-month period. **By law this requirement still applies to all Members and is unaffected by this policy.** The Council will always ensure that any Members on leave are aware of this requirement and are provided with information on qualifying meetings and the process by which they may apply for dispensation.
15. The Council may exercise its right to waive the expulsion if non-presence relates to Parental Leave, constituting ‘some reason approved by the authority before the expiry of that period’ with prior agreement between the Councillor and the Council.

#### Basic Allowance

16. All Members are legally entitled to a Basic Allowance which must be the same for each Member and is payable as long as they remain Members. This policy reaffirms the position that all Members shall continue to receive their Basic Allowance in full including during periods of maternity, paternity and adoption leave without deduction.

17. Absences from Council meetings during any period of Parent Leave will be noted as such, rather than being attributed to general absence.

Special Responsibility Allowance

18. Some Members will receive SRAs reflecting their additional responsibilities and duties. SRAs are paid to members of both the majority and minority groups on the Council. This policy allows for Members entitled to a Special Responsibility Allowance (SRA) to continue to receive their allowance in full during maternity, paternity, shared parental or adoption leave for a continuous period of 6 months from the point the Monitoring Officer is advised by the Leader of the relevant Group.
19. The Council Meeting, Leader or Leader of the Opposition, as appropriate, may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA on a pro rata basis for the period of the temporary appointment (up to a period of 6 months) (with the SRA to the member on parental leave being paid at the same time).
20. However, there shall be no absolute requirement for a 'replacement' Member to be appointed to undertake the duties of that Member during any period of leave.
21. The payment of SRAs, 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 where there are exceptional circumstances and following consultation with Group Leaders.
22. 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.
23. Should the Member subject to the period of maternity, paternity and adoption leave hold a remunerated post for which there is an appointed Deputy Chairman; in such cases the Deputy Chairman shall be automatically entitled to receive the relevant Chair's SRA for the period of such leave.
24. When a member returns from their parental leave period then future position of that Member in terms of SRA and any position of responsibility will be a decision for the Group Leader or Council as appropriate.
25. 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.
26. 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.

**Allowances for Co-opted Members, etc.**

27. An allowance of £746.54 may be paid to any co-opted or appointed members of the Council's committees or sub-committees. The payment of this allowance is subject to the provisions of paragraph 16 (part-year entitlements).
28. An allowance of £400 per annum may be paid to the two Independent Persons on the Standards Committee.

### **Travel and Subsistence Allowance**

29. The Basic Allowance covers all intra-Borough travel costs and subsistence. All other necessarily incurred travel and subsistence expenses in respect of approved duties as set out in the Regulations (Regulation 8 (a) to (h)) shall be reimbursed under the same rules and entitlement as applies to staff.
30. Travel by bicycle shall also be paid at the same rates as applies to staff.
31. Subsistence expenses shall not be reimbursed to co-opted or appointed members.

### **Members with Disabilities – Assistance with Costs**

32. The Chief Executive has delegated power to authorise the payment of all necessarily incurred and reasonable transport costs of Members with disabilities in performance of the duties specified in the Regulations (Regulation 7) or in respect of carrying out the duties associated with a position of special responsibility subject to certain criteria:
  - i. the assistance with transport costs shall only cover additional expenditure over and above that which would be expected of an average Member;
  - ii. the disability should be certificated; and
  - iii. the disability is one which impairs or restricts physical mobility to the extent that the Member is unable to use normal public transport facilities.

Details of all such payments shall be reported annually to the Council.

### **Renunciation**

33. 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.

### **Pro-rata Payments**

34. If a Member ceases to be a Member for the whole of the 12-month period or becomes disqualified, they will only be entitled to pro-rata payments for the period(s) during which they are actually a serving Member of the Council.
35. Where the payment of an allowance has already been made in respect of a period in which a member has been disqualified or ceased to be a member, the Council may require that such part of the allowance as relates to any such period be repaid.

### **Scheme Amendments**

36. Where amendments to the Scheme affect an allowance payable for the year in which the amendment is made, the entitlement to the allowance as amended may be

backdated to apply from the beginning of the financial year in which the amendment is made.

37. Where a member takes on duties entitling him/her to a different level of allowances, the new level of allowances may be applied retrospectively to the time at which the circumstances changed.

### **Part-year entitlements**

38. Basic Allowances payable under this scheme will be paid *pro rata* to Councillors whose term of office begins or ends part way through this period. The term of office begins on the date the Councillor makes their declaration of acceptance of office or is appointed to a post where an SRA is payable. Similarly, if the scheme is amended or there are changes to SRA post holders or relevant positions which attract SRA payment so as to affect entitlement, the Allowance will be paid *pro rata*.

### **Claims and Payments**

39. (1) Payments shall so far as is reasonably practicable normally be made in respect of basic and special responsibility allowances, subject to subparagraph (2), in instalments of one-twelfth of the amount specified in this Scheme; and
- (2) 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 councillor receiving more than the amount to which, by virtue of paragraph 15 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.

### **Inflation Increase**

40. The allowances set out in this Scheme shall be increased annually by the same percentage increase as the annual negotiated local government pay settlement for London. This inflation index shall apply for the next four years unless subsequently advised otherwise by the Independent Panel or the Council approves a different course of action. Where the only change to the Scheme in any year is that effected by such an annual adjustment in accordance with this index, the Scheme shall be deemed not to have been amended. Up-rated allowance rates (when inflation is applied) shall apply automatically without further committee or Council approval.