

# **Part 6**

# **Councillors'**

# **Allowance Scheme**

## 1 Introduction

- 1.1. This scheme is made under the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.2. The scheme may be cited as the Harlow Council Councillors' Allowances Scheme and shall have effect for the Council year 2022/23.

## 2 Definitions

- 2.1. "Councillor" means an elected member of Harlow Council.
- 2.2. "approved duties" means any duty which has been approved prior to it being undertaken. These are:
  - a) a meeting of the Full Council
  - b) a meeting of Cabinet, a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group to which the Councillor has been appointed, attends as a substitute Councillor or attends as the local Councillor in relation to business particularly affecting the Councillor's ward
  - c) a meeting of any external body to which the Council makes appointments or nominations or of any other committee or sub-committee of such a body
  - d) any other meeting which is authorised by the Council, a Committee or a Committee Chair provided that where the authority is divided into two or more political groups:
    - i) it is a meeting to which Councillors of at least two groups have been invited
    - ii) if the authority is not so divided, it is a meeting to which at least two Councillors of the authority have been invited.
  - e) attendance by the Leader of the Council, a member of Cabinet, a Chair or Vice Chair of a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group at meetings in connection with duties arising from those appointments, including briefing meetings
  - f) any other duty approved by the Council, the Leader of the Council, Cabinet, a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group or a Committee Chair or any duty of a class so approved for the purpose of, or in connection with, the discharge of the functions of the Council, Cabinet, a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group.

- g) site inspections by members of the Development Management Committee or other relevant Committee, Sub Committee, Working Party, Panel or Group
  - h) training/development events (including conferences) for Councillors facilitated by the Council
  - i) other duties approved by the Director of Governance and Corporate Support but only in advance of the event concerned taking place.
- 2.3. "Other" committees shall mean the Audit and Standards, Licensing, Development Management and Scrutiny Committees.

### 3 Allowances Paid to Councillors

#### 3.1. Basic allowance

- a) A basic allowance shall be paid to each Councillor at a rate of £4,575 for each year.

#### 3.2. Special responsibility allowance

- a) In addition to the payment of the basic allowance, Councillors undertaking special responsibilities shall be paid a special responsibility allowance as follows:

<b>Type of special responsibility allowance</b>	<b>Amount</b>
Leader of the Council	£7,117
Deputy Leader of the Council	£4,843
Chair of the Council	£2,601
Vice Chair of the Council	£520
Cabinet Portfolio Holders	£2,965
Chair of "Other Committees"	£1,561

Leader of opposition political groups - £208 per group member to a maximum of £2,080

- b) Each Councillor may receive only one special responsibility allowance even if that Councillor performs duties in more than one of the categories set out above.

## **4 Payment**

- 4.1. The basic allowance and special responsibility allowance will be paid in twelve equal instalments (as far as possible) on the 15<sup>th</sup> day of each month or thereabout. This is subject to compliance with the part-year payment provisions set out below.

## **5 Renunciation**

- 5.1. A Councillor may by notice in writing given to the Chief Executive elect to forego any part of their entitlement to allowances payable under this scheme.

## **6 Part Year Entitlements**

- 6.1. If the term of office or duties undertaken by a Councillor begins or ends part way through a year, or if amendment of the scheme during a year changes the amount to which a Councillor is entitled, then calculation of the allowance payable shall be on a pro-rata basis having regard to the proportion that the term of office, period of duty or relevant period of the scheme bears to the year in which it occurs.

## **7 Subsistence, Travelling and Carer's Allowances**

- 7.1. Travelling, subsistence and carer's allowances in respect of approved duties undertaken by Councillors are payable in accordance with the travel, maximum subsistence and carer's allowances payable to Harlow Council Officers from time to time. Such allowances will be maintained in line with Harlow Council officers' allowances.
- 7.2. Reimbursement of expenditure incurred by Councillors shall be in accordance with the provisions set out in Appendix 1.

## **8 Review of Councillors' Allowances Scheme**

- 8.1. This scheme will be reviewed annually.

# **Councillors' Allowance Scheme (Appendix 1) General Conditions and Authorisation**

- 1 The following conditions will apply to all types of allowances:
  - 1.1. payments are made on the basis of the reimbursement of actual expenditure incurred
  - 1.2. claims must be supported by an approved official claim form signed by the Councillor confirming the details of the expenditure and that it had been incurred in accordance with the scheme, together with the relevant invoice(s) and or receipt(s). These must be submitted to the Corporate and Governance Support Team Leader or, in their absence, the Director of Governance and Corporate Support.
  - 1.3. a VAT receipt for fuel must be submitted which each claim for use of Councillors' motor vehicles. Such a receipt should reasonably cover the date of the claim i.e. be a receipt for fuel bought within a few days of the journey (either before or after the journey is acceptable).
  - 1.4. Councillors must obtain pre-authorisation for expenditure incurred (see par 1. "Definitions".)
  - 1.5. approved travelling, subsistence and carer's allowance claims received no later than the 25<sup>th</sup> day of each month will be paid with the following month's basic allowance payment
  - 1.6. claims must be submitted within two months of the date of the approved duty concerned.

# **Councillors' Allowance Scheme (Appendix 2)**

## **Harlow Council Policy for Maternity, Paternity and Adoption Allowances for Councillors**

### **1 Introduction**

- 1.1. This Policy sets out Councillors' entitlement to allowances in cases of maternity, paternity and adoption leave.
- 1.2. The objective of the Policy is that insofar as possible the position of Councillors is comparable with employees of the Council.

### **2 General Provisions**

#### **2.1. The Basic Allowance**

- a) All Councillors are legally entitled to a Basic Allowance which must be the same for each Councillor and is payable as long as they remain Councillors. This policy reaffirms the position that all councillors shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave.
- b) However, this policy cannot not override the legal duty under the Local Government Act 1972 for a Councillor to attend a meeting of the Council within 26 week period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that 26 week period.

#### **2.2. Special Responsibility Allowances**

- a) Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full for the 26 week period in the case of maternity, paternity and adoption leave.

- b) The Council Meeting; the relevant committee; or Leader as appropriate may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA sum on a pro rata basis for the period of the temporary appointment.
- c) However, there shall be no requirement for a 'replacement' Councillor to be appointed to undertake the duties of that Councillor during any period of leave.
- d) Should the Councillor subject to the period of maternity, paternity and adoption leave hold a remunerated post for which there is an appointed Vice-Chair; in such cases the Vice-Chair shall be entitled to receive the relevant Chair's SRA sum for the period of such leave subject to approval by the Council.
- e) The payment of SRA during a period of maternity, paternity and adoption leave shall continue for a period of 26 weeks, or until the date when that councillor 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 period of up to 52 weeks from the start date.
- f) Should the appointed replacement Councillor already receive an SRA, the ordinary rules preventing payment of more than one SRA shall apply.
- g) For the avoidance of doubt, no allowance shall be payable under this Policy to a Councillor who chairs a meeting in the deputisation for the chair by reason of ordinary absence.

### **3 Notification Protocols**

#### **3.1. Maternity Leave**

- a) All pregnant Councillors shall be entitled to take up to one year's (52 weeks) maternity leave or as much of that period as they wish to take.
- b) The Councillor must notify the Corporate and Democratic Services Manager in writing no later than the end of the 15th week before the expected week of childbirth and provide:
  - i) the week the baby is due;
  - ii) the period of maternity leave the Councillor intends to take; and
  - iii) when they want their leave to start.

### 3.2. Ordinary Paternity Leave

- a) A Councillor is entitled to take two weeks ordinary paternity leave if they are the biological father or nominated carer of their partner 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.
- b) The Councillor must notify the Corporate and Democratic Services Manager in writing no later than the end of the 15th week before the expected week of childbirth, unless this is not reasonably practicable. The Councillor will need to provide:
  - i) the week the baby is due;
  - ii) whether they wish to take one or two weeks' leave; and
  - iii) when they want their leave to start.

### 3.3. Shared Parental Leave

- a) Any Councillor who has otherwise made Shared Parental Leave arrangements is requested to confirm these with the Corporate and Democratic Services Manager who will seek to replicate such arrangements and apply this policy accordingly.

### 3.4. Adoption Leave

- a) A Councillor who adopts a child through an approved adoption agency shall be entitled to take up to one year's (52 weeks) adoption leave or as much of that period as they wish to take, subject to requirements of paragraph 2.1b.
- b) The Councillor must notify the Corporate and Democratic Services Manager within seven days of being matched with a child and provide:
  - i) how much leave they want;
  - ii) when they want the leave to start; and
  - iii) the 'date of placement' – the date the child is being placed with the Councillor.

### 3.5. Subsequent Actions

- a) On receipt of the information, the Corporate and Democratic Services Manager will within two weeks acknowledge that the period of absence has been noted and take any action necessary to arrange for the appointment of a 'replacement' councillor.

- b) The Corporate and Democratic Services Manager will also write to the Councillor to confirm the continuation of allowances and until what date they will continue subject to review.
- c) If the Councillor wishes to return from maternity leave earlier than originally planned they should write to the Corporate and Democratic Services Manager, who will provide confirmation that the information has been received and from what date they will resume the responsibilities of any remunerated post.

#### **4 Resigning from Office and Elections**

- 4.1. If a Councillor decides not to return to office following during their maternity, paternity or adoption leave the Proper Office must be notified in writing. The Payroll Team must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.
- 4.2. If an election is held during the Councillors' maternity, paternity 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 ordinarily leave office.