



## **Report of the Independent Remuneration Panel**

### **Corporate Management Team**

**Paul Darby, Corporate Director of Resources**

#### **Electoral division affected:**

Countywide

#### **Purpose of the Report**

- 1 To advise Council of the outcome of the review of the Members' Allowances Scheme by the Independent Remuneration Panel, and to ask Council to agree a scheme of allowances for 2022/23, taking into account the views of the Panel.

#### **Executive summary**

- 2 The Council is required to have a scheme which makes provision for the payment of allowances and expenses to elected members, and Council is requested to consider the scheme attached for 2022/23.
- 3 When considering any changes to the scheme, Council must have regard to any recommendations of the Independent Remuneration Panel.
- 4 The Panel met in November 2021, and by a majority decision agreed to recommend to Council a 2% increase on Basic Allowances for the Members' Allowances Scheme for 2022/23.

#### **Recommendation**

- 5 Council is asked to consider the recommendations of the Independent Remuneration Panel for the Members Allowances Scheme 2022/23 and determine
  - (i) whether the allowances scheme should be amended; and

- (ii) that in line with paragraph 18 of the report, the Annex be updated to remove reference to the specific amounts paid to individual group leaders.

## **Background**

- 6 All local authorities are required to have a scheme which makes provision for the payment of a range of allowances and expenses to elected members. A copy of the Council's existing scheme is attached at Appendix 2 to the report.
- 7 Each local authority must appoint an Independent Remuneration Panel (IRP) to make representations on allowances, including the amounts payable. When approving any changes to its scheme, the Council must have regard to the IRPs recommendations, although it does not have to agree with those recommendations.
- 8 The last changes made to the Member Allowance Scheme were for the year 2014/15. At that time, the IRP recommended a 1% increase to the basic allowance and changes to the milage rate payable to Members. Council considered that recommendation and decided not to introduce an increase in the basic allowances. However, when Council set its budget for 2014/15 it agreed to reduce the Members Mileage Allowance to 0.45p per mile in line with HMRC rate.
- 9 The change to the milage rate payable to Members is the only change to the scheme that has been agreed by Council since 2009, despite the IRP making recommendations to increase the Basic Allowance on three separate occasions across the last 13 years.
- 10 In reviewing the scheme for 2021/22, the IRP met in November 2020 and took into consideration all of the information provided. The IRP agreed to recommend an increase to the Basic Allowance for 2021/22 of 0.7%, in line with the CPI rate at that time. Comments from the IRP included:-
  - If any recommendation was made by the IRP based on inflation, then this should only be on an annual rolling inflation basis since the last review and not an attempt to address backdated inflation of 35% which the Member feedback had referred to;
  - There had been very little Member feedback to consultation with the majority considering there should be no increase in Basic Allowance for 2021/22. The current COVID-19 situation had resulted in added budgetary pressures for the Council and had also led to job losses in the economy;
  - The majority of feedback received from Members showed there to be no appetite for an increase, previously recommended increases by the IRP had been rejected and it was not currently a good climate

for an increase, however a recommended increase of 0.7% in line with CPI may be easier to accept;

- An increase the Basic Allowance in line with CPI to recognise inflationary increases would avoid a continuing deficit;
- The IRP considered that inclusion of Community Associations and Village Hall meetings could result in an increased cost to the Members Allowances Scheme, given the potential number of Community Associations and Village Hall meetings. This was not considered appropriate given that Members did not serve as council appointed representatives;
- The IRP agreed that to capture all Village Hall and Community Associations would be an onerous task at a time when all staff were particularly busy and had the possibility of not capturing all Associations which may exist within the County. The IRP agreed there was no justification for their inclusion in Appendix D of the Members' Allowances Scheme; and
- With reference to the feedback that there should be a Special Responsibility Allowance for Cabinet Support Members the IRP maintained their views which had been expressed at their meeting on 3 December 2019 and agreed that this role should not attract a Special Responsibility Allowance.

- 11 Council considered the IRPs recommendations at its meeting on 20 January 2021 and agreed that no changes would be made for the forthcoming year. Council asked that the Head of Legal and Democratic Services write to the Secretary of State to request that the arrangements for agreeing Members Allowances are reviewed with a suggestion that the models adopted in Wales or Scotland could be considered for England. A copy of the letter and response subsequently is attached at Appendix 3 to the report. The response confirmed that there are currently no plans to change the arrangements for setting Members Allowance Schemes in England. The response also stated that while the recommendations do not have to be followed in every detail, they should be followed unless there is a good reason not to in a particular case.
- 12 In a separate report to the Council meeting in January 2021 the Council agreed to adopt a parental leave policy for members. This was subsequently included as part of the Members Allowance Scheme.

## **Independent Remuneration Panel Deliberations on 2022/23 Scheme**

- 13 On 10 November 2021 the Panel met to consider the review of the allowances scheme for 2022/23. The Members of the Panel are Joyce Drummond-Hill, Alan Fletcher, Steve Lowthian, Ray Morris, and Ian Youll.
- 14 The Panel were advised that there have been no changes to the Council's Committee Structures during this municipal year. In preparation for the review of the scheme by the Independent Remuneration Panel, elected Members were asked to express views or make submissions to be considered by the Panel, and the following responses were considered:-
  - (i) One member submitted a response in support of an increase in the allowance as the workload of a councillor was considered to be phenomenal. The member argued that an increase to the basic allowance would mean they could reduce their overtime hours at their primary work, and put more focus on their work as a Councillor.
  - (ii) Another member argued that on the recommendation of the leadership, Council has not implemented recommended increases in the past, and they stated that they hoped that this would not deter the IRP from its important work. It was requested that the Council leadership allow members a free vote on the issue. The member stated that as consequence of a lack of a free vote, there has been no increase in the basic allowance since 2009 and that the Council scheme had slipped down the regional league table in term of pounds per elector. The allowance which was substantial in 2009 had now eroded massively due to inflation.
  - (iii) While all parties were able to find candidates in recent elections, one member argued that the candidates increasingly come from a fairly narrow band of early retired people as those of working age could not afford to give up the hours necessary to undertake a councillor role. The Member considered that if the Council wanted diversity in representation then the allowance must be sufficient to enable this.
  - (iv) A Member highlighted that staff have annual pay awards so Councillors should also.
  - (v) A Member asked that the Council reconsider the position of a Councillor only being able to claim one special responsibility allowance (SRA) if they are undertaking more than one role that

warrants a SRA. They would receive the rate which attracted the highest amount. Examples being a member may be Chair of a Committee and Vice Chair of another committee however they are only able to claim the highest rate of the two when they are undertaking both roles; and Cabinet members who are also group leaders can only claim the highest rate which is the cabinet member role however they are still undertaking the duties of a group leader. [To note this would increase the total of SRA allowances that are paid].

- 15 In the past, the Panel found it helpful to be aware of the current rates of basic allowances that are paid by councils in the region to their members, and also whether other Councils are considering making any changes to their allowance scheme. Officers therefore obtained the benchmark information which is attached to the report at Appendix 4. Attached also for information are tables in Appendix 5 to show comparisons with other Unitary Authorities which have similar population size. These were also shared with the Panel.
- 16 Attached also for information is a table in Appendix 6 to show the cost of Durham's scheme of allowances including expenses for the financial years from 2019 to date.
- 17 The IRP were aware that the Members Allowance Scheme attached at Appendix 2 includes the rates of SRA's agreed by Council in January 2021 (Appendix A), prior to the local elections in May 2021.
- 18 Following a change in the Council's administration and groups, those specific amounts listed for each group leader are out of date. The section which provides an explanation of how group leaders allowances are calculated i.e. 'Where an Opposition Group has 20% or more of the Council Members allowance is £6,650, where Group has less than 20% membership allowance is £3,325 remains correct, however the amounts shown for each group leader have not been updated since the election and do not reflect the amount paid. It is proposed that rather than bringing this list up to date now, and amending the Constitution when there are any changes in groups and their membership in the future, that the reference to specific amounts paid to individual group leaders be removed from the Annex.
- 19 The Panel took into consideration all of the information provided, and by a majority decision agreed to recommend to Council a 2% increase on Basic Allowances for the Members' Allowances Scheme for 2022/23. Comments from the Panel included:-
  - The recommendation of the Panel last year of an increase of 0.7% was directly related to the CPI. Between September 2020 and

September 2021 CPI had increased by 2.9% and was potentially going to increase further, and a recent announcement by the Chancellor at the spending review showed an expectation of inflation to average around 4% next year. A 2% increase to the Basic Allowance, which was less than the CPI and RPI inflation rates, was therefore considered appropriate.

- There was concern that the IRP had on a number of occasions recommended increases in the past, but these had been refused by the members at the County Council meeting, and that this had resulted in the Scheme moving further down the percentile scale and the Panel did not easily see a way of rectifying this in the future.
- The benchmarking information provided showed that, particularly for Councils of a similar size or population, per population the costs of Durham's Members' Allowances Scheme was similar to other authorities per head of population. There was no evidence presented that demonstrated Durham as being out of kilter with other authorities.
- One of the Member representations suggested that the current level of allowance only attracted a certain kind of councillor (older and retired with more time on their hands). However, at the recent local elections there were approximately between 450 and 500 candidates that stood. This suggests that the level of allowances was not acting as a deterrent to people standing for election. Although no exercise had been undertaken to ascertain how many of the 126 councillors were working, the Council now had a significantly larger proportion of councillors who are younger and were working than in previous years.
- The IRP noted that there had been very limited Member feedback to the consultation.

## **Next Steps**

- 20 Council is asked to consider and agree an allowances scheme for 2022/23 taking into account the views of the Independent Remuneration Panel. The current scheme of allowances is appended to the report at Appendix 2. If the Council was to agree with the recommendations of the Panel, then the allowance scheme document as attached would be updated accordingly prior to its publication.

## **Background papers**

The Local Authorities (Members' Allowances) (England) Regulations 2003

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## **Appendix 1: Implications**

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### **Legal Implications**

The Local Authorities (Members' Allowances) Regulations (England) Regulations 2003 (as amended) require the Council to review members allowances at least once every four years for the purpose of agreeing how it will index link its scheme of allowances. Before any amendments to the Scheme are made, the County Council must have regard to the recommendations made by the IRP and determine whether and how these are implemented.

### **Finance**

There are 126 members and a basic allowance of £13,300 is paid to each. There are also special responsibility allowances for members taking on additional responsibility for example, cabinet or chairing roles and these are set out in the scheme. The total budget for members allowances, including special responsibility allowances in 2021/22 is £2,040,571. A 2% increase in basic allowances would increase the basic allowance to £13,566 and incur additional costs of circa £33,516 in 2022/23.

### **Consultation**

Members were invited to submit representations for consideration by the IRP. Constitution Working Group met on 6 December 2021 and agreed that the report proceed to Council.

### **Equality and Diversity / Public Sector Equality Duty**

None specific within this report.

### **Climate Change**

None specific within this report.

### **Human Rights**

None specific within this report.

### **Crime and Disorder**

None specific within this report.

### **Staffing**

None specific within this report.

### **Accommodation**

None specific within this report.

**Risk**

None specific within this report.

**Procurement**

None specific within this report.

**DURHAM COUNTY COUNCIL**

**MEMBERS' HANDBOOK**

**AND**

**ALLOWANCES GUIDE**

**Allowances as at 1 April 2021**

## **Preface**

This booklet is intended to provide Councillors with a detailed guide to the rules governing the payment of allowances together with details of the amounts payable and the procedures to be followed in making claims, etc.

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## 1. ALLOWANCES PAYABLE

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require that an authority shall make a scheme in respect of the succeeding financial year on or before 31st March each year. The scheme may be amended at any time but may only be revoked with effect from the beginning of a year.
- 1.2 Under these regulations Councils are required to establish and maintain an independent remuneration panel to provide the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
- 1.3 The prescribed components of the County Council Scheme are as follows:

### (a) Basic Allowance

- (i) Payable to each Member of the authority who is a County Councillor. Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a financial year the amount of basic allowance due is calculated as follows:

$$\frac{\text{Number of days in office}}{\text{Number of days in year}} \times \text{annual basic allowance}$$

- (ii) Basic Allowance is intended to recognise the time commitment of all Councillors, including such inevitable calls on their time as meeting with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes. The allowance is also intended to cover the cost of meals and other incidental expenses incurred within the region.
- (iii) The amount of allowance per Member as at 1st April 2019 is £13,300 per annum and is to be paid at £1108.33 per month.

### (b) Special Responsibility Allowance

- (i) Payable to Members of the Council specified in the Scheme who have special responsibilities. Where a Councillor takes up or relinquishes any special responsibility otherwise than at the beginning or end of the financial year the amount of special responsibility allowance payable is calculated as follows:

$$\frac{\text{Number of days performing special responsibility}}{\text{Number of days in year}} \times \text{annual special responsibility allowance}$$

- (ii) No Member can receive more than one Special Responsibility Allowance.
- (iii) The amounts currently payable are shown in Appendix A.

(c) **Dependant Carers' Allowance**

- (i) A dependant carers' allowance is payable at a rate not exceeding £8.36 an hour to those Councillors who incur expenditure for the care of dependent relatives or children whilst undertaking approved duties. "Approved duties" are specified in the Regulations and are as follows:
- a. A meeting of the Executive;
  - b. A meeting of a committee of the Executive;
  - c. A meeting of the Authority;
  - d. A meeting of a committee or sub-committee of the authority;
  - e. A meeting of some other body to which the authority makes appointments or nominations; or
  - f. A meeting of a committee or sub-committee of a body to which the authority makes appointments or nominations;
  - g. A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee;
  - h. A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee; and
  - i. to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups);
  - j. A meeting of a local authority association of which the authority is a member;
  - k. Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
  - l. Duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

- (ii) Payment is claimable in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required. Evidence would take the form of a letter from a doctor or social worker stating the maximum time that the dependant could be left without care.
  - (iii) The allowance is paid against actual expenditure evidenced by receipts. The allowance is not payable to a member of the claimant's household. The maximum rate payable will be increased each April in line with the national minimum wage. (The hourly rate is paid in line with national minimum wage at age 21).
- 1.4 The amounts specified in paragraph 1.3(a) and Appendix A of this document are subject to an annual review by the Independent Remuneration Panel.

### **Foregoing Allowances**

- 1.5 A member may, by notice in writing given to the Corporate Director of Resources, elect to forego any part of their entitlement to an allowance under this scheme.

### **Co-opted Members**

- 1.6 Co-opted Members (including Parent Governor Representatives) are entitled to claim travelling allowance at the rates given in Appendix C. This allowance is taxable. A claim form should be completed and forwarded to the Committee Services contact as soon as practicable after the duty has been performed.

## **2. DEFINITION OF APPROVED DUTIES**

### **Travelling and Subsistence Allowances**

- 2.1 Payable in respect of expenditure incurred in the performance of approved duties. Subsistence allowance is not payable for duties performed within the boundaries of the counties of Durham (including Darlington) and Northumberland, and the former administrative counties of Tyne & Wear and Cleveland.

- 2.2 The definition of an approved duty is as follows:

- (a) A meeting of the County Council or of the Cabinet or of any committee, or sub-committee of the County Council, or of any body to which the County Council makes appointments or nominations, or of any committee or sub-committee of such a body.

A list of bodies covered by this paragraph is given in Appendix D.

A number of such bodies operate their own schemes of allowances. A list of these is given at Appendix F.

- (b) Any other meeting the holding of which is authorised by the County Council, a committee or sub-committee of the County Council, or a joint committee of the County Council and one or more other authorities, or a sub-committee of such a joint committee, provided that it is a meeting to which Members of at least two political groups have been invited.
- (c) A meeting of any association of authorities of which the County Council is a member.
- (d) The performance of any duty in connection with arrangements made by the County Council for the attendance of pupils at any school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996.
- (e) Any other duty approved by the County Council in connection with the discharge of the functions of the Council or of any of its committees or sub-committees including the making of official and courtesy visits on behalf of the authority. Tasks so approved are shown below:
  - (i) Attendance by County Councillors at County Hall to read official papers and deal with correspondence.
  - (ii) Attendance by chair and vice-chair of committees and sub-committees at pre-meeting discussions with officers.
  - (iii) Attendance at a meeting to which the Member is invited whether as chair, vice-chair or otherwise, by or on behalf of the Chief Executive, the Director of Resources or another chief officer to discuss matters or consider issues relating to the functions of the County Council, including meetings with third parties such as government departments, statutory bodies, other local authorities, trade unions and the public.
  - (iv) Attendance at press conferences to which the Member is invited by the Corporate Director, Resources in consultation with the appropriate chair or vice-chair.
  - (v) Attendance by a Member at the request of the Local Government Ombudsman, for interview by an officer of the Ombudsman in relation to a complaint against the County Council.
  - (vi) Attendance at a meeting with the appropriate officer(s) of any of the bodies listed in Appendix D to which the Member is invited by the body, or attendance at a meeting with third parties when representing the body by virtue of their position as chair or vice-chair of the body or one of its committees or sub-committees, the purpose of their

attendance being to discuss matters arising for the purpose of or in connection with the functions of the body.

- (vii) Attendances at conferences or meetings held inside or outside the United Kingdom and convened by any person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the inhabitants of their area or any part of it.
  - (viii) Official openings of County Council establishments, Developments and Exhibitions at the invitation of the appropriate Chief Officer in consultation with the Leader or Deputy Leader of the County Council. This is intended to cover situations where Members are required to perform a duty such as perform an opening ceremony, make a speech, give prizes etc. Courtesy invitations issued to several or all Members are functions which do not qualify for payment. Members are advised to seek guidance from appropriate Chief Officers.
- 2.3 Invitations from groups or bodies to attend meetings as a Local Member are not approved duties for the payment of travelling and subsistence allowances. These duties are constituency matters not connected with the discharge of the functions of the County Council.
- 2.4 Details of the travelling and subsistence allowances currently payable are shown in Appendix C.

#### **Travelling to conferences, seminars, etc.**

- 2.5 Members who in their capacity as a County Councillor receive an invitation directly to a conference, seminar etc. should, if they wish to attend, contact Member Development on 03000 265 346 who will consult with the appropriate designated Member.

#### **Payment of expenses of official and courtesy visits, etc.**

- 2.6 Subject to paragraph 2.7 the County Council will pay the cost of any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the County Council.
- 2.7 In the case of a visit within the United Kingdom, the amount paid under this section in respect of the expenses of any member of the County Council shall not exceed the payments which they would have been entitled to receive by way of travelling allowance or subsistence allowance if the making of the visit had been an approved duty of that member.

## **Ground rules for travel**

- 2.8 Ground rules for Members' Claims for Travel and Subsistence are set out in Appendix B.

### **Meals on Trains**

- 2.9 Members may claim full reimbursement of the reasonable cost (including VAT) of a main meal (full breakfast, lunch or dinner) taken on a train. Members wishing to claim must submit receipts. Where full reimbursement is claimed the allowance for the meal provided cannot also be claimed, i.e. breakfast, lunch, dinner, etc.

### **Travel outside the United Kingdom**

- 2.10 Members may claim for reimbursement of reasonable expenses incurred. Receipts for all expenses must be submitted with any claim, as set out in Appendix B.

### **Out of Pocket Expenses**

- 2.11 Where the attendance fee for a course or conference includes accommodation and meals, an out-of-pocket expense allowance is payable in place of the normal subsistence allowances.
- 2.12 The current rates are set out in Appendix C.

### **Special Functions and Occasions**

- 2.13 Elected Members on occasions are invited or feel it necessary to attend functions or occasions which have a social element. No allowances are paid to Members of the Council on these occasions unless the Member is undertaking the performance of a specific duty, e.g. making a speech or distributing prizes when travel and subsistence allowances may be paid. Courtesy invitations issued to several or all Members are functions which do not qualify for payments.

## **3. CLAIM FORMS**

### **Completion**

- 3.1 The attention of Members is drawn to the following points when completing a claim form:
- (a) The claim form must be completed and signed in ink.
  - (b) Full details/description of an approved duty must be given
    - (i) if the reason for claiming travelling or subsistence allowances is a qualifying meeting, the full title of the meeting should be given;

- (ii) for conferences, seminars, etc., full details must be given, including names of any officers involved, conference title and location, etc;
- (iii) VAT receipts for purchase of petrol should be attached to all claims

## **Submission**

- 3.2 Payment of allowances is made monthly. All deadlines and payment dates are published in advance and are available to view on the Councillors page of the Intranet.
- 3.3 All travel and subsistence claims are paid along with any allowances direct into a bank/building society of your choice. There is no facility for cheque payment in relation to Allowances or claims.
- 3.4 The Local Authorities (Members' Allowances) (England) Regulations 2003 prescribe that claims **must** be submitted within two months of the date of the meeting for which the claim is made.

## **Advances**

- 3.5 In exceptional cases, payment of an advance can be arranged via the Business Support Team on 03000 263 751

## **Avoidance of Duplication of Allowances**

- 3.6 A councillor performing approved duties as a member of more than one body or becoming entitled to payments under any other legislation must ensure that only one claim is made for that duty.

## **Withholding Allowances**

- 3.7 Where payment of any allowance has already been made in respect of any period during which the member concerned:-
  - (a) ceases to be a member of the County Council, or
  - (b) is in any other way not entitled to receive the allowance in respect of that period, the County Council requires that such part of the allowance as relates to any such period be repaid to the County Council.

## **4. MEMBERS APPOINTED TO OTHER BODIES**

Special arrangements apply to Members who are appointed to certain bodies, such as the Local Government Association, the North East Regional Employers' Organisation and the Association of North East Councils, which operate their own allowances schemes. Notes are attached in Appendices G to I which deal with the individual schemes. Attendance allowances payable under these schemes are in addition to the basic allowance from the County Council.

## **5. INCOME TAX**

Tax is payable on basic allowances, special responsibility allowance, attendance allowance payable by other bodies, dependant's carers' allowance and co-optees' allowance. Her Majesty's Revenue & Customs (HMRC) is notified of all new Members. However, as Members' circumstances vary, and their tax may be dealt with at other HMRC offices, it is advisable for Members to make arrangements with their Tax Inspector for a tax code number to be allocated.

## **6. PENSIONS**

With effect from the local elections in May 2017, no councillors have access to the Local Government Pension Scheme.

## **7. INSURANCE**

The County Council has arranged travel insurance for its Members while travelling abroad on County Council business. Cover is provided for medical expenses, baggage, cash and personal public liability: details are available from the Insurance Officer on **(03000) 269 666**.

## **8. SOCIAL SECURITY**

### **National Insurance Contributions**

- 8.1 National Insurance contributions are payable on all basic allowances, special responsibility allowances, attendance allowances payable by other bodies, plus elements of mileage allowances, provided the aggregate amount of these allowances reaches a lower earnings limit (£120 per week or £520 per month) and the Member is under state pension age. Members who are state pension age – are not liable to pay National Insurance contributions provided confirmation is provided of their age in the form of a birth certificate or passport (originals only) which should be sighted by the Business Support Officer. Alternatively a certificate of non-liability could be supplied by the local office of the Department of Work and Pensions.
- 8.2 There is an annual maximum contribution liability for people with more than one job and, in some instances, Members in this position may be entitled to a refund of contributions; alternatively they may apply to the DWP to defer payment of contributions in their capacity as councillors.

### **Benefits**

- 8.3 The National Insurance contributions paid by Members count towards the full range of contributory benefits, including statutory sick pay, state pensions, unemployment benefits, etc.

### **Advice**

- 8.4 Advice on contributions and benefits can be obtained from the local office of the Department of Work and Pensions.

## **9. SICK PAY**

Members who fall ill will receive their basic allowance and special responsibility allowance, as normal. As there is no deduction for being off sick, Statutory Sick Pay is not payable in addition to these allowances and it is not necessary to submit a self-certification of sickness form or a doctor's sick note when you are ill.

## **10. MEMBERS' SURGERIES**

- 10.1 The County Council will pay the cost for one surgery per month. Invoices for room hire can be sent to Durham County Council for payment or alternatively can be reclaimed from Resources, Business Support on production of a receipt.
- 10.2 Please note that attendances at surgeries **DO NOT** qualify for travelling and subsistence, and other expenses such as advertising costs must be borne by the Members who incur them.

## **11 MEMBERS PARENTAL LEAVE**

- 11.1 On 20 January 2021 the Council approved a Members Parental Leave Policy which is shown at Appendix K. The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption; that both parents are able to take appropriate parental leave; and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

**MEMBERS' ALLOWANCES****SPECIAL RESPONSIBILITY ALLOWANCE**

<b>Designation</b>	<b>Amount (£)</b>
Chair of the County Council	6650
Vice-Chair of the County Council	3325
Leader of the County Council	36575
Deputy Leader of the County Council	19950
Cabinet Member (x8)	13300
Chair of Corporate Overview and Scrutiny Management Board	13300
Vice-Chair of Corporate Overview and Scrutiny Management Board	7980
Chair of Appeals and Complaints Committee	2660
Vice-Chair of Appeals and Complaints Committee	1330
Chair of Audit Committee	2660
Vice-Chair of Audit Committee	1330
Chair of Corporate Parenting Panel	2660
Vice-Chair of Corporate Parenting Panel	1330
Chair of Highways Committee	2660
Vice-Chair of Highways Committee	1330
Chair of General Licensing and Registration Committee	3325
Vice-Chair of General Licensing and Registration Committee	1662
Chair of Statutory Licensing Committee	3325
Vice-Chair of Statutory Licensing Committee x 2	1662
Chair of General Licensing and Registration Sub-Committee (1)	3325
Chair of General Licensing and Registration Sub-Committee (2)	3325
Chair of General Licensing and Registration Sub-Committee (3)	3325
Chair of County Planning Committee	3325
Vice-Chair of County Planning Committee	1662
Chair of Area Planning Committee (North Durham)	3325
Vice-Chair of Area Planning Committee (North Durham)	1662
Chair of Area Planning Committee (Central and East Durham)	3325
Vice-Chair of Area Planning Committee (Central and East Durham)	1662

<b>DESIGNATION</b>	<b>£</b>
Chair of Area Planning Committee (South and West)	3325
Vice-Chair of Area Planning Committee (South and West)	1662
Chair of Pension Fund Committee	2660
Vice-Chair of Pension Fund Committee	1330
Chair of Children and Young People's Scrutiny Committee	2660
Vice-Chair of Children and Young People's Scrutiny Committee	1330
Chair of Safer and Stronger Communities Scrutiny Committee	2660
Vice-Chair of Safer and Stronger Communities Scrutiny Committee	1330
Chair of Environment and Sustainable Communities Scrutiny Committee	2660
Vice-Chair of Environment and Sustainable Communities Scrutiny Committee	1330
Chair of Economy and Enterprise Scrutiny Committee	2660
Vice-Chair of Economy and Enterprise Scrutiny Committee	1330
Chair of Adults, Wellbeing and Health Scrutiny Committee	2660
Vice-Chair of Adults, Wellbeing and Health Scrutiny Committee	1330
Chair of Standards Committee	2660
<b>Where an Opposition Group has 20% or more of the Council Members allowance is £6650, where Group has less than 20% membership allowance is £3325</b>	
Leader of Opposition Group (Conservative) membership	3325
Leader of Opposition Group (Liberal Democrats) membership	3325
Leader of Opposition Group (Durham Independent Group) membership	3325
Leader of Opposition Group (DCC Independent Group) membership	3325
Leader of Opposition Group (Spennymoor Independent Group) membership	3325
Leader of Opposition Group (North East Party Group) membership	3325

**GROUNDRULES FOR MEMBERS' CLAIMS  
FOR TRAVEL AND SUBSISTENCE****1. Travel by Rail**

Rail tickets should be requested from the Business Support Team in the Resources Service Grouping in advance of travel, as the Council's contract provides for a discount.

Members should either contact Members' Support who will liaise directly with Business Support on your behalf, or members can go direct to the Business Support Team.

Standard Class rail travel is the approved class of travel, although first class rail can sometimes be the cheaper option dependent upon the time of booking.

Members wishing to travel first class when it is not the cheapest option can choose to do so but will be required to pay the difference between that cost and the standard cost. The difference will be recovered by payroll deduction.

Tickets can be booked up to 3 months in advance of date of travel. Members should make their requests as far in advance as possible in order to maximise savings and should you have any special requirements to assist you with your journey please advise Members' Support or the Business Support Team at the time of the request.

Members eligible for a Senior Citizens Railcard or any other concessionary travel railcard and who may be required to travel as part of their duties are encouraged to buy one as this results in a further discount on the ticket cost. The cost of the railcard will be reimbursed upon receipt of your first claim for travel and subsistence.

**2. Overnight Accommodation**

Where it is considered that an overnight stay is required, then accommodation should be organised in advance by the Business Support Team.

Members should contact Members' Support who will liaise with Business Support to organise for you. Alternatively, please contact the Business Support Team direct who will also be able to satisfy any specific queries or special requirements which you may have.

Accommodation along with Breakfast and Evening meal, if required, will be booked and paid for in advance. Members should make their requests as far in advance as possible in order to achieve best prices and should you have any special requirements in relation to your booking please advise us at the time of the request.

Reimbursement for any additional meals purchased up to the maximum amounts detailed below i.e. breakfast, lunch, tea or evening meal can be

claimed retrospectively (less any meals provided) on the production of receipts. Should it not be possible to obtain subsistence within these limits then actual costs can be claimed up to a reasonable amount in liaison with Business Support Manager and upon the production of receipts.

In exceptional circumstances an advance can be given to cover incidental subsistence/travel requirements i.e. lunch, evening meal, taxis, where it has not been possible to organise these prior to travel. Receipts should be retained to cover all advance expenditure and this can be reconciled on return.

Rates are set out below and also for reference shown on members' claim forms.

Allowance	Minimum absence from home	Rate £
Breakfast	2 hours which must be before 11.00am	6.75
Lunch	2 hours which must be between 12 noon and 2.00pm	9.27
Tea	3 hours which must include 3.00pm to 6.00pm	3.65
Evening Meal	3 hours which must be after 7.00pm	11.48

**Nb.** No reimbursement for alcohol purchased will be made – should this be included on your receipt it will be deducted from the amount claimed.

Whilst it is appreciated that most travel is planned and can be organised in advance there may be exceptional circumstances where Members may need to organise themselves. In such circumstances, retrospective claims for travel or accommodation will be paid when submitted on monthly claim forms and on the production of receipts.

The current rates are laid out below and are intended to cover the costs of accommodation and associated subsistence during a 24 hour period. However, it is also recognised that on occasion it may not be possible to obtain accommodation and subsistence within these limits and therefore higher amounts can be claimed up to a reasonable amount upon presentation of receipts. However only in exceptional circumstances should this be the case.

Overnight allowance		Rate £
London	Up to a maximum claim on production of receipts	£124.76
Outside London	Up to a maximum claim on production of receipts	£109.39

### **3. Travel by car as an alternative to Rail**

As a general rule, journeys outside the locality should be undertaken by rail as this is usually the cheapest mode of travel for someone travelling alone.

The ability to get to a particular destination by rail needs to be taken into account. Where the venue for the meeting is some distance from the railway station, the advantages and disadvantages of alternative methods of travel should be considered. Where Members choose to travel by car on a journey

that would be reasonable to travel by rail either mileage or the cost of the cheapest available rail fare will be paid, whichever is the cheaper.

#### **4. Air Travel**

The cost of travel by air shall not exceed the cost applicable to travel by appropriate alternative means of transport. Unless in circumstances where the saving in time is so substantial as to justify payment of the fare for travel by air.

All arrangements should be made by contacting Members' Support who will liaise with Business Support to organise for you. Alternatively, please contact the Business Support Team in relation to any specific queries or special requirements which you may have.

#### **5. Travel outside the United Kingdom**

The same procedure as shown above will apply.

**MEMBERS' ALLOWANCES****Travelling Allowances**

Travelling allowances are payable for journeys undertaken in the performance of official duties. The rates are as follows from 1 April 2019

1. The rate for travel by a Member's own private motor vehicle, or one belonging to a member of their family or otherwise provided for their use, will be paid at 45.0p a mile
2. The rate for travel by a hired motor vehicle, other than a taxi-cab or cab, shall not exceed the value of the claim which would have been applicable had the vehicle belonged to the Member who hired it.
3. The rate for travel by taxi-cab or cab shall not exceed:
  - in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid (receipts should be obtained where possible);
  - in any other case, the amount of the fare for travel by appropriate public transport.

**Motor Vehicle Insurance**

Members are advised that when using their own vehicle for meetings they will be deemed to be using it on County Council business. It is therefore essential that vehicles should be adequately insured, and Members are therefore required to ensure that insurance covers business use as well as for the usual social, domestic and pleasure categories.

The Association of British Insurers provide a list of approved insurance companies which indemnify local authorities against all third party claims arising out of the use of their vehicle. A copy of the list is shown at Appendix J.

If a Member is covered for business use by a company not on the list, they should contact their insurer and arrange the necessary indemnity, which should be supplied in the form of a letter. An example is given in appendix J. Insurance companies not on this approved list, although they would insure for business use, would not cover injuries to a third party unless the necessary indemnity had been arranged.

## **Subsistence Allowances**

### **Duties performed within the United Kingdom**

When carrying out approved duties “Out of Region”, Members may claim up to the approved rates as follows on production of receipts:

1. For an absence not involving an absence overnight from the usual place of residence:

<b>Allowance</b>	<b>Minimum absence from home</b>	<b>Rate (£)</b>
Breakfast	2 hours which must be before 11.00	6.75
Lunch	2 hours which must include 12.00 to 14.00	9.27
Tea	3 hours which must include 15.00 to 18.00	3.65
Evening Meal	3 hours which must be after 19.00	11.48

### **Travel Outside the United Kingdom**

Members may claim for reimbursement of reasonable expenses incurred. **Receipts for all expenses must be submitted with the claim**, as set out in Appendix B.

### **Out of Pocket Expenses**

Where the attendance fee for a course or conference includes accommodation and meals, an out-of-pocket expense allowance is payable, as follows:

	£ per day
Courses or conferences within the UK	5.00
Courses or conferences overseas	18.00

the day of arrival and departure being counted as one day.

### **Taxable and Non-Taxable Mileage**

From 6 April 2016, following a change in HMRC guidance, all mileage claimed for journeys from this date should be shown as non-taxable mileage.

## **APPENDIX D**

### **MEMBERS' ALLOWANCES**

**Schedule of other bodies, attendance at meetings of which (subject to the approval of a committee or other body) entitles a County Councillor to claim travelling and subsistence allowance.**

#### **Outside Bodies**

##### **Name of Body**

Admissions Forum

Annfield Plain Gleemen

Association for Public Service Excellence

Association of North East Councils – Collaborative Procurement Board

Association of North East Councils - Leaders and Elected Members Board

Association of North East Councils – North East Culture Partnership Board

Association of North East Councils – Resources Task and Finish Group

Barnard Castle Mechanics Institute

Barnard Castle School Governing Body

Beamish Museum Board

Believe Housing Board

Bishop Auckland Community Partnership (Four Clocks)

Bishop Auckland Heritage Action Zone Advisory Group

Bishop Auckland Heritage Action Zone

Bowes Museum

Bus Lane Adjudication Service Joint Committee

Business Durham Advisory Board - Members

Castle Eden Dene Nature Joint Advisory Committee

CDC Enterprise Agency

Central Durham Joint Crematorium Committee

Chapter Homes

Charter Trustees for the City of Durham

Chester le Street Unit of Sea Cadet Corps

Chester Moor Village Scheme

Children in Care Council

Dene Bank Regeneration Programme Strategic Working Group

Citizens Advice County Durham

Cong Burn Wood Nature Reserve Management Committee

Consett Churches Detached Youth Project

Cornforth Partnership

County Councils Network

County Councils Network - Executive Committee

County Durham and Darlington Fire and Rescue Authority

County Durham and Darlington NHS Foundation Trust Council of Governors

County Durham Children and Families Partnership

County of Durham School Benevolent Fund

Coxhoe and Quarrington Hill Tarmac Quarries Liaison Committee

Dene Bank Regeneration Programme Strategic Working Group

Derwent Valley Landscape Partnership- the Land of Oak and Iron in North East England

Derwentside District Scout Council

Derwentside Enterprise Agency Board

Durham Business Improvement District Board

Durham City Access for All

Durham Cricket CIC

Durham Darlington and Teesside, Hambleton, Richmondshire and Whitby STP Joint Health Scrutiny Committee

Durham Heritage Coast Partnership

Durham Villages Regeneration Limited

Easington Colliery Regeneration Partnership

Easington Social Welfare Centre

East Durham Business Service

English Heritage - Historic Environment Local Management

Health and Wellbeing Board

Henry Smith's Charity

Horden Regeneration Partnership

Industrial Communities Alliance

Joint Health Overview and Scrutiny Committee of North East Local Authorities

Lanchester Bowling Club

Laurel Avenue Community Association

Local Access Forum

Local Government Association

Lord Crewe's Durham Educational Foundation - Representative Trustees

Middleton Plus Development Trust

Mountsett Crematorium Joint Committee

National Association of Councillors

National Railway Museum at Shildon

Newbiggin and District Village Hall Association

Newcastle International Airport Local Authority Holding Company Limited

Newcastle International Airport Consultative Committee

NEWCO

North East Combined Authority- Audit and Standards Committee

North East Combined Authority- Economic Development and Regeneration Board

North East Combined Authority- Leadership Board

North East Combined Authority - Overview and Scrutiny Committee

North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Audit Committee

North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Committee

North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Overview and Scrutiny Committee

North East Disability Resource Centre

North East First Credit Union  
North East Local Enterprise Partnership  
North East Purchasing Organisation  
North Eastern Inshore Fisheries and Conservation Authority  
North Eastern Regional Employers Organisation (NEREO)  
North Eastern Regional Employers Organisation (NEREO) - Executive Committee  
North of England Reserve Forces and Cadets Association  
North Pennines AONB Partnership  
North Regional Brass Band Trust  
North Tees and Hartlepool NHS Foundation Trust Council of Governors  
Northern ICS/ICP Joint Overview and Scrutiny Committee  
Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee  
Northumbria Regional Flood and Coastal Committee

Path to Excellence Phase 2 Joint Overview and Scrutiny Committee  
PATROL (Parking and Traffic Regulations outside London) Adjudication Joint Committee  
Pelton Fell Community Partnership  
Police and Crime Panel  
Project Genesis

Roseberry Grange Golf Course Committee  
Rural Services Network  
Ruth First Educational Trust Executive Committee

Sacriston Community Development Group  
Safe Durham Partnership  
Southern ICS/ICP Joint Overview and Scrutiny Committee  
Standing Advisory Committee for Religious Education  
Stanhope Hartwell Educational Foundation

Teesdale Development Company Limited  
Teesdale Village Halls Consortium  
Teesside International Airport  
Teesside International Airport Consultative Committee  
The Bow Trust (Durham) Ltd  
Thrislington Quarry Liaison Committee  
Trimdon Community College Association

United Charities of Romaldkirk  
Upper Teesdale Community Association

Visit County Durham

Wear Valley Women's Aid Limited  
Weardale Open Air Swimming Pool Association  
Witton Gilbert Educational Foundation (formerly Jane Finney Trust)

## APPENDIX E

### MEMBERS' ALLOWANCES

**Schedule of outside organisations which pay travelling and subsistence allowances directly to Members for attendance at meetings convened by the organisation, subject to the Members' attendance having been authorised.**

North East Regional Employers' Organisation  
Committees  
(*for further details see Appendix H, paragraph 3*)

**MEMBERS' ALLOWANCES**

**Schedule of outside organisations which are recharged by the County Council in respect of attendance allowance paid to Members for attendance at meetings convened by the organisation, subject to the Members' attendance having been authorised.**

Association of North East Councils  
North East Regional Employers' Organisation

## ASSOCIATION OF NORTH EAST COUNCILS MEMBERS' ALLOWANCES SCHEME

### 1. **Eligible Members**

Those eligible for the ANEC scheme are representatives of member authorities at the meetings of the Association, Executive and Standing Committees and the Regional Assembly.

### 2. **Approved Duties**

For the purposes of the Association's scheme, approved duties include:

- attendance at meetings of the Association, Executive and Standing Committees and the Regional Assembly;
- duties carried out by Members as the Association's appointed representatives on any public body, charity, voluntary body or other body formed for a public purpose (and not for the personal benefit of its members) except where such remuneration would be prohibited by another enactment;
- attendance on behalf of the Association at briefing meetings, Chair's meetings and at meetings with Ministers, Government Departments or other bodies.

### 3. **Rate of Allowance 2021/22**

An allowance of £22.00 for a twenty-four hour period will be payable, irrespective of the number of duties undertaken.

Travelling and subsistence allowance in respect of attendance at the meetings outlined in paragraph 2 above will be reimbursed by the County Council.

### 4. **Payment Arrangements**

The County Council will meet the cost of attendance allowance initially with subsequent reimbursement from the Association.

The County Council is requested to submit invoices monthly, or for longer periods in arrears, to the Association. Each invoice should be supported by a schedule which sets out the following details:

- name of Association representative
- dates of approved duties
- detail of approved duties
- amount of claim

The County Council will be responsible for making the appropriate returns to the Her Majesty's Revenue & Customs (HMRC) and Department for Work and Pensions (DWP).

## **APPENDIX H**

### **NORTH EAST REGIONAL EMPLOYERS' ORGANISATION MEMBERS' ALLOWANCES SCHEME**

#### **1. Eligible Members**

Those eligible for the North East Regional Employers' Organisation Scheme are representatives of member authorities at meetings of the full North East Regional Employers' Organisation, Councils and Committees.

#### **2. Approved Duties**

For the purposes of the Organisation's scheme, approved duties include attendance at meetings of the full North East Regional Employers' Organisation, Councils and Committees.

#### **3. Rate of Allowance 2019/20**

An allowance of £21.00 for a twenty-four hour period will be payable, irrespective of the number of duties undertaken.

Members who attend **ALL** meetings of North East Regional Employers' Organisation Committees will be reimbursed the necessary travelling and subsistence expenses, in cash, by the North East Regional Employers' Organisation.

Members who **DO NOT** attend **ALL** meetings of North East Regional Employers' Organisation Committees will be reimbursed travelling and subsistence allowances by the County Council.

#### **4. Payment Arrangements**

The County Council will meet the cost of attendance allowance initially with subsequent reimbursement from the Organisation.

The County Council is requested to submit invoices, in arrears, to the Association. Each invoice should be supported by a schedule which sets out the following details:

- name of Member
- date
- association/council/committee attended

The County Council will be responsible for making the appropriate returns to the Her Majesty's Revenue & Customs (HMRC) and Department for Work and Pensions (DWP)

## **LOCAL GOVERNMENT ASSOCIATION MEMBERS' ALLOWANCES SCHEME**

### **Introduction**

1. The Constitution of the Local Government Association empowers the LGA Executive to establish a scheme for payments to members attending meetings and other approved duties of the Local Government Association and in the light of independent advice to make payments to office holders of the Association and such other members as may be specified in recognition of duties carried out on the Association's behalf.

2. In June 1998, the Management Sub-Committee of the LGA appointed an Independent Panel to consider the existing arrangements and to establish a framework on which a suitable scheme for adoption by the Association could be based. The LGA accepted the principles on which the Panel's recommendations were based, and the recommendations themselves, and formally adopted the recommended scheme with the full support of all political parties represented on the Association.

3. The scheme has now been independently reviewed to reflect the changes to the member structure agreed by the General Assembly in July 2004. The proposed changes were agreed by the LGA Executive on 29 July 2004. The revised scheme is set out in the following paragraphs.

### **Key Features of the Scheme**

- Members of all bodies listed in the Annex to the Scheme are paid an allowance reflecting both the time which might be spent and the level of responsibility involved in carrying out these posts (payments agreed by the LGA are set out below).
- The LGA does not pay Travel and Subsistence for attendance at its own meetings (i.e. Boards, Panels, Policy Review Groups, Task Groups), with the exception of the Chair, 2 Vice chair's and 4 Deputy Chair's of the Association; and the Chair's of the LGA Boards.
- The LGA does not pay Travel and Subsistence for General Assembly, conferences, seminars, etc. where members are representing their local authorities; and
- Allowances are index-linked to the principal local government pay settlement.

**MOTOR CONFERENCE****Motor Conference**

Motor Conference is the body that represents members of ABI transacting motor insurance business and the motor syndicates of Lloyd's Motor Underwriters Association (LMUA). Motor Conference is representative of some 98% of the motor insurance business transacted in the UK. Many of ABI's activities – for example, representations to Government – are carried out under the auspices of Motor Conference.

A number of undertakings have been given on behalf of all members of Motor Conference to various bodies e.g. Government Departments, local authorities and voluntary organisations. The undertakings allow an individual with motor insurance which includes use for personal business to use their own vehicle for the business of their employer. They also provide that the receipt of a mileage allowance will not constitute use for "hire or reward". This is to ensure that individuals in receipt of such an allowance continue to be covered under their insurance policy, notwithstanding any general exclusion of hire and reward use.

Please note that there may be a small number of insurance policies issued by certain insurers that are covered by the undertakings. To check whether any individual insurer not currently listed is a subscriber, contact [motor@abi.org.uk](mailto:motor@abi.org.uk)

To check whether your insurer is a member of the Association of British Insurers please click this link

[Member directory ABI](#)

## **SAMPLE**

Dear Sirs

Motor Policy No.

It is hereby declared and agreed that the policy, which permits the use of the vehicle by the Policyholder in person in connection with their business, shall be deemed to permit such use of the vehicle on the business of the employer and the receipt of an allowance from such employer for such use or in respect of the carriage by them of official passengers shall not be deemed for the purpose of the policy to constitute use hiring or for the carriage of passengers for hire or reward.

We will indemnify Durham County Council in the terms of the Third Party section of the Policy in respect of such use provided that:

- (a) this indemnity does not apply in connection with a vehicle belonging to Durham County Council
- (b) Durham County Council is not entitled to indemnity under any other policy
- (c) Durham County Council shall as though it were the Policyholder observe fulfil and be subject to the terms and exceptions and conditions of the Policy insofar as they can apply.

Yours faithfully

## **Members' Parental Leave Policy**

### **Introduction**

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it. The Parental Leave Policy constitutes best practice and will be reviewed.

### **1. Leave Periods**

#### **Maternity Leave**

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52-week entitlement.

#### **Paternity Leave**

- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth/adoption of their child(ren).

#### **Shared Parental Leave**

- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 1.6 Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

### **Adoption Leave**

- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

### **Leave Arrangements**

- 1.8 Any Member who takes maternity, shared parental or adoption leave is still required under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.
- 1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 1.10 Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep their Group Leader (if applicable) and Head of Legal and Democratic Services informed and updated in relation to intended dates of return and requests for extension of leave.

## **2. Basic Allowance**

- 2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

## **3. Special Responsibility Allowances**

- 3.1 Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

- 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro-rata basis for the period of the temporary appointment.
- 3.3 The payment of Special Responsibility Allowances, 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 General 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.
- 3.4 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.
- 3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

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

- 4.1 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.
- 4.2 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 Special Responsibility Allowance if appropriate will cease from the Monday after the election date when they would technically leave office.

#### **5. Practical Arrangements**

- 5.1 A Member intending to take parental leave must in the first instance inform their group leader (if applicable) and the Head of Legal and Democratic Services in writing. Members are asked to provide notice of their intention to take parental leave in accordance with the timescales set out below:
  - (a) Pregnant Members should give notice by no later than 28 days before they want to commence their maternity leave. Confirmation of the pregnancy and the expected week of childbirth is usually via a MAT B1 certificate (a form given to a woman by their doctor

or midwife after the 20<sup>th</sup> week of pregnancy and shows the expected date of childbirth). As soon as practicable after the birth they should notify the same of the baby's date of birth in writing.

- (b) A Member who is a primary adopter should give notice within 7 days of being told they have been matched with a child and provide confirmation of the adoption through the provision of a matching certificate, and the date the child is to be placed with the Member.
  - (c) For paternity leave a Member should give notice by the 15th week before the Expected week of childbirth.
  - (d) A Member who is intending to take Shared parental leave must advise of their intention at least 8 weeks before.
- 5.2 Any Member taking leave for more than a 2-month period must meet with the Head of Legal and Democratic Services and Group Leader (if applicable) to discuss practical issues including how to keep in touch and about expected dates of return.
- 5.3 The Head of Legal and Democratic Services will ensure that business support and payroll are informed of arrangements to ensure that allowances are paid in accordance with the Policy.
- 5.4 Any requests for special or exceptional circumstances, or extensions in line with the policy will be agreed by the Head of legal and Democratic Services in consultation with the Leader of the Council, and the group leader (if applicable).
- 5.5 For single Member wards it will be the responsibility of the group leader to allocate another Member to undertake a 'caretaking' role, in consultation with the Head of Legal and Democratic Services. The 'caretaking' role will be allocated to a neighbouring divisional Member as far as possible. If a Member is independent and not part of a group, the Head of Legal and Democratic Services will liaise with that member and any other independent Members as to who is best placed to take on the "caretaking" role.
- 5.6 Appointments to cover areas of special responsibility whilst a Member is on parental leave will be made in accordance with the relevant procedures for appointments.

## **Appendix 3: Correspondence with the Secretary of State**

Contact: Helen Lynch  
Direct Tel: 03000 269732  
email: [Helen.lynch@durham.gov.uk](mailto:Helen.lynch@durham.gov.uk)  
Your ref:  
Our ref: HL/JR



The Rt Hon Robert Jenrick MP  
Secretary of State for Housing, Communities and Local Government  
By email: [Robert.jenrick.mp@parliament.uk](mailto:Robert.jenrick.mp@parliament.uk)

10 February 2021

Dear Secretary of State

### **Local Authorities Members Allowances**

In accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended), local authorities are required to review members allowances at least once every four years. Before any amendments to the scheme are made, authorities must have regard to the recommendations of the Independent Remuneration Panel (IRP) and determine whether and how these are implemented.

In practice, Durham County Council reviews its Members Allowance Scheme on an annual basis. As part of this review for 2021/22, the IRP recommended an increase in the Basic Allowance of 0.7% in line with CPI. This was the first recommended increase in a number of years, intended to address a continuing deficit between the basic allowance and annual inflation.

The County Council considered the Members Allowance Scheme and recommendations of the IRP at its meeting on 20 January 2021. Notwithstanding the recommendation of the IRP, the Council resolved not to apply any increase to their allowances. Whilst the allowances have not been increased since the scheme was introduced in 2009 on Local Government Re-organisation (the last change was in 2014/15 when members rejected a 1% recommended increase but reduced the members mileage allowance to 45p per mile in line with the HMRC rate), Council considered it inappropriate for Councillors to vote to increase their own allowances given the impact of the Covid19 pandemic on residents and the public purse.

The Council also resolved to write to you to express the strongly held view across all political groups that the arrangements for determining Member Allowances in England is fundamentally flawed and it is inappropriate for Members to set their own allowances. It was noted that in Wales, the fees and allowances paid to Councillors and co-opted

### **Resources**

Durham County Council, County Hall, Durham  
DH1 5UF Main Telephone 03000 26 0000

Text Messaging Service 07860 093 073

Members is determined each year by the Independent Remuneration for Wales. In Scotland, the Scottish Government determines the basic pay of Councillors, as well as the maximum and minimum amounts that a senior Councillor can be paid. Durham County Councillors consider that the arrangements in the devolved administrations provide a fairer, independent and more transparent approach to the determination of Members Allowances. The Council therefore calls upon the Government to review the way in which Members Allowances are set in England with a view to introducing arrangements similar to those in Wales and Scotland, which allow for local circumstances and ensure independence, fairness and transparency.

We look forward to receiving your response to this letter and progress of the review in due course.

Yours faithfully

Councillor Simon Henig, Leader of the Labour Group  
Councillor Amanda Hopgood, Leader of the Liberal Democrat Group  
Councillor John Shuttleworth, Leader of the Durham County Council Independent Group  
Councillor Richard Bell, Leader of the Conservative Group  
Councillor Alan Shield, Leader of the Durham Independent Group  
Councillor Liz Maddison, Spennymoor Independent Group  
Councillor Karen Hawley, Leader of the North East Party Group



Ministry of Housing,  
Communities &  
Local Government

Cllr Simon Henig  
Leader of the Labour Group  
Durham  
DH1 5UL

6 April 2021

Dear Cllr Henig,

Thank you for your letter dated 10 February, to Rt Hon Robert Jenrick MP, co-signed by Cllr Amanda Hopgood, Cllr John Shuttleworth, Cllr Richard Bell, Cllr Alan Shield and Cllr Karen Hawley on the subject of local authorities Members allowances. I appreciate how important this matter is to you all and I am grateful to you for contacting my department with your concerns.

Local authorities are responsible for their own scheme of allowances. Each local authority must establish an Independent Remuneration Panel, and local authorities must have regard to the recommendations of the panel.

Local authorities are not bound by the recommendations of their Independent Remuneration Panel but have a legal duty to have regard to their recommendations. In this context this means that, while the recommendations do not have to be followed in every detail, they should be followed unless there is a good reason not to in a particular case. The Government believes that local authorities should set levels of allowances that are reasonable and which they could justify to their electorate.

The Government has no plans to review these arrangements at the current time. Thank you for writing to me to express your views on this important issue and I am grateful to you for contacting this department with your concerns.



LUKE HALL MP



## Appendix 4: Basic Allowances- councils in the region

Authority	Basic Allowance per member 20/21 £	Basic Allowance per member 21/22 £	Number of Members	Cost of Scheme 2021/22 £	Population	Cost per Head of Population £	2022/23 Proposals
Darlington	8,188	8,188	50	557,205	105,000	5.31	IRP last met in 2019. Scheme is linked to the NJC but Council agreed not to increase this in the first year.
Durham	13,300	13,300	126	£1,960,498	533,149	3.68	TBD
Gateshead	8,457	8,457	66	823,028	202,508	4.09	
Middlesbrough	6,955	7,608	47	391,131 NB 2019/20 figure	140,398	2.78	Basic allowance will not continue to be increased with any subsequent annual staff pay award.
Newcastle	9,200	9,200	78	923,863 NB 2019/20 figure	300,820	3.07	IRP wont meet until early January for 22/23. Not linked to NJC award.

<b>Authority</b>	<b>Basic Allowance per member 20/21 £</b>	<b>Basic Allowance per member 21/22 £</b>	<b>Number of Members</b>	<b>Cost of Scheme 2021/22 £</b>	<b>Population</b>	<b>Cost per Head of Population £</b>	<b>2022/23 Proposals</b>
North Tyneside	10,358	10,643	61	798,561	208,871	3.82	Index linked to NJC increases
Northumberland	13,329	13,329	67	1,348,473 NB 2019/20 figure	319,030	4.23	Index linked to NJC increases.
Redcar and Cleveland	9,549	9,549	58	702,871 NB 2019/20 figure	136,000	5.17	
South Tyneside	7,667	7,667 (approved September 2021)	54	770,193	149,400	5.16	.
Stockton-on-Tees	9,300	9,300	56	704,630	197,348	3.57	IRP met last year – no changes made.
Sunderland	8,369	8,369	75	1,011,665	277,150	3.65	IRP currently reviewing Scheme – to December or January Cabinet

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## **Appendix 5: Basic Allowances- Comparisons with Unitary Authorities - Similar Population Size**

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<b>Authority</b>	<b>Basic Allowance</b>	<b>Number of Members</b>	<b>Cost of Scheme 2020/21</b>	<b>Population</b>	<b>Cost per Head</b>
Durham	£13,300	126	£1,960,498	533,149	£3.68
Cornwall	£14,870	87 (reduced from 123)	£2,183,545	573,299	£3.81
Wiltshire	£13,833	98	£1,955,000	504,070	£3.88
Bristol	£14,330	70	£1,483,433	465,866	£3.18
Cheshire East	£12,351	82	£1,303,001	386,667	£3.37
Leicester	£11,063.04	54	£1,077,742	354,036	£3.04
Cheshire West and Chester	£12,495	70	£1,064,519	343,823	£3.10

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## **Appendix 6: Cost of Durham's Scheme- 2019-20, 2020-21, and 2021 to date**

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	2019- 20	2020-21	1 April 2021- to 31 October 2021
Members-travelling	£13,458	£1,521	£959
Members Travelling - Member Training	£15,189	£401	£303
Members-attendance allowance-normal	£0	£0	£0
Members-financial loss	£0	£0	£0
Members-subsistence	£4,745	£1,092	£1,533
Members conferences fees and subsistence	£4,772	£0	£173
Members national ins-employers cont	£127,096	£123,762	£67,646
Members-basic allowance	£1,708,236	£1,696,653	£995,183
Members-special allowance	£309,971	£308,111	£170,584
Members care allowance	£1,115	£0	£0
Total	2,184,582	£2,131,540	£1,236,381

