



Constitutional and Nomination Committee

Date: Wednesday, 30 November 2022

Time: 9.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

This is a **revised supplementary agenda** detailing an update to agenda item 7 (Constitution of the Council), specifically Part 7 (Members Allowances Scheme)

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Constitutional and Nomination Committee

Councillors - Karney (Chair), Craig, Curley, Flanagan, Johnson, Lanchbury, Rahman, Reeves and Richards

Supplementary Agenda

7. **Constitution of the Council**
The report of the City Solicitor is enclosed

3 - 18

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Andrew Woods
Tel: 0161 234 3011
Email: andrew.woods@manchester.gov.uk

This supplementary agenda was issued on **Tuesday, 29 November 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

MEMBERS' ALLOWANCES SCHEME

PART 7

**MEMBERS' ALLOWANCES
SCHEME**

MEMBERS' ALLOWANCES SCHEME

CONTENTS

Members' Allowances Scheme

Schedule 1

Basic Allowance and Special Responsibility Allowance

Schedule 2

Child Care and Dependent Carer Allowance

Schedule 3

Travel and Subsistence Allowance

MEMBERS' ALLOWANCES SCHEME

MEMBERS' ALLOWANCES SCHEME

Manchester City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 has agreed the following Scheme after having regard to recommendations of the Independent Remuneration Panel.

1.0 CITATION

- 1.1 This Scheme may be cited as the Manchester City Council Members' Allowances Scheme, and has effect from the date approved by a meeting of Full Council.

2.0 INTERPRETATION

- 2.1 In this Scheme,

- "Member" means an elected representative of Manchester City Council who is a Councillor.
- "Co-optee" means a person who is not a member of the Council but who has been appointed to serve as a member of a committee or sub-committee of the Council
- "Year" means the period of 12 months ending on 31 March

3.0 BASIC ALLOWANCE

- 3.1 A basic allowance of the amount specified in Schedule 1 is payable each Year to each Member. The basic allowance is inclusive of provision for all telephone expenses (including mobile phone), travel and subsistence, office and all other expenses incurred in carrying out a Members' duties except where otherwise provided for in this Scheme or where facilities are provided free to Members by the Council.

4.0 SPECIAL RESPONSIBILITY ALLOWANCE

- 4.1 A special responsibility allowance is payable to those Members who hold the special responsibilities in relation to the Council. - The special responsibilities and the amounts of allowance payable are specified in Schedule 1.
- 4.2 Only one special responsibility allowance is payable to each Member except in respect of ~~members of the GMCA Waste Committee, members of the Transport for Greater Manchester Committee (not being the Chair, a Vice-Chair or Sub-Committee Deputy Chair),~~ members of the Licensing Committee (not being the Chair or Deputy Chair) or where otherwise indicated.

MEMBERS' ALLOWANCES SCHEME

5.0 ANNUAL UPDATING AND BACKDATING OF ALLOWANCES

- 5.1 The allowances referred to in paragraphs 3, 4 and 8 will be updated annually in line with the annual percentage pay increase given to a Manchester City Council employee at spinal column point 43 (and rounded to the nearest £) as agreed each year by the National Joint Council for Local Government Staff
~~The allowances referred to in paragraphs 3 and 4 will be increased yearly following the Annual General Meeting of the Council in line with the percentage increase in that financial year for a Manchester local authority employee at spinal column point 43.~~
- 5.2 Provision may be made for the backdating of allowances within the current municipal year where specifically recommended by the Independent Remuneration Panel.

6.0 CHILD CARE AND DEPENDANT CARERS ALLOWANCES

- 6.1 A child care and dependant carers allowance may be claimed where a Member incurs expenditure in arranging care of their child or children under the age of 14 and / or dependants when undertaking specific duties. These duties are set out in Schedule 2 together with the amount that can be claimed.
- 6.2 A maximum of 14 hours per week can be claimed and only one claim may be made for each household.

7.0 TRAVELLING AND SUBSISTENCE ALLOWANCES

- 7.1 A Member may be reimbursed in respect of the cost of travelling and subsistence for journeys outside Manchester and in respect of travel undertaken in connection with attendance at Adoption or Fostering Panels, meetings of the Local Government Association (LGA); Association of Greater Manchester Authorities (AGMA); North West Regional Authority (NWRA); Nuclear Free Local Authorities (NFLA); ~~the Transport for Greater Manchester Committee (TfGMC), the GMCA Waste Committee;~~ and approved conferences, seminars and approved Council business trips.
- 7.2 Attendance at conferences, seminars and other council business trips must be approved in advance by the appropriate Executive Member and Chief Officer.
- 7.3 All claims should be supported by receipts.
- 7.4 The conditions and rates are set out in Schedule 3.

8.0 CO-OPTEE'S ALLOWANCE

- 8.1 A co-optees allowance is payable to those Co-optees serving on the Standards Committee, the Audit Committee and the Children and

MEMBERS' ALLOWANCES SCHEME

Young People Scrutiny Committee, the amounts of which are detailed in Schedule 1.

- 8.2 This allowance will be paid in a single lump sum at the end of the municipal year and will only be paid to those members, who have attended at least 50% of the meetings, which they have been entitled to attend during that year.

9.0 RENUNCIATION

- 9.1 A Member or Co-optee may, by notice in writing to the City Solicitor, elect to forgo any part of their entitlement to the basic or special responsibility allowance under this Scheme. Any such decision will remain in force until a further notice in writing withdrawing it is made to the City Solicitor.

10.0 PART YEAR ENTITLEMENTS

- 10.1 Where a Member holds the office of Member for less than a full Year, the Member's entitlement to the basic allowance will be calculated on a pro rata basis by reference to the number of days the Member holds the term of office to the total number of days in that particular year.
- 10.2 Where a Member holds an office of special responsibility for less than a full year, the Member's entitlement to the special responsibility allowance will be calculated on a pro rata basis by reference to the number of days the Member holds the special responsibility to the total number of days in that year.
- 10.3 Where a co-opted Member holds an office attracting an allowance for less than a full year the co-opted Member's entitlement will be calculated on a pro-rata basis by reference to the number of days the co-opted Member holds the office to the total number of days in that particular year.
- 10.4 Appropriate adjustments will be made in respect of any basic or special responsibility allowance if any changes are made to the Scheme during the year from which this Scheme has effect.

11.0 CLAIMS AND PAYMENT OF ALLOWANCES

- 11.1 Payments in respect of the basic and special responsibility allowances, will be made in instalments of one-twelfth of the amount of entitlement two weeks in arrears, 2 weeks in advance. Payment will be made through the payroll system on the same date as that applicable to employee salaries.

MEMBERS' ALLOWANCES SCHEME

- 11.2 Claims for child carer and dependant carer, travel and subsistence allowances should be made on the approved forms, together with supporting receipts to the relevant Members' Services by no later than one month from the date of the duty in respect of which the entitlement to the allowance arose.
- 11.3 All payments will be made through the payroll system and will be taxable.

12.0 CO-OPTEE TO AN OUTSIDE BODY

- 12.1 Where a councillor is co-opted or nominated to an outside body and is entitled to receive an allowance under that body's own allowances scheme if the outside body pays the allowance to the Council rather than direct to the councillor concerned the Council will pass the monies received on to the councillor.

13.0 PENSIONS

- 13.1 The former Department for Communities and Local Government announced in 2014 that councillors were not able to join the Local Government Pension Scheme ('LGPS') from April 2014 and those councillors who had already joined the Scheme will cease to be active members at the end of their term of office.
- 13.2 Further information about the LGPS for councillors is on the Greater Manchester Pension Fund website: <http://councillors.gmpf.org.uk/>
- 13.3 Any councillor wishing to access their pension should contact the Technical Pensions Team on 0161 277 1691.
- 13.4 Both the basic and special responsibility allowances shall be treated as amounts in respect of which such pension is payable.

14.0 REGISTRATION FEE

- 14.1 The Council will bear the cost of the annual registration fee payable by Members to the Information Commissioner in respect of data protection registration relating to their constituency work.

15.0 MISCELLANEOUS

- 15.1 Members who use their own broadband connection for Council business and who do not have a data line provided by the Council shall receive a payment of £15.00 per month (£180.00 per annum) provided the claim is supported by receipts or evidence of the broadband account.

MEMBERS' ALLOWANCES SCHEME

Schedule 1**Basic and Special Responsibility Allowances****2022/23**

Band			Basic Allowance £	Special responsibility allowance £	Total £
1	Members not in receipt of special responsibility allowance	66	<u>18,841</u> 17,322	-	<u>18,841</u> 17,322
2	Opposition Lead Member on Finance	4	17,322	1,821	19,143
23	Deputy Chair of Licensing and Appeals Committee Deputy Chair of Planning and Highways Committee	2	<u>18,841</u> 17,322	<u>3,961</u> 13,624	<u>22,801</u> 20,946
34	Elected Member on Adoption Panel**	1	<u>18,841</u> 17,322	<u>6,372</u> 5,859	<u>25,213</u> 3,181
45	Deputy Leader Opposition, Assistant Executive Members, City Centre Spokesperson, Elected Member on Fostering Panel **	6 10	<u>18,841</u> 17,322	<u>7,913</u> 7,275	<u>26,754</u> 4,597
56	Overview and Scrutiny Chairs, Chairs of Licensing &and Appeals, and Planning &and Highways Committees, Airport Group Board Member	8 9	<u>18,841</u> 17,322	<u>11,877</u> 10,920	<u>30,718</u> 28,242
67	Executive Members, Deputy Leader(s), Leader of Opposition	9	<u>18,841</u> 17,322	<u>19,775</u> 18,180	<u>38,616</u> 35,502

MEMBERS' ALLOWANCES SCHEME

<u>78</u>	Leader	1	<u>18,841</u> ^{17,322}	<u>47,016</u> ^{43,224}	<u>65,857</u> ^{60,546}
<u>8</u>	<u>Main Opposition Group Leader</u>	<u>1</u>	<u>18,841</u>	<u>11,877</u> **	<u>30,718</u>
<u>9</u>	<u>Main Opposition Group Deputy Leader (if group has over 9 Members)</u>	<u>0</u>	<u>18,841</u>	<u>4,752</u>	<u>23,593</u>
<u>10</u>	<u>Main Opposition Group Lead Member on Finance (if group has over 9 Members)</u>	<u>0</u>	<u>18,841</u>	<u>1,188</u>	<u>20,029</u>
<u>11</u>	<u>Other Opposition Group Leaders</u>	<u>1</u>	<u>18,841</u>	<u>4,752</u> **	<u>23,593</u>
Extra	Ordinary member of the Licensing and Appeals Committee (not including Chair and Deputy Chair)*	13		<u>596</u> ⁵⁴⁸	
	Chair—GMCA Waste Committee*			12,888	
	Vice-Chair GMCA Waste Committee*			5,799	
	Deputy Chair of Committee—GMCA Waste Committee*			2,793	
Extra	Member—GMCA Waste Committee* (not in receipt of other GMCA Waste Committee allowance)			2,280	
	Chair—TfGMC*			30,645	
	Vice-Chair—TfGMC*			15,174	
	Deputy Chair of TfGMC* Sub-Committee			5,424	
Extra	Member—TfGMC (Not in receipt of other TfGMC allowance)*			4,149	

* ~~The Council appoints 2 members to the GMCA Waste Committee and 2 members to TfGMC.~~

MEMBERS' ALLOWANCES SCHEME

~~** If more than one Member carries out either role, the special responsibility allowance will be split on a pro-rata basis.~~

~~* Only paid to such ordinary Members of the Licensing & Appeals Committee and the Licensing Committee who have attended at least 13 meetings of the said Committees, or hearing panels thereof, in the municipal year.~~

~~** If the two largest opposition groups are of equal size the Leaders of each group are instead to be paid a Special Responsibility Allowance of £8314.~~

Co-opted Members Allowances ~~202219/230~~

	Posts	Allowance
Children and Young People Scrutiny Audit Committee	8 2	993938
Standards Committee Chair - annually	1	19101,804
Standards Committee Independent Member - annually	1	993938
...plus daily allowance for each hearing attended: - - as Chair of the Panel - as Panel Member		178168 119112

MEMBERS' ALLOWANCES SCHEME

Schedule 2

Child Care and Dependant Carers Allowance

202218/2319

1. Authorised Duties

A Childcare and Dependant Carers' Allowance can be claimed where Members necessarily incur expenditure in arranging care of their children or dependants when undertaking the following particular duties:

- A meeting of the Executive or a Committee of the Executive.
- A meeting of the full Council or of a Committee or Sub-Committee of the Council.
- A Ward Co-ordination meeting.
- Attendance at a members training/briefing seminar.
- A meeting at which an Executive Member is discharging functions with which they have been delegated or any other duty for the purposes of, or in connection with, the discharge of the functions of the Executive.
- A meeting of any other body or of a Committee or Sub-Committee of any other body to which the Council makes appointments or nominations.
- A meeting which has both been authorised by the full Council, a Committee or Sub-Committee of the Council or a Joint Committee of the Council and one or more other Authorities, or a Sub-Committee of a Joint Committee and the invitation to which was open to representatives of more than one political group (if the Council is divided into several political groups) or to which two or more Councillors have been invited (if the Council is not divided into political groups).
- A meeting of a local authority association of which the Council is a member.
- Duties undertaken on behalf of the Council in pursuance of any Regulations made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened.
- Duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.
- Duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

MEMBERS' ALLOWANCES SCHEME

2. Basis of Claim

To support the claim made, you need to provide:

Name(s) of person for whom care was provided.

The age of the person for whom care was provided if a child or children were under 14 years old.

The name of the person providing the care. This cannot be a member of the immediate family or household.

A Receipt.

3. Time Claimed For

A Claim can be made for the actual period of the meeting plus reasonable travelling time before and afterwards (up to a maximum of one hour in total).

4. Amount Claimed For

- For the independent care of a child under the age of 14 the maximum hourly rate will be the Real Living Wage hourly rate;
- ~~or if~~ For the care of a dependent relative the maximum hourly rate will be the hourly rate charged by Manchester City Council Adult Services Department for Domiciliary Home Care ~~Manchester Minimum Wage as updated annually. The current rate is £8.75 per hour as of 1 April 2019, rising to £9.00 per hour as of 1 November 2019.~~

A maximum of 14 hours per week will be payable and only one claim may be made per household.

5. Payment Arrangements

Claims will be paid along with all other allowances via the monthly payroll. Any deduction necessary following verification of the claim will be made from the next month's allowance payment.

MEMBERS' ALLOWANCES SCHEME

Schedule 3

Travelling and Subsistence Allowances

202219/230

TRAVEL ALLOWANCE

Motor Car (Capacity)	Rate (pence per mile)
451—999cc	48.4p
1000—1199cc	53.9p
1200cc +	67.1p
Motorcycles	46.9p
Cycle Allowance	1.37p

[Note: Members of GMWDA receive HMRC Mileage Rates:
Cars 45p
Motorcycles 24p
Bicycles 20p]

The mileage rates for Members attending approved duties outwith the City are set at HMRC rates, which are currently as follows:

<u>Type of vehicle</u>	<u>First 10,000 miles</u>	<u>Above 10,000 miles</u>
<u>Cars and vans</u>	<u>45p</u>	<u>25p</u>
<u>Motorcycles</u>	<u>24p</u>	<u>24p</u>
<u>Cycles</u>	<u>20p</u>	<u>20p</u>

Passenger payments – Cars and vans

5p per passenger per business mile for carrying fellow Councillors/Council employees in a car or van on journeys which are also work journeys for them

Driving a hybrid or electric vehicle

When a Member is claiming out of City mileage rates by driving a hybrid or electric vehicle then HMRA AMAP mileage rates are applicable.

1. Use of own vehicle

Members are allowed to use their own vehicles for approved journeys, subject to this guidance. Where the appropriate mileage rates apply, the rates per mile for different vehicles will be the same as the rates payable to employees.

MEMBERS' ALLOWANCES SCHEME

Members using their own vehicles must register this use with Members' Services by submission of copies of the registration document and an up to date copy of the insurance certificate. The insurance policy must approve the use of the vehicle in connection with Council business. If the insurance does not extend to Council business use then there will be no protection for Members in the event of an accident.

2. Long Distance Journeys

Members would not normally be expected to use their own vehicles for long distance journeys (conferences, business trips etc.) unless it can be demonstrated that the cost to the Council would be less than travel by train, e.g. where a number of Members are going to the same destination and will be travelling in the same car.

There may be cases where it may be more practical to use a Member's own vehicle. In these cases and subject to prior agreement with the Chief Executive a claim may be made equivalent to the rail fare, which would have otherwise been incurred.

3. Passenger Supplement

Drivers of passengers who would also be entitled to claim the motor car allowance can increase the rate by a set amount for the second and subsequent passengers up to a maximum of 4 passengers.

4. Parking

Drivers may also claim for essential parking fees and tolls (receipts must be supplied).

5. Public Transport

Cost of fare(s) incurred will be reimbursed. Tickets or other receipts should be attached to the claim form. Arrangements will continue to be made for annual bus/metrolink passes to be provided for those members who use public transport regularly.

6. Taxis

Taxis should only be used in case of emergency, where use of public transport is not practical or where a Member has a medical condition which results in temporary impaired mobility. Taxis in Manchester should be booked through the Members' Services using the Council's taxi contract. If this is not possible due to the individual circumstances, a receipt must be obtained which should be submitted with the claim form.

7. Travel by Train/Aircraft (Conferences, Council Business Trips etc.)

MEMBERS' ALLOWANCES SCHEME

In all normal circumstances, tickets must be pre-booked by the Members' Services using the Council's contract with a travel agency. The only exception will be where notice of less than 24 hours is given to a Member to travel on behalf of the Council and urgent arrangements have to be made for tickets. If a Member has to make her/his own arrangements, receipts must be provided before reimbursement can be made.

SUBSISTENCE ALLOWANCE

Allowance	Rates (£)	Condition
Breakfast	4.92	For more than 2 hours duty before 11am
Lunch	76.3877	For more than 2 hours duty including the period between 12 noon and 2 pm
Tea	2.67	For more than 3 hours duty including the period 3pm to 6pm
Dinner	108.3840	For more than 2 hours duty ending after 7pm

1. Subsistence may be claimed for ~~breakfast~~, lunch, ~~tea~~ and dinner, the maximum amounts claimable will be the same as the rates payable to employees. ~~Breakfast, Lunch and tea~~ subsistence claimed for meetings in the Town Hall buildings will be taxable. Reimbursement cannot be claimed for meals which have been provided free of charge.
2. Before being eligible for claim the following minimum hours set out in the table above must be worked by Members in connection with the event involved. The times include not just the duration of the meeting but also travelling time to and from the meeting.
3. All claims must be supported by a receipt. Receipts must relate to meals, or foodstuffs, which could reasonably be considered to have been consumed at the particular meal claimed for.
4. Separate receipts must normally be submitted for each meal allowance claimed.

Roll-up of allowances will be allowed if the circumstances did not make it reasonable or practical to take up some of the entitlements, provided that:

- the total of all claims does not exceed the combined allowances for,
- all the meals claimed,
- all claims relate to the same day, and
- the food was not otherwise provided for any of the meals claimed.

~~For example, a Member returning from a conference after 3.00pm and arriving home after 7.00pm could combine the tea and evening meal allowances towards the cost of an evening meal. They would not however, be permitted to include the lunch allowance if this had been provided at the conference.~~

MEMBERS' ALLOWANCES SCHEME

5. Overclaims on one meal may be offset by underclaims on another provided that the total of all claims does not exceed the combined allowances for all the meals claimed.

Overclaims will be considered on individual meals in exceptional circumstances where it can be shown that there is no reasonable alternative. For example, this might apply if a member was staying at a hotel, which did not include breakfast in its overnight rate and the breakfast provided cost in excess of the standard allowance. Additional costs would not be allowed if they related to alcoholic drinks or other items, which would not normally be considered appropriate.

6. Claims will not be allowed where a meal is provided at an event which a Member is attending but the Member chooses to buy food elsewhere. Such expenditure would be considered an unnecessary increase in cost to the Council.
7. Hotel accommodation required by Members for conferences, seminars, Council business trips etc., should be pre-booked by the Members' Services through the Council's contract with a travel agency. In exceptional circumstances Members will be reimbursed where this is not possible due to the urgency of the situation.

NOTE:

Councillors are reminded of the need to ensure that claim forms are submitted as near as possible after the expenses have been incurred, and in any event no later than a month afterwards. Failure to submit claims in good time could involve the Council losing money, where reclaims from outside bodies are involved, or lead to a delay in processing the claim because of difficulties in checking. All claim forms must be certified by [the Chief Executive or an officer appointed by the Chief Executive to certify these claims].

This page is intentionally left blank