



Leicester
City Council

WARDS AFFECTED
All Wards - Corporate Issue

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee
Council

23 June 2003
3 July 2003

**Members' Allowance Scheme – Variation in respect of Childcare and
Dependent Carers Provision**

**Report of the Town Clerk and Corporate Director of
Resources, Access and Diversity**

1. Purpose of Report

To seek the Standards Committee's view and, thereafter, Council's decision regarding a variation to the childcare provision within the current Members' Allowance Scheme.

2. Report

2.1. The City Council's current Members' Allowances Scheme includes the following provision in respect of Childcare and Dependent Carers Allowance:-

'g) Childcare and Dependent Carers Allowance

Allowances for childcare and dependent care can be claimed subject to:-

- ★ Maximum hourly rates not to exceed: £4.10 for childcare
 £5.47 for dependent relative
- ★ Payments are claimable in respect of children aged 15 or under or in respect of other dependents where there is medical or social work evidence that care is required.
- ★ Payment is to be subject to the regulations regarding the prescribed meetings and duties for which such a payment may be authorised.
- ★ Only one monthly payment will be claimable in respect of the household of each Member, except in special circumstances to be judged by the Council's Standards Committee.
- ★ The allowance will be paid as a reimbursement of incurred expenditure against receipts.

- ★ The allowance is not payable to a member of the claimant's own household.
 - ★ Any dispute regarding entitlement or any allegations of abuse should be referred to the Council's Standards Committee for adjudication.'
- 2.2. The Local Authorities (Members' Allowances) (England) Regulations 2003 stipulate the elements of a Members' Work for which a Dependent Carers' Allowance may be claimed – see Appendix A.
 - 2.3. A Member of the Council has a child with severe disabilities and for when constant and specialised care is required. The cost of such specialised childcare provision exceeds the approved rates (currently they are approximately double the allowance permitted for dependent relatives).
 - 2.4. As currently written, the Members' Allowance Scheme does not enable a payment above the maximum hourly rates stated. The Scheme also states that any dispute regarding entitlement should be referred to the Council's Standards Committee for adjudication. It should be noted, however, that this is not a matter of dispute, rather a circumstance which (regrettably) was not foreseen when the detailed provisions of the Scheme were drafted.
 - 2.5. As the Members' Allowances Scheme is a matter reserved to Council, any variation must also be authorised by that body. Council would, however, wish to take into account any appropriate views, and those of the Standards Committee would seem pertinent on this occasion.
 - 2.6. If so minded to consider putting forward a view to pay the enhanced rates (so that the Member concerned is not financially adversely affected in this regard), the Committee may wish to recommend that Council add a variation provision to the Childcare and Dependent Carers Allowance provisions to that effect.
 - 2.7. Also, the Scheme, as currently provided, is totally open ended. For the avoidance of doubt and to correct this technical oversight, it is also recommended that an upper limit of a maximum number of hours to be claimed per month per Member be incorporated. For Members not with Special Responsibilities, it is proposed this be 40 hours per month, with raised maximums pro-rata-ed to the Special Responsibility Allowances, where received.
 - 2.8. The proposed variation to the Scheme would, therefore, read:-

Except in particular circumstances where a higher hourly rate is necessarily incurred, as authorised by the Town Clerk after consultation with one or both Co-Chairs of the Standards Committee and the Whips of each of the political groups the maximum hourly rates not to exceed:-

£4.10 for childcare
£5.47 for dependent relative

The payment of all Dependent Carers and Childcare Allowances will be subject to a maximum of 40 hours claimable per month for Members in receipt of a Basic Allowance,

with raised maximums pro-rata-ed to the Special Responsibility Allowances where received

- 2.9. As provided by the Council, the Member concerned has undertaken several Members' Induction training, as well as attending normal Committee meetings, etc. For the avoidance of doubt, it would also be appropriate to stipulate that Member training and development is an approved duty for the purposes of claiming the Childcare and Dependent Carers' Allowance.

3. Recommendations

The Standards Committee are asked to express their view, to help inform Council in their consideration of this matter.

4. Financial and legal Implications

The determination of the Members' Allowance Scheme is a matter reserved to Council, having taken into account the recommendations of the Independent Panel on Members' Allowances. The provision of Dependent Carers Allowance is contained within the Regulations currently in force. {The Local Authorities (Members' Allowances) (England) Regulations 2003}. These Regulations will also require the Council to consider and approve a further Members' Allowances Scheme by 30 September 2003.

The amounts claimed to date under the Childcare and Dependent Carers' provisions currently fall below that included in the budget for that purpose. The additional costs ca, therefore, be met from within the existing revenue provisions.

5. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes	the report relates to equality of opportunity for all Members	
Policy	No		
Sustainable and Environmental	No		
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	No		

6. Background Papers

None

7. Consultations

None

8. Report Author/Officer to contact:

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Service Director (Democratic Services), extn. 7015

The Local Authorities (Members Allowances) (England)
Regulations 2003 - Extract

Dependent Carers' Allowance

1. A scheme may provide for the payment to members of an authority of an allowance ("dependent carers' allowance") in respect of such expenses of arranging for the care of their children or dependents as are necessarily incurred in –
 - (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that:-
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - (c) the attendance at a meeting of any association of authorities of which the authority is a member;
 - (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
 - (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member to be present while tender documents are opened;
 - (f) the performance of any duty 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;
 - (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)(a); and,
 - (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.
2. For the purposes of this regulation, "authority" means an authority of any description specified in sub-paragraphs (a) to (c) of regulation 3(1).