

Appendix B – amended tracked changes

3.40 Responsibility for Local Choice Functions

The Council has the discretion to choose which part of the structure should be responsible for certain functions (known as “Local Choice Functions”). These are set out in Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Regulations). The Council has determined that these functions will be the responsibility of the bodies set out in Column 2. In turn, the decision making body may delegate to the person or body specified in Column 3.

Function	Decision Making Body	Delegation
Functions under local Acts (other than a function specified in Regulations 2 and Schedule 1 of the Regulations)	Council	Directors within their area of responsibility as defined in the Officer Scheme
The determination of an appeal against any decision made by or on behalf of the authority	Council	Committee of the Council or an officer as detailed elsewhere in this Constitution
Any function relating to contaminated land	Council	Director for Place <u>Director for Communities</u>
The discharge of any function relating to the control of pollution or the management of air quality	Council	Director for Place <u>Director for Communities</u>

The service of an abatement notice in respect of a statutory nuisance	Council	<u>Director for Place</u> Director for Communities
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	
The inspection of the authority's area to detect any statutory nuisance.	Council	<u>Director for Place</u> Director for Communities
The investigation of any complaint as to the existence of a statutory nuisance	Council	<u>Director for Place</u> Director for Communities
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or S.330 Town & Country Planning Act as amended 1990	Council	Shared Corporate Legal Service Manager
The appointment of any individual (a) To any office other than an office in	Council	As delegated elsewhere in this Constitution or by the decision of Council on a case-by-case basis

which he is employed by the authority: (b) To any body other than i. The authority; ii. A Joint Committee of two or more authorities; or (c) To any Committee or Sub-Committee of such a body and the revocation of any such appointment		
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Section 20 – Members’ Allowances Scheme

LOCAL GOVERNMENT AND HOUSING ACT 1989

AND

**LOCAL AUTHORITIES (MEMBERS’ ALLOWANCES)
REGULATIONS 2003 (AS AMENDED)**

**MEMBERS’ ALLOWANCES SCHEME
(including Special Responsibility Allowances)**

(Revised October 2025)

20.1 Introduction

20.1.1 This scheme is made by East Hertfordshire Council ("the Council") pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003. It was approved by the Council on 18 October 2023 after consideration of the recommendations from the Independent Remuneration Panel.

20.1.2 The Scheme will apply for the civic year from the next day after the meeting of the Council to the date of the next annual meeting of the Council, unless the Council decides otherwise.

20.2 Basic Allowance

20.2.1 Subject to paragraphs 20.9 and 20.10 below, for each year a basic allowance shall be paid to each Member as set out in Schedule 1 to the scheme.

20.2.2 The basic allowance includes incidental costs such as stationery, printing telephone and broadband.

20.2.3 The basic allowance is to be paid in equal instalments on the 15th day of each month.

20.3 Special Responsibility Allowance (SRA)

20.3.1 Subject to paragraphs 20.9 and 20.10 below, for each year a SRA shall be paid to those Members who hold the special responsibilities that are set out in Schedule 1 to the scheme.

20.3.2 Members will be restricted to receiving only one SRA (that of the higher value) if they occupy two or more posts which attract SRAs.

20.3.3 The SRA is to be paid in equal instalments on the 15th day of each month.

20.4 Indexation

20.4.1 Neither the basic allowance nor the SRAs are index linked.

20.5 Travel and Subsistence Allowance

20.5.1 Members may claim travel allowance in respect of their travel to and from the following approved duties:

- (a) meetings covered by the list of duties referred to in Schedule 2;
- (b) meetings of outside bodies and organisations to which they have been appointed by the Council as set out in Schedule 3, provided that no other arrangements for payment exist in respect of such bodies to which the Authority makes appointments or nominations; and
- (c) meetings with the Chief Executive, Deputy Chief Executive and/or Heads of Service/Service Managers, subject to such meetings having been pre-arranged and not relating specifically to a Member's ward work or activities.

20.5.2 Travel allowances in connection with attendance at approved duties may be claimed, subject to the following:

- (a) the claim must be for actual mileage incurred/actual public transport used; and

- (b) the base for starting and finishing all journeys will normally be regarded as the member's home address, provided that the home address is within the District or an adjacent District/Borough.

- 20.5.3 Subsistence allowances in connection with attendance at approved duties may be claimed, subject to the following. Members are able to claim subsistence allowances where they are prevented by official duties from taking a meal at home or other place where normally taken. Claims will not be permitted where refreshment has been provided by the meeting organiser.
- 20.5.4 VAT receipts for the purchase of fuel must be provided with all claims for travel expenses. Receipts must be provided for all subsistence/hotel accommodation/public transport claims and for any expenditure incurred on parking fees when using a vehicle on an approved duty.
- 20.5.5 Details of the rates of travel and subsistence allowances are set out in Schedule 1. The rates are index linked to the rates payable to officers.

20.6 Child Care and Dependant Carers' Allowance

- 20.6.1 Contribution towards costs incurred for the provision of care may be claimed, at the rates set out in Schedule 1, in respect of care costs incurred due to attendance at approved duties. Claims are subject to the following.
- 20.6.2 The principle of providing the allowance is to allow members who are carers to undertake their duties and to allow others who might otherwise be deterred from Council membership by virtue of caring responsibilities to consider standing for election. Contributions in 20.6.1 above will be paid towards care in respect of:

- (a) children aged 14 or under;
- (b) a dependant, that is, someone who relies on the member for care (the member's spouse, partner, child, parent, dependant relative or someone who lives in the same household as the member but who is not his or her employee, tenant, lodger or boarder);

In each case, the dependant must normally live with the Member as part of the family and be unable to be left unsupervised. The carer can be any responsible mature person who does not normally live with the claimant as part of the family. The allowance should not be payable in respect of members of the member's immediate and close family.

20.6.3 Receipts must be provided for all carer claims.

20.7 Homeworking Allowance

20.7.1 Contribution toward the costs incurred in homeworking is included within the basic allowance.

20.8 Pensions

~~20.8.1 No Members be admitted to the Local Government Pension Scheme.~~

20.8.1 Members who are under the age of 75 and receive allowance(s) from the Council may elect to join the Local Government Pension Scheme (LGPS) by completing and returning the required opt-in form to the Payroll team.

20.8.2 Membership of the LGPS will commence from the beginning of the pay period following receipt of a

completed opt-in form.

20.8.3 Where a Member receives allowance(s) from more than one authority, a separate opt-in form must be submitted in respect of each authority.

20.8.4 Further details of the Scheme, including contribution rates, are available at www.lgpsmember.org

20.9 Renunciation

20.9.1 A Member may, by notice in writing given to the Monitoring Officer, elect to forego any part of their entitlement to an allowance under this scheme.

20.10 Part Year Entitlements

20.10.1 Where a Member's term of office begins or ends, or the holding of a special responsibility begins or ends, part way in the year, then the entitlement to any allowances due to a Member will be in the same proportion as the number of days served in the year.

20.10.2 When an amendment to this scheme changes the amount to which a Member is entitled, then the existing rates are payable ending with the day before the amendment takes effect.

20.10.3 The s151 Officer be authorised to determine allowance entitlements in circumstances where:

(a) the scheme of allowances is amended at any time throughout the year;

(b) an individual ceases to be a Member, or an individual

is elected to the office of Councillor of East Hertfordshire Council;

- (c) in the event that a new chairmanship of a Committee or Panel is created the s151 Officer be authorised to determine the allowance entitlement by reference to the lowest relevant comparable allowance until review by the Panel.

20.11 Claims

- 20.11.1 Claims should be made using method prescribed by the Council, on a monthly basis. Claims submitted by the fifth day of the month will be processed for payment on the 15th day of that month. Claims received after the 5th day will be processed for payment in the following month.
- 20.11.2 Receipts as described in paragraphs 20.5.4 and 20.6.3 above, must accompany each claim.
- 20.11.3 In accordance with the Council's Financial Regulations, claims for duties performed more than three months ago are not permitted.

20.12 Record of Allowances

- 20.12.1 The Deputy Chief Executive or Senior Human Resources Officer shall keep a record of all payments made to all Members in accordance with the scheme and the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. Such records shall be available for public inspection free of charge at all reasonable times during usual office hours.

20.12.2 The Monitoring Officer will issue the required notice under the Regulations providing summary information on the payments made under the scheme each year.

SCHEDULE 1

	£
<u>Basic Allowance :</u>	6,178.79
<u>Civic Allowances:</u>	
Chairman	6,500
Vice Chairman	1,450
<u>Special Responsibility Allowances:</u>	
Leader of the Council	19,767
Deputy Leader	12,225.96
Executive Member	9,780.96
Committee Chair (Development Management)	7,336
Committee Chair (Licensing)	6,051
Committee Chair (Human Resources)	4,842
Committee Chair (Overview and Scrutiny)	6,464.04
Committee Chair (Audit and Governance)	6,646.04
Committee Chair (Standards)	2,421
Committee Vice Chair (Development Management)	2,200
Leader of a minority political group	A factor of 0.1 of the Basic Allowance multiplied by the number of members
<u>Mileage allowance:</u>	
Motor vehicles (<i>incl. motor cycles</i>)	£0.545 per mile for the first 10,000 miles of a (return) journey

Electric vehicle	£0. 5 45 per mile per mile for the first 10,000 miles of a (return) journey
Bicycles	£0.20 per mile
<u>Public Transport:</u> (including the use of taxis for short journeys where public transport is not convenient)	Reimbursement of actual cost or ordinary standard fare, whichever is the lesser, upon production of a receipt
<u>Carer's Allowance – Dependent care:</u>	Up to £35 per hour
<u>Childcare Allowance</u>	Up to £20 per hour
<u>Subsistence Allowance</u> in the case of an absence from the member's normal base, not involving an absence overnight from the usual place of residence:	
of more than 4 hours before 11 am Breakfast*	£7.21
of more than 4 hours, including the period between noon and 2.30 pm Lunch*	£9.95
of more than 4 hours ending after 7 pm Evening Meal*	£15.20
* Not claimable where refreshments have been provided at the meeting/event attended.	
<u>Subsistence Allowance</u> in the case of an absence involving an absence overnight from the usual place of residence:	
The actual cost of the most cost effective overnight accommodation and where meals are not included, subsistence allowance as detailed above.	

APPROVED DUTIES

1. The following shall be recognised as approved duties:
 - attendance at meetings of the Council, the Executive, a Committee, Sub-Committee, Panel, Working Party or Task and Finish Group of the Authority;
 - attendance at any other meeting which has both been authorised by the Authority (Executive, Scrutiny or Regulatory Committee) and to which representatives of more than one political group have been invited;
 - the attendance at a meeting of a Local Authority Association of which the Council is a Member;
 - carrying out any other duty connected with the Authority's functions approved by the Council (Executive);
 - the following conferences, approved for the purposes of Section 175 of the Local Government Act 1972:
 - i. Local Government Association
 - ii. Chartered Institute of Housing - Housing Conference
 - iii. Royal Town Planning Institute - Summer School
 - any other conference not mentioned above, or a training course or seminar shall be considered as an approved duty provided that such attendance has been authorised in advance by either the Executive or the Chief Executive.
 - attendance relating to site visits in respect of Development Management Committee business for

members and substitutes of the Development Management Committee.

2. A member attending any conference, training course or seminar shall be entitled to receive the relevant allowance for travelling and subsistence.
3. The Chief Executive may, upon application to him/her by any Member of the Council, subject to consultation with the Leader of the Council for the time being, designate the attendance of that Member at any other meeting, training session, seminar or conference or other attendance not hereinbefore specifically referred to as an approved duty for the purpose of this scheme.

SCHEDULE 3 – OUTSIDE BODIES

1. Attendance at any meeting of an outside body on which the Member is appointed to represent the Council.
2. Attendance at any conferences, seminars or training events, the attendance at which is approved by the Council, or the Executive or a Committee of either, or the Chief Executive.
3. Attendance at any meetings of a Local Government Association or any Joint or Liaison Committee for Members of Local Authorities.