
STATUTORY INSTRUMENTS

1991 No. 351

The Local Authorities (Members' Allowances) Regulations 1991

PART II

SCHEMES FOR MEMBERS' ALLOWANCES

Application of Part II and interpretation

- 5.—(1) This Part applies to—
- (a) any county council;
 - (b) any district council;
 - (c) any London borough council;
 - (d) any joint authority; and
 - (e) the Council of the Isles of Scilly.
- (2) For the purposes of this Part –
- (a) members of an authority are to be treated as divided into political groups if they are so treated for the purposes of section 15 (political balance on committees etc.) of the 1989 Act; and “political group” shall be construed accordingly;
 - (b) the term of office of a councillor who is a member of an authority specified in paragraph (1) other than a joint authority shall begin on the date on which he makes a declaration of acceptance of that office under section 83(1) of the 1972 Act⁽¹⁾.

Allowance schemes

6.—(1) Before 1st April 1991 each authority shall make a scheme in accordance with these Regulations for the payment of allowances in respect of the year commencing on that date and subsequent years.

(2) When a scheme is revoked in accordance with regulation 7(1), an authority shall before the revocation takes effect make a further scheme for the period beginning with the date on which the revocation takes effect.

Amendment of schemes

7.—(1) A scheme under this Part may be amended at any time but may only be revoked with effect from the beginning of a year.

(2) Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme shall provide—

(1) Section 83(1) was amended by the Local Government Act 1972 (References to Aldermen) Order 1977 (S.I. 1977/1710); the Local Government Act 1985, Schedule 17; and the Local Government and Housing Act 1989, section 30(2); it was applied to the Council of the Isles of Scilly by article 6 of the Isles of Scilly Order 1978 (S.I. 1978/1844).

- (a) if the amendment affects such an allowance as is mentioned in regulation 8 or 9, that in relation to each of the periods—
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, and
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,
 the entitlement to such an allowance shall be to payment of such part of the amount of the allowance under the scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year;
- (b) if the amendment affects such an allowance as is mentioned in regulation 10, that the entitlement to such an allowance shall be to payment of the amount of the allowance under the scheme as it has effect when the duty is carried out.

Basic allowances

8.—(1) A scheme made under this Part shall provide for the payment for each year to which the scheme relates of an allowance (“basic allowance”) to each member of the authority who is a councillor; and the amount of such allowance shall be the same for each such member.

(2) The scheme shall provide that, where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office as member and councillor subsists bears to the number of days in that year.

(3) Where a scheme is amended as mentioned in paragraph (2) of regulation 7 and the term of office of a member who is a councillor does not subsist throughout the whole of a period mentioned in sub-paragraph (a) of that paragraph, the scheme shall provide that the entitlement of any such member under this regulation shall be to payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as member and councillor subsists in that period bears to the number of days in the period.

Special responsibility allowances

9.—(1) A scheme made under this Part shall provide, in accordance with paragraph (2), for the payment for each year to which that scheme relates of an allowance (“special responsibility allowance”) to such members of the authority who are councillors as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories—

- (a) acting as leader or deputy leader of a political group within the authority;
- (b) presiding at meetings of a committee or a sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a subcommittee of such a joint committee;
- (c) representing the authority at meetings of, or arranged by, any other body;
- (d) membership of a committee or a sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;
- (e) acting as the spokesman of a political group on a committee or sub-committee of the authority;
- (f) such other activities in relation to the discharge of the authority’s functions as require of the member an amount of time and effort equal to or greater than would be required of

him by any one of the activities mentioned in sub-paragraphs (a) to (e) (whether or not that activity is specified in the scheme).

- (2) The scheme shall—
- (a) specify the amount of each special responsibility allowance, which need not be the same; and
 - (b) provide that, where—
 - (i) members of an authority are divided into at least two groups constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(2), and
 - (ii) either a majority of members of the authority, or half of such members and the chairman of the authority, belong to the same political group (“the controlling group”),a special responsibility allowance shall be paid to at least one person who is not a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (e); and
 - (c) provide that, where a member does not have throughout a year any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year; and
 - (d) provide that, where a scheme is amended as mentioned in paragraph (2) of regulation 7 and a member does not have throughout the whole of any period mentioned in sub-paragraph (a) of that paragraph any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he has such special responsibilities bears to the number of days in the period.

Attendance allowances

10.—(1) Subject to paragraph (2), a scheme made under this Part may provide for the payment to each member of the authority who is a councillor of an allowance (“attendance allowance”) in respect of—

- (a) the carrying out of such of the duties referred to in paragraph (3) and not excluded by paragraph (4) as may be specified in the scheme; and
- (b) the time spent in travelling to and from the location at which any such duty so specified is performed.

(2) A scheme made by the council of a metropolitan district or a London borough or the county of Northumberland shall not provide for the payment of an attendance allowance in respect of any duty carried out by a member of the authority who is a councillor in his capacity as that authority’s representative on a joint authority.

- (3) The duties referred to in this paragraph are attendance at—
- (a) 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) 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 one or more other authorities, 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) a meeting of any association of authorities of which the authority is a member.
- (4) The duties excluded by this paragraph are those in respect of which the member receives remuneration otherwise than under a scheme.
- (5) The amount of the attendance allowance shall be specified in the scheme and may vary according to the time of day and the duration of the duty; but shall be the same for all members of the authority entitled to the allowance in respect of a duty of any description at the same time of day and of the same duration.
- (6) The scheme shall provide that a member shall not be entitled to payment of an attendance allowance—
- (a) in respect of his attendance at any conference or meeting in relation to which he is entitled to a payment in the nature of an attendance allowance under section 175 of the 1972 Act⁽³⁾; or
 - (b) if such payment would be contrary to a provision made by or under any enactment.
- (7) The scheme may provide that a member shall not be entitled to payment of more than one attendance allowance in respect of any period of 24 hours beginning at such time as the authority may determine.

(3) Section 175 was amended by the Local Government, Planning and Land Act 1980, section 25(3); and by the Local Government and Housing Act 1989, Schedule 11, paragraph 27.