

SHEPWAY DISTRICT COUNCIL CONSTITUTION, PART 9.8

SHEPWAY DISTRICT COUNCIL MEMBERS' ALLOWANCES' SCHEME

Shepway District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, makes the following scheme:-

1. CITATION

This scheme may be cited as the Shepway District Council Members' Allowances' Scheme and shall have effect for the year, commencing on 20 May 2015.

2. INTERPRETATION

In this scheme:-

'Councillor' means a member of the Shepway District Council who is a councillor.

'Year' means the 12 months ending with 31 March.

3. BASIC ALLOWANCE

Subject to paragraph 6, for each year a basic allowance of £5100.00 shall be paid to each councillor.

4. SPECIAL RESPONSIBILITY ALLOWANCE

4.1 For each year, a special responsibility allowance (SRA) shall be paid to those councillors who have the special responsibilities, in relation to the authority, that are specified in Appendix 1 to this scheme.

4.2 Subject to paragraph 6, the amount of each such allowance shall be the amount specified, against that special responsibility, in the appendix.

4.3 The levels of SRA, for the different roles, are determined by a points system related to the basic allowance. The basic allowance is worth 100 points and SRAs are expressed, in points, as a percentage of this. The point scores are also shown in Appendix 1.

4.4 If a councillor is entitled to more than one SRA, only one will be paid. The councillor will elect which one to take.

5. RENUNCIATION

A councillor may, by notice in writing, given to the Head of Finance, elect to forego any part of his/her entitlement, to an allowance, under this scheme.

6. PART-YEAR ENTITLEMENTS

Where, in the course of a year, this scheme is amended, or a councillor accepts a special responsibility, in respect of which a special responsibility allowance is payable, then, subject to the provisions of paragraph 7 below, all adjustments to payments will be done pro-rata to the number of days in the year.

7. PROTECTION ARRANGEMENTS

7.1 The provisions of the following paragraphs shall apply where this scheme is amended, the result of which, would be, apart from the provisions of this paragraph, a decrease in an allowance paid to a councillor. The following paragraphs do not apply where the allowance that a councillor is entitled to is being abolished.

7.2 Where paragraph 7.1 applies, the allowance proposed to be decreased shall remain at the same level until:-

- a) The councillor concerned ceases to be an elected member of the authority; or
- b) The councillor no longer fulfils the role which attracts the allowance; or
- c) Inflationary increases make the requirement for protection redundant;

whichever shall first occur.

8. DEPENDANTS' CARERS' ALLOWANCE

8.1 A councillor may claim a Dependants' Carers' Allowance, as set out in Appendix 2 to this scheme.

8.2 The rate for such an allowance is an hourly rate (or proportion thereof), equivalent to the adult national minimum / living wage, applicable at the time, and to a total of the costs reasonably incurred.

8.3 Paid receipts must be submitted to support claims for the Dependants' Carers' Allowance.

9. ICT ALLOWANCE

An annual allowance of £235.00 is payable to each councillor, for the use of a PC, provided the PC meets the minimum specification agreed by the Council.

10. CO-OPTED MEMBERS

The Council may pay an allowance to those who are co-opted to committees. Where the Council does pay such an allowance, it shall have a value set at 15 points (the points scheme is explained in sub-paragraph 4.3).

11. INDEXATION

The allowances shall be automatically adjusted, annually, by reference to the Consumer Price Index (CPI). The adjustment will be calculated on the September CPI index, for implementation the following April, with the first adjustment occurring in April 2017.

12. TRAVEL AND SUBSISTENCE

12.1 Councillors are entitled to claim for reimbursement of travel and subsistence expenses incurred in the performance of an approved duty. The approved duties are set out in the scheme of approved duties in Appendix 3.

12.2 Travelling by public transport

12.2.1 Councillors using public transport, to travel to approved duties, should claim at standard rates and provide receipts. However, if there are exceptional circumstances when it is difficult to use public transport at standard rates, or otherwise, a councillor must get prior agreement, from the Council, to use other forms of transport, such as taxis.

12.2.2 Councillors, travelling by rail, should claim the second-class rail fare or any available cheap day fare.

12.3 Taxis

In cases of emergency, or where no public transport is available, councillors, who travel by taxi, may claim the actual fare and reasonable gratuity paid. In other cases the claim should be no more than the public transport fare.

12.4 Use of own vehicles

12.4.1 Councillors, who use their own vehicles to travel to an approved duty, may claim the approved HM Revenue and Customs' rates, which vary from time to time.

12.4.2 An additional allowance may be claimed for transporting another councillor to the same approved duty. This is the approved HM Revenue and Customs' rate and varies from time to time.

12.4.3 Travelling expenses, payable for member's own private mode of transport, are as follows:

Cars and vans	45p per mile
Motor cycles	24p per mile
Bicycles	20p per mile

12.4.4 In respect of the carriage of councillors, to who a travelling allowance would otherwise be payable, an allowance of 5 pence per mile is recommended as payable.

12.5 Accommodation and subsistence

12.5.1 Wherever possible, the Council will pre-book and pre-pay meals, and accommodation, for councillors attending meetings out of the authority

12.5.2 If a councillor actually buys a meal or refreshments, as a result of carrying out an approved duty, then an allowance may be claimed. For example, if a councillor, who lives more than three miles from the Civic Centre, is away from home, for more than 4 hours, attending a meeting and buys a meal, or other refreshments, on the way home, then a claim can be made. If a councillor is required to attend more than one meeting during a day and cannot reasonably return home for a meal between meetings, then, provided a meal or refreshments are purchased, a claim may be made.

12.6 Receipts in support of claims

Where possible, councillors are required to obtain and submit receipts with their claims in support of hotel bills, subsistence etc.

12.7 Subsistence

12.7.1 Subsistence expenses must have been necessarily incurred carrying out an approved duty, at a place more than three miles from home. The claim should be for the actual amount spent, up to the maximum amounts set out below:

12.7.2 The allowance below, for absence overnight, is deemed to cover a continuous period of absence of 24 hours. Members should not claim for any meals provided free of charge.

Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) up to £5.88

Lunch allowance (more than 4 hours from normal place of residence, including the lunch time between 12 noon and 2.00 pm) up to £8.13

Tea allowance (more than 4 hours away from normal place of residence, including the period

3.00 pm to 6.00 pm) up to £3.21

Evening meal allowance (more than 4 hours away from normal place of residence, ending after 7.00 pm) up to £10.06

12.8 Overnight provisions

Councillors, who are required to make overnight stays, in the performance of their official duties, will be reimbursed for approved expenses.

APPENDICES

APPENDIX 1 - Table of allowances/'point' scores

APPENDIX 2 – Dependants' carers' scheme

APPENDIX 3 - Approved duties for travel and subsistence

APPENDIX 1 - Table of Allowances/'Point' Scores

(NOTE: all figures include the increases arising from existing arrangements in 2015 and are rounded to the nearest £1.)

Role	Point Score	Allowance
Basic Allowance (Note 1)	100	£5,100
SRA for co-opted members	15	£765
Special Responsibility Allowance (SRA)		
Leader of the Council	440	£22,440
Deputy Leader of the Council	220	£11,220
Cabinet member (up to 8)	200	£10,200
Chair of the Council	150	£7,650
Vice-Chair of the Council	30	£1,530
Tier 1 committees		
Audit & Governance Committee Chair	115	£5,865
Overview and Scrutiny Committee Chair	115	£5,865
Planning and Licensing Committee Chair	115	£5,865
Tier 2 committees		
Personnel Committee Chair	30	£1,530
Leader of the Opposition	150	£7,650

Note 1: Excludes ICT allowance

APPENDIX 2 – Dependants' Carers' Scheme

Dependants' Carers' Allowance

1. A Dependants' Carers' Allowance shall be payable to councillors, who have declared an express need for such an allowance, and have completed a written declaration, which is lodged with the Head of Democratic Services and Law.
2. The allowance shall only be payable to councillors in respect of actual expenditure incurred in connection with, or relating to, approved Council duties.
3. The allowance shall only be payable, to a councillor, in respect of the expense of arranging care of a spouse, partner, child, parent, or a person who lives in the same household as that councillor, otherwise than by reason of being his/her employee, tenant, lodger or boarder.
4. The carer must not be a member of the claimant's immediate family i.e. spouse, partner, other children of the councillor, or councillor's spouse, or any member of the councillor's family who lives at the same address as the councillor; nor should it be an employee, tenant, lodger or boarder who lives at that address.
5. Payment of the allowance shall only be made on the production of receipts.
6. The allowance will be paid at an hourly rate (or proportion thereof) equivalent to the adult national minimum/living wage, applicable at the time, and to a total of the costs reasonably incurred.
7. Only one allowance may be claimed in respect of any one household. Any issues of interpretation, or application, of this scheme will be determined by the Head of Democratic Services and Law.

APPENDIX 3 - Approved Duties for Travel and Subsistence

1. Travel and subsistence – scheme of approved duties

Appropriate travel and subsistence allowances, at rates determined by the Council, from time to time, may be claimed where such travel and/or subsistence has been undertaken in connection with one or more of the following duties:

- a) Attendance by any councillor at a meeting of the full Council or of the Council's Cabinet and, in the interests of the effective functioning of the democratic process, at one preparatory pre-meeting, whether organised on a political group basis, or otherwise, for each properly constituted meeting of the full Council or of the Council's Cabinet.
- b) Attendance at any committee, sub-committee, task group, working group, board, forum or panel of the Council, where the councillor making the claim is a member of that committee, sub-committee task group, working group, board, forum or panel, or where the councillor's attendance has been requested, by the relevant chairperson, to assist the work of that committee, sub-committee, task group, working group, board, forum or panel.
- c) Attendance at any sub-committee meeting of the Council's Cabinet.
- d) Attendance at meetings of any joint body, of which the Council is a member, and to which the councillor, making the claim, is appointed by the Council.
- e) Attendance at any meeting, including meetings of political sub-groups, and committees of any local government association or local government employers' organisation, of which the Council is a member, and, to which, the councillor, making the claim, has been appointed under the rules of that body, and where the appointment to that body has been approved by the Council.
- f) The attendance at any other meeting, the holding of which is authorised by the Council; or a committee or sub-committee of the Council; or a joint committee of the Council and one or more local authorities, 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.

- g) The performance of any duty, in pursuance of a standing order, requiring a councillor(s) to be present while tender documents are opened.
- h) The performance of any duty, 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.
- i) The carrying-out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council, or any of its committees or sub-committees. All duties which derive from a position of responsibility, for which a councillor receives a special responsibility allowance, are approved duties for the purpose of this paragraph.
- j) Attendance at any training events organised by the Council, or to which the Council has authorised the attendance of the councillor making the claim, provided that such an event is not political in nature (either in whole or part) or organised by, or on behalf of, any political organisation or party.
- k) Conferences and meetings convened by a person, or body, whose objects are neither wholly nor partly political, and, otherwise, than in the course of a trade or business, for the purpose of discussing matters which, in the Council's opinion, will relate to the interests of Shepway or its inhabitants, or of part of Shepway or the inhabitants of part of it, are approved for the purposes of payment of travel and subsistence allowance. They are those conferences and meetings, convened by outside bodies, where the Chief Executive is satisfied that there is a direct connection with a function of the Council.
- l) Subject to the budget not being exceeded, duties undertaken by councillors, outside the District of Shepway, where the Chief Executive is satisfied that the duties are for the purposes of, or connected with, the discharge of the functions of the Council.

2. Specific exclusions

2.1 Travel and subsistence expenses may not be claimed in connection with any matters related to the operation or management of political groups, or meetings of political groups, or the performance of political duties, including, but not limited to, canvassing and attendance at party political conferences, except as specifically provided for in this scheme, where it is in the interests of the effective management of the political processes of the Council, or related to the proper functioning of local government associations and employers' organisations, of which the Council is a member.

2.2 Travel and subsistence expenses may not be claimed in relation to:

- a) Attendance at any community or voluntary group meetings, unless the councillor is nominated by the Council to represent the Council at that meeting;
- b) In connection with ward business including, but not limited to, meetings with, or on behalf of, ward residents.

2.3 Travel and subsistence may not be claimed from the Council where there are separate arrangements available to reclaim travel and subsistence from a third party; for example, where a councillor is attending a meeting of an outside body, as a representative of the Council, and is eligible to submit a claim for travel and subsistence expense to that outside body.

3. Review

The provisions of this scheme will be kept under review by the Head of Democratic Services and Law and will be amended, from time to time, in consultation with the Chief Executive, in the light of changes to legislation and the changing needs of the Council.

4. Interpretation

The Chief Executive's decision, on any matter of interpretation of this scheme, will be final.