

TENDRING DISTRICT COUNCIL CONSTITUTION

Part 7

Members' Allowances Scheme

1.0 INTRODUCTION

1.1 The Scheme and Title

In exercise of the powers conferred on Tendring District Council under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) the following Scheme of Allowances ("the Scheme") has been approved by the Council, having taken due account of the recommendations of its Independent Remuneration Panel.

The Scheme may be cited as the "Tendring District Council Members' Allowances Scheme", and will be effective from 1st May 2011 until subsequently amended by Council.

1.2 Annual Review

In accordance with the above regulations the Scheme payments will be reviewed annually. The review process will involve: -

- Scrutiny by the Independent Remuneration Panel [IRP] of the ongoing and future role and workload of Members and review of the allowances and amounts paid to Members;
- OR
- Application of an appropriate agreed indexation allowance for up to a maximum of 4 years;
 - The IRP will then make recommendations to the Council in respect of payments considered to be appropriate for subsequent years.

See also section 2.10 for most recent decision by Annual Council.

1.3 Definitions

In the Scheme: -

"Councillor" or "Member" means an elected Member of Tendring District Council

"Year" means the year (or part year) ending at the annual full Council meeting

2.0 THE STRUCTURE OF THE SCHEME

2.1 Member Involvement

This Scheme has been established in a way that reflects the responsibility and time commitment required from Members in the discharge of their duties. It acknowledges their duties to ward constituents, fellow councillors, the population as a whole and to organisations outside the Council. The extent of these responsibilities, and the commitment they require, is reflected in the extent to which a Councillor is remunerated.

2.2 Basic Members' Allowance

Basic Allowance is a flat rate payment made to all Councillors in recognition of their time commitments, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes, telephone costs and peripheral costs such as paper, printer cartridges etc. The same level of Basic Allowance will be paid to all councillors.

2.3 Special Responsibility Allowance

Special Responsibility Allowances will be payable to those councillors who hold positions within the Cabinet or are Chairmen of Overview and Scrutiny Committees, Audit Committee, Human Resources Committee, Planning Committee or Licensing Committee or are Vice-Chairman of Planning Committee.

The Scheme includes payment to the Leaders of Opposition Groups, as permitted by the Regulations, and provides for future further group leaders if necessary.

The amount of Special Responsibility Allowance (SRA) payable will vary according to the position held, duties undertaken and the level of responsibility involved. No Member is eligible for more than one SRA. If the Chairman or Vice-Chairman of the Council also hold a position which entitles them to a SRA they shall be entitled ONLY to the higher of the two allowances.

2.4 Childcare and Dependent Carers' Allowance

The Regulations make provision for the Scheme to include payment of a Childcare and Dependent Carers' Allowance to those councillors who incur expenditure for the care of children or dependent relatives whilst undertaking official duties.

Childcare Allowance

- To be paid up to a maximum rate of £5.89 per hour up to a maximum of 15 hours per week;
- Dependent children must be under the age of 16 and living at home with the Member(s);
- Allowance is claimed on production of a signed statement, which declares that the childcare has been provided by a babysitter, and can be paid to a member of the immediate family except Partner/person with Parental responsibility.

Dependent Carer Allowance

- For Dependents other than children to be paid up to a maximum rate of £8.38 per hour for a maximum of 15 hours per week;
- Elderly or dependent relatives must be living at the same address as the Member(s);
- Allowance to be paid on production of a receipt from a professional carer (See also 3.2).

The above allowances are made available to Members who have an express need. The express need shall be in the form of a written declaration by a Member that needs to be lodged with the Finance and Procurement Manager.

2.5 Co-opted Member Allowance

The Scheme shall make provision for payment to non-elected persons on the Council's Standards Committee on the following basis. Figures are annual amounts.

	£
The Chairman of the Committee	942
Other Members of the Committee	471
Substitute Members of the Committee	237

If indexation has been agreed by the Council, these allowances shall be increased in the same proportion as other SRA's.

2.6 Travel and Subsistence Allowance

Travel and Subsistence Allowances are also approved by the Council following consideration of recommendations made by the Independent Remuneration Panel in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

Travel and Subsistence payments will be made in accordance with the laid down rates in respect of councillors' duties and in respect of approved attendance on approved outside bodies. Rates approved by the Council, following consideration of the recommendations of the Independent Remuneration Panel are set out in Appendix 2 to this Scheme.

Claims for travel and subsistence **must** be submitted to the Members' Officers **for payment the following month** (in accordance with 3.2 below) in order to assist effective budgetary control and ensure proper treatment within the correct tax year (in compliance with Inland Revenue requirements). Claims not submitted within the year to which they relate or more than one month of the financial year-end will not be paid.

2.7 Opposition Group Leader Payments

Payment will be made under the Scheme to an Opposition Group Leader who is the leader of **any group that does not form part of the administration nor has a seat on the cabinet. The 'Group' must comprise 2 or more members.**

The amount to be paid to each such group leader will be based on a fixed sum plus an amount calculated according to the number of members in the respective group, with both fixed and variable amounts being determined annually by the Council.

In the event of a mid-year change in opposition groups or numbers within those groups the Finance and Procurement Manager will be authorised to recalculate opposition group leader payments in accordance with the approved formula and introduce new or revised payment rates for the amended opposition group leader situation and apply those change(s) with effect from the first day of the month following the formal date of those changes.

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2.8 Attendance at Meetings and Conferences

This allowance is paid in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. The amount payable in respect of these duties will continue to be based on the rate previously determined by this Council.

2.9 Payment Levels

The amounts of the various allowances in respect of the indicated year are as set out in Appendix 2 to this Scheme. These amounts will be reviewed annually.

2.10 Indexation Of Future Year's Allowances

Annual Council on 17th May 2011 determined that for the municipal years commencing May 2012, May 2013 and May 2014 allowances will be increased annually:-

- In line with the officers' pay award effective from 1st April of the same year;
- In the event that the officers' pay award is not agreed and implemented on 1st April members' allowances will be calculated once the officers' increase has been agreed and the revised members' allowances will be backdated to 1st of May in the year in question;
- The increases in May 2012, May 2013 and May 2014, in accordance with the Council decision taken on 17th May 2011, will not require annual review by the Independent Remuneration Panel.

Allowances to be paid with effect from 1st May 2015 will be agreed after consideration of recommendations from the Independent Remuneration Panel whose members will conduct a full review before making their recommendations to the Council.

2.11 Pensionability Of Posts

The Council has determined that NO posts will be eligible for membership of the Local Government Superannuation Scheme.

3.0 CLAIMS AND PAYMENTS

The Scheme will be administered in a way that meets the need for both simplicity and transparency. The following procedures are intended to achieve such objectives.

3.1 Documenting Entitlement to Allowances

Following the Annual Council Meeting at which positions on the Council are filled the annual remuneration entitlement in respect of each Councillor will be calculated and documented.

Details will be included on a Schedule of Members' Commitments form (see Appendix 1 of this Scheme), that will form part of each Member's declaration of office and which will provide a public record of an individual's responsibilities and commitments. These documents will be retained within the Council and will be used to determine the basis of each Councillor's monthly payment through the Council's payroll system.

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3.2 Payment

Basic and Special Responsibility Allowances will be paid to each Councillor in twelve instalments on the 20th of each month (or nearest working day thereto).

Childcare and Dependent Carers' Allowance, Travel and Subsistence and Conference and Meetings Allowances in respect of approved cases will be paid on submission of a valid claim, and payment will be made one month in arrears. Claims made more than 1 month after the financial year-end in which the expenditure has been incurred will not be paid.

All claims **must** be submitted to the Members' Officers by the **2nd working day** of each month to be included within that month's payroll run.

3.3 Changes / Part-Year Entitlement

Councillors may, during the course of a year, take up or relinquish a position or role identified within this scheme which alters their entitlement to remuneration. In such circumstances their entitlement to remuneration will be adjusted on a pro-rata basis. Councillors should notify the Finance and Procurement Manager of such changes as soon as they are known.

A revised Schedule of Members' Commitments form will be completed on confirmation of the changes and the associated changes in remuneration will be effected through the payroll by the Finance and Procurement Manager.

If a Councillor's term of office starts or ends other than at the commencement or end of the normal municipal year, entitlement to such remuneration as their responsibilities and commitments attracts will also be calculated on a pro-rata basis.

3.4 Option to Forgo Allowances

A Councillor may decide to forgo all or part of the allowances due to him. In such circumstances the Finance and Procurement Manager should be notified in writing of such decision.

Once in place, limited or non-payment will continue until revoked in writing by the Councillor concerned. (NB such revocation shall not be backdated).

3.5 Verification of Travel and Subsistence

In order to maintain the transparency of the scheme, a list of "approved" duties that attract entitlement to travel and subsistence will be maintained and all claims will be verified against this list before payment is made.

3.6 Members Responsibility for Reporting Receipt of Allowances

Members are advised to declare the receipt of a members allowance if **any form** of benefit such as income support or housing benefit is being claimed. The rules on how members' allowances are treated may vary depending on the benefit claimed and advice should be sought from the relevant administering body. For example the rules for those in receipt of Housing Benefit and Council Tax Benefit state that "basic members allowance, special responsibility allowance and conference attendance allowance are treated as earnings except for any expenses which have been wholly, exclusively and necessarily incurred in the

performance of their duties". Members are therefore advised that in order to claim expenses in these circumstances receipts and records to justify the expenses incurred must be kept.

4.0 APPROVED DUTIES

The power "to appoint member representatives to attend meetings of appropriate outside bodies" is delegated in Part 3 of the Constitution to portfolio holders and to committees with regard to the functions within their jurisdiction.

4.1 Approved Duties for Travel and Subsistence Allowance

- Attendance at meetings of the full Council, the Cabinet, committees and sub-committees or formally constituted panels or working parties
- Attendance by councillors at site or similar meetings, approved in advance
- Attendance at meetings of approved external bodies
- Attendance at authorised conferences and / or seminars will attract payment of travel and subsistence within the agreed scale of payments

5.0 APPLICATION OF THE SCHEME

The following principles will apply in the adopted scheme.

5.1 Substitute Members

The scheme does not permit the remuneration for substitute Members, other than in respect of payment for travel and subsistence. This is on the basis that a Member has a "contract of commitment" which may require him to substitute for a fellow Member from time to time.

5.2 Co-opted Members

Individuals co-opted to serve on the Standards Committee will receive an allowance paid monthly similar to that paid to elected Members. They will be paid the appropriate Co-opted Members Allowance plus travel and subsistence in accordance with the agreed scale of payments.

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Councillors' Schedule of Commitment

Councillor [Enter Full Name]

I wish to claim the allowances set out below which I believe is in accordance with my entitlement under the Member's Allowances Scheme.

	Annual Remuneration	
<p>BASIC ALLOWANCE</p> <p>Basic Allowance recognises the time commitments of councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes, telephone and peripherals such as paper and printer cartridges.</p>		
<p>SPECIAL RESPONSIBILITY ALLOWANCE</p> <p>Special Responsibility Allowance is paid to those councillors who have significant responsibilities:-</p> <p>Leader of the Council Deputy Leader of the Council Other Member of the Executive Opposition Leader not in receipt of a higher SRA Committee Chairman (Audit, Planning, Human Resources and Licensing) Vice-Chairman Planning Committee Corporate Management Committee Chairman Community, Leadership & Partnerships Committee Chairman Service Development & Delivery Committee Chairman Licensing Sub-Committee Chairman</p>		
Total Annual Allowance £		
<p>CHILDCARE ALLOWANCE</p> <p>I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. ** please delete as appropriate</p>	Yes**	No**
<p>DEPENDENT CARERS ALLOWANCE</p> <p>I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. ** please delete as appropriate</p>	Yes**	No**

I understand that Travel and Subsistence claims need to be submitted **the following month, by the 2nd working day, within the financial year to which they relate and within one month following the end of the any financial year** and that claims submitted after that will not be paid. I undertake to inform the Finance and Procurement Manager of any circumstances that will affect my entitlement to any of the above allowances.

Signed _____ Date _____

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SCHEDULE OF ALLOWANCES

Period 1st May 2011 until index linked with effect from 1st May 2012

Allowances	Annual Amount
Chairman of the Council	£6,070
Vice-Chairman of the Council	£2,140
Basic Allowance	£4,962
Special Responsibility Allowances	
Leader of the Council	£17,862
Deputy Leader of the Council	£10,494
Portfolio Holder (Cabinet Member)	£10,494
Opposition Group Leaders (who meet the 'Opposition Group Leader' criteria)	
Fixed Annual Group Leader Sum plus annual amount payable per opposition group member	£1,473 £174
Chairman - Planning Committee	£6,072
Vice Chairman Planning Committee	£1,965
Chairman - Licensing Committee	£6,072
Chairman – Audit Committee	£4,467
Chairman – Corporate Management Committee	£3,573
Chairman – Community Leadership & Partnerships Committee	£3,573
Chairman – Service development & Delivery Committee	£3,573
Chairman - Human Resources Committee	£3,573
Chairmen - Licensing Sub-Committees	£1,965
Chairman of the Standards Committee (NO Basic Allowance)	942
Other members of the Standards Committee (NO Basic Allowance)	471
Substitute Members of the Standards Committee (NO Basic Allowance)	237

*** No Member is eligible for more than one SRA.**

If the Chairman or Vice-Chairmen have additional responsibilities that entitle them to a SRA only the higher of the allowances will be paid.

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Reimbursed Cost Allowances	Basis / Amount
Reimbursement for Childcare	£(maximum) £5.89 per hour (maximum of 15 hours per week)
Reimbursement for Care of Dependent Relatives	(Maximum) £8.38 per hour (maximum of 15 hours per week)
Conferences	Amount
All Inclusive Maximum Daily Rate - (based on absence exceeding 24 hours)	£90.00
Accommodation Costs outside London - (based on absence exceeding 24 hours) - Maximum Daily Rate	£120.00
Accommodation Costs London - (based on absence exceeding 24 hours) - Maximum Daily Rate	£140.00

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MEMBERS' TRAVELLING AND SUBSISTENCE RATES WITH EFFECT FROM 1ST MAY 2011**Travelling**

For the use of a motor car regardless of cylinder capacity:

Use of a motor Car – first 10,000 miles a year	45 pence per mile
Use of a motor Car – miles in excess of 10,000 a year	25 pence per mile

Other Methods of Transport

Use of motor cycle	24 pence per mile
Use of a cycle	20 pence per mile

Subsistence

The rate of subsistence shall not exceed:

- (a) Breakfast allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11 am) **£6.00**;
- (b) Lunch allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the lunchtime between 12 noon and 2 p.m.) **£7.50**;
- (c) Evening meal allowance (more than 4 hours away from the normal place of residence or where the authority permits, a lesser period, ending after 7 p.m.) **£12.00**.

Reimbursement of **ALL** subsistence expenses (including hostel costs) will be based on **actual cost incurred on production of receipts** – maximum amounts will only be paid based on proof of expenditure of that level.

All claims for subsistence must therefore be accompanied by receipts demonstrating expenditure actually incurred. This is to ensure that no National Insurance liability is incurred on payments of such allowances.