

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 each year 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 Appendix 2 for the current scheme and 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.

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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 also covers incidental costs such as the use of their homes, telephone costs and peripheral costs such as paper, printer cartridges etc. except that headed paper and business cards will be provided by Tendring District Council on request. 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 with additional special responsibility.

Payment to the Leader(s) of Opposition Group(s) will also be considered.

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. They are entitled ONLY to the higher 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 SRA and Chairman or Vice-Chairman allowance.

2.4 Childcare and Dependant Carers' Allowance

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

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 Management and Members' Support Manager.

2.5 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 submitted to Management and Members' Support by the 2nd working day of each month will be paid in that month otherwise they will be paid the following month. Members should aim to submit claims the month after the mileage etc. has been incurred in order to assist effective budgetary control and ensure proper treatment within the correct tax year (in compliance with HMRC requirements). Members will be reminded before the end of the tax year to submit claims relating to that year.

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2.6 Attendance at Meetings and Conferences

This allowance is paid in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. As with travel and subsistence, claims submitted to Management and Members' Support by the 2nd working day of each month will be paid in that month otherwise they will be paid the following month.

2.7 Pensionability Of Posts

The Local Government Pension Scheme does not allow councillor posts to be pensionable.

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 four yearly local elections and the subsequent 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 (Appendix 1), 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.

Any changes to members' allowances subsequent to this will be documented separately and individual Schedules of Members' Commitments will not be updated.

3.2 Payment

Payment of allowances will be paid to each Councillor in arrears in twelve instalments on the 20th of each month (or nearest working day thereto).

Payment of expenses where the claim is submitted by the 2nd working day of the month will be paid to each Councillor in arrears on the 20th of that month (or nearest working day thereto).

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 allowances. In such circumstances their entitlement will be adjusted on a pro-rata basis. Councillors should notify the Management and Members' Support Manager of such changes as soon as they are known.

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.

The revised allowance will apply from the day on which the change occurs.

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3.4 Option to Forgo Allowances

A Councillor may decide to forgo all or part of the allowances due to him / her. In such circumstances the Management and Members' Support 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 with non-compliant claims being removed.

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 administrating 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 at the above meetings;
 - Attendance at informal meetings of any of the above meetings;
 - Formal pre-briefings for any of the above meetings;
 - Formal Portfolio Holder or Committee working parties ;
 - Any other reasonable or appropriate informal briefing or meetings with officers to prepare for any of the above meetings or discuss any matter relating to the business of the Council as determined by the Chief Executive.

Expenses are payable to all Members for attendance at Council otherwise it is payable where the Member is appointed to or invited to attend the relevant Cabinet, Committee, Sub Committee or Working Party. It is not payable where Members choose to attend a meeting and sit in the audience.

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Similarly expenses are payable where Members request or are invited to pre organised meetings with officers to discuss Council business.

- **Attendance by Councillors at site or similar meetings, approved in advance**

- Refers to any site meeting or other similar meeting proposed and approved by any of the groups included in 1) above i.e. Full Council, the Cabinet, Committees and Sub-Committees or formally constituted panels or working parties

Expenses are payable where Members attend site meetings in relation to meetings of Cabinet, Committees, Sub Committees or Working Parties to which they are appointed or invited to attend.

- **Attendance at meetings of approved external bodies**

- Attendance at meetings with approved external bodies at any venue
- Appointment to an LGA members structure where expenses are not met by the LGA and the appointed member provides feedback.

The relevant external bodies are those which the Leader has made a formal decision to appoint to. The list is on the Members' page of the intranet.

- **Attendance at Authorised Conferences and / or Seminars**

- Attendance at conferences authorised in accordance with delegated powers.
- Attendance at any seminar if reasonable and relevant / appropriate to the responsibilities of individual Members.
- Attendance at any learning and development opportunity if reasonable and relevant / appropriate to the responsibilities of individual Members.

Expenses are payable where the training is relevant to the Member's position on the council. This will include Council arranged sessions such as the regular Members' Briefings. Where Members attend external training out of personal interest, that will not be payable.

- **Attendance at Civic Events**

- Attendance by the Chairman or Vice Chairman and their consorts at civic events.

Expenses are payable for the Chairman or Vice Chairman and their consorts undertaking civic duties. They will not be payable for other members attending civic events.

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 for substitution at meetings and attendance at any mandatory training. This is on the basis that a Member has been named as a substitute by their Group Leader.

(Lilac)

Part 7**Members' Allowances Scheme****TENDRING DISTRICT COUNCIL****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
BASIC ALLOWANCE	
SPECIAL RESPONSIBILITY ALLOWANCE Special Responsibility Allowance is paid to those councillors who have significant responsibilities:- Leader of the Council Other Members of the Cabinet Opposition Leader(s) Audit Committee Chairman Community, Leadership and Partnerships Committee Chairman Corporate Management Committee Chairman Education and Skills Committee Chairman Human Resources Committee Chairman Licensing Committee Chairman Local Plan Committee Chairman Planning Committee Chairman Service Development and Delivery Committee Chairman Standards Committee Chairman Vice-Chairman Planning Committee Licensing Sub-Committee Chairman	
Total Annual Allowance £	
CHILDCARE ALLOWANCE I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. ** please delete as appropriate	Yes** No**
DEPENDANT CARERS ALLOWANCE I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. ** please delete as appropriate	Yes** No**

I understand that travel and subsistence and carers claims need to be submitted by the 2nd working day of each month in order to be paid in that month. I undertake to inform the Management and Members' Support Manager of any circumstances that will affect my entitlement to any of the above allowances.

Signed _____ Date _____

(Lilac)

Part 7**Members' Allowances Scheme****DECISION OF ANNUAL COUNCIL – 26TH APRIL 2016**

Council on 26th April 2016 agreed the following scheme with effect from 1st May 2016.

SCHEDULE OF ALLOWANCES**Period 1st May 2016 to 30th April 2017**

Allowances	Annual Amount
Chairman of the Council	£6,266
Vice-Chairman of the Council	£2,209
Basic Allowance	£5,122
Special Responsibility Allowances	
Leader of the Council	£18,438
Portfolio Holder (Cabinet Member)	£8,669
Chairman - Planning Committee	£6,268
Vice Chairman Planning Committee	£2,029
Members of Planning Committee	£500
Chairman - Licensing and Registration Committee	£4,300
Chairman – Audit Committee	£4,300
Chairman – Corporate Management Committee	£4,300
Chairman – Community Leadership & Partnerships Committee	£4,300
Chairman – Service Development & Delivery Committee	£4,300
Chairman – Human Resources Committee	£3,800
Chairmen - Licensing Sub-Committees	£650

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 4 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 as follows:-

Opposition Group Leaders (who meet the 'Opposition Group Leader' criteria)	
Fixed Annual Group Leader Sum plus annual amount payable per opposition group member	£1,000 £90
	(Lilac)

Part 7**Members' Allowances Scheme****Childcare Allowance**

- To be paid up to a maximum rate of the voluntary living wage (currently £8.25 per hour) up to a maximum of 15 hours per week;
- Dependant 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.

Dependant Carer Allowance

- For dependants other than children to be paid up to a maximum rate of the voluntary living wage (currently £8.25) per hour for a maximum of 15 hours per week;
- Elderly or dependant 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.

Conferences

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

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
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Use of a cycle	20 pence per mile
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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**;

(Lilac)

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- (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.

(Lilac)