

# TENDRING DISTRICT COUNCIL CONSTITUTION

## Part 7

## MEMBERS' ALLOWANCES SCHEME

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### 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 1<sup>st</sup> May each year until subsequently amended by the 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.

#### **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 is 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 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.

#### **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 also 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 Head of Democratic Services & Elections.

#### **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 Democratic Services & Elections by the 2<sup>nd</sup> 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.

#### **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 Democratic Services & Elections by the 2<sup>nd</sup> working day of each month and 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 20<sup>th</sup> of each 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 Head of Democratic Services & Elections 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 attract will also be calculated on a pro-rata basis.

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

### 3.4 Option to Forgo Allowances

A Councillor may decide to forgo all or part of the allowance due to him/her. In such circumstances the Head of Democratic Services & Elections 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 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 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.*

*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 Members' 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.

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## 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	
<b>BASIC ALLOWANCE</b>		
<b>SPECIAL RESPONSIBILITY ALLOWANCE</b> Special Responsibility Allowance is paid to those Councillors who have significant responsibilities:-  Leader of the Council Other Members of the Cabinet Group Leader(s) Audit Committee Chairman Community Leadership Overview & Scrutiny Committee Chairman Resources and Services Overview & Scrutiny Committee Chairman Human Resources and Council Tax Committee Chairman Licensing and Registration Committee Chairman Licensing and Registration Sub-Committees Chairman Planning Committee Chairman Planning Committee Vice Chairman Planning Committee Members Planning Policy & Local Plan Committee Chairman Standards Committee Chairman		
<b>Total Annual Allowance £</b>		
<b>Childcare Allowance</b> I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. **please delete as appropriate	<b>YES**</b>	<b>NO**</b>
<b>DEPENDENT CARERS' ALLOWANCE</b> I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. **please delete as appropriate	<b>YES**</b>	<b>NO**</b>

I understand that travel and subsistence and carers' claims need to be submitted by the 2<sup>nd</sup> working day of each month in order to be paid in that month. I undertake to inform the Head of Democratic Services and Elections of any circumstances that will affect my entitlement to any of the above allowances.

Signed \_\_\_\_\_ Date \_\_\_\_\_

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**DECISION OF ANNUAL COUNCIL – 15 SEPTEMBER 2020**

Council on 15<sup>th</sup> September 2020 agreed the following scheme with effect from that date or otherwise on 1 October 2020 in respect of Travel Mileage, Dependents' Carers' and Subsistence Allowances. And otherwise approved the Basic and Special responsibility Allowances for 2021/22 and 2022/23 shall be increased in accordance with the headline pay award percentage approved by the National Joint Council for local government services in respect of Council staff.

**SCHEDULE OF ALLOWANCES**

**Period 1<sup>st</sup> April 2021 – end of the Municipal Year (subject to the reference to the pay award for local government pay above)**

<b>Allowances</b>	<b>Annual Amount</b>
Chairman of the Council	£6,840
Vice-Chairman of the Council	£1,800
Basic Allowance	£6,000
<b>Special Responsibility Allowances</b>	
Leader of the Council	£20,400
Portfolio Holder (Cabinet Member)	£9,780
Chairman – Planning Committee	£7,140
Vice Chairman - Planning Committee	£1,500
Members of Planning Committee	£960
Chairman – Planning Policy and Local Plan Committee	£3,000
Chairman – Licensing and Registration Committee	£3,000
Chairman – Miscellaneous Licensing Sub-Committee	£780
Members of Licensing and Registration Committee	£300
Chairman – Audit Committee	£4,200

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Chairman – Community Leadership Overview & Scrutiny Committee	£4,200
Chairman – Resources and Services Overview & Scrutiny Committee	£4,200
Chairman – Human Resources and Council Tax Committee	£3,000

**Group Leader Payments**

Payment will be made under the Scheme to a Group Leader who is the leader of any group. 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 as follows:-

Group Leaders (who meet the "Group Leader" criteria)	
Fixed Annual Group Leader sum plus	£900
Annual amount payable per opposition group member	£96

**Dependants' Carers' Allowance**

This allowance is to reimburse costs incurred for care arranged by the Councillor for a dependant (including care for the Councillor's children) to enable the Councillor to attend formal meetings of the Council or other approved official events.

This allowance is set at the prevailing rate as adopted by the Living Wage Foundation as its 'Real Living Wage' for outside of London. The 'Real Living Wage' rate is £9.50 per hour and is payable for care costs to a maximum of 15 hours per week.

**Travel Mileage Allowance**

The HMRC considers the following mileage rates as not including an element that is taxable. In view of this the Council has adopted the prevailing HMRC rates at this level as the appropriate rates to use in recompense of costs incurred by Councillors in travel to attend formal meetings and for approved official business of the Council.

<b>Vehicle</b>	<b>First 10,000 business miles in the tax year</b>	<b>Each business mile over 10,000 in the tax year</b>
Cars and vans	45p	25p
Motor cycles	24p	24p

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Bicycles

20p

20p

Passenger payments - cars and vans - 5p per passenger per business mile for carrying another Councillor/officer in a car or van on journeys which are also official business journeys for them.

**Subsistence**

HMRC subsistence rates (and qualifying conditions) are those adopted by Tendring District Council for its Councillors in this Scheme. The current rates and conditions are as follows (and apply to authorised conferences/events/meetings/visits only):-

Rates are set as follows.

<b>Minimum journey time</b>	<b>Maximum amount of meal allowance</b>
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5 hours

£5

10 hours

£10

15 hours (and ongoing at 8pm)

£25

Where a scale rate of £5 or £10 is paid and the qualifying journey in respect of which it is paid lasts beyond 8pm a supplementary rate of £10 can be paid to cover the additional expenses necessarily incurred as a result of working late.

A meal is defined as a combination of food and drink and would take a normal dictionary meaning. Where Councillors are required to start early or finish late on a regular basis, the over 5 hour and 10 hour rate, whichever is applicable, can be paid provided that all the other qualifying conditions are satisfied.

Qualifying conditions - Benchmark scale rates must only be used where all the qualifying conditions are met. The qualifying conditions are:

the travel must be in the performance of a Councillor's duties or to a temporary place of work, on a journey that is not substantially ordinary commuting.

the Councillor should be absent from his normal place of work or home for a continuous period in excess of five hours or ten hours.

the Councillor should have incurred a cost on a meal (food and drink) after starting the journey and retained appropriate evidence of their expenditure.

A Councillor can only be reimbursed for a meal once. If the cost of an evening meal or breakfast is reimbursed on an actual basis, because it is included in the cost of an overnight stay, the Councillor would not also be entitled to a benchmark rate in respect of those meals.

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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.