

CHAPTER 6 - MEMBERS' ALLOWANCE SCHEME

1. Introduction

- 1.1 Councillors (also referred to as members) are not paid a wage but they are entitled to claim certain allowances and expenses for carrying out public duties. The Council is able to determine its own allowances scheme after having regard to the recommendations of an Independent Remuneration Panel,(the Panel) which has to be established and maintained by the Council under the Local Government Act 2000 This document outlines Medway Council's current scheme for Members' allowances
- 1.2 Allowance payments are regarded as income by HMRC and are subject to tax and national insurance deductions, they may also affect any entitlement to welfare benefits.

2. The Basic and Special Responsibility allowances

2.1 Basic Allowance

- 2.2 All councillors shall be entitled to receive a Basic Allowance, this is set out in **Appendix 1**. The Basic Allowance is intended to recognise the time commitment of all Councillors, including meetings with officers and constituents. It is also intended to cover incidental costs such as the use of their homes, including IT consumables, paper, telephone line rental and call costs, broadband costs etc.

2.3 Special Responsibility Allowances

- 2.4 The Council has agreed the duties that attract and the quantum of Special Responsibility Allowances as set out in **Appendix 1**.
- 2.5 A Member of the Council is only entitled to receive one Special Responsibility Allowance at any one time.

3. Local Government Pension Scheme

- 3.1 Councillors shall be entitled to join the Local Government Pension Scheme (LGPS) upon application. For the avoidance of doubt, Councillors shall not be automatically enrolled into the LGPS. The following allowances shall be pensionable:
- a) Basic Allowances
 - b) Special Responsibility Allowances.

4. Indexation

- 4.1 All allowances, save for those linked to other schemes (e.g. HMRC rates) are index linked to the Medpay Range 7 pay scale. The index can be applied for a maximum of 4 times.
- 4.2 Travel and subsistence allowances shall be updated and kept in line with those applicable to officers.

5. Other Allowances

5.1 Mayoral Allowances

- 5.2 The Council has agreed the Mayoral Allowances set out in **Appendix 1**, (whilst these fall outside the Members' Allowances framework they are included here for transparency).

5.3 Councillor Conduct Committee – Independent Person Fees

- 5.4 The Council has agreed that the Independent Persons who support the Councillor Conduct Committee, shall be paid fees for their work. Whilst this does **not** form part of the Members' Allowances Scheme, the fees payable are set out in Appendix 1 for information.

6. Dependant carer's allowance

- 6.1 Councillors and co-opted members of a Committee or sub-committee who have incurred expenses on care for children or other dependant relatives who normally reside with them, for the purposes of carrying out an approved duty, qualify for reimbursement of the expenses incurred.
- 6.2 In all cases claimants may include time spent in carrying out an approved duty and up to one hour in total travelling to and from the venue of the approved duty. The claim is per hour per child/dependant relative. The baby or child-sitting claim is only allowable for children aged 14 years or under.
- 6.3 Reasonable travelling expenses paid to the carer are also claimable as follows: (a) the actual cost of standard class public transport; or (b) in cases of urgency or where no public transport is reasonably available, the amount of any taxi fare actually paid (excluding any tip).
- 6.4 The allowance does not apply where the carer is normally a member of the Councillor's or co-optee's own household. The carer in respect of a dependant child or adult relative must be aged 18 or over.
- 6.5 The Chief Executive has delegated authority to vary these provisions to assist claimants who need specialist care that costs more than the approved rates.

7. Subsistence and travelling allowances

- 7.1 The duties for which subsistence and travelling allowances can be claimed are set out in **Appendix 2**. (A co optee, Members of Education Schools Admission and Exclusion Appeals Panels are also eligible to claim).

7.2 Subsistence allowance

- 7.3 Subsistence allowance can be claimed when a Councillor has had to be away from home at a mealtime as a result of carrying out an approved duty. It can be claimed when the absence from home (including travelling time) has been more than four hours and has covered certain specified times coinciding with a normal mealtime. The current rates are set out in **Appendix 3**.

7.4 Overnight subsistence can be claimed if a Councillor is away from home carrying out an approved duty, where this is approved in advance by the Assistant Director, Legal and Governance to meet the cost of accommodation and meals. (This cannot be claimed if the costs of a hotel and breakfast will be paid direct by the Council, nor for the cost of any alcohol consumption).

7.5 **Travelling allowance**

7.6 **Car/motorcycle/ bicycle allowances**

7.7 Mileage allowances payable to Members are indexed against the HMRC Approved Mileage Allowance Payment (AMAP). The current levels of car, motorcycle and bicycle allowance are set out in **Appendix 4**. The rates are set out at a level to cover fuel consumption, vehicle wear and tear, and to contribute towards maintenance and insurance costs.

7.8 Councillors who use a private vehicle for Council business, including travelling to and from home for meetings or other duties, must ensure that their vehicle insurance provides cover for such journeys. The Council will not be liable for any claims made against a Councillor in respect of motoring incidents or parking offences.

7.9 **Hired motor vehicles**

7.10 The rate of travel by a hired motor vehicle (other than a taxi) must not exceed the rate which would have been applicable had the vehicle belonged to the Member who hired it. The Council has agreed that the rate may be increased to an amount not exceeding the actual cost of hiring, only in circumstances where the cost to the Council of hiring a vehicle would be less than the rate payable for travel by public transport by the Member(s) concerned.

7.11 **Public transport/taxis**

7.12 Bus and train fares can be claimed when public transport is used to carry out approved duties. First class travel is only authorised where a Councillor has a disability and/or special mobility needs.

7.13 The rate of travel by taxi shall not exceed:

- a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare
- b) in any other case, the amount of the fare for travel by appropriate public transport.

8. **Travel by air**

8.1 The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together. Where the relevant Director has agreed that where the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:

- a) the ordinary fare or any available cheap fare for travel by regular air service, or
- b) where no such service is available or in case of urgency, the fare actually paid by the Member.

9. Journeys outside Kent or the London postal district (i.e. to other towns in the United Kingdom)

9.1 Where an approved duty such as a conference normally takes place away from the county of Kent or the London postal area, any claim for travelling expenses should be in accordance with one of the following:

- a) if travel by train (second class only) then the actual cost of the train fare to be reimbursed; or
- b) if travel by car paid at HMRC rate.

9.2 The amount of any reasonable expenditure incurred on tolls, ferries or parking fees may be claimed.

10. Travel outside the UK

10.1 Travelling expenses for journeys outside the UK will only be reimbursed if they have been agreed in advance by the relevant Director whose budget bears the cost.

11. How to claim travelling, subsistence and dependant carer's allowances

- 11.1 Claims for travelling, subsistence and dependant carer's allowances must be:
- made on the approved Members' allowances claim forms
 - must include valid VAT receipts, as required and submitted no later than the end of the third month following them being incurred.

12. Conference expenses

- 12.1 The Council has agreed the attendance of Councillors at a number of approved conferences. The list of approved conferences is attached at **Appendix 5** together with the current guidelines for attendance by Councillors at conferences.
- 12.2 The Chief Executive has delegated authority, in liaison with the group whips, to agree the nomination of Councillors to attend conferences and also to approve the attendance by Councillors at conferences where these do not appear on the approved list. This will only be considered in exceptional circumstances where it is clear the Council would be disadvantaged if there was no attendance.

13. Sickness, maternity, paternity and adoption absence

- 13.1 All Councillors shall continue to receive their Basic Allowance and/or Special Responsibility Allowance in full for a period up to 6 months in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence.
- 13.2 Where the Council has granted a dispensation in accordance with Section 85 of the Local Government Act 1972, the allowance(s) shall continue to be paid for the duration of the dispensation
- 13.3 If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of political group position, the political group) the replacement will be entitled to claim an SRA pro rata for the period over which the cover is provided.

14. Duties for which allowances can and cannot be claimed

- 14.1 The following activities (or others of similar nature) do not qualify for allowances; political party and political group meetings or events, meetings with constituents and other Ward work.

15. Foregoing of allowances

- 15.1 A Councillor or a co-opted member may forego any part of his/her entitlement to an Allowance under this Scheme by informing the Head of Democratic services in writing.

16. Suspension of allowances

- 16.1 Where payment of any Allowance is due or has already been made in respect of any period during which the Councillor concerned

- a) ceases to be a member of the Authority; or
- b) is in any other way not entitled to receive the Allowance in respect of that period,

the Authority may withhold the payment of an Allowance for that period or, as the case may be, require that such part of the Allowance already paid as relates to any such period, be repaid to the Authority.

17. Part-year entitlement

- 17.1 If an amendment is made to this Scheme during the year, any changes to the quantum of the Basic Allowance (BA) or Special Responsibility Allowance (SRA) shall be pro rata.

17.2 In the year of Local Council elections the following allowances shall be paid to officeholders until (and including) the date of the Annual Council Meeting held after the election even if they are not re-elected as Councillors;

- Mayor and Deputy Mayor
- Leader of the Council

17.3 All other allowances cease to be payable from the day of retirement after the elections.

17.4 Those Councillors who are appointed to positions which are entitled to a SRA after the elections, shall be entitled to receive such payments from the day after which they are formally appointed to the relevant position either by the Leader, the Council or relevant Committee;

Appendix 1

Basic and Special Responsibility Allowances

POSITION	£	BENCHMARK AS % OF BASIC ALLOWANCE
Basic Allowance:		
Basic Allowance (59)	14,500.20	100
Special Responsibility Allowances:		
Cabinet		
Leader of the Council (1)	43,500.60	300
Deputy Leader (1)	29,000.40	200
Cabinet Portfolio Holder (8)	21,750.30	150
Chairpersons		
Audit Committee (1)	10,150.14	70
Employment Matters Committee (1)	5,075.07	35
Health & Wellbeing Board (1)	17,400.24	120
Overview & Scrutiny Committee (4)	14,500.20	100
Planning Committee (1)	17,400.24	120
Vice Chairpersons		
Overview & Scrutiny Committee (4)	5,075.07	35
Planning Committee (1)	7,250.10	50
Political Group Roles		
Opposition Group Leader (>20% of members) (1)	17,400.24	120
Deputy Opposition Group Leader (>20% of members) (1)	8,700.12	60
Opposition Group Leader (>10% of members) (1)	8,700.12	60
Overview & Scrutiny Spokespersons (> 20% of members) (4)	8,700.12	60
Opposition Group Spokesperson for Planning Committee (>20% of members) (1)	7,250.10	50
Ruling Group Whip (1)	2,175.03	15
Opposition Group Whip (>20% of members) (1)	1,450.02	10
Mayoral Allowances		
Mayor (1)	18,125.25	125
Deputy Mayor (1)	8,700.12	60
Independent Member		
Audit Committee (1)	1,450.02	10
Independent Person		
Councillor Conduct Committee (2)	175.00	Per half day or part thereof
Other		
Licensing Hearing Panel day rate based on 3 hours per session	55.77	
Fostering Panel	18.59 per hour	

Appendix 2 - Duties Qualifying for Travelling and Subsistence Allowance and Childcare and Dependant Carer's Allowance

1. Any duty approved by the Council.
2. Any duty for the purpose of or in connection with the discharge of the functions of the executive (i.e. Cabinet).
3. Attendance at meetings of the Cabinet, Committees of the Cabinet, full Council, Committees, sub-committees and other formal working parties.
4. Site visits and other one-off meetings of Members of a Committee or sub-committee which have been formally approved by the Committee concerned, provided that such meetings comprise more than one political group.
5. Attendance as a formally appointed representative of the Council at meetings of outside bodies (the Democratic Services staff have a complete list of all outside bodies to which the Council has formally appointed Councillors).
6. Attendance by Members of more than one political group with Council officers at meetings with central government, local authority associations and other strategic local and regional forums.
7. Attendances as an approved delegate at authorised conferences.
8. Attendances at ad hoc meetings (including special events and training sessions) which Members have been invited to attend by a Medway Council officer, where the purpose of the meeting is directly relevant to the Council's functions and priorities and is a meeting to which members of more than one political group have been invited.

NOTE: Gaps of up to two hours between one approved duty ending and another beginning shall be permitted for the purposes of subsistence allowance where the Member concerned is of the opinion that it is unreasonable to expect him/her to return home during that time.

Appendix 3 - Subsistence Allowances

1. In the case of an absence from the usual place of residence, not involving an absence overnight, the limits on claims for subsistence should be the lower of actual expenditure and the following:

- a) **Breakfast allowance**

- Four hours or more away from home
STARTING BEFORE 7.30 am £5.00

- b) **Lunch allowance**

- Four hours or more away from home
INCLUDING period 12 noon to 2 pm £7.00

- c) **Tea allowance**

- Four hours or more away from home ENDING AFTER 6.30 pm
£3.00

- d) **Evening meal allowance**

- Four hours or more away from home ENDING AFTER 8.30 pm
£15.00

- e) **Overnight allowance**

- In the case of an absence overnight from the usual place of residence, reimbursement (or payment in advance by the Council) of reasonable and actual hotel expenses by agreement in advance with the Assistant Director Legal and Governance.

2. The rates specified for day subsistence shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period for which the allowance relates.

The limitations on reimbursements of actual expenditure incurred when performing an approved duty are:

- a) Absence of more than four but not more than eight hours, the cost of one main meal.
 - b) Absence of more than eight hours but not more than 12 hours, the cost of two main meals.
 - c) Absence of more than 12 hours, the cost of three main meals.

Appendix 4 - Travel Allowances

Travel by car/motorcycle/bicycle

HMRC rates per mile apply for travel by a Member's own private motor vehicle, including all models of electric cars, or one belonging to a member of his/her family, or otherwise provided for his/her use, or hire car may be claimed with regard to journeys undertaken in respect of an approved duty within the County of Kent and the London postal area:

- 1) Travel by car:
 - First 10,000 miles – 55p per mile
 - After 10,000 miles – 25p per mile
- 2) Travel by motorcycle – 24p per mile
- 3) Travel by bicycle – 20p per mile

The amount of any reasonable expenditure incurred on tolls, ferries or parking fees may be claimed.

APPENDIX 5 - APPROVED CONFERENCES FOR MEMBER ATTENDANCE

- Local Government Association - Annual Conference and any other specific conferences, including but not limited to the LGA/ADASS/ADSC National Children and Adult Services Conference and the LGA Culture, Tourism and Sport Conference

Guidelines for attendance by Councillors at conferences

1. The reasons for attendance at a conference and the likely benefits to the authority should be carefully evaluated in each case before booking any places.
2. When attending conferences, delegates are asked to be mindful of the need to ensure value for money when deciding travel arrangements and any hotel accommodation.
3. The Council's policy on any hospitality will apply. At present this means gifts of hospitality with a value in excess of £100 should be declined or returned courteously to the sender. If any hospitality or gifts are accepted this should be declared and be entered into the record of gifts and hospitality in accordance with the Members Code of Conduct.
4. The Chief Executive has delegated authority, to approve the attendance by Councillors at conferences where these do not appear on the approved list of conferences in exceptional circumstances where it is clear the Council would be disadvantaged if there was not attendance.
5. Group whips are required to make substitution arrangements if a nominated member is unable to attend a conference in order to minimise financial loss to the Council.