

Draft Members' Allowances Scheme

Members' Allowances Scheme 2018/2019

Introduction

- 1.1 This scheme is made in exercise of the powers conferred by The Local Authorities (Members' Allowances) (England) Regulations 2003 and of all other enabling powers, the Council having had regard to the recommendations made to it by an independent remuneration panel.
- 1.2 This scheme shall take effect on and from the 1 April 2018 and shall remain effective for the purposes of the determination and payment of any allowances to Members until it is next reviewed by Council.
- 1.3 Where a Member of the Council is also a Member of another authority, that Member may not receive allowances from more than one authority in respect of the same duties.
- 1.4 This scheme shall be construed in accordance with the meanings contained within the above Regulations.

Basic Allowance

- 1.5 The annual entitlement to Basic Allowance for each Member is the amount detailed in **Schedule 1**.

Special Responsibility Allowance

- 1.6 The annual entitlement to a Special Responsibility Allowance for each Member having a special responsibility is the relevant amount in relation to that responsibility detailed in **Schedule 1**.
- 1.7 Where a Member would otherwise be entitled to claim more than one Special Responsibility Allowance only one shall be payable, normally the higher unless the member gives notice in writing to the Democratic Services and Scrutiny Manager that he or she wishes to receive the lower.
- 1.8 Where Members of the Council are divided into at least two political groups and a majority belong to the same political group a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group.

Dependants' Carers' Allowance

- 1.9 Members are entitled to claim Dependants' Carers' Allowance for expenses necessarily incurred in arranging care on account of any 'Approved Duty'. The current allowance is included in **Schedule 1**.
- 1.10 The definition of a dependant for the purpose of payment of this allowance is that used in S57A (3) of the Employment Rights Act 1996. This is a spouse or partner, a child, a parent, a person who lives in the same household but who is not an employee, tenant, lodger or boarder.

- 1.11 Additionally the secondary carer must not be a member of the claimant's immediate family i.e. spouse or partner, other children of the Member or the Member's spouse or any member of the Member's family who lives at the same address as the Member. Nor can it be an employee, tenant, lodger or boarder who lives at that address.
- 1.12 Payment of Dependants' Carers' Allowances will be on the production of invoices and is limited to no more than one hundred hours per quarter. **[Note:** To avoid excess administration in processing claims, these should be submitted on a quarterly basis.]

Travelling and Motor Mileage Allowances

- 1.13 Members will be reimbursed car mileage only from their home to place of duty and return in respect of attendance at Approved Duties, or as the Council's representative, in accordance with the rates set out in **Schedule 1**.
- 1.14 If a Member visits the vicinity of the place of duty for some other purpose and then goes directly to the approved duty, a claim should not be made.
- 1.15 Subject to paragraph 1.16 below, for journeys outside the District, car mileage reimbursement will be capped at the cost of an equivalent journey by public transport (meaning the standard open rail fare together with reasonable taxi/bus fares, parking charges and underground fares incurred, or which would have been incurred if the Member had travelled by public transport). If, however, the costs of an equivalent journey by public transport equals or exceeds car mileage costs, full mileage costs will be reimbursed.
- 1.16 Notwithstanding that the cost of car mileage reimbursement would exceed the cost of an equivalent journey by public transport, a Member will nevertheless be entitled to claim mileage for out of district travel:-
- (i) If he or she car shares with either an officer or one or more members, any of whom would have been entitled to make a mileage claim had they travelled independently; or
 - (ii) If the Committee Services Manager agrees in writing that the meeting, seminar, conference, event, presentation, service or other approved duty that necessitated the journey was not reasonably practical to make by public transport due to any or a combination of the following factors:-
 - the distance from the members home to the nearest railway station;
 - the location of the meeting;
 - the start or finish time of the meeting;
 - the amount of luggage to be taken; and
 - the overall journey time on public transport compared to travel by car.
- 1.17 The written agreement of the Committee Services Manager under paragraph 1.16 above should normally be sought in advance of the intended journey but in exceptional circumstances may be obtained subsequently. In addition, where it is likely that a Member will be travelling to the same destination one more than one occasion, the Committee Services Manager shall be entitled to give the Member his agreement in writing to all such journeys.

- 1.18 Travelling and motor mileage allowances may be payable for attendance at any official meetings of the Council to which members of more than one party are invited to attend and also for representation on those bodies included in **Schedule 2**.

Subsistence

- 1.19 Payment of subsistence allowances in connection with any approved duty shall be in accordance with the provisions, including the maximum amounts payable, set out in **Schedule 1**.

Explanation of "Approved Duty"

- 1.20 Approved Duties comprise the following:-

- a) a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee of such a body;
- b) any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, 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;
- c) a meeting of any association of authorities of which the authority is a member.
- d) 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. [Attendances at meetings of the bodies listed in Schedule 2 have been approved.]
- e) There is also a general duty permitting the Leader or nominated deputy to represent the Council at formal meetings not specified elsewhere, with other authorities, official bodies or agencies for the purposes of any function of the Council, but excluding meetings organised by private individuals or commercial organisations.

- 1.21 Scrutiny Panel Members attending meetings of the Cabinet are entitled to claim travelling allowance and any Member speaking on an issue relevant to their Ward at a meeting of the Cabinet with the consent of the Leader or in accordance with Council rules is also entitled to claim travelling allowance.

- 1.22 If any Overview or Scrutiny Panel requires a Member of the Cabinet to attend before it in relation to matters within that Member's remit, then that Member is entitled to claim travelling expenses.

- 1.23 Where Cabinet Members attend non-executive meetings to observe only this is not deemed to be an approved duty and travelling expenses will not be paid.

- 1.24 Where any Member attends any Committee to speak on an item with the

Chairman's consent, this attendance will be an approved duty for payment of travelling expenses.

- 1.25 Members are entitled to claim travelling expenses for Committee briefings and for all Partnership meetings or Chairman and Vice-Chairman meetings with the Lead Officer and these meetings are therefore approved duties.
- 1.26 This Scheme does not allow for travelling expenses to be paid to individual Members arranging meetings with officers as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties.
- 1.27 For any other ad hoc briefings e.g. on major developments, Members from all political groups with in excess of 5 Members will need to be invited to these briefings in order for travelling allowances to be paid.
- 1.28 No allowance shall be payable if such payment would be contrary to provision made by or under any enactment.
- 1.29 Members who attend committee meetings of which they are not a member (under Council Procedure Rule 20(1)) shall be entitled to claim travelling expenses.
- 1.30 Co-opted and Independent members shall be treated as Members of the Council for the purposes of Approved Duties.

Renunciation

- 1.31 A Member may, by notice in writing given to the Democratic Services and Scrutiny Manager, elect to forego any part of his/her entitlement to an allowance under this scheme.

Part Year Entitlements

- 1.32 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to Basic and Special Responsibility Allowances where in the course of the year
 - The Scheme is amended; or
 - That Member becomes, or ceases to be, a Member, or
 - He/she accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable
- 1.33 If an amendment, or amendments, to this scheme change(s) the amount of the Basic Allowance or a Special Responsibility Allowance to which a Member is entitled, then for each period in a particular year during which the relevant amounts are applicable, the entitlement to such allowance(s) shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.
- 1.34 Where the term of office of a Member begins or ends at any time other than at the beginning or end of a year, the entitlement of that Member to a Basic Allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant period.

- 1.35 Where both:
- this Scheme is amended as described in sub-paragraph 1.32; and
 - the term of office of a Member begins and/or ends as described in paragraph 1.33; then
 - the entitlement of any such Member to a basic allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant periods.
- 1.36 Where a Member has during part of, but not throughout, a year such special responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlement shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.
- 1.37 Where this scheme is amended as mentioned in paragraph 1.32 and a Member has during part, but does not have throughout the whole, of any period mentioned in paragraph 1.33 any such special responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlements shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.

Repayment and Withholding of Allowances

- 1.38 Where payment of any Basic Allowance or Special Responsibility Allowance has already been made after a Member, ceases to be a Member of the Council or is in any other way not entitled to receive any such allowance in respect of that period, the Council may require that such part of the allowance as relates to any such period be repaid.

Payments and Claims

- 1.40 Allowances will be paid in instalments of one-twelfth of the amounts specified in this scheme by BACS transfer on the 19th of the month, one month in arrears.
- 1.41 Where a payment of one-twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Member receiving more than the amount to which, by virtue of paragraph 1.33, he/she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he/she is entitled.
- 1.42 Claims for Dependants' Carers' Allowances, Travel and Subsistence Allowances and Co-optee's Allowance (if applicable) shall be made within three months from the date on which an entitlement arises.
- 1.43 Nothing in the above paragraph shall prevent the Council from making a payment where an allowance is not claimed within that period.

Pensions

- 1.44 In accordance with the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, no Member of Thanet District Council is entitled to be a member of the Local Government Pension Scheme after 11 May 2015.

With effect from the 1st day of April 2018 pursuant to a resolution of the Thanet District Council passed on the 8 February 2018.

SCHEDULE 1

MEMBERS' ALLOWANCES SCHEME – 2018/2019

Basic Allowance

£4,570 each Member x 56 = £255,920

Special Responsibility Allowances

Position	Number	Allowance £	Possible maximum expenditure £
Executive			
Leader	1	18,082	18,082
Deputy Leader	1	10,776	10,776
Cabinet Portfolio Holder	3	7,990	23,970
Assistant Portfolio Holder	5	1500	7500
Non-Executive			
Chairman of Council	1	2,188	2,188
Vice Chairman of Council	1	1,530	1,530
Group Leader of largest opposition group <u>Opposition leader of a group with more than 10 members</u>	2	2,602 <u>2,881</u>	5,204 <u>5,762</u>
Deputy Group Leader of largest opposition group <u>Deputy opposition leader of a group with more than 10 members</u>	2	1,152 <u>1,431</u>	2,304 <u>2,862</u>
Opposition Spokesperson	6	1,152 <u>1,431</u>	9,216 <u>10,890</u>
Overview and Scrutiny Committee Panel Chairman	12	7,990 <u>3,995</u>	7,990
Overview and Scrutiny Committee Panel Vice- Chairman	12	1,608 <u>3,216</u>	3,216
Planning Committee Chairman	1	5,204	5,204
Planning Committee Vice- Chairman	1	1,216	1,216
Licensing Committee Chairman	1	3,216	3,216
Licensing Committee Vice-Chairman	1	805	805

Position	Number	Allowance £	Possible maximum expenditure £
Governance and Audit Committee - Chairman	1	5,204	5,204
Governance and Audit Committee – Vice-Chairman	1	1,216	1,216
Standards Committee - Chairman	1	1,216	1,216
Standards Committee – Vice-Chairman	1	400	400
Standards Committee – other Independent Member	2	250	500
“Independent Person”	1	250	250
Substitute “Independent Person”	1	100	100
JTB Chairman	1	1,216	1,216
TOTAL SRAs only			<u>110,215</u>113,005

Total basic + SRAs = ~~£366,135~~£368,925

(1) Co-optees and "independent" Members shall be treated as Members of Thanet District Council for this purpose.

Dependants' Carers' Allowances

An allowance for any approved duty of £7.83 per hour (*or the national living wage whichever is higher*) subject to the conditions set out in paragraph 4 of the 'Members' Allowances Scheme'.

Motor Mileage Allowance

Payable in accordance with the Mileage rates as set out in the TDC staff travel plan:

For the duration of this scheme the rates are as follows:

- (i) For journeys within the District (casual user rate)
21.69 pence per mile
- (ii) In exceptional circumstances and provided approval of the Democratic Services and Scrutiny Manager is obtained prior to the journey (see paragraph 1.16 of the Scheme) for journeys outside the District (essential user rate)
45 pence per mile*
- (iii) Journeys by rail outside the District

standard open class rail fare

(iv) Cycling Allowance (HMRC Guidance)

20.4p per mile

* Normally for journeys outside of the district the equivalent of a standard open class rail will be paid.

Subsistence Allowances

Subsistence allowances will be payable to Members who are prevented by their official duties from taking a meal at their home, or place of work where they normally take their meals, and thereby incur additional expenditure. A Member will be required to submit receipts in order for reimbursement to be made.

Overnight Accommodation

Members who are required to make overnight stays in the performance of their official duties should, whenever possible, pre-book accommodation of an appropriate standard and obtain approval from the Head of Legal and Democratic Services. Arrangements should be made for an invoice to be submitted directly to the Council. If this is not possible, a detailed VAT receipt MUST be obtained to substantiate the claim.

Out of Pocket Expenses

Expenses are claimable if a Member is required to stay away from home overnight. They cover such items as newspapers and personal telephone calls.

Allowances payable as at 01/04/2018

	Subsistence Allowances	
	(£)	
Subsistence	Breakfast	7.36
	Lunch	10.17
	Tea	4.03
	Evening	12.59
	Meal	
Out of pocket expenses	Per night	5.73
	Per week	22.90

SCHEDULE 2

DUTIES WHICH ARE APPROVED FOR THE PURPOSE OF CLAIMING TRAVELLING & SUBSISTENCE

Representation on the following bodies

Action with Communities in Rural Kent (T)
Age UK: Thanet (T)
British Ports Association (TS)
British Destinations (AGM, Annual Conference and Executive meetings) (TS)
Campaign to Protect Rural England (T)
Canterbury Festival (T)
Citizens' Advice Bureau, Thanet (T)
Community Safety Partnership (T)
Domestic Violence Forum (T)
East Kent Housing Board (T)
East Kent Housing Area Board (T)
East Kent Opportunities Ltd
East Kent Relate (T)
East Kent Spatial Development Company
Kent and Medway Independent Persons Forum (T)
Kent International Airport Consultative Committee (T)
Kent Police and Crime Panel (T)
Local Government Association Coastal Special Interest Group (TS)
Local Government Association Strategic Aviation Specialist Interest Group
Local Government Association District Council's Network (TS)
Local Government Association (General Assembly) (TS)
Local Government Association (Rural Commission) (TS)
Margate Town Partnership (T)
Millmead Children's Centre Partnership
Multiple Sclerosis Society (T)
Parking and Traffic Regulation Outside London (Adjudication Joint Committee) (T)
Powell Cotton Museum and Quex House (T)
River Stour (Kent) Internal Drainage Board (T)
Sandwich and Pegwell Bay National Nature Reserve Steering Group (T)
South East England Councils (SEEC) (TS)
Supporting People in Kent Commissioning Body (T)
Thanet Countryside Trust (T)
Thanet Harbour Users' Groups (T)
Thanet Quality Bus Partnership (T)
Thanet Rural Regeneration Group (T)
Thanet Sports Network (T)
Thanet Volunteer Bureau (T)
The Friends of Margate Cemetery Trust (T)
Trust for Thanet Archaeology (T)
Tourism South East (T)
Your Leisure Thanet Sub-Group (T)
Youth Advisory Group (T)

(TS) Travel and Subsistence allowance may be claimed.

(T) Travel allowance only may be claimed.