

# **Draft/Members' Allowances Scheme 2010/2011**

## **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 13 May 2010 and shall remain effective for the purposes of the determination and payment of any allowances to Members until the 31 March 2011 (unless revoked or amended).
- 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 For journeys outside the District the second-class rail fare is paid (irrespective of whether the Member chooses to use a car), together with taxi fares, parking charges and underground fares incurred.
- 1.16 Where it is impracticable for a Member to travel by train because the venue is difficult to get to within the time allowed, or extra passengers/luggage have to be taken, car mileage may be allowed at the appropriate rate specified in Schedule 1, provided approval from the Democratic Services and Scrutiny Manager for this exception is obtained.
- 1.17 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**

- 1.18 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"**

- 1.19 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.
- 1.20 Scrutiny Panel Members attending meetings of the Cabinet and the Non-Executive Functions Committee 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.

- 1.21 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.
- 1.22 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.
- 1.23 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.
- 1.24 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.
- 1.25 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.
- 1.26 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.
- 1.27 No allowance shall be payable if such payment would be contrary to provision made by or under any enactment.
- 1.28 Members who attend committee meetings of which they are not a member (under Council Procedure Rule 24(1)) shall be entitled to claim travelling expenses.
- 1.29 Co-opted and Independent members shall be treated as Members of the Council for the purposes of Approved Duties.

### **Renunciation**

- 1.30 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**

- 1.31 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
- 1.32 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.
- 1.33 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.

- 1.34 Where both:
- this Scheme is amended as described in sub-paragraph 9.2; and
  - the term of office of a Member begins and/or ends as described in paragraph 9.3; 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.
- 1.35 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.
- 1.36 Where this scheme is amended as mentioned in paragraph 9.2 and a Member has during part, but does not have throughout the whole, of any period mentioned in paragraph 9.3 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**

- 1.37 Where payment of any Basic Allowance or Special Responsibility Allowance has already been made in respect of any period during which the Member concerned is suspended or partially suspended from their responsibilities or duties as 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.
- 1.38 Where a Member is suspended or partially suspended from their responsibilities or duties as a Member, the part of Basic Allowance and/or Special Responsibility Allowance in respect of the period of suspension may be withheld by the Council as may any travelling or subsistence allowance in respect of such responsibilities or duties (and, for the avoidance of doubt, any of the same may be withheld if a Member ceases to be a Member of the Council or is in any other way not entitled to receive any such allowance).

### **Payments and Claims**

- 1.39 Allowances will be paid in instalments of one-twelfth of the amounts specified in this scheme by BACS transfer on the 19<sup>th</sup> of the month, one month in arrears.
- 1.40 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 9, 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.
- 1.41 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.
- 1.42 Nothing in the above paragraph shall prevent the Council from making a payment where an allowance is not claimed within that period.

### **Pensions**

- 1.43 It is hereby provided, the Independent Remuneration Panel having recommended that all Members of the Council should be eligible for pensions, that:-
- (a) As from 1<sup>st</sup> May 2003, all Members of the Council are to be entitled to pensions in

accordance with a scheme made under Section 7 of the Superannuation Act 1972; and

- (b) Both Basic Allowance and Special Responsibility Allowance shall be treated as amounts in respect of which such pensions are payable in accordance with a scheme made under Section 7 of the said Act of 1972.

With effect from the 1st day of April 2008 pursuant to a resolution of the Thanet District Council passed on the 8 May 2008.

## SCHEDULE 1

### MEMBERS' ALLOWANCES SCHEME – 2010/2011

#### Basic Allowance

£4,360 each Member

#### Special Responsibility Allowances

Position	Number	Allowance £	Possible maximum expenditure £
<b>Executive</b>			
Leader	1	18,082	18,082
Deputy Leader	1	10,776	10,776
Cabinet Portfolio Holder	5	7,990	39,950
<b>Non-Executive</b>			
Chairman of Council	1	2,188	2,188
Vice Chairman of Council	1	1,530	1,530
Opposition Group Leader	1	5,204	5,204
Opposition Deputy Group Leader	1	2,304	2,304
Shadow Cabinet	5	2,304	11,520
Overview and Scrutiny Committee Chairman	1	7,990	7,990
Overview and Scrutiny Committee Vice-Chairman	1	3,216	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
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	279	279

<b>Position</b>	<b>Number</b>	<b>Allowance £</b>	<b>Possible maximum expenditure £</b>
Standards Committee – other Independent Member	2	139	278
JTB Chairman	1	1,216	1,216
<b>TOTAL</b>			<b>366,773</b>

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

### **Attendance Allowance – Licensing Sub-Committee**

All Members of the Licensing Board are entitled to claim an allowance of £15.50 per case for attendance at meetings of the Licensing Sub-Committee. This payment is outside the scope of the rules relating to Special Responsibility Allowances and as such, the Chairman and Vice-Chairman are entitled to claim this allowance.

### **Dependants' Carers' Allowances**

An allowance for any approved duty of £5.56 per hour subject to the conditions set out in paragraph 4 of the 'Members' Allowances Scheme'.

### **Motor Mileage Allowance**

Payable in accordance with the rates published annually by the National Joint Council restricted to category 2 vehicles.

For the duration of this scheme the rates are as follows\*:-

(i) For journeys within the District (casual user rate)

up to 999 cc	42.9p per mile
over 999 cc	46.9p per mile

(ii) In exceptional circumstances and provided approval of the Democratic Services and Scrutiny Manager is obtained prior to the journey (see paragraph 5.4 of the Scheme) for journeys outside the District (essential user rate)

up to 999 cc	34.0 p per mile
over 999 cc	36.9 p per mile

(i) Journeys by rail outside the District

Second class rail fare

(ii) Cycling Allowance (HMRC Guidance)

20.4p per mile

\* **Note** - Council has frozen these rates at 2008/9 levels but the 'in district' mileage allowance still exceeds HMRC published rates.

### **Subsistence Allowances**

Actual expenditure only will be reimbursed subject to maximum subsistence allowances which will be paid for day and overnight stays as follows. All receipts should be produced to enable the Council to reclaim VAT where appropriate.

### Day Subsistence

- (i) Breakfast allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11.00am) - £6.01
- (ii) 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 2.00pm) - £8.31
- (iii) Tea allowance (more than 4 hours away from normal place of residence or, where the authority permits a lesser period, including the period 3.00pm to 6.00pm - £3.28; and
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence, or where the authority permits, a lesser period, ending after 7.00pm) - £10.29.

Where main meals (i.e. breakfast, lunch or dinner but not tea) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full in place of the entitlement to subsistence allowance.

### Overnight Subsistence

Overnight subsistence rates be set at a “reasonable amount to cover accommodation and full board, not to exceed the English Tourist Board’s three-star rating (or equivalent); exceptions to this limit only being permitted with the prior approval of the Council’s Chief Executive, section 151 officer or monitoring officer”.

**Note:** Any rate determined above is deemed to cover a continuous period of absence of 24 hours.

The subsistence allowances above 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 to which the allowance relates.

Council may choose whether or not to increase these allowances and by how much. Some Councils do not set specific limits for overnight subsistence, but instead require that any such expenses be “reasonable”. Council also has the option to require overnight subsistence costs to be reasonable. If that approach were taken, some tests of reasonableness would need to be applied.

**Note:** Any rate determined above is deemed to cover a continuous period of absence of 24 hours.

**Note:** For hotel accommodation, the Council can obtain discounted rates from certain hotel chains. Councillors should contact the Council’s Democratic Services Team or telephone extension 7590 who will make the booking on their behalf.



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

**Representation on the following bodies**

Age Concern, Margate (T)  
Age Concern, Ramsgate (T)  
Airport Consultation Committee(T)

British Ports Association (TS)  
British Resorts Association (AGM, Annual Conference and Executive meetings) (TS)  
Canterbury Festival (T)  
Citizens' Advice Bureau, Thanet (T)  
Concorde Youth Centre (T)  
Council for the Protection of Rural England (T)  
East Kent Local Strategic Partnership  
East Kent Primary Care Trust (T)  
East Kent Opportunities Ltd  
East Kent Relate (T)  
Friends of Margate Cemetery (T)  
LGA (Rural Commission) (TS)  
LGA (Tourism and Leisure Conference) (TS)

Margate Safer Stronger Communities Fund Board (T)  
Margate Town Partnership (T)  
Multiple Sclerosis Society (T)  
National Yacht Harbours Association (AGM) (TS)  
Orbit South (Was Thanet Community Housing Association) (T)  
Powell Cotton Museum and Quex House (T)  
River Stour (Kent) Internal Drainage Board (T)  
Sandwich Bay Reserve Management Committee (T)  
South East Employers (TS)  
South East England Regional Assembly (TS)  
South East England Regional Chamber (Executive Committee meetings) (TS)  
South East England Councils (SEEC) Spatial Development Company (T)  
Sure Start Board (T)  
Thanet Archaeological Trust (T)  
Thanet Care and Repair Agency (T)  
Thanet Community Safety Partnership (T)  
Thanet Community Transport Association (T)  
Thanet Countryside Trust (T)

Thanet Harbour Users' Groups (T)  
Thanet Leisureforce Board (T)  
Thanet Sports Network (T)  
Thanet Volunteer Bureau (T)  
The Alliance (Coalfield Communities Campaign) (TS)  
Traffic Parking Tribunal (T)  
Turner Centre Steering Group (T)

(TS) Travel and Subsistence allowance may be claimed.  
(T) Travel allowance only may be claimed.