

PART 6

MEMBERS' ALLOWANCES SCHEME¹

1. Introduction
2. Basic Allowance
3. Special Responsibility Allowance
- ~~4.~~ **Pensions**
- ~~5-4.~~ Dependents' Carers' Allowance
- ~~6-5.~~ Travelling and Subsistence Allowances
- ~~7-6.~~ Co-optees' Allowance
- ~~8-7.~~ Foregoing Allowances
- ~~9-8.~~ Withholding Allowances
- ~~10-9.~~ Part Year Entitlements
- ~~11-10.~~ Claims and Payments
- ~~12-11.~~ Equipment and Consumables
- ~~13-12.~~ Updating
- ~~14-13.~~ Independent Remuneration Panel
- ~~15-14.~~ Publicity

Schedule of allowances

1. Members' Allowances
2. Subsistence Allowances
3. Travelling Allowances
4. Overnight Subsistence

¹ Scheme initially approved 8th November 2007 – significant amendments to scheme approved 3 November 2011.

MEMBERS' ALLOWANCES SCHEME

1. INTRODUCTION

1.1 This Scheme

- (a) will be known as the Fenland District Council Scheme and shall have effect from ~~3 November 2014~~ 1 April 2016. At its meeting on ~~53~~ November 2014~~5~~, the Council adopted a scheme based upon the recommendations of an Independent Remuneration Panel.
- (b) has been prepared in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003.

1.2 In this Scheme

- (a) "Councillor" means an elected member of Fenland District Council.
- (b) "Leader of the Council" means the councillor appointed by the Council to fill that office.
- (c) [Deleted]²
- (d) "Opposition Group Leader" means the councillor notified to the Chief Executive as the councillor elected as leader of the political groups established under the provisions of the Local Government and Housing Act 1989 and subsequent regulations.
- (e) "Main Opposition Group Leader" means the Opposition Group Leader of the largest opposition group. For the purposes of this scheme no Main Opposition Group Leader Allowance will be paid to a group of less than 5 members
- (f) "~~Cabinet Member~~ or "Portfolio Holder" means a councillor appointed by the Leader as a member of the Cabinet in accordance with the Council's Constitution ~~and refers to both Large and Small Portfolio Holders.~~
- (g) "~~Cabinet Member with more Portfolio Holder responsibilities~~" means ~~a councillor appointed to one of the 5 larger portfolios by the Leader within the Cabinet~~

² Approved 24th July 2014

- (h) ~~“Cabinet Member with less Portfolio Holder responsibilities” means a councillor appointed to one of the 5 smaller portfolios by the Leader within the Cabinet~~
- (i) "Year" means the twelve months ending with 31 March.

2. BASIC ALLOWANCE

- 2.1 For each year a basic, flat rate allowance shall be paid to each councillor, the level of the allowance being specified in the schedule to this scheme.
- 2.2 The basic allowance is designed to contribute towards expenses occurred as a result of undertaking Council business – such as the use of a home telephone and internet access and other semi-official activities carried out by councillors. This allowance is not intended to recompense councillors for all the time that they devote to Council business. It is assumed that some elements of the work of councillors are undertaken on a voluntary basis.

3. SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 For each year a special responsibility allowance shall be paid to those councillors who hold special responsibilities outlined within the Schedule of Allowances.
- 3.2 The amount of each such allowance shall be that specified in the schedule to this scheme. ~~The special responsibility allowance payable is based upon a multiplier of the basic allowance reflecting the additional time and responsibility that these roles have.~~
- 3.3 A councillor may receive no more than ~~two~~one special responsibility allowances at any one time.
- 3.4 In considering the Allowances for Opposition Group Leaders, the Main Opposition Group Leader Allowance will be given to the Leader of the largest group, of 5 members or more. Any other opposition group leaders will receive the Other Opposition Allowance regardless of the size of the group. In the event there are two or more equal sized opposition groups each having 5 or more members then they will all receive ~~an equal share of~~ the Main Opposition Group Leader Allowance. In the event there are two or more Other Opposition Group Leaders then they will receive an equal share of the Other Opposition Leader Allowance.

4. PENSIONS

~~4.1 All councillors shall be eligible to join the Local Government Pension Scheme and both basic and special responsibility allowances shall count as 'income' for this purpose. Applications to join the scheme shall be submitted in writing to the Executive Director (Finance). Councillors are strongly urged to seek independent financial advice in advance of applying to join the scheme.~~

5.4. DEPENDENTS' CARERS' ALLOWANCE

5.1 Child Care

The scheme provides for reimbursement of expenditure incurred by councillors in providing child care arrangements to facilitate their attendance at approved duties of the Council in accordance with the requirements that

- payment is made to someone other than a close relation (eg parent, guardian, brother, sister)
- payments for the care of under 8's are restricted to payments to registered child-minders and other statutory approved child care providers
- payments be restricted to the care of children up to their 14th birthday who normally reside with the member
- no payments be made in respect of the care of children of compulsory school age during school hours.

5.2 Care of Dependants

The reimbursement of expenditure on professional care for an elderly, sick or disabled dependent relative normally residing with the councillor and requiring constant care, subject to payments being restricted to agencies or persons qualified to provide the care other than close relations.

5.3 General Conditions

The following conditions will apply to both types of allowance:

- payments are made on the basis of reimbursement of actual hourly rate expenditure incurred for each hour of a councillor's absence from home and are subject to the production by the councilor of satisfactory receipts
- councillors to self-certify claims confirming that they have

incurred expenditure in accordance with the scheme

- that qualifying meetings be restricted to those regarded as approved duties in the Council's scheme (see 6 below).
- Individual arrangements can be made with the Council via the Leader of the Council and Monitoring Officer for flexible financial arrangements for Dependents' Carers' Allowance which would not exceed the payments made under the current criteria, reflecting the individualising of social care packages nationally.

Formatted: List Paragraph, Left, No bullets or numbering, Tab stops: Not at -2.54 cm + 3.81 cm

Formatted: Font: 12 pt

6. TRAVELLING AND SUBSISTENCE ALLOWANCES

6.1 Subject to the provisions set out in the attached schedule, travelling and subsistence allowances shall be paid to those councillors attending meetings in respect of the following duties:

- A meeting of the Cabinet or any committee of the Cabinet
- A meeting of the Council or a committee, sub-committee or other body of the Council (for which proper notice is given)
- A meeting held under joint arrangements with another authority (for which proper notice is given)
- Training and induction courses, seminars and conferences
- Site inspection meetings (for which proper notice is given)
- Formal meetings of outside bodies as a representative of the Council
- Undertaking civic duties as Chairman or Vice-Chairman of the Council
- Any other duty which has been approved by the Chief Executive.

6.2 All claims for travel expenses and subsistence should be made on the appropriate claim form and backed by receipts as applicable. Mileage can be claimed from Councillors normal place of residence or from a subsequent appointment on Council business. Mileage can only be claimed for journeys undertaken wholly and exclusively in pursuance of Council duties as set out in 6.1.

7. CO-OPTEEES' ALLOWANCE

- 7.1 The ~~Independent Members-Town and Parish Council representatives~~ of the Council's ~~Standards-Conduct~~ Committee shall each be paid an annual co-optees' allowance, at the rate specified in the schedule to this scheme.
- 7.2 Those persons in receipt of a co-optees' allowance from this Council shall be entitled to claim travelling and subsistence allowances where appropriate.

8. FOREGOING ALLOWANCES

- 8.1 A councillor may, by notice given in writing to the Chief Executive, elect to forgo all or any part of his/her entitlement to an allowance under this scheme.

9. WITHHOLDING ALLOWANCES

- 9.1 Where a councillor is suspended or partially suspended from his/her duties and responsibilities as a member of the Council, the relevant allowances (eg basic; special responsibility; travelling and subsistence) normally payable to him/her will be withheld by the authority for the duration of the suspension period.

10. PART YEAR ENTITLEMENTS

- 10.1 If the term of office or duty undertaken by a councillor begins or ends part way through a municipal year or amendment of the scheme during a municipal year or changes to the councillor's responsibilities during the year results in changes in the amount to which a councillor is entitled, calculation of the allowance payable shall be on a pro-rata basis having regard to the proportion that the term of office, period of duty or relevant periods of the scheme bear to the municipal year in which they occur.

11. CLAIMS AND PAYMENTS

- 11.1 Payment of the basic and special responsibility allowances and the co-optees' allowance ~~and Independent Person/Deputy Independent Person allowance~~ shall be made in twelve equal monthly instalments on or around 26th day of each month, subject to the arrangements for part year payment provisions set out above.
- 11.2 Claims for dependents' carers' and travelling and subsistence allowances under this scheme will need to be submitted in writing (using the prescribed claim form) to Member Services

within one month at the end of each financial quarter (June, September, December, March) to which the claim relates.

- 11.3 Where a member of Fenland District Council is also a member of another local authority, (s)he shall not receive allowances from more than one authority in respect of the same duties.

12. **MEMBERS' ICT EQUIPMENT AND ASSOCIATED CONSUMABLES**

Formatted: Font: Bold

- 12.1 ~~Where requested, the Council to provide loans to Members which could be repaid over the remaining term in office by deduction from Members allowance to enable them to purchase suitable devices (to a maximum of £500, upon submission of a receipt). All Councillors can have access to equipment deemed to be necessary to fulfil the role of a Councillor.~~

13. **UPDATING**

- 13.1 The basic, special responsibility, subsistence and the co-optees' allowances rates will be ~~increase by 1% per year from 1st April 2017-1st April 2019, however not exceeding employee pay awards. In the event employee pay awards are less than 1% from 1st April 2017, Members' Allowances increases will match those of employees. updated in line with the annual award to the Council's APT & C staff, the first updating being applied from 1 April 2012.~~
- 13.2 The allowances specified in respect of mileage claims will be linked to changes in the approved rates issued by HM Revenue and Customs from time to time.

14. **INDEPENDENT REMUNERATION PANEL**

- 14.1 An Independent Remuneration Panel has been established in accordance with the 2003 Regulations to produce reports making recommendations in respect of this allowances scheme and the Council must have regard to the recommendations of the panel in respect of allowances to be paid to councillors.
- 14.2 The scheme will be reviewed by the Independent Remuneration Panel on a periodic basis, but not longer than two years shall pass between IRP reviews, thereby the next review taking place no later than November 2017~~3~~.
- ~~14.3 As soon as reasonably practicable after a receiving report from the panel, the Council will ensure that copies of the report are available for inspection and publicised in accordance with the 2003 Regulations.~~

15. PUBLICITY

- 15.1 The Council, as soon as reasonably practicable after determining a scheme of allowances, will ensure that copies of the scheme are available for inspection and publicised in accordance with the 2003 Regulations.
- 15.2 As soon as reasonably practicable, in each year, the Council will publish in its area the total sum paid to each councillor in respect of basic, special responsibility, travelling and subsistence and dependents' carers' allowances together with the amounts of co-optees' and travelling and subsistence allowances paid to each ~~Independent~~ Member.

SCHEDULE OF ALLOWANCES

The following allowances are applicable with effect from ~~3 November 2011~~
April 2016:

1. MEMBERS' ALLOWANCES

(i) Basic Allowance

Payable to all members £4,677 p.a.

(ii) Special Responsibility Allowance

Payable to the following post holders:

Leader of the Council	£16,509 p.a.
<u>Cabinet Member</u>	<u>£8,500 p.a.</u>
Cabinet Member with more Portfolio Holder responsibilities (total of 5) including the Leader³	£9,062 p.a.
Cabinet Member with less Portfolio Holder responsibilities (total of 6) [*]	£8,155 p.a.⁴
Chairman of Overview and Scrutiny Panel	£8, 000 <u>184</u> p.a.
Vice-Chairman of Overview and Scrutiny Panel	£1,637 p.a.
Chairman of Planning Committee	£8, 000 <u>184</u> p.a.
Vice-Chairman of Planning Committee	£1,637 p.a. <u>0</u>
Chairman of Licensing Committee	£3,274 p.a.
Chairman of Conduct Committee ⁵	£1,637 p.a.
Chairman of Staff Committee	£1,637 p.a.
Chairman of Corporate Governance Committee	£1,637 p.a.
Chairman of Council ^{**}	£4,116 p.a.
Leader of the Main Opposition Group	£5,706 p.a.
Leader of other Opposition Groups	£1,637 <u>2,000</u> p.a.

Formatted: Left

³ Deletion approved 24th July 2014

⁴ Typographic amendment on 23rd November 2011 ~~reflecting amendments made at Council 3 November 2014~~

⁵ Amendment approved 26th July 2012

~~* The Leader shall assign portfolio allowances to each of the members of Cabinet. One Portfolio Holder shall receive two Lower level allowances⁶.~~

~~** payable in addition to the "Civic Dignitaries" allowance paid under the provisions of the Local Government Act 1972 (see (v) overleaf)~~

~~The Leader of the Council shall be able to award special payments to members not in receipt of a portfolio holder of chairmanship SRA for carrying out special projects. The total yearly budget will be £6,000.⁷~~

(iii) Dependents' Carers' Allowance

Payable at actual cost per hour for care of dependents whether children, elderly or people with disabilities, while a member is on Council business.

Formatted: text, Left, Indent: Left: 2.54 cm, No bullets or numbering, Tab stops: Not at -2.54 cm + 3.81 cm

Individual arrangements can be made with the Council via the Leader of the Council and Monitoring Officer for flexible financial arrangements for Dependents' Carers' Allowance which would not exceed the payments made under the current criteria, reflecting the individualising of social care packages nationally.

(iv) Independent Persons Allowance⁸

Payable to Independent Person advising the Conduct Committee - £10~~3200~~ p.a. and for the Deputy Independent Person £5~~1600~~ p.a.⁹

(v) Other Allowances – for information

The following are paid pursuant to the Local Government Act 1972 (approved by the Council at each annual meeting):

* Chairman of the Council	£3, 857 00 p.a. (for 201 54 / 162)
* Vice-Chairman of the Council	£ 9 40 0 p.a. (for 201 54 / 162). ¹⁰

⁶ ~~Amendment approved 13th September 2012~~

⁷ ~~Amendment approved 13th September 2012~~

⁸ Amendment approved 26th July 2012

⁹ Amendment approved 26th July 2012

¹⁰ Typographic amendment on 23rd November 2011 – reflecting amendments made at Council 3 November 2011

2. **SUBSISTENCE ALLOWANCES**

For approved duties both inside and outside the District the following rates apply:

- | | | |
|-------|--|--------|
| (i) | Breakfast allowance
(where away from normal place of residence between 6:30am and 10am) | £6.06 |
| (ii) | Lunch allowance
(more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) | £8.43 |
| (iii) | Evening meal allowance
(more than 4 hours away from normal place of residence ending after 7.30 pm) | £12.50 |

Any claim for subsistence allowance must be backed by a receipt for food or drinks consumed during the relevant meal period. No claim may be made in relation to any meal period for which the council or any other body hosting a meeting has provided refreshments.

In exceptional circumstances the Leader will consider and determine any variation from the subsistence allowances for Members. For members of opposition groups this will be in consultation with the relevant group leader. Where the Leader is concerned, the Chief Executive or Chief Finance Officer will consider any variation from the subsistence allowances.

3. **TRAVELLING ALLOWANCES**

(i) **Motor Mileage Allowance**

The rate for motor cars is 45p per mile for the first 10,000 miles of travel and thereafter in accordance with HMRC rates.¹¹

Passenger Supplement - for passengers, not exceeding 4, a supplement of 5.0 pence per mile for each passenger carried.

(ii) **Motorcycle Allowance**

The rate for motorcycles is 24p per mile.

(iii) **Bicycle Allowance**

The rate for bicycles is 20p per mile.

¹¹ Such rate to be implemented from and including the 18th May 2011.

(iv) **Public Transport**

For most forms of public transport and the use of taxicabs, the actual cost will be reimbursed on production of a receipt. In the case of train journeys, a "rail warrant" will normally be provided by the Council for standard (or second class) fare travel only.

First Class travel is only permitted when the price of the ticket is less than or equal to a Standard Class fare. If a Member wishes to travel First Class, the difference between a First Class and Standard Class fare can be paid by the Member at their own personal expense.

In exceptional circumstances the Leader will consider and determine any requests for first class travel expenses for Members. For members of opposition groups this will be in consultation with the relevant group leader. Where the Leader is concerned, the Chief Executive or Chief Finance Officer will consider any appropriate first class travel expenses.

In the event that a councillor hires a motor vehicle (other than a taxicab) they shall only be entitled to claim the standard mileage rate for the distance travelled irrespective of the cost of hire; unless such hire has been approved in advance by the Corporate Director/Chief Finance Officer in which case the actual cost of hire and fuel may be claimed.

The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air:

provided that where the body resolves, either generally or specifically, that 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.

This rate applies if travel results in a substantial saving of the member's time or is in the interests of the body or is otherwise reasonable.

4. **OVERNIGHT SUBSISTENCE**

Members will be expected to book all overnight accommodation in advance through member services, however if this is not possible then the actual cost of accommodation up to the following values will be recoverable on production of receipts.

Allowance for absence overnight from the usual place of residence	£92.14
Allowance for such absence in London (within specified London Boroughs) or for attendance at the annual conference of the Local Government Association	£105.09