

PART 7

Members' Allowances Scheme

A Guide to the Scheme

Introduction

This guide sets out the allowances you can claim and how the payments you receive may affect your finances¹.

The Head of Democratic Services, is responsible for verifying claims and will provide advice to councillors concerning the allowances payable.

The Chief Finance Officer, is responsible for payment of allowances, taxation of allowances, National Insurance contributions and Housing and Council Tax benefit administration.

Your allowances may alter your Income Tax and Social Security position. Because the rules are complex and subject to change, this guidance can only be of a general nature.

This scheme includes the following sections:

- 1 Allowances payable
- 2 How to claim
- 3 How allowances are paid
- 4 Election not to receive payment
- 5 Income Tax matters
- 6 National Insurance
- 7 Social Security benefits
- 8 Contact Points

1 Allowances Payable

Basic Allowance

- 1.1 A basic allowance of £ 3,102 is payable to each member of the Council who is a councillor and is the same for each councillor. Any councillor elected for part of a year is paid on a pro rata basis.

Special Responsibility Allowances

- 1.2 These are intended to recognise the greater responsibilities required. Attendances at "callover" meetings are included in this category. The allowances payable are as follows:

¹ The Local Authorities (Members' Allowances) (England) Regulations 2003

Position	Allowance Per Annum £
Leader of the Council	14,530
Leader of the Minority Group (with no Cabinet portfolio)	4,359
Cabinet Member (portfolio holder)	5,812
Cabinet Member (without portfolio)	2,877
Chair of Audit and Standards Committee	4,359
Chair of Planning Applications Committee	4,359
Chair of Scrutiny Committee	3,487
Chair of Employment Committee	1,090
Chair of the Council	2,180
Vice-Chair of Planning Applications Committee	726
Members of Planning Applications Committee	523
Co-opted Members of Audit and Standards Committee/Sub-Committee	30.00 per meeting up to a maximum of £145 per annum
Chair of Licensing Committee/Sub-Committees	59.00 per meeting
Chair of Scrutiny Panels	49.00 per meeting
Members of Licensing Sub-Committees and/or Scrutiny Panels	0 – 12 meetings – zero 13 – 26 meetings – 523 per annum 27 – 40 meetings – 783 per annum 41 + meetings – 1,044 per annum

No one councillor shall receive more than one Special Responsibility Allowance with the exception of the Cabinet Member for Planning should he or she additionally be a member of the Planning Applications Committee.

The Council appoints an Independent Person whose views must be sought before any decision is taken on allegations of a failure to comply with the Code of Conduct by an elected or co-opted member of the Council, or a member or co-opted member of a Town/Parish Council within Lewes District, which the Council has decided shall be investigated.

The Independent Person is not appointed as a member of the Council. The Council is obliged by law² to consult an Independent Person on such allegations and their time is compensated at an hourly rate.

² Localism Act 2011

Travel and Subsistence Allowances

1.3 These are payable in respect of the following duties:

- a meeting of the Council, Cabinet, a committee of the Cabinet or any committee or sub-committee of the Council;
- a meeting of a body (or a committee or sub-committee of such a body) to which the Council make appointments or nominations;
- a meeting which has both been authorised by the Council, a committee or sub-committee of the Council or a joint committee of the Council and one or more other Councils, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited;
- a meeting of a local authority association of which the Council is a member;
- duties undertaken on behalf of the Council in pursuance of any standing order requiring a member or members to be present while tender documents are opened;
- duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
- a study course, conference or seminar on the Council's behalf, provided that (a) the meeting has been authorised by the Cabinet, committee or sub-committee, or (b) it has been authorised by the Head of Democratic Services under her delegated power, in consultation with the Leader of the Council, if it relates to the Local Government Association, South East England Development Agency, South East England Regional Assembly or any other public service organisation;
- any other meeting (including Members' seminars, training organised by, or on behalf of, the Council and tours of inspection) where places are made available for members or where training is offered to members with particular needs and responsibilities according to their roles ie. Cabinet Members;
- a visit within the District to inspect planning application sites when authorised by the Planning Applications Committee;

- attendance at meetings when appointed as the representative of district councils in East Sussex (for instance, meetings of the East Sussex Pension Fund Investment panel);
- meetings with officer(s) convened by the officer(s), to discuss a matter relating to a District Council service or in which the Council has an interest. (Matters should, where possible, be resolved using the telephone or e-mail. If there is the need for a special meeting, this should be pre-arranged at the Council Offices and, whenever possible, coincide with other meetings at the Council Offices);
- visits to sites, establishments or exhibitions where the Cabinet or a committee or sub-committee resolves in advance that a visit is necessary to enable a decision to be made on a current issue;
- interviews or fact finding being undertaken as a member of the Scrutiny Committee or its Panels as part of an agreed programme;
- the Chair and Vice-Chair of the Council, a committee, sub-committee or members of the Cabinet or a substitute nominated by them may claim travel for consultations with persons or organisations outside the District Council and any other duty for or on behalf of the Council.

Travel Rates

- 1.4** The travel rates for in-authority travel to approved duties (those duties set out in paragraph 1.3 above) are based on the approved HMRC (also known as AMAP) rates and are indexed to these rates which were set in 2002. The current rates that apply are:

Cars and Vans:

the first 10,000 miles: 45p per mile
 for each additional
 mile over 10,000 miles: 25p per mile

Supplementary for carrying passengers 5p per mile for each passenger carried to the same approved duty

Motor Cycles: 24p per mile
 Bicycles: 20p per mile

Car parking:

Members can be reimbursed for car parking charges by completing this area of the travel claim form. Claims for such charges can only be paid when supported by a valid receipt.

For Members using Public Transport

- 1.5** Where Members use public transport to travel to approved duties it should be claimed at standard rates, or cheap day rates when applicable and with receipts. However, if there are exceptional circumstances when it is difficult to utilise public transport at standard rates or otherwise, then a Member must obtain the prior agreement from the Council to use other forms of transport, such as taxis.

Subsistence – In District Council Area

- 1.6** Subsistence may be claimed in exceptional circumstances at the rates applied to employees. Receipts should accompany claims.

Travel and Subsistence – Out of Council Area

- 1.7** In the circumstances when members travel out of the Council area, either to visit another council, or to attend conferences or seminars, the subsistence will be met by the council, or reimbursed at the level of the approved costs incurred. This is on the basis that members seek the most cost effective method of travel, or that the council provides a travel warrant. Approved mileage will be reimbursed at the rates set out above, and receipts should support other approved costs.

Dependents' Carers' Allowance

- 1.8** This is payable in respect of the duties listed in paragraph 1.3 above. Actual expenditure incurred up to a maximum of £10.60 per hour and will be paid for the care of dependents whether children, elderly people or people with disabilities. The maximum period of entitlement will be the duration of the approved duty and reasonable travelling time. The allowance will not be payable to a member of the claimant's own household. The carer's reasonable expenses will be paid. The allowance payments are to be authorised by the Head of Democratic Services on production of receipts.

2 How to Claim

- 2.1** There is no need to claim the basic flat rate allowance or any special responsibility allowances as these are paid automatically.
- 2.2** Claims should be submitted monthly for dependent carers', travel and subsistence allowances, other than in exceptional circumstances (eg. absence on holiday). This is because checking claims requires a considerable amount of officer time, and older claims can be more difficult to verify. It is especially important to note that any claims over six months old will not be paid, unless the express approval of the Chief Finance Officer is obtained.
- 2.3** Claim forms are available from Democratic Services and completed forms must be returned to that department by the 8th of each month, at the latest, to ensure they are included in your monthly allowance payment.

- 2.4** Councillors must ensure that all claim forms are completed correctly and in full. It is your responsibility to fill in the details of the meetings and the amounts you are claiming for dependent carers', travel and subsistence. You must also be sure that the meetings in question are eligible for such allowances (see Section 1). When you sign the claim form you are stating that all the information is present and correct. Any incomplete claims will be returned to you.
- 2.5** Claims are paid by the Payroll Section of the Finance Department. They will need to know your bank details, tax code and National Insurance number before any payments can be made. A form requesting this information is sent to all members soon after they have been elected. Any changes to this information should be notified in writing to the Payroll Section.

3 How allowances are paid

- 3.1** One-twelfth of the basic allowance and any special responsibility allowance is paid on or by the 25th of the month together with any subsistence, travel and dependent carers' allowances which have been claimed (the Chair of the Council's allowance is paid monthly.) Payment is made direct to a bank account and a payslip showing a breakdown of pay and deductions is provided.

4 Election not to receive payment

- 4.1** A councillor may, by notice given in writing to the Head of Democratic Services, elect to forgo his or her entitlement or any part of his or her entitlement to allowances.

5 Repayment of Allowances

- 5.1** Where payment of any allowance has already been made in respect of any period during which the member concerned is:

- (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 require that such part of the allowance as relates to any such period be repaid to the authority.

6 Contact Points

Head of Democratic Services (01273) 471600
Department for Work and Pensions (Benefits Agency) (0843) 5159479