

## **PART 7**

### **LEWES DISTRICT COUNCIL**

#### **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 finances<sup>1</sup>.

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 £3,260 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:

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<sup>1</sup> The Local Authorities (Members' Allowances) (England) Regulations 2003

<b>Position</b>	<b>Allowance Per Annum £</b>
Leader of the Council	15,117
Leader of the Minority Group (with no Cabinet portfolio)	4,535
Cabinet Member (portfolio holder)	6,047
Cabinet Member (without portfolio)	3,023
Chair of Audit and Standards Committee	4,535
Chair of Planning Applications Committee	4,535
Chair of Policy and Performance Advisory Committee	3,628
Chair of Joint Staff Advisory Committee (when chaired by a Lewes District Councillor)	1,134
Chair of the Council	2,268
Vice-Chair of Planning Applications Committee	756
Members of Planning Applications Committee	
Co-opted Members of Audit and Standards Committee/Sub-Committee/Standards Panel	32 per meeting up to a maximum of £145 per annum
Chair of Licensing Committee/Sub-Committees	61 per meeting
Chair of Policy and Performance Advisory (Scrutiny) Panels	61 per meeting
Members of Licensing Sub-Committees and/or Policy and Performance Advisory (Scrutiny) Panels	0 – 12 meetings – zero 13 – 26 meetings – 544 per annum 27 – 40 meetings – 815 per annum 41 + meetings – 1,044 per annum

No one Councillor shall receive more than one Special Responsibility Allowance.

The Council appoints two Independent Persons (shared with Eastbourne Borough Council) 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 law<sup>2</sup> to consult an Independent Person on such allegations and their time is compensated with an annual fee and hourly rate set by the Council.

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<sup>2</sup> 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 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:

<b>Mileage:</b>	<b>Rate:</b>
The first 10,000 miles:	45p per mile
For each additional mile over 10,000 miles:	25p per mile
Supplementary for carrying passengers per mile:	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. The Dependents Carers' Allowance is based on two criteria, general childcare and specialist care. Rate one for childcare will be paid at the market rate, reimbursed upon production of receipts, with no monthly maximum claim. Rate two will be paid for specialist care based at cost upon production of receipts and requiring medical evidence that this type of care is required. There should also be no monthly maximum claim.
- 1.9** 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 allowance payments are to be authorised by the Head of Democratic Services on production of receipts.

### **IT Allowance for Councillors**

- 1.10** That with effect from April 2021, Councillors receive an IT allowance of £429 per annum. This will be reviewed in April 2022.

### **Indexation**

- 1.11** That the basic allowance, each of the Special Responsibility Allowances and the IT allowance, be increased on 1 April 2022 and annually in line with the percentage increase in staff salaries up until 2024.

## **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. Parental Leave**

**6.1** A parental leave policy has been adopted with effect from November 2020. This provides that:

- All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence;
- Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence; and
- Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972; and
- If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.

## **7. Contact Points**

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