

PART 6

Members' Allowance Scheme

Members' Allowance Scheme

The Braintree District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

1 Citation and Commencement

This scheme may be cited as the Braintree District Council Members' Allowances Scheme and shall have effect from 1st August 2005 and thereafter for each subsequent civic year unless otherwise varied.

2 Basic Allowance

Subject to paragraph 7, for each year a Basic Allowance, as set out in Part One of Appendix 1, shall be paid to each Councillor.

3 Special Responsibility Allowance

- (a) A Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in Part Two of Appendix 1. This Allowance is paid in recognition of the extra duties which they are expected to perform.
- (b) Subject to Paragraph 7, the amount of each such Allowance shall be the amount specified against that special responsibility in Part Two of Appendix 1.
- (c) No Councillor is able to claim more than one Special Responsibility Allowance.

4 Travelling Expenses/Subsistence Allowance Claims

- (a) For travelling expense reimbursement and subsistence allowance purposes, any claim for payment must be in respect of the previous undertaking of an approved duty defined in Appendix 2 to this Scheme and, in the case of Councillors holding the special responsibilities referred to in Paragraph 3(b), those additionally

5 Carers' Allowance

- (a) The Council has agreed that a carers' allowance shall be paid.
- (b) An allowance may be claimed for costs incurred when a carer for a dependent has been engaged to enable a Councillor to undertake an approved duty. The actual cost of care will be reimbursed up to a maximum of £6.33 per hour PROVIDED THAT no Councillor may claim for more than two meetings per week up to a maximum of 8 hours.
- (c) An allowance will be payable in respect of any dependent being cared for who normally lives with the Councillor as part of that Councillor's family and who should not be left unsupervised.
- (d) The carer must not be an immediate member of the Councillor's family or be someone who normally lives with the Councillor as part of that Councillor's family.
- (e) Members who claim a carers' allowance are required to certify that the amounts claimed have actually been incurred and that

neither the Councillor nor the person being cared for has received an allowance for care from any other source.

- (f) The Carers' Allowance shall be increased each year in line with the local government staff annual pay award.

6 Renunciation

A Councillor may, by notice in writing to the Democratic Services Manager, elect to forego any part of his/her entitlement to an allowance under this Scheme.

7 Part-year Entitlements

- (a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- (b) In respect of a Basic Allowance, where the term of office of a Member begins or ends otherwise than at the beginning or end of a civic year, the entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which the term of office as a Councillor bears to the number of days in that civic year.
- (c) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him/her to a Special Responsibility Allowance, that Councillor's entitlement shall be to a payment of such part of that Special Responsibility Allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that civic year.
- (d) Where an amendment to this Scheme is made which affects an allowance payable for the civic year in which an amendment is made, the entitlement to such allowance, as amended, may apply with effect from the beginning of the civic year in which the amendment is made.

8 Suspension of a Councillor

Where a Councillor is suspended or partially suspended from their duties in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any allowance payable to them under this Scheme in respect of the responsibilities or duties from which they are suspended or partially suspended shall be withheld by the Council if requested to do so by the Standards Committee.

9 Claims and Payments

- (a) Any and all claims for travelling expense reimbursement and/or subsistence payment under this Scheme shall be made in writing not later than two months following the date of the approved duty in respect of which the entitlement to the payment arises EXCEPT THAT where the approved duty is undertaken in March in any year then all claims shall be submitted no later than the following 1st May. No reimbursement or payment under this Scheme shall be made where these time limits have not been complied with.

- (b) A claim for travelling expense reimbursement and/or subsistence payment under this Scheme shall include, or be accompanied by, a statement by the Councillor claiming the payment, that he/she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under this Scheme.
- (c) Payments shall be made on or after the 20th day in each month.
- (d) Basic and Special Responsibility Allowances are paid in twelve equal instalments and apportioned for part-year entitlement where applicable.
- (e) Basic and Special Responsibility Allowances are subject to income tax and national insurance.

10 **Membership of another Authority**

Where a Councillor is also a Member of another Authority, that Councillor may not claim expenses from more than one Authority in respect of the same duties.

11 **Amendments and Revocation of the Scheme**

- (a) This Scheme may be amended at any time by the Council but may only be revoked with effect from the beginning of a civic year, subject to paragraph 11(b)
- (b) Before the Council makes a new Scheme or amends this Scheme it shall have regard to the recommendations made in relation to it by its Independent Remuneration Panel.

APPENDIX 1

Part One

Basic Allowance (paragraph 2 refers)

The amount of Basic Allowance payable to each:-

- (a) Member of the Council who is a Councillor but not a non-councillor Member of the Standards Committee shall be £4,446 per annum.
- (b) Non-councillor Members of the Standards Committee shall be £278 per annum

The Basic Allowance and the Special Responsibility Allowances set out in Part Two of this Appendix shall be increased each year in line with the local government staff annual pay award.

Part Two

Special Responsibility Allowances (SRA) (paragraph 3 refers)

The amounts of Special Responsibility Allowances and the special responsibilities for which they shall be payable shall be, per annum (as from April 2009. These are still current at January 2011):-

Chairman of the Council (Basic Allowance x1)	£4,446
Leader of the Council (Basic Allowance x3)	£13,338
Deputy Leader of the Council (Basic Allowance x2.5)	£11,115
Member of the Cabinet (Basic Allowance x2)	£8,892
Deputy Cabinet Members (Basic Allowance x1)	£4,446
Chairman of the Overview and Scrutiny Committee (Basic Allowance x1) *	£4,446
Chairman of the Audit Committee (Basic Allowance x1)*	£4,446
Chairman of each Task and Finish Group (Basic Allowance x1)*	£4,446
Chairman of each Local Committee (Basic Allowance x1)	£4,446
Chairman of the Planning Committee (Basic Allowance x1)	£4,446
Leader of the Main Opposition Group (Basic Allowance x1)	£4,446
Leader of each of the other Opposition Groups (Basic Allowance x0.25)	£1,111.50
Chairman of the Licensing Committee (Basic Allowance x1)	£4,446
Chairman of the Standards Committee (Basic Allowance x0.25)	£1,111.50
Chairman of the Independent Remuneration Panel (Basic Allowance x 0.125)	£555.75
Minor SRA to all Members of the Planning Committee(Basic Allowance x 0.185)	£822.51

* or such other Group or Panel undertaking an Overview and Scrutiny function as referred to in Section 21 of the Local Government Act 2000

Indexation – Allowances will be increased each year in line with the increase in the Local Government Pay Award.

APPENDIX 2

Approved Duties (Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

The following activities are approved duties:-

1. the attendance at 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 and for which the Councillor making the claim is the appointed nominee, or any Committee or Sub-Committee of such a body.
2. the attendance at 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 Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:-
 - (a) 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
 - (b) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.
3. the attendance at a meeting of any association of authorities of which the Authority is a member.
4. the attendance at a meeting of the executive or any of its Committees.
5. Duties undertaken on behalf of the Authority:-
 - (a) in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened;
 - (b) in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; or
 - (c) in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996.
6. Pre-agenda briefings.
7. Training authorised under the Members' Training Programme which has been pre-booked through the Council's Training Administrator.
8. Attendance at Parish Council meetings within a Councillor's ward for the sole purpose of representing the District Council.

9. Previously arranged meetings with officers of the Council at Council premises regarding constituency or relevant Council matters.
10. Site meetings at any location detailed in the agenda/minutes of a Committee with or without the attendance of a Council officer.
11. Non-social public relations events.
12. Any other duty approved by the Authority, or any duty of a class so approved for the purpose of, or in connection with, the discharge of the functions of the Authority, or any of its Committees or Sub-Committees.

Exclusion to Approved Duties

The Council has not approved the following activities:-

- Political meetings whether national, local, group or parish
- Ward visits including research except in accordance with paragraph 9 of this Appendix
- Civic hospitality, social events, funerals and functions (receptions, official openings, sporting occasions) where invitations are personal and not as a representative of the Council
- Conferences and seminars of interest where the member attends on a personal basis rather than as a representative of the Council
- Visits by Members to the Council offices except in accordance with paragraph 9 of this Appendix; and
- Surgeries

External Organisations

Attendance at meetings of organisations (e.g. the Local Government Association) are approved by the Council for travel and subsistence claims SUBJECT to:-

- approval by the relevant Member's political group leader (if any); and
- appropriate arrangements being in place for reporting back from the relevant meeting

Approved Conferences

Attendance at conferences has been approved under Section 175 of the Local Government Act 1972 for the personal payment of travel and expenses claims SUBJECT to:

- approval by the relevant Member's political group leader (if any);
- completion of the appropriate Member Nomination Form (obtained from Training Development in Business Support Services); and
- appropriate arrangements being in place for reporting back from the relevant conference

EXCEPT that in the case of the Annual Assembly of Standards Committees a resolution of the Standards Committee shall be deemed to be sufficient approval subject to appropriate arrangements being in place for reporting back

Political Group Leaders and Members not Part of a Political Group

Where the Member attending a meeting of an external organisation or a conference is a political group leader or not part of a political group then details of the travelling and subsistence claimed and paid shall be reported to the next meeting of the Audit Panel.

APPENDIX 3

Travelling and Subsistence Allowances

Part One

1. Expenditure must have been incurred in the performance of duties that were designated as approved before the duty was performed.
2. The allowance is always the amount actually paid and not necessarily incurred, within the limits prescribed. If any cheap or reduced travel fare is available, it must be used.
3. Councillors would not normally be expected to use their own vehicles for journeys outside the District boundary unless it can be demonstrated that the cost to the Council would be less than travel by train, e.g. where a number of Councillors are going to the same destination and will be travelling in the same car. There may also be cases where it would be more practical to use a Councillor's own vehicle. In such cases a claim may be made equivalent to the cost of the most economic method of travel.
4. Where Councillors and officers are travelling to the same destination the least number of cars necessary to safely undertake the journey shall be used. Where any one or more of the officers has a lease car then a lease car must be used for the journey. Where this is not the case but an officer has a car purchased with the benefit of a loan from the Council then this car must be used. If there is no lease car or car purchased with the benefit of a loan available then agreement shall be reached between all those travelling as to the car which will be used. See paragraph 4.
5. The travelling allowances set out in Part Two of this Appendix shall be fixed in accordance with the Inland Revenue Approved Mileage Allowance Payment rates.
6. The subsistence allowances set out in Part Three of this Appendix shall be increased annually on 1st January in line with the increase in the Retail Prices Index since the previous 1st January as advised by the Chief Finance Officer of the Council.

Part Two

Travelling Allowances

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|---|--------------------|------------|
| 1 | Motor cars | 40p a mile |
| 2 | Motorcycles | 24p a mile |

The rates specified above shall be increased by up to 5p per mile for each additional passenger, who would be able to claim travelling; and

by the additional cost for each person for tolls, ferries or parking fees;

3. **Pedal cycles** 20p a mile

4. **Walking**

A daily allowance of £1.00 shall be paid for walking to/from an approved duty.

5. **Taxi-Cab**

The use of taxis or mini-cabs should be kept to a minimum. They should only be used when public transport operations in the area visited are unknown, not reasonably available or in cases of urgency. In these cases the actual fare will be reimbursed.

Where public transport is available but the Member chooses to use a taxi or mini-cab, reimbursement will be limited to the public transport ordinary second class fare.

In limited circumstances, a Member may be reimbursed for the cost of a taxi within the District. Except for Members with a disability which prevents them from using public transport, travel from home to council offices (or vice versa) is excluded from this arrangement.

The limited circumstances are:-

- If there is insufficient time for a Member to travel from one approved duty to another in the District and the use of other forms of transport would result in the Member arriving late to the second approved duty;
- For reasons of safety; and
- Where a Member has a disability which prevents him/her from using public transport

In any of these circumstances a taxi may be used and the cost of the taxi fare may be reimbursed subject to a receipt being presented with the claim form.

6. **Air Travel**

The rate of travel by air shall in each case be individually considered by the Chief Executive and the Leader of the Council and if approved, booked by the office of the Chief Executive.

Part Three

Subsistence Allowances

The payment of subsistence allowances is subject to the principle that expenditure on meals / accommodation has actually been incurred. Members will be reimbursed the actual expenditure incurred up to the maximum rates set out in the scheme. All claims must be supported by receipts or third party documentation.

- 1 In the case of an absence, not involving absence overnight from the usual place of residence:
 - (a) Breakfast allowance (more than 4 hours away from normal place of residence) - £6.68
 - (b) Lunch allowance (more than 4 hours away from normal place of residence, including the lunchtime between 12 noon and 2 p.m.) £9.22
 - (c) Tea allowance (more than 4 hours away from normal place of residence, including 3-6 p.m.) - £3.64
 - (d) Evening meal allowance (more than 4 hours away from the normal place of residence, ending after 7 p.m.) - £11.42
- 2 In the case of an absence overnight from the usual place of residence, the reasonable expenses that are incurred up to a maximum of £90.61 and for such an absence overnight in London, £103.35. If this is claimed, you cannot also claim 1(a) – (d).

For the purpose of this paragraph, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.
- 3 You are not allowed to claim under 1(a) – (d), if they are provided free of charge to you.
- 4 Notwithstanding the provisions of paragraph 2, where accommodation is reserved by Training and Development (Business Support) the full cost of the accommodation will be funded by the Authority.