

PART 6

Members' Allowances Scheme

Scheme approved by Council 26 February 2007 as amended 24 February 2009

- revision issued May 2011

MEMBERS' ALLOWANCES SCHEME

1. INTRODUCTION, TITLE AND INTERPRETATION

- 1.1 Babergh District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) (the Regulations) hereby makes the following scheme which may be cited as the Babergh District Council Members' Allowances Scheme and shall have effect for the year commencing 1 May 2007, and 1 May in subsequent years until otherwise varied.
- 1.2 All Allowances payable under the Scheme with the exception of Travel and Subsistence Allowances shall be revised in line with changes in the RPI headline rate of inflation until the Scheme is next reviewed or until 30 April 2011, whichever is the earlier, subject to there being no reduction in the rates in the event that the RPI headline rate of inflation falls below 0%.
- 1.3 In this Scheme:
'Councillor' means an elected Member of Babergh District Council
'Member' includes co-opted Members and elected Members
'Year' means the twelve months ending 30 April.
'RPI headline rate of inflation' for the purposes of 1.2 above means the RPI as for the month of March immediately preceding the relevant review date.
- 1.4 The requirements for the Review of this Scheme shall be operated in accordance with the Regulations.

2. GENERAL

- 2.1 Under the scheme Councillors are entitled to the following allowances in connection with performing their duties:
- (a) Basic Allowance – this is a flat rate allowance payable to every Councillor (£3,649 per annum for 2011/12).
 - (b) Special Responsibility Allowance (SRA) – this allowance is for certain Councillors, in recognition of their additional responsibilities arising from their appointment to the offices specified in Paragraph 3 below. More than 1 SRA may be claimed per Councillor.
 - (c) Travel and Subsistence Allowances – the detailed rules in connection with entitlement to these allowances are set out in paragraphs 8 and 9 below.
 - (d) Childcare and Dependants' Carers' Allowances – these can be claimed in accordance with the provisions set out in paragraph 10 below.
- 2.2 Co-optees Allowance – a flat rate allowance [£730 per annum] is payable to Co-opted Members of the Council's Committees.
- 2.3 The Allowances referred to in 2.1 (a), (b) and (c) and 2.2 above may be withheld from, or repaid by, Members in respect to any period during which they are suspended or partially suspended from responsibilities or duties as a Member for breaches of the Code of Conduct as provided for in the Regulations.

3. **SPECIAL RESPONSIBILITY ALLOWANCE**

The current levels of Special Responsibility Allowance are as follows:-

	£
Chairman of the Council	7,296 per annum
Vice-Chairman of the Council	1,824 per annum
Chairman of Strategy Committee	7,296 per annum
Vice-Chairman of Strategy Committee	1,824 per annum
Chairman of Overview and Scrutiny Committee (Community Services)	3,649 per annum
Vice-Chairman of the Overview and Scrutiny Committee (Community Services)	364 per annum
Chairman of Overview and Scrutiny Committee (Stewardship)	3,649 per annum
Vice-Chairman of the Overview and Scrutiny Committee (Stewardship)	364 per annum
Chairman of Development Committee	3,649 per annum
Vice-Chairman of Development Committee	364 per annum
Chairman of Standards Committee	1,824 per annum
Vice-Chairman of Standards Committee	364 per annum
Development Committee Members (15)	364 per Member per annum
Group Leaders	730 per Leader per annum
Task Group Chairmen	183 per Chairman per annum
Panel Chairmen	183 per Chairman per annum
Chairman of Licensing and Appeals Committee	3,649 per annum
Vice-Chairman of Licensing and Appeals Committee	364 per annum
Member Champions	Up to 911 per Champion per annum – current rate payable is 364 per Champion per annum (Council decision 15 April 2008)

4. **PAYMENT OF BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES**

4.1 Special Responsibility Allowances and Basic Allowances are paid on a monthly basis, as part of the normal payroll process. The actual payment day is the 26th day of the month.

5. **NOTICE TO FOREGO ENTITLEMENT TO ALLOWANCE(S)**

5.1 A Member may give notice in writing to the Director of Corporate Services that he/she wishes to forego any part of the entitlement to any allowance.

6. **PART – YEAR ADJUSTMENTS**

6.1 The payment of Basic Allowances, Special Responsibility Allowances and Co-opted Members Allowances shall be adjusted accordingly to reflect any Member's part-year entitlement to such an allowance. Where a Member's term of office commences part-way through the financial year (commencing on 1 April) he/she shall be entitled to the proportion, by reference to the number of days, of the allowance which the period of the term of office bears to the whole of the financial year.

7. **ATTENDANCE BY COUNCILLORS AT MEETINGS OF COMMITTEES TO WHICH THEY HAVE NOT BEEN APPOINTED**

- 7.1 Attendance by Councillors at meetings of Committees upon which they have not been appointed to serve shall be eligible for travel and subsistence allowances as follows:-
- (a) To Chairmen of Committees, Sub-Committees, Task Groups and Panels presenting reports to Committees of which they are not Members
 - (b) To Councillors attending Development Committee where they are not Members of the Committee to address the Committee on applications in their Wards

[NB. See also 8.3 below – SUBSTITUTES]

8. **TRAVEL ALLOWANCE**

- 8.1 Councillors are able to claim travel allowances for travel from, and return to, home or work to attend duties for which the payment of travel allowances has been approved. Approved duties include those set out in Schedule A.
- 8.2 Travel and Subsistence Allowances are paid to accord with the rates payable to Council employees from time to time with the exception of overnight absences. Details of the current rates payable are set out in Schedule B.
- 8.3 For the avoidance of doubt, Councillors who have been appointed by Council as substitutes for other Councillors at certain Committee and Sub-Committee meetings shall be eligible for travel and subsistence allowances when attending such meetings in accordance with Council Procedure Rule No. 5.
- 8.4 Where a Councillor is appointed as the Council's representative at meetings falling within Schedule A, a substitute Councillor may attend such meetings where the appointee is unable to attend and the appointee so requests, and the substitute Councillor will be eligible for travel and subsistence allowances.

[Notes:- (a) Such substitute Councillors are asked to inform the Director of Corporate Services so that the payment of appropriate allowances can be authorised.

(b) If an appointee finds that it is difficult to attend meetings falling within Schedule A on a regular basis, then he/she should consider his/her continued appointment and contact the Director of Corporate Services to discuss the matter.]

9. **SUBSISTENCE ALLOWANCES**

- 9.1 Where Councillors undertake approved duties involving absences of more than four hours and which extend over a period which fully covers a normal meal-time, an allowance for a meal may be claimed. The rates and full details are set out in Schedule B.

10. **CHILDCARE AND DEPENDANTS' CARERS' ALLOWANCES**

- 10.1 Allowances for meeting the costs of Childcare and/or Dependants' Carers can be claimed by Councillors to enable them to undertake approved duties as defined in Schedule A.
- 10.2 Childcare Allowance to coincide with the Suffolk County Council Child Minder hourly rate, and Dependants' Carers' Allowance to a maximum of £11.70 per hour are payable on the production of satisfactory receipts. Claims should be made as referred to in Paragraph 11.1 below.
- 10.3 Childcare and Dependants' Carers' Allowances –
- (a) are not payable in respect of care undertaken by a family member and
 - (b) are payable for the duration of the approved duty undertaken by the Councillor, including travelling time.

11. **CLAIMS FOR ALLOWANCES**

- 11.1 Councillors are required to submit claims electronically through the Council's e-claim system. This is available via the Council's intranet site, **Babergh's Electronic Network (BEN)**. Detailed instructions regarding the input of claims are supplied under the heading '**e-claim**' on the homepage. The e-claim system should be used solely for claims relating to this Council. A Councillor who is also a serving Member of another Authority should use the forms of, and claim from, that Authority, in respect of the relevant approved duty undertaken for that body. Similarly where a Councillor receives an allowance from another body for travel or subsistence he/she should only claim from that body.
- 11.2 A claim for all relevant travel and subsistence allowances should be made within three months of the meetings to which those expenses relate.
- 11.3 In respect of subsistence it should be noted that the Scheme entitles Councillors to claim the actual cost incurred up to the maximum amount detailed in Schedule B. In other words if the amount spent is below the maximum then only the amount spent may be claimed.

12. **PENSIONS**

- 12.1 From 26 May 2005, all Councillors aged under 70 years are eligible to join the Local Government Pension Scheme. Basic and Special Responsibility Allowances count as income for the purposes of the Pension Scheme.
- 12.2 Information about the Pension Scheme is available in the "Guide to the Local Government Pension Scheme for Eligible Councillors in England". However, Councillors may wish to seek independent advice on their own position.

13. **TAXATION**

- 13.1 Allowances are liable for Income Tax and National Insurance contributions.
- 13.2 Councillors are advised to seek independent advice on their own taxation position.

SCHEDULE A

1. The following approved duties are eligible for the payment of Travel and Subsistence Allowances:-
 - (a) 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, or of any committee or sub-committee of such a body;
 - (b) 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 local authority(ies) within the meaning of section 270(1) of the Local Government Act 1972, 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) the attendance at a meeting of any association of authorities of which the authority is a member;
 - (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
 - (e) the performance of any duty 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;
 - (f) the performance of any duty 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;
 - (g) the carrying out of 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 of any of its committees or sub-committees.
2. For the avoidance of doubt, attendance at meetings of the bodies listed in (a) below (or as may be amended by the Council from time to time), or in connection with the duties described in (b) (c) and (d) below is included in the categories set out in paragraph 1. above.
 - (a) Active South Suffolk
Association for Suffolk Museums
Babergh Business Evening
Babergh Community Safety Partnership
Babergh and County Domestic Violence and Abuse Forums
Children's Centre Advisory Boards
Chilton Woods Master Plan Joint Member Advisory Group
Dedham Vale and Stour Valley Joint Advisory Committee (JAC)
Delivery Partnership Boards
Dual Use Sports Centre Management Committees
East of England Tourist Board (EETB) – Regional Tourism Council
FOSIG (Fourth Option Authorities Special Interest Group)
Gainsborough's House Society Board of Governors
Greenways Countryside Management Project Joint Advisory Committee (JAC)
Haven Gateway Partnership and Dryport Steering Group

Idaway Support Group (SMHT – Learning Disabilities)
 Ipswich Policy Area Board/Working Group
 Ipswich and District Citizens Advice Bureau
 Joint Municipal Waste Management Strategy Member/Officer Steering Group
 Local Government Association and its Executive, Boards, Panels, Commissions including
 the Rural Commission (LGARC), Partnerships, Forums, Policy Review Groups, Special
 Interest Groups and Task Groups etc together with the Annual Meeting and Conference,
 the LGA General Assembly and the East of England LGA
 LSPs/LEPs etc.
 South Suffolk Leisure Trust Board
 SPARSE – Sparsity Partnership for Authorities delivering Rural Services
 Sudbury and District Citizens Advice Bureau
 Sudbury and Locality Community Reference Group
 Suffolk Coast and Heaths AONB Partnership and JAC and Stour and Orwell Estuaries
 Forum
 Suffolk Scrutiny Committee/Panels/Working Groups
 Suffolk Development Agency Ltd (T/A Choose Suffolk) Supervisory Board
 Suffolk Flood Risk Management Joint Scrutiny Panel
 Suffolk Joint Planning Policy Panel
 Suffolk Local Government Association together with Panels etc set up by it.
 Suffolk Rail Policy Group
 Suffolk Sport
 Supporting People Commissioning Body
 The Quay Theatre at Sudbury Ltd
 University Campus Suffolk – Foundation Board
 Waste Project Management Board

- (b) Attendance at meetings to compile draft lists of Committee, Task Group and Panel Memberships.
- (c) Attendance by the Chairman and/or the Vice Chairman of the Council, a Committee, Sub Committee, Task Group, Working Party, Panel or Advisory Group to discuss with Officers the business of his Committee, Sub Committee, Task Group, Working Party, Panel or Advisory Group (or business of the Council in the case of the Chairman or Vice Chairman of the Council) on not more than two occasions per cycle of meetings where it is not practicable for such business to be conducted by the Councillor when he/she visits the Council Offices in connection with another approved duty.
- (d) Attendance by a Councillor at a meeting called by an Officer to discuss or carry out the business of the Council where it is not practicable for such business to be conducted by the Councillor when visits to the Council Offices are made in connection with another approved duty.

SCHEDULE B

TRAVEL AND SUBSISTENCE ALLOWANCES

(a) Councillor's own motor vehicle

The rate for travel by a Councillor's own private motor vehicle shall be 45p per mile.

Claims for longer journeys will be capped at the cost of undertaking the journey by public transport if this is a suitable and reasonable option (Strategy Committee decision 19 September 2002).

Councillors are encouraged to reduce their reliance on motorised transport when carrying out Council business including IT related/home working solutions.

(b) Travelling to or from a Railway Station and Centres of Public Transport

If a Councillor's own motor vehicle is used, the appropriate mileage allowance can be claimed.

(c) Miscellaneous Expenses connected with the use of Vehicles

The amounts actually incurred on tolls, ferries and parking (including overnight) will be reimbursed.

(d) Taxi Fares

The amount to be claimed by Councillors will be the cost of travel by public transport save when travel by taxi is occasioned by reason of urgency or when no public transport is reasonably available. In these circumstances the actual amount of the fare and any reasonable gratuity paid will be reimbursed.

(e) Hire of Vehicles

The rate of travel by a hired motor vehicle other than a taxi cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Councillor who hired it, except that the actual cost of hiring may be reimbursed in cases where it can be shown that the expense could not be avoided.

(f) Railway and Bus Fares

Reimbursement of fares actually paid.

(g) Air Travel

The rate for air travel shall not exceed that for alternative means of transport, plus an allowance equivalent to the amount of any saving in subsistence allowances consequent upon travel by air. Where the saving in time is so substantial as to justify payment of the fare for air travel, or when such travel is essential, there may be paid an amount not exceeding:-

- (i) The ordinary fare of any available cheap fare by regular air service, or
- (ii) Where no such service is available, or in the case of urgency, the fare actually paid by the Councillor.

(h) Subsistence Allowance

The maximum rates are:

For absences, not involving an absence overnight, from the usual place of residence, actual expenditure will be reimbursed up to the following amounts:-

Breakfast Allowance	£6.88 (before 11a.m.)
Lunch Allowance	£9.50 (between 12 noon – 2p.m.)
Tea Allowance	£3.76 (between 3p.m. – 6p.m.)
Evening Meal Allowance	£11.77 (ending after 7p.m.)

Each meal allowance is, however, only payable for absences of more than 4 hours.

(i) Overnight Absences

Overnight accommodation must be arranged by the Council on behalf of the Councillor, subject to the Director of Corporate Services being authorised to agree reasonable accommodation rates.

Absences overnight are deemed to cover a continuous period of absence of 24 hours. Subsistence must be reduced by an appropriate amount in respect of any meal provided free of charge by any Authority or body during the period to which the allowance relates.

(j) Meals on Trains

Where main meals (i.e. breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to claim, the reasonable cost of the meals (including VAT) may be reimbursed in full.

SCHEDULE C

GUIDELINES FOR USE OF DELEGATED POWER BY DIRECTOR OF CORPORATE SERVICES IN RESPECT OF MEMBERS CONFERENCES/SEMINARS/MEETINGS

1. INTRODUCTION

- 1.1 Under the Scheme of Delegation, the Director of Corporate Services has been granted delegated authority to approve attendance by Members (at conferences, seminars or meetings) which has not previously been approved by the Council.
- 1.2 In exercising his/her delegation the Director of Corporate Services must have regard to these guidelines.

2. GUIDELINES

- 2.1 The Director of Corporate Services must ensure that there is sufficient budgetary provision taking into account:-
 - (a) The financial provision required for the support and development needs of all Members for the financial year in question.
 - (b) The cost and quality of the course/seminar/conference where applicable.
- 2.2 The Director of Corporate Services must ensure that:
 - (a) The meeting/conference/seminar is relevant to the Member's role and responsibilities at the Council, (i.e. by virtue of membership of a Committee, Sub-Committee, Task Group, Panel or Outside Body) or, his/her position as Chairman or Vice-Chairman of a Committee, Sub-Committee, Task Group, Panel or Outside Body, OR
 - (b) Attendance would be beneficial to the Council or non-attendance would be prejudicial to the Council or its standing in the wider community, OR
 - (c) The conference/seminar provides necessary or relevant training or education to the Member(s) in his/her/their capacity as a District Councillor, OR
 - (d) The conference/seminar forms part of an agreed programme of training for Members, AND the conference/seminar does not duplicate attendance by that Member at a previous conference/seminar/meeting.