

## Part 14

# Members' Allowances Scheme

### Document Control

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3	22 Sept 2011	As agreed at Council meeting on 22 September 2011	
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9	July 2015	Amendments arising from the merge of the Governance and Audit and Standards Committee	SRA table



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10	February 2016	Policy change (Payroll) – signed-off by Monitoring Officer	14.1.10
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12	November 2018	Correction to the typographical error	14.1.10
13	May 2019	Amended Head of Strategic Support to Head of Legal and Strategic Support throughout the document to reflect the revised management structure	

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<http://www.opsi.gov.uk/legislation/uk>

# West Berkshire Council Constitution

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## 14.1 Members' Allowances Scheme

### 14.1.1 General

The West Berkshire District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003 hereby makes the following Scheme.

This Scheme may be cited as the West Berkshire District Council Members' Allowances Scheme, and shall have effect for the part year commencing on 8 May 2001 and subsequent years.

In this Scheme, 'Councillor' means a Member of West Berkshire District Council who is a Councillor; 'year' means the 12 months ending with 31 March.

The Scheme was first amended following a meeting of the Independent Remuneration Panel (IRP) on 3 August 2007 and Council on 10 September 2007 and IRP on 12 August 2009 and Council on the 24 September 2009.

The Scheme was reviewed as a whole and amended in February 2011 and was implemented on 5 May 2011. Additional amendments to the scheme were discussed at an IRP meeting in July 2011 and these amendments were agreed at Full Council on the 22 September 2011.

The Scheme was reviewed again, in its entirety, on the 11 and 12 February 2015 and was agreed at the Full Council meeting on the 19 May 2015.

The Scheme was last amended, following a meeting of the Independent Remuneration Panel (IRP), on the 6 November 2017 and Council on the 1 March 2018.

### 14.1.2 Basic Allowance

Subject to Rule 14.1.9 for each year, a Basic Allowance of £7,697 (seven thousand six hundred and ninety seven pounds) shall be paid to each Councillor. This was increased from £7,546 on the 01 April 2019. The Basic Allowance will cover:

- Costs associated with home telephone landline and calls
- All costs associated with Broadband
- Mobile phone contracts and calls (personal)
- IT consumables (such as paper and cartridges for personal printer)
- The cost of replacing damaged or lost West Berkshire Council ICT equipment in accordance with the Members ICT Policy. This includes:
  - Tablet device
  - Bluetooth Mouse
  - Bluetooth Keyboard
  - Docking Station
  - Stylus
  - Keyboard, Video Mouse (KVM) switch (where relevant)
  - Projector connection
  - Carry case
  - Batteries and cables

- The costs associated with returning West Berkshire Council ICT equipment and other sundries to the Council, when ceasing to be a Councillor
- Headed paper (following initial supply after Election)
- Business cards
- Online or paper subscriptions or memberships
- Registration with the Information Commissioner’s Office (ICO) and similar
- Incidental Expenses not otherwise specified in the scheme (see Travelling and Subsistence Allowances).

In accordance with the Members’ Scheme of Allowances, the Basic Allowance is paid over 11 months from June – April, with no payment made in May.

#### 14.1.3 Special Responsibility Allowances

For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme.

Subject to Rule 14.1.9 the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

No Councillor shall be entitled to more than one special responsibility allowance paid by the Council.

In accordance with the Members’ Scheme of Allowances, the Special Responsibility Allowance is paid over 11 months from June – April with no payment made in May.

#### 14.1.4 Dependants’ Carer’s Allowance

Subject to the provisions of this scheme, a Dependants’ Carer’s Allowance (DCA) shall be payable to a Councillor subject to a maximum reimbursement paid at the UK Living Wage rate up to a maximum of 40 hours per month per Councillor. In the interest of clarity, childcare costs are eligible for this Allowance.

The definition of a dependant used in Section 57A (3) of the Employment Rights Act 1996 applies, namely:

- a spouse;
- a child;
- a parent;
- a person who lives in the same household but is not an employee, tenant lodger or boarder.

The carer employed must not be a member of the claimant’s immediate family i.e. a spouse or partner; other children of the Councillor or the Councillor’s spouse; any member of the Councillor’s family who lives at the same address as the Councillor.

DCA shall only be payable in respect of such expenses as are necessarily incurred in relation to the following (as specified in the Local Authorities (Members’ Allowances) (England) Regulations 2001:



- 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;
- 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 within the meaning of Section 270(1) of the 1972 Local Government Act, 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;
- the attendance at a meeting of any association of authorities of which the Authority is a Member;
- the attendance at a meeting of the Executive or a meeting of any of its committees, where the Authority is operating Executive arrangements;
- the performance of any duty in pursuance of any standing order made under Section 135 of the 1972 Act requiring a Member or Members to be present while tender documents are opened;
- 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, and
- the performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at school approved for the purposes of Section 342 (Special Schools) of the Education Act 1996.

#### 14.1.5 Approved Duties

Members are entitled to claim mileage, fares, authorised payments and subsistence for attendance at any meeting categorised as an ‘**Approved duty**’. Approved duties include:

- (a) All meetings of Council, the Executive, Committees, Sub-Committees, Panels, Task Groups, Outside Bodies\*, formal Site Visits and Member Development and Induction Sessions and other training provided by the Council;
- (b) Where a Member attends a meeting in their role as a Council Champion for a particular service or project;
- (c) Meetings with Officers (in any of the Council’s buildings) regarding the business of a meeting (see 2(a));

- (d) Where the Chairman or Vice-Chairman is asked to attend an event or function in their civic role. When the Chairman or Vice-Chairman is not available, a Past Chairman may be invited to attend.

\*Travel and subsistence expenses for attendance associated with appointments to Outside Bodies should be claimed through the organisation if payments are available.

A list of those duties for which Members are **not** entitled to claim allowances for are included in the Procedure for Completing Members' Claim Forms.

#### 14.1.6 Travelling Allowance

The most common Travelling Allowance payable is mileage allowance, which can be claimed for the following journeys:

- travelling to and from meetings that are categorised as 'Approved Duties (see section 14.1.5 above)'; that is, all meetings of Council, the Executive, Committees, Sub-Committees, Panels, Task Groups, Outside Bodies, Site Visits and Member Development sessions;
- travelling to and from any of the Council buildings to meet with Officers regarding the business of a meeting;

Mileage is not payable for attendance at political group meetings, meetings with constituents, informal site visits or events of a social nature.

Travel allowance rates shall be in line with Inland Revenue approved rates and should only rise in accordance with any increase in the Inland Revenue rates.

The following Inland Revenue travel allowance rates are currently payable:

- 45 pence per mile for cars;
- 24 pence per mile for motor-cycles;
- 20 pence per mile for bicycles.

Members are also entitled to receive 5 pence per mile for every passenger they carry in their vehicle.

When claiming a Travel Allowance for attending an approved duty within the district that claim must be made with the starting point being a Members' usual place of residence or work within the District, or if the usual place of residence or work is outside the District boundary then the total return journey for which that claim can be made is capped at **36 miles**. Where mileage is claimed the 'depart from' and 'return to' sections of the form MUST be completed.

The use of public transport is encouraged, in line with the Council's Green Travel Plan. The rate of travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare.

In the interests of transparency and the requirements of internal audit for Officers to carry out the necessary checks of Members travelling claims reimbursements for travelling expenses should only be provided with evidence of expenditure. Where receipts or evidence of expenditure (in the case of car parking payments made by phone) are not provided, the

expenditure will be treated as an ‘incidental expense’ under the Basic Allowance.

Valid Insurance, MOT (if required), Tax and driving licence are required when claiming a Travel Allowance for attending an approved duty.

#### 14.1.7 Subsistence Allowance

The Subsistence Allowance is paid to recompense Members for actual expenditure on meals necessarily incurred when carrying out ‘Approved Duties’ (see Rule 14.1.5 above).

Claims for Subsistence Allowance for meetings that take place at any of the Council Offices are liable to tax but those that take place ‘off-site’ are not, and any claims made should reflect this.

Claims for Subsistence Allowance must fall within the relevant time periods, as set out below, and therefore start and finish times of journeys must be included with each claim. The following rates are currently payable:

- Breakfast Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, before 11.00am) - £5.00;
- Lunch Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, between 12 noon and 2.00pm) - £7.00;
- Tea Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, including the period 3.00pm to 6.00pm) - £3.00;
- Evening Meal Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, ending after 7.00pm) - £12.00.

In the interests of transparency and the requirements of internal audit for Officers to carry out the necessary checks of Members subsistence claims, reimbursements for subsistence expenses should only be provided with evidence of expenditure. Where receipts or evidence of expenditure are not provided, the expenditure will be treated as an ‘incidental expense’ under the Basic Allowance.

#### 14.1.8 Renunciation of Allowances

A Councillor may, by notice in writing given to the Head of Legal and Strategic Support, elect to forego any part of his entitlement to any allowance under this scheme.

#### 14.1.9 Part-year Entitlements

The provisions of this Rule shall have the effect of regulating the entitlement of a Councillor to Basic, Special Responsibility and Dependants’ Carers’ (DCA) Allowances where, in the course of a year, this scheme is amended or the 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.

In the event of any Councillor relinquishing either their duties as a Councillor or their Special Responsibility Allowance at any time during the year, the relevant payments will be paid up to the day in which they relinquish their duties or their Special Responsibility Allowance.

Where the term of office of a Councillor begins other than at the beginning of a year, the entitlement of that Councillor to Basic Allowance shall start from the date that they took up the office of Councillor.

Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle them to a Special Responsibility Allowance, that Councillor's entitlement shall be from the date that they take up such responsibilities.

#### 14.1.10 Submission of Claims

Members **may** submit claims for expenses relating to travel, subsistence and Dependants' Carer's Allowance that are incurred by their attendance at meetings and other approved duties. Claims must be made, in writing, and may be made in arrears up to two calendar months, if claimed by 5<sup>th</sup> of the third month. e.g. all expenses for 1<sup>st</sup> October to 31 October 2018 must be claimed by close of business on 5<sup>th</sup> December.

**In addition, Members are able to submit claims within the same month as attendance has occurred, providing the meeting has taken place and the above submission dates are adhered to.**

When claiming for reimbursement for travel by public transport and subsistence, claims shall be accompanied by tickets or receipts for the expenditure incurred.

Failure to do so will result in any claim being void unless the Head of Legal and Strategic Support has approved payment of a claim from a Member submitted after that period due to illness.

#### 14.1.11 Delay of Submission Caused by Illness

Nothing in Rule 14.1.10 above shall prevent the Head of Legal and Strategic Support from approving payment of a claim submitted after that period where the reason for delay is attributable to illness.

#### 14.1.12 Payments

Payment shall be made:

- in respect of Basic and Special Responsibility Allowances subject to (b) below, in installments of one-eleventh of the amount specified in this scheme on or before the last working day of each month, between June and April each year;
- in respect of, on or before the last working day of each month in respect of claims received by the 5<sup>th</sup> day of that month.

Payments for the Basic and Special Responsibility Allowance shall be paid direct to Councillors over eleven months (June-April). No payment of Basic or Special Responsibility Allowance shall be made in May of each year. Claims for mileage, Subsistence Allowance and DCA can be made in any month.

### 14.1.13 Indexation

That the level of indexation for the Basic Allowance and Special Responsibility Allowances be automatically linked to that used for West Berkshire Council Officers unless Members choose to forgo index linked increases in a particular year.

The Dependants’ Carers’ Allowance’s maximum hourly rate is indexed to the living wage.

The mileage allowances are indexed to HMRC rates.

That in accordance with the 2003 Members’ Allowances Regulations (21.1e) the level of indexation will be revisited in November 2021 if not before.

For more detailed information on allowances, including completing claim forms, contact the Members’ Services Officer or go to the Members’ allowances webpage: [www.westberks.gov.uk/councillorallowances](http://www.westberks.gov.uk/councillorallowances)

# Schedule 1

## Special Responsibility Allowances

The following are specified as the special responsibilities in respect of which responsibility allowances are payable, and the amounts of those allowances.

Position	May 2015	May 2018	May 2019
Chairman of Council (1)	£5,493	£5,660	£5,773
Vice-Chairman of Council (1)	£1,099	£1,132	£1,155
Leader of Council (1)	£18,310	£18,865	£19,242
Deputy Leader (1)	£9,155	£11,319	£11,545
Executive Members (8)	£9,155	£9,433	£9,622
Chairman of Licensing Committee (1)	£2,747	£2,830	£2,887
Chairman of Planning Committee (2)	£4,578	£4,716	£4,810
Chairman of the Overview and Scrutiny Management Commission (1)	£5,493	£4,716	£4,810
Chairman of Governance and Ethics Committee (1)	£2,747	£2,830	£2,887
Chairman of Personnel Committee (1)	£0	£2,830	£2,887
Leader of the Opposition (1)	£7,324	£7,546	£7,697
Opposition Spokespersons (up to 4 but in proportion to the number of allowances paid to the Administration)	£2,197	£2,264	£2,309
Leader(s) of Minority Group(s) if have 5 Group Members	£1,831	£1,865	£1,902
Independent Person(s)*	£1,000	£1,030	£1,051

\* *The remuneration of the Independent Person(s) does not fall within the Members’ Allowance Scheme but in the interest of transparency has been published here (see report titled Revised Standards Arrangements – Localism Act 2011 discussed at Full Council on the 10 May 2012)*

At Full Council on 1 March 2018 it was agreed that the Opposition Spokespersons’ Special Responsibility Allowances should be paid in proportion to those paid to the Administration.

From May 2003, the Special Responsibility Allowances listed above will be index linked to the rate used for Local Government employees (see Rule 14.1.13), with the exception of May 2007.

On 01 March 2018 it was agreed that the level of indexation for the Basic Allowance and Special Responsibility Allowances continue to be automatically linked to that used for West Berkshire Council Officers unless Members choose to forgo index linked increases in a particular year. The Dependents’ Carers’ Allowances maximum hourly rate is indexed to the living wage. The mileage rates are index linked to HMRC rates.

In March 2018 it was agreed that the Special Responsibility Allowances would be calculated based on the ratios set out below:

<b>Position</b>	<b>Calculation</b>
Leader of Council (1)	2.5 x Basic Allowance
Chairman of Council (1)	30% of the Leader’s Allowance
Vice-Chairman of Council (1)	20% of the Chairman’s Allowance
Deputy Leader (1)	60% of the Leader’s Allowance
Executive Members (8)	50% of the Leader’s Allowance
Chairman of Licensing Committee (1)	15% of the Leader’s Allowance
Chairman of Planning Committee (2)	25% of the Leader’s Allowance
Chairman of the Overview and Scrutiny Management Commission (1)	25% of the Leader’s Allowance
Chairman of Governance and Ethics Committee (1)	15% of the Leader’s Allowance
Chairman of Personnel Committee (1)	15% of the Leader’s Allowance
Leader of the Opposition (1)	40% of the Leader’s Allowance
Opposition Spokespersons (up to 4)	30% of the Leader of the Opposition’s Allowance
Leader(s) of Minority Group(s) if have 5 Group Members	10% of the Leader’s Allowance