

Part 6 – Members’ Allowances Scheme

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MEMBERS' ALLOWANCES SCHEME

1. Introduction

By virtue of Section 18 of the Local Government and Housing Act, 1989 and the provisions of The Local Authorities (Members' Allowances) Regulations 1991, 1995 and 2001 the Council: -

- (a) must make a scheme providing for the payment of a basic allowance for every Member of the Authority who is a Councillor;
- (b) may make a scheme providing for the payment of a special responsibility for any Member who has such special responsibilities in relation to the Authority as may be so specified or determined; and
- (c) may make a scheme which includes the payment of a childcare and dependent carers' allowance to those councillors who incur expenditure for the care of children or dependent relatives whilst undertaking particular duties.

2. Effective Date of Scheme

At its meeting on 17th July 2001 the Council approved the making of a scheme in accordance with the Act and Regulations which may be cited as the "Borough of Broxbourne Members' Allowances Scheme". The details of the scheme are set out below and in Appendix 1 hereto. The scheme shall have effect for the year commencing on 28th July 2001 and subsequent years.

3. Basic Allowance

The annual basic allowance, as specified in Appendix 1 hereto, will be paid on a proportionate basis to each Councillor on the 25th day of each month by direct bank credit and the first such payment of the relevant year will be made on 25th April.

Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of the relevant year, his/her entitlement shall be reduced pro rata in accordance with the proportion of the period during which he/she held office.

4. Special Responsibility Allowances

Special responsibility allowances shall be paid annually to those Councillors holding positions which the Council has determined have special responsibilities. The amount of the special responsibility allowances and the positions in respect of which they are payable are specified in Appendix 1 hereto.

The allowances will be paid on a proportionate basis on the 25th day of each month by direct bank credit and the first such payment of the relevant year will be made on 25th April.

Where a Councillor takes up or relinquishes a position, as entitles him/her to a special responsibility allowance otherwise than at the beginning or end of the relevant year, his/her entitlement shall be reduced pro rata in accordance with the proportion of the period during which he/she held such position.

5. Travelling and Subsistence Arrangements

Travelling and subsistence allowances as indicated in Appendix 1 hereto can be claimed where a Councillor necessarily incurs expenditure on travelling or subsistence for the purpose of enabling him/her to perform an approved duty as indicated in Section (i) below.

- (i) (a) attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council provided that the attendance allowance shall only be payable to appointed Members of the bodies concerned and to those Members specifically requested to attend a particular meeting by the Leader of the Council, or in his/her absence, the Deputy Leader of the Council; the Leader and Deputy Leader shall notify the Head of Member Services forthwith in writing of any such requests.
- (b) attendance at any other meeting authorised by the Council or by a Committee or Sub-Committee exercising delegated powers (but not by an Officer of the Council) including seminars and working parties to which representatives of more than one political group have been invited.
- (c) attendance at the conferences detailed in the Estimates Booklet.
- (d) attendance at any meetings arranged by statutory bodies to which the Council is invited to make appointments or nominations and which the Council deems appropriate to attend.
- (e) attendance for the purpose of being present while tenders are opened.
- (f) attendance at approved inter-authority meetings where the member is attending as this Council's official representative, subject to only one attendance from a committee being payable under the scheme.
- (g) attendance by Members of the Council as the Council's representatives at meetings of the bodies listed below and any forums or seminars or similar meetings arranged by such bodies provided that no allowance will be payable for in-borough meetings of the bodies concerned.

Hertford Regional College
Lee Valley Regional Park Authority
Local Government Association
Herts LGA
Local Transport Plan
Hertfordshire Joint Member Panel Strategic Planning Issues
Enfield, Essex, Herts Border Liaison Group
Lea Valley Area Plan Joint Officer/Member Meeting

Waste Strategy Implementation Group
Highways Agency Joint Member Panel
East of England Investment Agency/Regional Assembly
East and North Herts PCT Scrutiny Committee

- (h) attendance by appointed Members of the bodies concerned and those Members specifically requested to attend by the Leader of the Council, or in his absence, the Deputy Leader of the Council, at any site visit and/or inspection within or without the Borough, arrangements for which have been previously authorised by the Council, Committee or Sub-Committee of the Council and being for the purpose of or in connection with any function of the Council.
- (i) notwithstanding the foregoing the Chief Executive Officer, in consultation with the Leader of the Council, is authorised to approve the payment of an allowance under the scheme as and when necessary in the interests of the Council and community.

Such allowances can also be claimed in connection with attendance at the Council Offices or other establishments by the following for the purposes specified:-

- (ii) the Mayor (or with his/her authority the Deputy Mayor) at either (a) an agenda briefing with Officers of the Council prior to a meeting of the Council or (b) some special or particular meeting with an Officer or Officers of the Council to discuss matters having a close connection with the work of the Council.
- (iii) the Leader of the Council and/or the Leader of the Opposition (or, in their respective absence, some other Member of the Council nominated by the absent Leader for the purpose on that occasion) for meetings with an Officer or Officers of the Council to discuss matters having a close connection with the work of the Council.
- (iv) the Chairman of any Committee or Sub-Committee (and/or, with his/her authority, Officers of the Council prior to meetings of his/her particular Committee or the Vice-Chairman or some other Member of the Council nominated by the Chairman for the purpose) (a) at agenda briefings with the Sub-Committee; and (b) when his/her special or particular attendance is required in connection with the work of his/her particular Committee or Sub-Committee.
- (v) any Member of the Council (a) for the purpose of consulting an Officer or Officers of the Council on matters having a close connection with the work of the Council where the officer(s) concerned has previously indicated to the member that his/her specific attendance at the offices would be necessary or (b) attending any hearing at the request of the local Ombudsman.

6. Income Tax

Basic and special responsibility allowances are subject to deduction of income tax. This will usually be by application of the recognised PAYE procedure and the Council will arrange for tax code numbers to be issued by H.M. Inspector of Taxes. If, however, a Member objects to the operation of PAYE he or she may opt to have tax deducted at the basic rate by notifying H.M. Inspector of Taxes accordingly.

7. National Insurance

Basic and special responsibility allowances may be subject to deduction of national insurance contributions, even if a Member has other employment, should the total allowances paid average out at or above the minimum weekly level which attracts contributions (n.b. at present the minimum weekly contribution level is £89.01 (£385.01 monthly) but this is liable to change from time to time). Married women and certain widows will be liable to pay contributions at a reduced rate, whilst those Members who are retired for national insurance purposes, or who do not satisfy the conditions for a retirement pension, will not be liable to pay contributions at all.

However, full contributions must be deducted by the Council unless a certificate for either "reduced liability" or "non-liability" is produced. Such certificates are obtainable by post from the office of the Department of Social Security which holds a Member's records. For the Cheshunt area the office is at St. George's Chambers, 23 South Mall, Edmonton, whilst the Hoddesdon area office is at Sovereign House, Hale Road, Hertford. Alternatively, certificates can be requested by telephone on 0208 258 8855.

8. Social Security Benefits

As these may be subject to earnings rules a Member claiming allowances when in receipt of any benefit e.g. unemployment or sickness benefit, retirement or disablement pension should ascertain the possible effect on such benefit. If there is any doubt as to how a particular benefit may be affected the Member is advised to contact his or her local social security office as noted above.

9. Travelling, Subsistence and Other Allowances

Details of travelling, subsistence and other allowances are set out in Appendix 1 hereto.

10. Election To Forgo Allowances

Where a Member has no intention of claiming the basic, special responsibility, travelling and/or subsistence allowances they are invited to complete an "Instrument of Surrender" form. This formal indication of a renunciation of entitlement enables a more realistic estimate to be framed of the Council's overall expenditure on allowances. It is not intended that the surrender be irrevocable and in the event of a Member wishing to revoke the surrender document this would receive sympathetic consideration

11. Further Information

Your attention is also drawn to the guidance notes contained in Appendix 2 hereto which give further details of the operation of the allowances scheme. If you have any doubts or questions please do not hesitate to contact the Head of Support Services.

APPENDIX 1

ALLOWANCE RATES

1. Basic Allowances (with effect from 1 April 2009)

The basic allowance payable to each Member effective from 1 April 2009 is £4,100 pro rata.

2. Special Responsibility Allowances (with effect from 1 April 2009)

From 1 April 2009 the following special responsibility allowances will be payable pro rata to the holders of the offices indicated:-

Leader of the Council	£10,250
Chairmen of Policy and Resources, Community Services, Environmental Services, Finance and Personnel, Scrutiny Committees and Service Organisations Board	£4,510
Planning and Licensing Committee Chairman	£5,125
Vice-Chairmen	£2,050
Leader of the Opposition	£2,870
Deputy Leader of the Council	£3,485
Mayor	£4,510

3. Travelling Allowances

(vide Full Council 22/7/03 w.e.f. 1/8/2003)

Public Transport - 1st class fare

Private Cars – the allowance scheme shall provide for the payment of 40p per mile for approved Council duties to and from a member's home address or where applicable the payment of mileage from a member's workplace where this is within the county area or an adjoining area to Hertfordshire

When a Member carries passengers who would otherwise be entitled to claim an allowance he may claim an extra 3.0p per mile for the first passenger and 2.0p per mile for the second and subsequent passengers. The names of passengers, where appropriate, should be shown on the claim form.

The allowance scheme shall provide for the claiming of taxi fares for approved Council duties where a member does not have access to or is unable to use a private vehicle and where there is no public transport reasonably available. The cost of air travel, pullman and sleeping car accommodation, portorage, etc., can be claimed in certain circumstances. Also actual expenditure incurred on tolls, ferries or parking fees and, in the case of absence overnight from the usual place of residence, garaging can be claimed. Special rates apply to motorcycles and details of these rates can be obtained on request.

5. IT Training for Members

A sum of at least £3,000 is available in 2009/10 to support the fees cost of any member attending a local approved or accredited course of IT training.

6. Subsistence Allowances

(vide Full Council w.e.f. 1/8/2003)

The rate of subsistence is as follows:-

- (a) Breakfast allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11am) £6.00;
- (b) Lunch allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the lunchtime between 12 noon and 2pm) £8.00;
- (c) Tea allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the period 3pm to 6pm) £3.00;
- (d) Evening meal allowance (more than 4 hours away from the normal place of residence or where the authority permits, a lesser period, ending after 7pm) £9.00.

Absence overnight £79.82

Absence overnight in London, or in attending certain conferences approved by the Minister not more than £91.04

Note: The only approved conference for this purpose is the Local Government Association.

Meals provided free of charge

The rates specified in paragraph 6 above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

The overnight allowance is deemed to cover a continuous period of absence of 24 hours. If meals are supplied free, the allowance is reduced, the amount of the reduction being determined by the Council having regard to the cost of supplying the meals.

APPENDIX 2

GUIDANCE NOTES ON ALLOWANCES

1. Approved Duties

Travel and subsistence allowances may only be claimed in respect of "approved duties" as prescribed in section 5. The underlying principle governing the right to claim allowances is that approval must precede performance of the duty and cannot be given retrospectively.

2. Submission of Claims

Claims for allowances shall be submitted for payment to the Head of Support Services by the 1st of the month and will be paid by direct bank credit on the 25th of the month. Claims received after this date will be paid by direct bank credit on the 25th of the following month.

Claims for allowances under the scheme must be made within two months of the date on which the duty in respect of which entitlement to the allowance arises is carried out, although the Council is authorised to exercise discretion in this matter. Such discretion, if any, will be exercised by the Head of Support Services following consultation with the Leader of the Council.

3. Claim Forms

All claims for allowances should be completed in full by the Member concerned on the forms provided ("Members' travel and subsistence claim form"). Claims are open for public inspection, which are published on an annual basis in accordance with the Regulations. It is therefore necessary to ensure that no claim can be challenged by reason of missing or incorrect entries. Should a claim be received which is incomplete or is otherwise incorrect the claim may have to be returned. A claim would not be acceptable, for example, if it is unsigned or it lacked the required information to enable the allowances claimed to be checked. It is, therefore, most essential that claims should be given a final scrutiny before submission to make certain that they are fully completed.

Where, however, an allowance appears to have been misclaimed/claimed in error, the amendment may be made by the Head of Support Services and the alteration will become evident to the Member as a copy of the actioned claim is always returned on settlement. The payment will be made direct to the Member's bank and details of the bank account should be entered in the top left-hand corner of the claim form. Further supplies of claim forms may be obtained from the Head of Support Services.

4. Duplicate Claim

Allowances may not be claimed from more than one body, nor under more than one Act, for the same duty.