

# South Derbyshire District Council

## MEMBERS' ALLOWANCES SCHEME

(effective 20<sup>th</sup> July 2020)

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

1. This scheme may be cited as the South Derbyshire District Council Members' Allowances Scheme and shall have effect from 19<sup>th</sup> January 2017, until the scheme is amended or a new scheme is adopted.

2. In this scheme,

"the Regulations" means the Local Authorities (Members' Allowances)(England) Regulations 2003.

"Member" means a Member of the South Derbyshire District Council who is an elected councillor;

"co-opted Member" means a co-opted Member of the Standards Committee.

"year" means the 12 months ending with 31 March.

### 3. Basic Allowance

a. Subject to paragraph 7 (renunciation), for each year a Basic Allowance be paid to each Councillor (see Schedule 1).

b. Where a Member is suspended or partially suspended from his / her responsibilities or duties as a Member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him / her in respect of the period for which he / she is suspended or partially suspended may be withheld by the Council.

### 4. Special Responsibility Allowances

a. For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority, which are specified in Schedule 1 to this scheme.

b. Subject to paragraph 7 (renunciation), the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

- c. Where a Councillor is entitled to more than one such allowance, he/she shall receive the higher or highest allowance.
- d. Where a Member is suspended or partially suspended from his / her responsibilities or duties as a Member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowance payable to him / her in respect of the responsibility or duties from which he / she is suspended or partially suspended may be withheld by the Council.
- e. Where a Party is registered with the Electoral Commission, an allowance will be payable to the Leader and Deputy Leader of a second Opposition Group.

## **5. Travelling and Subsistence Allowances**

- a. Subject to paragraph 7, travelling and subsistence allowances shall be payable to each Councillor under the conditions and at the rates specified in Schedule 2 to this Scheme, for the approved duties listed in Schedule 3 to this Scheme.
- b. Where a Member is suspended or partially suspended from his / her responsibilities or duties as a Member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any travelling and subsistence allowance payable to him / her in respect of the responsibilities or duties from which he / she is suspended or partially suspended may be withheld by the Council.

## **6. Dependants' Carer's Allowance**

- a. Subject to paragraph 7 (renunciation), a Dependants' Carer's allowance shall be paid to those Councillors who incur expenditure on the care of children or other dependants while carrying out any of the approved duties listed in Schedule 3 to this Scheme.
- b. A Councillor claiming this allowance will be reimbursed actual costs up to a maximum of £40 a day.
- c. The reimbursement for care of any dependants while a Member is undertaking an approved duty is not restricted to formal carers – care can be provided by informal carers.
- d. In all cases, regardless of who has provided the care, a receipt from the carer must be produced by the claimant seeking reimbursement.
- e. The childcare element will be paid at and indexed to the relevant national minimum wage applicable to age of the carer and should be for actual expenditure incurred up to a maximum of 12 hours in any one week claimed per Member. Thus, a Member can claim for care for multiple

children but the total number of hours claimed for can be no more than 12 hours in total in any one week.

- f. The elderly and/or disabled dependant care element of the allowance will be paid at a similar rate chargeable by Derbyshire County Council Social Services Department for provision of a Home Care Assistant.
- g. The Dependants' Carers' Allowance will be made available to Members who have an express need for such an allowance. This express need should take the form of a written declaration by a Member, which will then be lodged with the Standards Committee (and the Monitoring Officer as a means of providing further audit).
- h. A Member cannot claim for multiple carers for multiple dependants within the same category of care.

## **7. Renunciation**

A Councillor may by notice in writing given to the Director of Finance and Corporate Services elect to forego any part of his or her entitlement to an allowance under this scheme.

## **8. 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. If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods
  - i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
  - ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
- c. Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance as

bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

- d. Where this scheme is amended as mentioned in sub-paragraph (b), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- e. Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- f. Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him / her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he / she has such special responsibilities bears to the number of days in that period.

## **9. Claims and Payments**

- a. Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph (b), in instalments of one-twelfth of the amount specified in this scheme on the 15th day of each month or the nearest working day to the 15th day.
- b. Where a payment of one-twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 9, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- c. Payments in respect of a Dependants' Carer's Allowance will be based on the reimbursement of actual costs, supported by receipted accounts.
- d. Payments in respect of Travelling and Subsistence Allowances will be based on a claim submitted by the Member concerned.

- e. A claim for a Travelling and Subsistence or Dependents' Carer's Allowance must be made in writing within three months of the date on which the duty in respect of which the entitlement to the allowance arises.

## 10. Indexing and Backdating of Allowance

The Basic and Special Responsibility Allowances shall be increased with effect from the Annual Council Meeting each year in line with the annual local government pay settlement. The allowances shown in this scheme are those to be applied from 19<sup>th</sup> January 2017.

## 11. Application of Scheme

All provisions in this Scheme shall come into effect on 20<sup>th</sup> January 2020.

### Schedule 1

## SOUTH DERBYSHIRE DISTRICT COUNCIL

### MEMBERS' ALLOWANCES

|   | £      |
|---|--------|
| <b>BASIC ALLOWANCE</b> (paid to each Councillor)<br>(with an increase of £345 yearly until 2022/23) | 6,900  |
|   |        |
| <b>SPECIAL RESPONSIBILITY ALLOWANCES</b>  |        |
| Leader of the Council   | 19,653 |
| Deputy Leader of the Council  | 10,809 |
| Chairmen of Policy Committees (x 3)   | 9,815  |
| Vice-Chairmen of Policy Committees (x 3)  | 2,103  |
| Chairman of Planning Committee  | 9,815  |
| Vice-Chairman of Planning Committee   | 2,103  |
| Chairman of Overview and Scrutiny Committee   | 9,815  |
| Vice-Chairman of Overview and Scrutiny Committee  | 2,103  |
| Chairman of Licensing and Appeals Committee   | 4,865  |
| Chairman of Audit Sub-Committee   | 4,865  |
| Leader of Opposition  | 9,249  |
| Deputy Leader of Opposition   | 4,630  |
| Independent Persons of Standards Committee (x 2)  | 1,750  |

## Schedule 2

## **Travel and Subsistence claims**

Claims for travel and subsistence should be submitted monthly and no later than 3 months after the expense has been incurred.

Subsistence rates

### **Breakfast Allowance £4.77**

More than 4 hours away from normal place of residence before 11.00am

### **Lunch Allowance £6.57**

More than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00pm

### **Tea Allowance £2.59**

More than 4 hours away from normal place of residence including the period 3.00pm to 6.00pm

### **Evening Meal Allowance £8.13**

More than 4 hours away from normal place of residence ending after 7.00pm

It is not possible to claim both the tea and evening meal allowance. Reimbursement will be for actual expenditure incurred to a maximum limit on production of receipts.

Subsistence Allowance for attending approved duties within the Authority is not payable.

Where Members are required to stay away from their residence on Council business, they may claim the full cost of accommodation and any applicable subsistence allowances, where these are not included in the accommodation cost. Where hotels are used the most economical option should be chosen and must first be approved by the Chief Executive and/or Director of Finance and Corporate Services. Receipts should be provided for the reimbursement of any claims.

Travel allowances may be paid for the approved duties detailed in Schedule 3.

## **In-authority travel**

In-authority travel for Members is mainly journeys from home to the Civic Offices for approved duties. The District is irregular in shape with the administrative centre being in Swadlincote close to the southern boundary. The distance between Swadlincote and neighbouring authorities in the vicinity of the Civic Offices is only a few miles.

Members qualify for office based on a number of criteria and may not reside in the District. In this situation only part of each journey to the Civic Offices is made in the District. Whilst the remaining part is covered by out-of-district travel there needs to be a reasonable limit. In-authority travel for the purposes of travel between home and Swadlincote for approved duties is limited to a 20 mile radius from the Civic Offices.

Members' mileage rates are based on the current HMRC mileage rates, as follows:-

| <b>Vehicle Type</b>              | <b>First 10,000 business miles in the tax year</b> | <b>Each business mile over 10,000 in the tax year</b> |
|----------------------------------|--|---|
| <b>Cars and vans</b>             | 45p  | 25p   |
| <b>Motor cycles</b>              | 24p  | 24p   |
| <b>Bicycles</b>                  | 20p  | 20p   |
| <b>Passenger Supplement Rate</b> | 5p per passenger                                   | 5p per passenger                                      |

## **Out-of-authority travel**

Members travelling out of the District on approved duties are expected to travel by the most cost-effective methods that meet the needs of their travel requirements. In particular, Members who have to travel by train to out of authority meetings are expected to travel standard class unless exceptional circumstances require otherwise. In such a situation, travel by first class would need to be given prior approval by the Chief Executive and/or Director of Finance and Corporate Services.

If other types of journeys need to be taken by Members on out of authority business and the rates recommended are not practical, then these modes of travel must first be approved by the Chief Executive and/or Strategic Director (Corporate Services) and receipts should be provided for the reimbursement of any claims.

Subsistence for attending approved duties out of the Authority is payable at the current rates if not pre-booked by the Authority.

## Schedule 3

### Approved Duties for the Purposes of Travelling and Subsistence and Dependants' Carer's Allowances

#### **Approved Duties Within Categories Specified by the Local Authorities (Members' Allowances) (England) Regulations 2003**

- (a) The attendance at a meeting of the authority or of any committee or subcommittee 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 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 (Cabinet) 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 performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996;
- (h) 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. (See below)



## **Other Approved Duties**

Travelling and Subsistence Allowances may be paid for the following approved duties, which shall not include 'case work' on behalf of constituents or work in relation to individual preparation for formal meetings:-

- attendance at a meeting of the Authority
- attendance at a meeting of a Committee or Sub-Committee of the Authority
- attendance at a meeting of some other body to which the Authority make appointments or nominations
- attendance at Parish Council meetings within Members wards
- any duty of a Chairman and/or Vice-Chairman of a Committee or Sub-Committee of the Authority
- any duty of Leaders and Deputy Leaders of each political group including visits to the Council's offices to conduct Council business
- attendance at a meeting which has both been authorised by the Authority, a Committee, or Sub-Committee of the Authority or a Joint Committee of the Authority and one or more other authorities, or a Sub-Committee of a Joint Committee and to which representatives of more than one political group have been invited
- visits by Members (other than Leaders, Deputy Leaders and Chairmen and Vice-Chairmen of Committees and Sub-Committees) to the Council's offices to discuss Council business or to attend meetings
- attendance at a meeting of a Local Authority Association of which the Authority is a member
- duties undertaken on behalf of the Authority in pursuance of any Procedure Rule requiring a Member or Members to be present while tender documents are opened
- duties undertaken on behalf of the Authority 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
- attendance at a Meeting/event to which the Member has received an official invitation from a representative of the Authority
- attendance at public meetings and public inquiries when acting in the capacity of a councillor or an office of special responsibility
- attendance at a conference, seminar or training event, subject to prior approval of the Chief Executive in consultation with the Leader of the Council
- attendance at any meeting to which a Member is invited as a Ward councillor
- Civic duties undertaken by the Chairman and Vice-Chairman of the Council
- any other duty approved by the Authority in connection with discharging the duties of the Authority or its Committees or Sub-Committees