

COUNCIL

7 January 2015

MEMBERS' ALLOWANCES – APPROVAL OF FULL SCHEME

REPORT OF CHIEF OPERATING OFFICER

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RECENT REFERENCES:

CAB2635 – Members' Allowances – Report of the Independent Remuneration Panel  
- 3 December 2014.

EXECUTIVE SUMMARY:

At their meetings held on 3 and 8 December 2014 respectively, Cabinet and The Overview and Scrutiny Committee considered Report CAB2635 – Members' Allowances - Report of the Independent Remuneration Panel.

Cabinet generally supported the Independent Remuneration Panel's recommendations which were also noted by The Overview and Scrutiny Committee. The minutes of these meetings are set out in the Council Agenda and will be considered before this Report.

With regard to the inflationary NJC index, Cabinet recommended that the index should not be applied to Members' Allowances for the 2015/16 Municipal Year.

In addition, Cabinet agreed that Members' mileage rate should be indexed to the HMRC rate should it change in 2015/16. The HMRC current rate is 45p per mile.

Both indices would still be included within the Scheme – as this would enable the Council to decide each year whether to apply the index for the following year.

Cabinet supported the other recommendations in the Independent Panel Report. These included a revised Special Responsibility Allowance for the Chairman of Standards Committee at £1,521 (Band 6). Other Allowance rates remain at the same levels as in the current scheme.

Having regard to the above decisions, a revised Members Allowances scheme is included at Appendix A to the Report. This shows, in 'tracked changes', the amendments to the existing scheme as recommended by the Independent Remuneration Panel, together with the proposal by Cabinet not to implement the NJC 2.2% inflation index for the 2015/16 municipal year. It also includes updates to Schedule 1 to delete external organisations that are no longer in existence and include new organisations that have been established since the list was last updated.

Council is asked to approve the revised scheme as set out at Appendix A. This will need to be adjusted if full Council makes any changes to the recommendations of Cabinet .

The reasons for departure from the Panel's recommendations with regard to the application of the inflationary index have to be given and published. Currently, these are as set out in the views of Cabinet, to maintain existing rates to take account of the current economic circumstances , unless Council agrees to further departures from the Panel's recommendations.

**RECOMMENDED:**

1. That the revised Members Allowances Scheme and consequential amendments to its text , as set out in Appendix A to this report, be agreed and implemented from 1 April 2015.
2. That the existing Members Allowances Scheme be revoked from 1 April 2015.
- 2 That the Chief Operating Officer be authorised to make any minor textual alterations to the Scheme which become necessary on final checking.

**OTHER CONSIDERATIONS:**

As set out in Report CAB2635.

**BACKGROUND DOCUMENTS:**

As set out in Report CAB2635.

**APPENDICES:**

Appendix A – Amended version of Members Allowances Scheme



## CONSTITUTION OF THE CITY COUNCIL

### PART 6 - MEMBERS' ALLOWANCES SCHEME

Section	Page Number
<b>1. BACKGROUND</b>	
1.1 Legislative Framework for Scheme	3
1.2 The Independent Remuneration Panel	3
1.3 Definitions	4
<b>2. BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES FOR COUNCILLORS</b>	
2.1 Basic Allowance	4
2.2 Special Responsibility Allowances	5
2.3 Part Year Entitlement to Basic and Special Responsibility Allowances	5
<b>3. TRAVEL AND SUBSISTENCE</b>	
3.1 Travel	7
3.2 Subsistence	8
3.3 Accommodation	9
<b>4. DEPENDANTS' CARERS' ALLOWANCE</b>	10
<b>5. CO-OPTEE'S ALLOWANCES</b>	10
<b>6. RENUNCIATION</b>	11
<b>7. ROLE OF THE STANDARDS COMMITTEE – WITHOLDING OR REPAYMENT OF ALLOWANCES</b>	11
<b>8. MEMBERSHIP OF MORE THAN ONE AUTHORITY</b>	12
<b>9. INFLATION INDEX</b>	12
<b>10. ADMINISTRATIVE PROCEDURE</b>	
10.1 Making Payments	13
10.2 Queries over Entitlement	13
10.3 Tax and National Insurance Implications	14
10.4 Amendments to Allowance Levels and to Eligibility Criteria	15
10.5 Publicity of Scheme	16

**SCHEDULE 1: ELIGIBILITY FOR TRAVEL AND SUBSISTENCE**

Internal Meetings	17
External Meetings: Categories A, B and C	18

**SCHEDULE 2(i): AMOUNTS CURRENTLY PAID FOR EACH DUTY  
(FROM 18/05/11)**

Allowances	21
Travel & Subsistence	23

**SCHEDULE 2(ii): AMOUNTS CURRENTLY PAID FOR EACH DUTY  
(FROM 01/04/15 ~~18/05/11, AMENDED 23/02/12~~)**

Allowances	<u>21</u> <sup>26</sup>
Travel & Subsistence	<u>23</u> <sup>28</sup>

## 1. **BACKGROUND**

### 1.1. **Legislative Framework for Scheme**

The Council is currently empowered to remunerate Members under the Local Authorities (Members Allowances) Regulations 2003, as amended (principally SI Nos 1021 and 1692 of 2003) (the Regulations). These Regulations are made under the provisions of the Local Government Act 2000 and the Local Government & Housing Act 1989. The Local Government Act 2000 made provision for an Independent Remuneration Panel to be established to make recommendations upon the Scheme and provided for statutory guidance to be issued by the Secretary of State. The Council has had regard to the report of the Panel and the statutory guidance in producing this Scheme.

The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 (SI No 1022) also used to permit Members to be admitted to the Local Government Pension Scheme. However, these provisions were not adopted by the Council and the law no longer allows schemes to make new provisions for such pensions. ~~These provisions can only be applied if the Independent Remuneration Panel so recommend. In its latest Report, the Panel made recommendations that would have allowed the Council to introduce a Scheme permitting both Basic and Special Responsibility Allowances for all Members to be included as pensionable, provided the Member was otherwise eligible under the Regulations. However, the Council decided not to implement these recommendations at this time due to the current economic situation. For this these reasons,~~ this Scheme does not make provision for any pension entitlement for Members under the Local Government Pension Scheme.

This document contains details of the formal statutory scheme, comprising of Basic Allowance and Special Responsibility Allowances, as set out in Section 2 below and the relevant part of the Schedule. The Dependants' Carers' Allowances, Co-optees Allowances, travel and subsistence provisions also form part of the Scheme.

### 1.2 **The Independent Remuneration Panel**

An Independent Remuneration Panel, appointed by the Council under the provisions of the Local Government Act 2000, from time to time makes recommendations to the Council as to the contents of its Allowances Scheme.

The Panel has met in 2001, 2002, 2003, 2006, 2010, 2011 and 2014.

The previous Scheme was amended by the Council on 23 February 2012 and continued in effect until 1 April 2014. The Council decided on

7 January 2015 that it should be revoked with effect from that date and replaced by this Scheme (Reports CAB2635 and CL104 refer).

This Scheme adopts the recommendations of the Independent Remuneration Panel. However, Council decided not to implement the general NJC inflation index for 2015/16 because of the current economic situation.

~~The Panel has met in 2001, 2002, 2003, 2006 and, the last comprehensive review of the Scheme was undertaken on 21/22 October 2010. In the resulting (fifth) report, the Panel made recommendations regarding the levels of allowances for 2011/12 and beyond (Reports CAB2106 and CL68 refer). These recommendations were submitted to Cabinet on 19 January 2011 and Council on 24 February 2011.~~

~~With regard the Panel's recommendations to generally revert to the higher allowance levels in the 2009/10 scheme (before the Council made a reduction of 5 % in 2010/11) Council agreed that it was not appropriate for these to be increased due to the current financial situation. However, the Panel's recommendations regarding other changes to Allowances entitlement were broadly supported. The extension of travel allowances payments to Shadow Cabinet Members attending Cabinet meetings was also supported, and Council further extended this to include Group Leaders. The Panel had also recommended that for 'other Opposition Group Leader' to qualify for an SRA (Band 5), the group must have at least five members. For a 'Group Manager' to qualify for an SRA (Band 6), the Group must have at least 19 members. The Council also accepted the Panel's recommendations that subsistence allowance for attending approved duties within the Winchester District be abolished.~~

~~The Panel undertook a further partial review of the scheme on 23 November 2011. The review considered changes to SRAs consequent upon changes to the Council's Scrutiny arrangements and its recommendations were contained in the Sixth Report of the Panel. This proposed SRA rates for the Chairman of The Overview and Scrutiny and Audit Committees and the six Scrutiny Leads. The Sixth Report also recommended that no changes were necessary to the SRAs for the Leader or Cabinet. These recommendations were approved by Council on 23/2/12 (Reports CAB2277 and CL75 refer).~~

~~The Scheme approved by Council on 24 February 2011 revoked the previous Scheme. It was amended by Council on 23 February 2012 to take account of the Sixth Report of the Panel.~~

Any subsequent amendments to the Scheme take effect from the date stated on the re-issued pages. The approved scheme sets out the only categories of duties for which payment is eligible. The Scheme does not cover every duty that is carried out by Members.

### 1.3. Definitions

Under the Scheme, a year is defined as commencing 1 April and concluding 31 March.

Any period of 24 hours shall be treated as having commenced at 3 am on the day in question.

For the purposes of this Scheme, the phrase 'Political Group' shall have the same meaning as Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.

## 2. **BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES FOR COUNCILLORS**

### 2.1. Basic Allowance

A Basic Allowance is payable. The current rate is set out in Schedule 2.

The Basic Allowance is a flat rate payable to all Members, regardless of individual duties, and is primarily intended to reflect Members' constituency role.

It is also intended to cover the standard incidental costs that Members incur as part of their general duties. In particular it covers the cost of telephone calls from Members houses, broadband, printing leaflets for constituency surgeries, minor office equipment and use of their homes for Council duties. However, it does not negate the current level of provision and access by Members to those services provided as Member Services such as, inter alia, IT equipment or support where required, corporate stationery, car parking permit and the ongoing Member Development Training Programme.

The existing policy of allowing free use of sheltered housing schemes for Members Surgeries continues outside the Members Allowances Scheme, but Members are required to make a contribution to the Tenants Social Fund for such use.

### 2.2. Special Responsibility Allowances

Some duties undertaken by Members are eligible for a Special Responsibility Allowance (SRA). The eligible duties and amounts payable are set out in Schedule 2.

A Member is only entitled to claim one SRA Allowance at any one time. If the Member holds more than one position which is eligible for such

an allowance, he/she will notify the Democratic Services Manager as to the SRA that will be claimed.

The Band 6 SRA set out in Schedule 2 provides for the Council to identify Chairmen of task and finish and/or ad hoc working groups/panels with significant impact as being eligible for the allowance. These posts are not specifically identified within the Scheme itself but are, in accordance with the recommendations of the Independent Remuneration Panel, identified by resolution of the Council from time to time. However, no more than 50% of the Council (28) may receive an SRA at any one time.

This provision limits the number of posts that can be allocated a Band 6 SRA allowance in this category. It also means that if the take up of all SRA's for the other positions specifically allocated in the Scheme changes, this may affect the total number of SRA's payable at any one time. In these circumstances, the Council will have to reconsider which of the task and finish etc allowances can still be paid.

### **2.3. Part-year Entitlement to Basic and Special Responsibility Allowances**

- a) Where a Councillor is elected, or resigns as a Councillor part way through the year, the amount of *Basic Allowance* payable is calculated by dividing the annual sum of the basic allowance (set out in Schedule 2) by 365 and multiplying the product by the number of days that the duty was undertaken.
- b) Where a Councillor commences or ceases to carry out a *Special Responsibility*, as defined above, part way through the year, the amount payable is calculated by dividing the annual sum of the Special Responsibility Allowance (set out in Schedule 2) by 365 and multiplying the product by the number of days that the duty was undertaken.
- c) In the event that the Council revokes a Scheme during the Municipal Year, then an appropriate adjustment shall be made in respect of any Basic Allowance or Special Responsibility Allowance which:-
  - (i) has already been paid under the previous scheme in respect of the remainder of the year from which the further Scheme has effect, or
  - (ii) is to be paid in respect of any part of the year during which the previous Scheme had effect.
- d) In the event of an amendment to the amount of Basic or Special Responsibility Allowance part way through the year, the entitlement shall be calculated by reference to dividing each



annual sum by 365 and multiplying the product by the number of days during which each level of allowance was payable.

Example:	Basic Allowance £ 5,580 per annum
(based upon	£5,580 divided by 12 = £465 per month Basic Allowance
2011/12	Member commences duty 2 September
2015/16	29/30ths of £465 = £449.50 Basic Allowance paid for office
rates)	September
	£465 per month paid thereafter for each full month in

### **3. TRAVEL, SUBSISTENCE AND ACCOMMODATION**

#### **3.1. Travel**

Travel costs are payable in respect of approved duties in accordance with the criteria set out in Schedule 1. In some instances, the Schedule makes distinctions between rates that can be claimed for travel within the administrative boundaries of Winchester City Council and for travel outside those boundaries. Travel costs also apply to payments to Co-opted Members in the circumstances set out in paragraph 4 below. Claims can be made for the following:

(a) Car, Van or Motor Cycle Mileage:

These rates are set out in Schedule 2. The rates may be increased by a supplementary rate when carrying passengers; these rates are also set out in Schedule 2. This rate applies to all passengers up to a maximum of four. Supplementary claims may also be made in respect of expenditure necessarily incurred on tolls and parking fees. Where possible, receipts for such supplementary claims should be obtained and attached to travel claim forms.

(b) Cycle Mileage

At the rates as set out in Schedule 2.

(c) Bus fares

Shall not exceed the amount of ordinary fare or any available cheap fare. Where possible, receipts should be obtained and attached to travel claim forms.

(d) Rail & Ferry

When more than one class is available, the rate by ferry is economy class, and by rail second class, subject to supplementary payments for seat reservation fees, deposit, luggage portage costs, and sleeping accommodation where appropriate on overnight trains/ferries. Reduced rate tickets

should be used where practicable. Where possible, receipts should be obtained and attached to travel claim forms.

(e) Taxi/Private Hire

When it is difficult to utilise public transport at standard rates or otherwise, and the prior approval of the Democratic Services Manager has been obtained, the actual fare for travel by taxi/private hire vehicle, together with reasonable gratuity will be paid. Where possible, receipts should be obtained and attached to travel claim forms.

When taxi/private hire is used out of choice and without prior approval, the reasonable alternative fare for public transport referred to in (c) and (d) above applies. However, if the Democratic Services Manager is satisfied that it was reasonable in all the circumstances that taxi/private hire was used without prior approval, then he may exercise discretion to authorise actual fare and reasonable gratuity.

(f) Car Hire

When hiring a vehicle, the normal mileage rates that apply for private car use; or when it is difficult to utilise public transport at standard rates or otherwise, and the prior approval of the Democratic Services Manager has been obtained, the actual cost of hire. In these circumstances receipts should be obtained and attached to travel claim forms.

(g) Air Travel

When travelling by air, the rates shall not exceed the rates for alternative means of transport (e.g. train fare), unless the Democratic Services Manager has agreed that the saving in travelling time justified the payment of the actual air fare. Where possible, receipts should be obtained and attached to travel claim forms.

The Independent Remuneration Panel has indicated that when Members are travelling outside the Council's administrative boundary on approved duties, they should choose the most cost effective method of travel that meets the reasonable needs of their travel requirements.

### **3.2. Subsistence**

Subsistence is only payable in respect of approved duties outside the Winchester District. However, the Democratic Services Manager may authorise the arranging of meals/refreshment on appropriate occasions e.g. day long meetings of the Planning Committee. The Democratic Services Manager may also authorise subsistence payments in

accordance with Schedule 1 (Category B). Subsistence may also be paid to Co-opted Members, in the circumstances set out in Paragraph 5 below. The rates are set out in Schedule 2, and subject to the following criteria:

- (a) in the case of an absence, not involving an absence overnight from the usual place of residence:-
  - (i) Breakfast Allowance (more than 4 hours away from the usual place of residence, before 11am)
  - (ii) Lunch Allowance (more than 4 hours away from the normal place of residence, including the lunchtime, between 12 noon and 2pm)
  - (iii) Tea Allowance (more than 4 hours away from the normal place of residence, including the period 3pm to 6pm)
  - (iv) Evening Meal Allowance (more than 4 hours away from normal place of residence, ending after 7pm)

These rates should be reduced by an appropriate amount if any meal is provided free of charge by the Council or the outside body. e.g. If a Member takes the Council provided refreshments at meetings then no claim should be made.

- (b) Whenever possible in relation to accommodation and related subsistence for meetings outside the authority, the Member will ask the Democratic Services Manager to make the booking and the necessary payments at such reasonable rates as he may determine.

Otherwise a separate allowance rate is payable in respect of an absence overnight from the usual place of residence, which is set out in Schedule 2. These rates cover a continuous period of absence of 24 hours, and should be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body during the period to which the allowance relates, or in respect of any accommodation for which the Council is making a direct payment.

- (c) Where meals are taken on a train or elsewhere during the periods falling within the categories set out in (a) (i-iv) above on travel outside the Winchester District, reimbursement for reasonable actual costs of the meals will be given in lieu of subsistence allowances on production of receipts.

### 3.3 Accommodation

The Democratic Services Manager will determine those occasions when it is appropriate for a Member attending a conference, seminar or training course, to travel to the venue on the evening before the event and incur a cost for overnight accommodation. For example, such consent would not normally be given for a conference starting at 10am in London, but may be allowed if that conference were in Birmingham or Manchester.

## 4. DEPENDANTS' CARERS' ALLOWANCE

An allowance can be claimed to reimburse childcare/dependant carers' expenses in respect of attendance at any of the Internal Meetings set out in Schedule 1. This allowance does not apply to External Meetings (Schedule 1(Category A) or any other activity.

The Allowance can be claimed in respect of *paid* care for:

- (a) Children up to and including 14 years old;
- (b) Elderly, disabled or mentally handicapped relatives requiring care and not able to be left on their own;

Provided that they normally reside with the claimant, and the paid carer is not a member of the claimant's immediate family or household.

In order to claim the Allowance, the Member must lodge a written declaration with the Democratic Services Manager, outlining the circumstances which entitle him/her to make a claim.

The allowance payable shall be the actual fee by hour of the carer, as set out in Schedule 2, with no maximum set figure for the number of hours subject to the general reasonableness of the claim.

As a guide for reasonableness, this allowance may be claimed for the duration of the meeting, together with up to one hour travelling time to and from the meeting, plus a short period for instruction/hand over with the carer.

Payment can only be made on production of a receipt or invoice from the paid carer.

## 5. CO-OPTEEES' ALLOWANCES

Co-optees' Allowances are only payable to Co-opted Members, as Basic/Special Responsibility Allowance is not payable.

The Co-optees' Allowance applies to the ~~Independent Members and~~ Parish Representatives on the Standards Committee.

The current rates for Co-optees' Allowances are set out in Schedule 2.

~~The Independent Chairman of the Standards Committee, is entitled to receive a co-optees' Allowance equivalent to Band 4 – £3,042.~~

In the event that the Scheme is amended or revoked during the year, or a Member holds office for only part of the year, then the Co-optees' Allowance shall be adjusted in the same manner as for Basic and Special Responsibility Allowances – see Para 2.3 above.

The Travel and Subsistence Scheme applies to these duties.

## **6. RENUNCIATION**

A Councillor **or co-opted Member** may, by written notice to the Democratic Services Manager, choose to forego all or any part of his/her entitlement to any allowance under this scheme.

## **7. ROLE OF THE STANDARDS COMMITTEE – WITHHOLDING OR REPAYMENT OF ALLOWANCES**

~~Where any Member is suspended or partially suspended from responsibilities or duties in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the Standards Committee may determine that any of the following allowances:~~

- ~~(a) the part of Basic Allowance payable in respect of the period of suspension or partial suspension~~
- ~~(b) the part of Special Responsibility Allowance payable in respect of the responsibilities or duties during the period of suspension or partial suspension~~
- ~~(c) any travel or subsistence payable in respect of the responsibilities or duties during the period of suspension or partial suspension~~
- ~~(d) any Co-optees' Allowance in respect of the responsibilities or duties during the period of suspension or partial suspension~~

~~may be withheld.~~

~~Where payment of any allowance has already been made in respect of any period during which the Member concerned is:~~

- ~~(a) suspended or partially suspended from responsibilities or duties in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;~~
- ~~(b) ceases to be a Member or~~

~~(c) is in any other way not entitled to receive the allowance in respect of that period~~

~~the Standards Committee may require that such part of the allowance that relates to any such period be repaid to the Council.~~

## **7.8. MEMBERSHIP OF MORE THAN ONE AUTHORITY**

Where a Member is also a member of another authority, then that Member may not receive allowances from more than one authority in respect of the same duties.

## **8.9 INFLATION INDEX**

In the event that the Council decides that it is not necessary for the Scheme to be reviewed by the Independent Remuneration Panel in any year from ~~2015/16~~ 2012/13 onwards, then the amounts of the Basic, Special Responsibility, Co-optees' and Dependants' Carers' Allowances, together with subsistence rates, will be adjusted for inflation by the amount of the percentage increase in the nationally agreed pay increase for local government employees (linked to Spinal Column Point 49 of the NJC Scheme) on 1 April (commencing 2012)

for implementation from the commencement of the new Municipal Year starting with the date of the Annual Council Meeting in the following May/June (also commencing ~~2015~~ 2012). The increased allowances may be rounded up or down to allow division by a factor of 12.

The amounts of the mileage allowances in the Travel Scheme will be linked to the HM Revenue and Customs (HMRC) rates from time to time and updated by the Democratic Services Manager.

The Council will consider whether the NJC inflation index should be used in lieu of a review by the Panel before the start of the relevant financial year. However, Regulation 10(5) of the 2003 Regulations (SI No 1021) provides that the Council cannot rely on an index for a period of longer than four years before seeking a further recommendation from the Independent Remuneration Panel.

In the event that the Council decides to operate such an index, rather than re-convening the Panel, it shall comply with the provisions of the relevant Regulations for the time being in force and ensure that an updated table of allowances, with the actual amounts payable, is published annually and available for public inspection. Such updated

allowances shall be added to Schedule 2 of the Constitution indicating the periods for which they apply.<sup>1</sup>

## **9.10. ADMINISTRATIVE PROCEDURES**

### **9.10.1. Making Payments**

#### Automated payments

The Basic Allowance, Special Responsibility Allowance, and Co-optees' Allowance where applicable, are administered through the payroll, and are paid automatically into Members' bank accounts using the Bank Automated Clearing System (BACS). Payments are made on a monthly basis on the last working day of each month. Payments are subject to deduction of National Insurance and Income Tax (where applicable).

#### Making a Claim – Other Allowances

Other Allowances have to be claimed by Members and must be submitted **within two months** of the approved duty to the Democratic Services Manager, who will check the claim before onward transmission to the Payroll Team. Claims received no later than the fifteenth day of the month will be paid on the last working day of that month. The Council has discretion as to whether any late claims should be paid.

It is strongly recommended that claims are made on a monthly basis, for the previous month. This is because the liability for National Insurance payments is dependent on when claims are made, and not when entitlement to the payment arose. If claims over a period of time are stored up and submitted together, the total claimed that month may exceed National Insurance payment thresholds.

Claims should be made in writing and on the standard claim form, and signed to confirm that the duty has been carried out and that no other claim has been made for that duty. If claims can also be made from an outside body, then Members are encouraged to claim from that body rather than the Council. Where the travel and subsistence scheme requires the submission of receipts, then these should be attached to the claim form.

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<sup>1</sup> Note. In view of the current financial situation, at its meeting on 7 January 2015 ~~23 February 2012~~ the Council decided not to apply the Inflation Index for Allowances and Subsistence rates for the 2015/16 ~~2012/13~~ Municipal Year.

The Council decided that should the HMRC mileage rate increase in 2015/16 then the index should be applied and implemented forthwith.

a) ~~Not to apply the HMRC mileage rate increase in the 2011/12 and 2012/13 Municipal Years.~~

From 1 January 2007, HMRC has introduced new VAT regulations following a decision in the European Court. The rules affect fuel costs that are subsequently reimbursed by an employer, either on the basis of the actual cost of the fuel or by means of a mileage allowance. Businesses can continue to recover VAT on fuel costs, but must now retain full VAT receipts.

All mileage allowance claims forms received from Members must be supported by full VAT receipts for fuel to cover all journeys being claimed on the form. The receipt must be for fuel purchased in advance of the journeys being claimed. A receipt may cover a single or multiple journeys and single or multiple forms. Where, through low usage, a receipt covers more than one claim, any HMRC compliance testing will recognise this position and will not expect, as a matter of course, a receipt to be attached to each claim.

Original receipts are required, but where a Member has to retain original receipts (e.g. in connection with his/her own business), a copy will be acceptable. Receipts will be checked by the Democratic Services Manager and will be retained for 6 years, plus the current year.

Claims for the Dependants' Carers' Allowance must be accompanied by a receipt or invoice from the paid carer. The Member also has to notify the Democratic Services Manager as to the reasons why he/she is eligible to make a claim before regular claims are made.

Forms can be obtained from the General Office, Democratic Services (01962 848264), or from the Payroll Team, (01962 848157). Forms are available on the Intranet, though have to be signed in writing when submitted.

For the purpose of paying Members' Allowances, it is important that the Council's Payroll Manager is notified as soon as possible of new Members' National Insurance numbers and details of their nominated bank or building society accounts, to which all allowances and other expenses will be paid. New Members who currently do not have a National Insurance number are asked to obtain one from the Department of Works and Pensions. Members who have a number, but are uncertain as to what it is, can obtain confirmation from this same source.

When submitting a claim form, it is important to check against the categories in Schedule 1 to this scheme, to ensure that the duty is eligible for travel and/or subsistence allowance. If in doubt, you are recommended to contact the Democratic Services Manager (01962) 848217, prior to submitting the claim. It is the responsibility of the Member to ensure the accuracy of any claim made.



## **910.2. Queries over Entitlement**

Occasionally, a claim may be made that is considered by officers not to be in accordance with the agreed criteria. In such cases, no payment will be made. If a Member wishes to dispute the decision of the officers, they are requested to appeal in writing to the Democratic Services Manager, who will give reasons for refusing to authorise the payment. If the matter is not resolved, it can be referred to Cabinet to make recommendations to Council.

## **910.3. Tax and National Insurance Implications**

Income Tax and National Insurance will be deducted as appropriate from Members' Allowances in accordance with Inland Revenue regulations. Basic Allowance, Special Responsibility Allowance, Co-optees' Allowance and Dependants' Carers' Allowance are taxable and may also be subject to National Insurance contributions if the monthly threshold is exceeded. In general, travelling expenses incurred in the performance of official duties are not taxable, as the Scheme is based upon the maximum HMRC rates below the NI/Income Tax threshold. Subsistence expenses may in some instances be subject to deductions of tax or National Insurance. Members should be aware that benefits received from other authorities or bodies in the pursuance of their duties are taxable, in exactly the same way as if benefits had been provided by the Council. Members who are over state pension age or have the right to pay reduced rate National Insurance Contributions, should obtain the relevant certificate from the Department of Works and Pensions, and forward it to the Payroll Team.

In certain circumstances, Members may be entitled to claim tax relief for some expenses incurred in the course of their duties, where these expenses are not re-claimable from the Council. A document is available for inspection for any Member who may be affected.

Entitlement to certain State Benefits can be reduced by the receipt of Member Allowances, and any Member affected should discuss this with the Department of Works and Pensions. The entitlement may be affected even if the Member decides not to claim the allowances. In limited circumstances, some Members may be entitled to Statutory Sick Pay if the illness is likely to prevent the undertaking of duties for four or more days. This is only likely to apply if National Insurance is deducted on a regular basis. If a Member thinks that this might apply to their circumstances, further advice should be sought.

Any queries regarding the payment of Members' Allowances should be referred to the Payroll Team (telephone 01962 848157) or email [payroll@winchester.gov.uk](mailto:payroll@winchester.gov.uk).

#### **910.4. Amendments to Allowance Levels and to Eligibility Criteria**

The actual amounts paid under the Scheme and changes to eligibility criteria (particularly in relation to outside bodies) are more likely to be revised on a regular basis than the overall policy of the Scheme. For this reason, the information is contained in the Schedules at the back of the document, and can therefore be updated and reissued to Members as appropriate.

#### **910.5. Publicity of Scheme**

##### Keeping Records of Payments

A record of all payments to individual Councillors under the Scheme will be kept and made available for public inspection.

The Democratic Services Manager will record the names of Members attending meetings called by the Chief Executive or the Chief Operating Officer or Head of Legal and Democratic Services. For other meetings called by Heads of Teams, such as Member training, the Officer calling the meeting will record the names of Members in attendance and submit a list to the Democratic Services Manager.

##### Advertisement of Scheme

In the event of the Scheme being revoked or amended, publicity shall be given in accordance with Regulation 16 of the 2003 Regulations (SI No. 1021). Any change in allowance rates due to use of an index must also be published annually under Regulation 16(2).

The Scheme must also be advertised in accordance with regulation 15(3) of the same Regulations as soon as possible in each year, setting out the following information:

- (a) The payments that were made to each individual in respect of Basic, Special Responsibility, Co-optees', and Dependants' Carers' Allowances, together with travel and subsistence allowances, during the preceding financial year.
- ~~(b) An annual report is also made on the possible and actual number of formal meetings attended by each Member of the Council. This will also be published annually.~~
- ~~(c) The Council will also make available a Statement of Members Activities, compiled by each Member, on its web-site and for inspection at the City Offices.~~

## **SCHEDULE 1 - ELIGIBILITY OF DUTIES**

### **1. INTERNAL MEETINGS**

#### **Travel Allowances are payable in the following cases:-**

#### **Subsistence allowances are NOT payable for this category.**

- (a) A Councillor attending Council, or a Councillor attending as a member of Cabinet, or Member or deputy of a Committee, Sub-Committee, Informal Working Group etc. which is convened by the Chief Executive, the Chief Operating Officer or the Head of Legal and Democratic Services.
- (b) A Chairman and/or Vice Chairman and a spokesperson for each of the other political Groups attending a Group Representatives Briefing for Cabinet, a Committee or Sub-Committee with officers (not including Pre-Agenda Meetings attended by Chairmen).
- (c) Where a Chairman (or in his/her absence Vice Chairman), Portfolio Holder or Cabinet Member has been invited to meet with a Member of Corporate Management Team (CMT) or Head of Team.
- (d) A Councillor attending a tour of the District or a Councillor appointed to attend a site visit accompanied by officers, in both cases which Cabinet, a Committee or Sub-Committee has resolved should be made, or which has been arranged by the Chief Executive, the Chief Operating Officer or the Head of Legal and Democratic Services.
- (e) A Councillor appointed by Cabinet or a Committee or given prior approval by the Chief Operating Officer or the Head of Legal and Democratic Services to attend an official meeting with other local authorities.
- (f) A Councillor attending a meeting where a minimum of two political groups are invited to attend, called by the Head of Team, subject to the prior approval of the Chief Operating Officer or the Head of Legal and Democratic Services.
- (g) A Councillor attending a meeting of Cabinet or a Committee they do not serve on and to which ALL Members of the Council have been invited to attend.
- (h) Any Member attending a formal meeting, where they have been permitted to speak by the Chairman under Council Procedure Rule 35(4).

- (i) A member of the Shadow Cabinet (Principal Opposition Group) and other Group Leaders (of a Group of at least two Members) when they are attending Cabinet meetings and when attending internal meetings when invited by a member of CMT or a Head of Team
- (j) Tender Opening - where a Member has been invited by the Head of Legal and Democratic Services to be present in accordance with Contract Procedure Rule 5.2 (a).
- (k) Member Training - subject to the event being arranged by a Head of Team as a training seminar with a formal invitation sent or prior approval given by the Head of Legal and Democratic Services.

## 2. EXTERNAL MEETINGS

PLEASE NOTE THAT FOR CATEGORIES A AND B BELOW, IF ANY PAYMENT HAS BEEN RECEIVED FROM THE HOST ORGANISATION FOR TRAVEL OR SUBSISTENCE, THEN NO PAYMENT CAN LAWFULLY BE MADE UNDER THIS SCHEME FOR THE CATEGORY FOR WHICH THE HOST ORGANISATION HAS MADE A PAYMENT.

WHERE PAYMENT IS PERMITTED UNDER THE FOLLOWING CATEGORIES, ALL MEMBERS APPOINTED BY COUNCIL, CABINET, A COMMITTEE, SUB-COMMITTEE OR WORKING GROUP TO ATTEND A DUTY ARE ELIGIBLE TO CLAIM, EXCEPT WHERE A LIMITATION ON THE NUMBERS RECEIVING PAYMENT HAS BEEN AGREED, WHICH IS REFERRED TO BY EACH ITEM.

### **Category "A" - Travel Payable (plus Subsistence when meeting takes place outside the Winchester District)**

#### **Ad-Hoc Appointments**

~~Bishops Waltham CAB~~  
~~Fareham Police & Community Liaison Group~~  
~~Hampshire Archaeological Committee~~  
~~Havant & District CAB~~  
Henry Smith Charity (St John)  
Henry Smith Charity (St Peter)  
Hospital of St Cross & Almshouses of Noble Poverty  
~~Knowle Community Building Association~~  
River Hamble Harbour Management Sub-Committee  
St John's Winchester Charity  
Winchester Charity School Education Foundation

## Annual Appointments

Age Concern - Hampshire  
Health for All Committee  
Bishops Waltham Sports Committee  
The Carroll Youth Centre  
Friends of Hyde Abbey Gardens  
~~Forest of Bere & Eversley Joint Members Working Committee~~  
Gypsy and Travellers Joint Advisory Panel (HCC)  
Hampshire Alliance for Rural Affordable Housing (HARAH)  
Hampshire Homechoice Board  
Hants & IOW Association of Local Authorities (HIOWA)  
~~Hampshire Action Teams (HATS) – Highways – Winchester~~  
Hampshire Police & Crime Panel  
~~Health Overview & Scrutiny Panel~~  
HCC Annual Meeting with Parish & District Councils (Transport)  
Live Theatre Winchester Trust Limited (LTWTL)  
Local Government Association  
~~LGA Rural Commission~~  
~~LGA Urban Commission~~  
Meadowside Leisure Centre Users Group  
National Parking Adjudication Joint Committee (now PATROLAJC)  
North of Fareham SDA Community Liaison Group  
PUSH Joint Committee  
PUSH Overview & Scrutiny Committee  
Portsmouth City Council – Health Overview & Scrutiny Panel  
Portsmouth Water Customer Forum  
Project Integra Management Board  
~~Project Integra Policy Review & Scrutiny Committee~~  
Relate  
River Park Leisure Centre Users Forum  
Scrutiny Champions Network – The Centre for Public Scrutiny (CfPS)  
~~Southampton, Hampshire, IOW & Portsmouth Arts Forum (SHIPS)~~  
Southampton International Airport Consultative Committee  
~~South Downs Joint Committee~~  
South Downs National Park Authority  
South East Employers  
South East Employers – Elected Member Overview & Scrutiny Network  
South East England Councils (SEECA)  
Southampton University Court  
Stanmore Combined  
~~Strategic Planning Joint Advisory Panel~~  
Streetreach (formerly Winchester Detached Youth Work Project)  
~~Stockbridge Oilfield Liaison Panel~~  
Swanmore Community Facilities Management Committee  
Trinity Centre Advisory Committee  
Whiteley Community Association  
The Centre for Public Scrutiny (CfPS) – Scrutiny Champions Network  
Tourism South East  
Twyford Waterworks  
Winchester Action on Climate Change (WinACC)

Winchester Allotment Holder's Society  
Winchester City Centre Management Ltd  
Winchester ~~District CAB Trustee Board~~ – Management Committee  
Winchester Area Community Action (WACA)  
Winchester District Board of the Council for the Protection of Rural  
England  
Winchester Housing Trust  
Winchester Inclusive Housing Forum  
Winchester Indoor Sports Association (Lido)  
Winchester Road Safety Council  
Winchester Sports Stadium Management Committee

**Category "B" - Can be Approved on an Ad-Hoc Basis Either Travel  
and Subsistence, or Travel only.**

Where a Member wishes to attend an ad-hoc meeting or an official event on behalf of the Council which is not listed in Category A in the Scheme, then authorisation, either for travel and subsistence, or travel/mileage only, may be obtained prior to the event through the Democratic Services Manager, in exercise of delegated authority taking account of the eligible list of approved duties in regulation 8(1) of the 2003 Regulations (SI No 1021). Subsistence allowances are only payable for attending approved duties outside the Winchester District.

A request can only be approved under this provision for the same meeting on up to two separate occasions. Otherwise the matter will be referred to Cabinet for recommendation to Council as to whether it is suitable for inclusion on the Category A list.

**Category "C" - No Travel or Subsistence is Payable**

Remuneration is only payable for the specific duties listed in the Categories A or B of the Scheme, and not for any other activity, even though it may be linked to Council business. The following list of duties not eligible for payment is not an exhaustive list, but includes duties where a policy decision has been taken not to include them on the Category A list.

No allowance is payable in respect of duties in connection with any of the following:

- Universities, Colleges and Schools
- Residents' interest and action groups
- Parish Council meetings

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**SCHEDULE 2(##)**

**BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES**  
(with effect from ~~01/04/15~~18/05/11)

Post	No of SRAs Suggested <sup>2</sup>	Basic Allowance	Special Responsibility Allowance	Total Allowance per Member
<b>Basic Allowance</b>				
All Members		£5,580		£5,580
<b>Band One</b>				
Leader	1	£5,580	£16,734	£22,314
<b>Band Two</b>				
Deputy Leader with a Portfolio	1	£5,580	£9,129	£14,709
<b>Band Three</b>				
Deputy Leader without a Portfolio	Not in current use	£5,580	£7,605	Not in current use
Cabinet Member with a Portfolio	6	£5,580	£7,605	£13,185
Chairman of The Overview and Scrutiny Committee	1	£5,580	£7,605	£13,185
Chairman of Planning (Development Control) Committee	1	£5,580	£7,605	£13,185
Leader of Principal Opposition Group	1	£5,580	£7,605	£13,185
<b>Band Four</b>				
Chairman of Personnel Committee	1	£5,580	£3,042	£8,622
Chairman of Licensing & Regulation Committee	1	£5,580	£3,042	£8,622

<sup>2</sup> The number of SRAs listed in the second column is for illustrative purposes only. The number of recommended SRAs that are payable at any one time to various post holders will vary in some instances depending on what SRAs are in effect based on changing political structures. The Panel has taken on board the statutory advice that no more than 50 per cent of the membership should be in receipt of a SRA at any one time. It has also adopted the principle that a Member can only draw down one SRA regardless of the number of posts held. For instance, if Council appoints the Leader of the Principal Opposition Group as Chairman of The Overview and Scrutiny Committee (which has occurred in the past) he/she can only draw one SRA of his/her choice. This would be the relevant committee SRA or Opposition Group Leader SRA but not both. The variation in the number of SRAs being claimed at one time will affect the number of Task and Finish and/or Ad Hoc Working Groups and/or Panels that the Council can award a Band 6 allowance. There is a ceiling of no more than 28 Members in receipt of a SRA.

**Band Five**

Chairman of the Council	1	£5,580	£2,280	£7,860
Chairman of Audit Committee	1	£5,580	£2,280	£7,860

Other Opposition Group Leaders (not in current use)<sup>3</sup>

Not in current use

		£5,580	£2,280	£7,860
Vice Chairman of Planning (Development Control) Committee	1	£5,580	£2,280	£7,860

**Band Six**

Chairman of Winchester Town Forum	1	£5,580	£1,521	£7,101
Scrutiny Leads	6	£5,580	£1,521	£7,101
Chairmen of Task & Finish &/or Ad Hoc Working Groups/Panels with Significant Impact	See note 1	£5,580	£1,521	£7,101
Group Managers <sup>4</sup>	2	£5,580	£1,521	£7,101
<u>Chairman of Standards Committee</u>	<u>1</u>	<u>£5,580</u>	<u>£1,521</u>	<u>£7,101</u>

<sup>3</sup> To qualify for the 'Other Opposition Group Leader' SRA, the Group must have at least 5 Members.

<sup>4</sup> To qualify for the 'Group Manager' SRA, the Group must have at least 19 Members.



**SCHEDULE 2(iii)**

**OTHER ALLOWANCES – with effect from 01/04/15~~15/05/13~~ (re-affirmed ~~20/02/14~~)**

<b>Type of Allowance:</b>		<b>(£)</b>
<b><i>Travel</i></b>		
Travel within District	Cars and Vans	45p a mile
	Motor Cycles	24p a mile
	Bicycles	20p a mile
Travel outside District	Cars and Vans	45p a mile (subject to most effective mode of transport for reasonable needs of Member)
	Air Travel	Not to exceed public transport (eg train fare) unless prior approval obtained
All Journeys	Ferry	Economy class fare or reduced rate
	Rail	2 <sup>nd</sup> class fare or reduced rate
	Taxi or Private Hire	Fare and reasonable gratuity (bus or train rate if use of taxi/private hire optional)
	Hired car	Prior approval - actual cost. Otherwise normal mileage rates
	Bus	Ordinary or cheap rate fare
	Car Parking	Actual cost
	Additional mileage rate for Members carrying other Members in their vehicles	5p a mile (per passenger up to 4 max.)
<b><i>Subsistence</i></b>		
Subsistence <u>outside</u> District only	Breakfast	5.17
	Lunch	7.13
	Tea	2.79
	Evening Meal	8.82

Overnight stay outside District  
Overnight stay – London

86.03  
98.11

***Dependants' Carers' Allowance (to include childcare):***

Actual fees, up to

8.08 per hour

***Co-optees' Allowances:***

Independent Members and Parish  
Representatives on Standards Committee

240 pa

~~Chairman of the Standards Committee at a  
Rate Equivalent to Band 4~~

~~3,042pa~~