



MEMBERS' ALLOWANCES SCHEME

GUIDANCE FOR MEMBERS

Revised September 2011

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SECTION 1 - NWLDC Members' Allowance Scheme

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL MEMBERS' ALLOWANCES SCHEME

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

1. Citation

This scheme may be cited as the North West Leicestershire District Council Members' Allowances Scheme.

2. Interpretation

In this scheme

"Councillor" means a member of the North West Leicestershire District Council who is a councillor.

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

3. Basic allowance

Subject to paragraphs 6 and 7, for each year a basic allowance (2011/12 £3,662.04) shall be paid to each councillor.

4. Special responsibility allowances

- (i) 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.
- (ii) Subject to paragraphs 6 and 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

5. Renunciation

A councillor may by notice in writing given to the Head of Legal & Support Services, elect to forego any part of his/her entitlement to an allowance under this scheme.

6. Part-year entitlements

- (i) 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.

- (ii) 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:
 - (a) Beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (b) 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.

- (iii) 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 to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office subsists bears to the number of days in that year.
- (iv) Where this scheme is amended as mentioned in sub paragraph (ii), and the term of office of a councillor does not subsist throughout the period mentioned in sub paragraph (ii)(a), the entitlement of any such councillor to a 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/her term of office as a councillor subsists bears to the number of days in that period.
- (v) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him/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/she has such special responsibilities bears to the number of days in that year.
- (vi) Where this scheme is amended as mentioned in sub paragraph (ii), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub paragraph (ii)(a) 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.

7. Withdrawing of allowances

Where a member is suspended or partially suspended from his or her responsibilities in accordance with Part 3 of the Local Government Act 2000 or regulations made there under, the part of the basic, special responsibility or co-optees allowance payable to him or her in respect of responsibilities or duties which he/she is suspended or partially suspended may be withheld by the Council (nb this relates to those cases where a

member has been suspended or partially suspended from his or her responsibility by Standards for England or the Council's Audit and Standards Committee).

8. Co-optees Allowance

An annual co-optees allowance of £200 per annum is available to co-opted members serving on the Audit and Standards Committee and those individuals serving as members of the Independent Remuneration Panel.

9. Pension

All councillors are eligible to join the Local Government Pension Scheme. The basic allowance and special responsibility allowances shall be treated as the amounts in respect of which such pensions are payable.

10. Payments shall be made

- (i) In respect of basic allowances and special responsibility allowance, subject to sub paragraph (ii), in instalments of one twelfth of the amount specified in this scheme on the 25th day of each month.
- (ii) 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 7, 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.

11. Annual Review of the Level of Allowances

All allowances will be increased annually on 1 April by the same percentage as the National Joint Council staff pay award (scp 28).

SCHEDULE 1 - SPECIAL RESPONSIBILITY ALLOWANCES

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

	Multiple	Amount payable 2011/12 (£)
Chairman of the Council	1	3,662.04
Deputy Chairman of the Council	1/8 (12.5%)	457.75
Leader of the Council	4	14,648.16
Deputy Leader of the Council	2.5	9,155.10
Portfolio Holder	1.5	5,493.06
Opposition Leader (*)	1	3,662.04
Chairman (Policy Development Group)	1.3	4,760.65
Chairman (Planning Committee)	1.3	4,760.65
Chairman (Licensing)	1.3	4,760.65

*An opposition group must consist of at least 5 members to qualify for the Special Responsibility Allowance.

Normally only one special responsibility allowance will be paid per councillor, being the highest of the allowances available to him/her. However, where the Council requires a member to undertake additional duties that attract a Special Responsibility Allowance the member will receive 100% of the higher allowance and 50% of the other allowance.

SCHEDULE 2 - APPROVED DUTIES

The following are specified as approved duties for the payment of travelling and subsistence allowances.

- (a) Any meeting (not being a meeting of a board, group, sub group or working party of this Council or a planning site visit) the holding of which is authorised by the Council or any of its boards, provided that it is a meeting to which members of at least two political groups on the Council have been invited.
- (b) A meeting of any other body to which the Council makes appointments or nominations, or of any group or sub group of such a body.
- (c) A meeting of any association of authorities of which the Council is a member.
- (d) Carrying out by a member of the Council 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.
- (e) As an appointed representative of the Council at any visit to obtain any advice or information as a consequence of a report to, or decision of, any council, board, group, sub group, working party, etc.
- (f) Attendance at training courses funded by the District Council.

[Note: The bodies covered by paragraph (b) are those listed as "Outside Bodies" in the minutes of the Annual Meeting of the Council each year, together with any meetings of outside bodies specified by the Council or a board from time to time. Any other meetings authorised by the Council involving members of more than one political party automatically become "Approved duties" under (a)].

SECTION 2 - NWLDC Carers' Allowance Scheme

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CARERS' ALLOWANCE SCHEME

CHILDCARE

The scheme to provide for the reimbursement of expenditure incurred by members in providing childcare arrangements to facilitate their attendance at approved duties of the Council in accordance with the following requirements:-

- That payment is made to someone other than a close relation.
- That payments for the care of under 8s are restricted to payments to registered childminders and other statutory approved childcare providers.
- That payments be restricted to the care of children up to their 14th birthday who normally reside with the member.
- That no payments be made in respect of the care of children of compulsory school age during school hours.

CARE OF DEPENDANTS

The reimbursement of expenditure on professional care for an elderly, sick or disabled dependent relative normally residing with the member and requiring constant care subject to payments being restricted to agencies or persons qualified to provide the care other than close relations.

GENERAL CONDITIONS

The following conditions will apply to both types of allowance:

- Payments are made on the basis of the reimbursement of actual expenditure incurred up to a maximum of an hourly rate of £7.20 per hour for each hour of absence from home and are subject to the production of satisfactory receipts by the member. This hourly rate will be increased annually on 1 April by the same percentage as the National Joint Council staff pay award (scp28).
- That members self-certify claims confirming that they have incurred expenditure in accordance with the scheme.
- That qualifying meetings be restricted to those regarded as approved duties in the Council's scheme.

SECTION 3 - Guidance for members on the allowances scheme

MEMBERS' ALLOWANCES – FROM 1 APRIL 2010

Members' allowances are paid through the monthly payroll on the 25th day of each month (unless this falls at the weekend when payment will be made on the Friday before) by credit transfer to personal accounts in a bank or building society. A computer pay slip is provided containing details of all payments and deductions. Payments are subject to PAYE and National Insurance deductions (where applicable).

1. BASIC ALLOWANCE

This allowance is £3,662.04 per councillor per year. Payment is made automatically and, therefore, no claim is required.

This allowance is intended to recognise the time devoted by councillors to their work, including such inevitable calls on their time as meetings with constituents etc and also to cover incidental costs for which other provision is not made. The basic allowance also covers attendance at the following meetings:

Council, board meetings, groups, sub groups, strategy groups, steering groups, working parties, panels, review boards, outside bodies, etc and site visits.

2. SPECIAL RESPONSIBILITY ALLOWANCE

The special responsibility allowances are paid to the following:

Chairman of the Council	£3,662.04 per annum
Deputy Chairman of the Council	£457.75 per annum
Leader of the Council	£14,648.16 per annum
Deputy Leader of the Council	£9,155.10 per annum
Cabinet Member/Portfolio Holder	£5,493.06 per annum
Opposition Leader	£3,662.04 per annum
Chairman of the Policy Development Group	4,760.65 per annum
Chairman of Planning Committee	£4,760.65 per annum
Chairman of Licensing Committee	£4,760.65 per annum

Normally only one special responsibility allowance will be paid per councillor, being the highest of the allowances available to him/her. However, where the Council requires a member to undertake additional duties that attract a Special Responsibility Allowance the member will receive 100% of the higher allowance and 50% of the other allowance.

This allowance will automatically be paid on the 25th day of each month.

3. RENUNCIATION

Any member not wishing to claim the basic allowance or special responsibility allowance **MUST NOTIFY THE HEAD OF LEGAL & SUPPORT SERVICES IN WRITING.**

4. TRAVELLING ALLOWANCES

Mileage rates are determined and set annually by the National Employers' Organisation for Local Government Services.

(a) Public transport

The rate for travel by public transport is limited to the amount of the ordinary fare or any available cheap fare.

(b) Motor cycles

The rates for travel by a member's own solo motor cycle are as follows:

- (i) Not exceeding 150 cc 8.5p per mile
- (ii) Exceeding 150 cc but not exceeding 500 cc..... 12.3p per mile
- (iii) Over 500 cc..... 16.5p per mile

(c) Motor vehicles

The rate for travel by a member's own private motor vehicle, or one belonging to a member of his/her family or otherwise provided for his/her use, other than a solo motor cycle shall not exceed:

For the use of a motor vehicle of cylinder capacity:

- (i) Not exceeding 999 cc 42.9p per mile
- (ii) Exceeding 999 cc but not exceeding 1199 cc..... 47.7p per mile

The cylinder capacity is that entered in the vehicle registration book or document by the Secretary of State under the Vehicles (Excise) Act 1971.

These rates may be increased in respect of the carriage of each passenger, not exceeding 4, to whom a travelling allowance would otherwise be payable under any enactment by not more than 3.0p per mile for the first passenger and 2.0p per mile for the second and subsequent passengers.

The following is also specified as an approved duty for the purposes of payment of travelling expenses and subsistence allowances:

As an appointed representative of the Council at any visit to obtain any advice or information as a consequence of a report to, or decision of, any council, board, sub group or working party etc.

(d) Taxis

The rate of travel by taxi-cab or cab shall not exceed:

- (i) in cases of urgency or where no public transport is reasonably available, as determined on an individual Councillor's needs basis, the amount of the actual fare and any reasonable gratuity paid;
- (ii) in any other case, the amount of the fare for travel by appropriate public transport.

(e) Rail

Unless a member is travelling with an officer, request forms for rail tickets should be completed and at least 5 working days' notice given in order for arrangements to be made for the tickets to be obtained from the travel agents. Completed forms should be forwarded to your Local Member Support Officer.

(f) Air

The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in attendance allowance and subsistence allowance consequent on travel by air.

Provided that where the body resolves, either generally or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:

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

The Council has resolved that in all cases where, in the opinion of the Head of Finance, the above criteria have been met, the appropriate air travel costs be paid.

(g) Tolls, ferries, parking fees

The actual amount of any expenditure incurred on tolls, ferries or parking fees may also be claimed.

Travelling expenses are limited to the actual journey from home or one's regular place of work which are necessarily incurred for the purpose of enabling you to perform an approved duty as a member of the Council.

(h) Tax implications on travelling expenses

Members who use their own car in the performance of their duties are paid a mileage allowance to cover the costs incurred, based on an amount per mile for the mileage covered on Council business. An element of these payments may be taxable where the amount paid per mile exceeds the Inland Revenue permitted allowance. If any tax liability arises this is likely to be very minimal. (Further information can be obtained from the Senior Exchequer Services Officer on 01530 454820).

Travel between home and the Council Offices (or any other place) on Council business is not taxable provided that such payment does no more than reimburse the cost of such travel.

Taxi, rail or air fares, tolls, ferries and parking expenses **are taxable** unless accompanied by a receipt or invoice. **Members are requested to provide the appropriate receipts in order to reduce the possibility of any tax liability.**

IT IS NECESSARY TO SUBMIT CLAIM FORMS FOR TRAVELLING EXPENSES IN RESPECT OF ALL APPROVED MEETINGS ATTENDED (INCLUDING THOSE COVERED BY THE BASIC ALLOWANCE).

6. MEMBERS - "IN ATTENDANCE" AT MEETINGS

A Councillor who is "in attendance" at a meeting, i.e, is not a member of the board, group or sub group, etc is not eligible to claim travelling expenses.

Counsel's opinion was sought by the Association of District Councils, (now the Local Government Association) when the members' allowances system was first introduced in 1974, regarding members who attended meetings but who were not members of a particular committee.

Counsel's opinion was that:

"A Councillor attending the committee meeting of which he/she is not a member is not attending as a member of the committee and his/her attendance is not an approved duty within Section 177(2)(b) of the Local Government Act 1972.

The attendance of a non-member of a committee would not, in his opinion, be within Section 177(2)(b) unless he were there at the committee meeting by special invitation to assist the committee. The mere attendance and chance assistance of the committee would not be enough to enable the attendance to be an approved duty."

7. SUBSISTENCE ALLOWANCES

The amount of subsistence payable is on a meals basis, with clarification of eligibility based on the time of day the meal is taken and time away from home.

(a) Absence from the usual place of residence:

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime period between 12 noon and 2.00pm)..... £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00pm to 6.00pm)..... £2.67
- (iv) Evening meal allowance (more than 4 hours away from the normal place of residence ending after 7.00pm) £8.38

Points to remember:

You must have more than 4 hours before 11.00am to claim the breakfast allowance.

You must have 4 hours which include 12.00 noon to 2.00pm to claim the lunch allowance.

You must have 4 hours which include 3.00pm to 6.00pm to claim the tea allowance.

You must have 4 hours ending after 7.00pm to claim the dinner allowance.

le, if you finish your duty, including travel home, at 1.50pm, you cannot claim the lunch allowance even if you started at 8.00am.

Examples:

Day & times	Amounts to be claimed	Total
Monday 06.45 - 13.00	Breakfast allowance <u>£4.92</u>	£4.92
Tuesday 06.50 - 17.00	Breakfast allowance £4.92 Lunch allowance <u>£6.77</u>	£11.69
Wednesday 10.30 - 18.15	Lunch allowance £6.77 Tea allowance <u>£2.67</u>	£9.44
Thursday 06.00 - 21.00	Breakfast allowance £4.92 Lunch allowance £6.77 Tea allowance £2.67 Dinner allowance <u>£8.38</u>	£22.74

(b) Overnight subsistence from the usual place of residence..... £79.82

For such an absence overnight in London, or for the purposes of attendance at an annual conference (including or not including an annual meeting) of the Local Government Association - £91.04.

(For the purposes of this paragraph, London means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.) When members are required to spend a night away from home or work place on Council business the normal rate for subsistence will not be taxable provided the expenses claimed are accompanied by a receipt or invoice.

(c) Meals provided free of charge

The rates specified in paragraphs (a) and (b) 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.

(d) Meals on trains

Where main meals are taken on trains during a period for which there is an entitlement for a day subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the limits specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

The limitations on reimbursement are:

- (i) for breakfast, an absence of more than 4 hours before 11.00am;
- (ii) for lunch, an absence of more than 4 hours including the period between 12noon and 2.00pm;
- (iii) for dinner, an absence of more than 4 hours ending after 7.00pm.

(e) Taxation of subsistence allowances

Subsistence allowances paid in respect of expenses incurred as a consequence of travel on Council business away from the Council Offices, will not be taxable provided they merely reimburse costs incurred by the member and claims for payment are accompanied by the relevant receipts. **If receipts are not submitted, income tax will have to be deducted from the expenses claimed.** Members are, therefore, requested to provide receipts to reduce the possibility of any tax liability.

Allowances claimed for meals taken at the Council Offices, eg where a member comes to the Offices for a briefing meeting, at say, 4.00pm and stays at the offices for an evening meeting that ends at 9.00pm, **expenses claimed are subject to tax.**

8. SCHOOL GOVERNORS

The District Council is not able to pay attendance allowances, travelling expenses or subsistence allowances to members serving as school governors when attending meetings of school governing bodies, as education is not a function of this authority.

9. TELEPHONE RENTALS

The Council has agreed to pay £75 per annum towards the home telephone rental (eg rental of line and equipment) of any member **except where the number is ex-directory.** Before payment can be made, you will need to supply an original invoice from your provider, to evidence that a telephone line is in use. Please send this to your Local Member Support Officer.

10. BROADBAND CONNECTION

The Council has agreed to pay £75 per annum towards the rental of a home broadband connection. Payment is made automatically, thus no claim is required. However, before payment can be made you will need to supply an original invoice from your provider, to evidence that a broadband connection is in use. Please send this to your Local Member Support Officer.

11. NATIONAL INSURANCE CONTRIBUTIONS

The Social Security Act 1973 provides that both the member and the authority will become liable for Class 1 national insurance contributions in respect of allowances provided the amounts involved reach the lower earnings limit in any earnings period. At the present time the lower earnings limit in a monthly earnings period is £364. When these limits are reached, the contribution payable by the member is 11% on earnings over the limit.

Members who are retired for National Insurance purposes (women 60 years of age and men 65 years of age) will not be liable to pay any contribution, and the DSS will, on application, issue a certificate of earner's non-liability. **This certificate must be forwarded to Andy Gould, Senior Exchequer Services Officer.** Married women and certain widows who exercise their right not to pay the full rate will be liable to pay contributions at the reduced rate of 4.85% above the limit of £364 per month. A person who has more than one job must obtain a separate certificate for each employer since each office or employment is considered separately for contribution purposes. **It is emphasised**, that unless such a certificate is obtained, should any liability for contributions arise, deductions will be made from the allowance at the full rate applicable, since any employer may be held liable for any deficiency in contributions.

12. ANNUAL PUBLICATION OF AMOUNTS OF MEMBERS' ALLOWANCES PAID

The District Council is required by the Local Authorities (Members' Allowances) (Amendment) Regulations, 2003, "to make arrangements for the publication within the Authority's area, of the total sum paid by it in that (financial) year under the Members' Allowances Scheme, to each member in respect of the following, namely Basic, Special Responsibility and Attendance Allowances".

This requirement is made by publishing a list, of the total sums paid to each member in the previous financial year, in the press around May/June each year.

13. CLAIMING PROCEDURE

To claim payment of any of the allowances you must use the standard claim form. Blank copies of the form can be obtained from your Local Member Support Officer and it is essential that these be completed **fully**.

Here are a few tips about completing the claim form:

- Make sure your writing is clear – if you have any doubts use block capitals!
- Try to avoid using abbreviations for meetings; complete the title of the meeting in full.
- Show the time and place of departure and return, and location of meetings.
- Obtain receipts (when applicable) and attach these to your claim forms.
- Submit claims on a monthly basis **by the 6th of the month**. This will ensure payment by the 25th day of the month.

<p><i>MEMBERS ARE REQUESTED TO SUBMIT CLAIM FORMS REGULARLY EACH MONTH</i></p>
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If you have any further questions or concerns about completing the claim forms, or members' allowances in general, please contact your Local Member Support Officer.

SECTION 4 - Examples of forms

- 1. Attendance, travel and subsistence**
- 2. Carers' allowance**
- 3. Rail ticket requests**
- 4. Vehicle information**

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

MEMBERS' ALLOWANCES

REQUEST FOR RAIL TICKETS

FROM: COUNCILLOR

Date of Meeting	Times of Trains (If known)	Destination	Title and Times of Meeting
Date ticket required by _____			

(It would be appreciated if 5 working days' notice could be given in order for arrangements to be made for the tickets to be obtained from the Travel Agents)

Signed Date

When completed, please return the form to your Local Member Support Officer in Member Services.

WOULD MEMBERS PLEASE NOTE:

IN ACCORDANCE WITH INLAND REVENUE TAX REGULATIONS, RECEIPTS ARE REQUIRED WHEN CLAIMING TRAVELLING EXPENSES, AND MEMBERS ARE REQUESTED TO RETURN THE RAIL TICKET WITH THEIR EXPENSES FORMS TO YOUR LOCAL MEMBER SUPPORT OFFICER.

If for any reason you are unable to attend the meeting, or the meeting is cancelled, would you please return the ticket, as soon as possible, in order for a refund to be obtained.

For Office Use Only	
Cost of Ticket £ p	Date Purchased/ Code

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

MEMBERS' ALLOWANCES

**TRAVELLING EXPENSES
INFORMATION REQUIRED IN CONNECTION WITH MEMBERS' VEHICLES**

COUNCILLOR

ADDRESS

.....

Make of Vehicle	
Model of Vehicle	
Cylinder Capacity (Exact c.c. as quoted on the log book)	
Registration Number	

I confirm that the above is a true record.

Signed Date

PLEASE RETURN THE FORM TO YOUR
LOCAL MEMBER SUPPORT OFFICER