

| Report of                       | Meeting         | Date         |
|---------------------------------|-----------------|--------------|
| Corporate Director (Governance) | Audit Committee | 24 June 2009 |

## MEMBER ALLOWANCES AND EXPENSES

### PURPOSE OF REPORT

- To advise the Committee on the administration of the Members Allowances Scheme and the process for publicising allowances and expenses claimed by Members.

### RECOMMENDATION(S)

- That the report be noted.

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

|  |  |   |   |
|--|--|---|---|
| Put Chorley at the heart of regional economic development in the Central Lancashire sub-region |  | Develop local solutions to climate change.                        |   |
| Improving equality of opportunity and life chances   |  | Develop the Character and feel of Chorley as a good place to live |   |
| Involving people in their communities  |  | Ensure Chorley Borough Council is a performing organization       | ✓ |

### BACKGROUND

- In view of the recent publicity about MP expenses claims, the Chair has requested that a report be brought to this Committee on the current Members Allowances Scheme and arrangements made for making public, the allowances and expenses claims made by Councillors.

### REGULATIONS RELATING TO THE SETTING OF MEMBERS ALLOWANCES

- The Members Allowances Scheme forms part of the Council's Constitution. The Scheme requires the approval of full Council and is based on recommendations from the Independent Remuneration Panel.
- Members Allowances are governed nationally by The Local Authorities (Members Allowances) (England) Regulations 2003. These regulations provide a framework within which Members Allowances are paid. They require a number of key elements.
  - That an Independent Remuneration Panel (IRP) is formed to consider and make recommendations on Members Allowances.
  - That the recommendations of the IRP be considered at full Council meetings – with the final decision on the level of allowances paid, being that of the Council.

3. That each year the allowances and expenses paid to individual Councillors is published.
4. That any change to the scheme is published in one or more local newspaper.
7. Chorley Council has always followed these rules. The Members Allowances Scheme appears on the Council's website as part of the Constitution but there is also a web page entitled Councillors Allowances which has explanatory text as well as a link to the current scheme. It is on this page where the allowances and expenses paid each year are published. The allowances and expenses paid in 2007/08 are currently displayed on the website. A copy of the Scheme and the 2007/08 Allowances and Expenses are attached to this report as Appendix 1 and 2 for information. The 2008/09 figures are been prepared but cannot be finalised and published until after the end of July as Members have until then to make a claim in respect of the 2008/09 Council Year.
8. Members Allowances and Expenses are regularly audited and the most recent audit has given the process the highest level of assurance.

### IMPLICATIONS OF REPORT

9. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

|                 |   |  |   |
|-----------------|---|--|---|
| Finance         |   | Customer Services                        |   |
| Human Resources |   | Equality and Diversity                   |   |
| Legal           | ✓ | No significant implications in this area | ✓ |

ANDREW DOCHERTY  
CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

| Report Author | Ext  | Date         | Doc ID           |
|---------------|------|--------------|------------------|
| Carol Russell | 5196 | 17 June 2009 | CGOVREP/0909AC01 |

| Background Papers             |      |      |                     |
|-------------------------------|------|------|---------------------|
| Document                      | Date | File | Place of Inspection |
| Members Allowance Scheme      |      |      |                     |
| Members Allowance Regulations |      |      |                     |

**Members' Allowances Scheme**

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## **CHORLEY BOROUGH COUNCIL MEMBERS' ALLOWANCES SCHEME**

The Chorley Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 1995 and the Local Authorities (Members Allowances) (England) Regulations 2001, hereby makes the following Scheme:

### **Citation**

1. This scheme may be cited as the Chorley Borough Council Members' Allowances Scheme and shall have effect from 23 September 2008 until amended or revoked.

### **Interpretation**

2. In this scheme,

“councillor” means a member of the Chorley Borough Council who is a councillor;

“year” means the 12 months ending with 31 March;

and a reference to a Regulation is a reference to the relevant numbered Regulation of the Local Authorities (Members' Allowances) Regulations 1991 as amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 1995 and the Local Authorities (Members' Allowances) (England) Regulations 2001.

### **Basic Allowance**

3. Subject to paragraph 8, for each year a basic allowance of the amount specified in the Schedule to this scheme shall be paid to each councillor. The basic allowance contains an element for publicising their availability to constituents.

### **Special Responsibility Allowances**

- 4.1 For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the Council that are specified in the Schedule to this scheme.
- 4.2 Subject to paragraph 8, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

### **Attendance Allowances**

5. No payments shall be made to Councillors as attendance allowances under Regulation 10 or in the nature of attendance allowance under Section 175 of the Local Government Act 1972 (conferences etc).

### **Financial Limits**

6. Any payment under this scheme shall be subject to such of the conditions specified in Regulation 12 as may be applicable.

### **Renunciation**

7. A councillor may by notice in writing given to the Chief Executive of the Council elect to forego any part of his or her entitlement to an allowance under this scheme.

## **Part-Year Entitlements**

- 8.1 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.
- 8.2 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,
  - (c) 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.
- 8.3 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 or her term of office subsists bears to the number of days in that year.
- 8.4 Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (2)(a), 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 or her term of office as a councillor subsists bears to the number of days in that period.
- 8.5 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 or she has such special responsibilities bears to the number of days in that year.
- 8.6 Where this scheme is amended as mentioned in sub-paragraph (2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any 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 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 or she has such special responsibilities bears to the number of days in that period.

## **Payments**

- 9.1 Payments in respect of basic and special responsibility allowances shall, subject to sub-paragraph (2), be made in instalments of one-twelfth of the amount specified in this scheme on the seventeenth day of each month or, if not a working day, on the nearest working day to the seventeenth day of each month.

- 9.2 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 8 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.
- 9.3 The amounts payable as part of the Scheme are updated on an annual basis at the same rate as the officer annual pay increase and will be implemented with effect from 1 April each year.

### **Record of Allowances**

10. It is a legal requirement that the Council shall keep records of payments of allowances to Councillors and that these shall be open to public inspection, and be publicised annually.

### **Suspension of Allowances**

11. The right to basic allowance, special responsibility allowance and travel and subsistence allowance will be removed whilst a Councillor is suspended from the Council for breach of the member code of conduct.

Whilst a Councillor is partially suspended from the Council as a result of a breach of the member code of conduct the right to a special responsibility allowance and travel and subsistence will be removed in respect of duties and responsibilities from which the Councillor is suspended.

### **Equipment and Stationary**

12. All Councillors are offered a laptop computer, printer, broadband connection and telephone line. Business cards and letter headed paper is available on request from the Democratic Services section.

**DONNA HALL**  
**Chief Executive**

## Appendix A – Basic and Special Responsibility Allowances

- I) The basic allowance is 4200.14
- II) The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances:

| <b>A payment is made for each Special Responsibility position held</b>                               | <b>Annual Amount of Allowance £</b> |
|--|-------------------------------------|
| 1. Executive Leader of the Council (assumed to be also a Leader of a large Group)                    | 12674.13                            |
| 2. Leader of Opposition  | 6505.01                             |
| 3. Leader of a Large Group (who is not the Executive Leader or the Leader of the Opposition)         | N/A                                 |
| 4. Leader of a Small Group (less than 12 Members)  | 1830.00                             |
| 5. Deputy Leader of a Large Group  | 1830.00                             |
| 6. Vice Chair of the Executive   | 3924.27                             |
| 7. Secretary of a Large Group (12 or more Members)   | 1639.42                             |
| 8. Secretary of a Medium Group (6-11 Members)  | N/A                                 |
| 9. Secretary of a Small Group (less than 6 Members)  | 531.99                              |
| 10. Executive Member for any one or more specified portfolios  | 4200.14                             |
| 11. Chair of the Development Control Committee and Licensing and Safety Committee                    | 2842.92                             |
| 12. Lead Member for any one or more specified portfolio other than Development Control and Licensing | 1400.40                             |
| 13. Vice-Chair of the Development Control Committee and Licensing and Safety Committee               | 1400.40                             |
| 14. Chair of the Audit Committee   | 1400.40                             |
| 15. Chair of the Equalities Forum  | 1400.40                             |
| 16. Chair of the Overview and Scrutiny Committee   | 4200.14                             |
| 17. Vice-Chair of the Overview and Scrutiny Committee  | 2568.75                             |
| 18. Chair of the Overview and Scrutiny Task Groups   | 308.25                              |
| 19. Independent Chair of the Chair of the Standards Committee  | 1679.43                             |

The foregoing Scheme was made by the Council on 3 July 1990 and has been subsequently amended. The most recent amendments were authorised by the Council on 23 September 2008. The Scheme, as amended, has effect from 13 May 2008.

NB. The annual uplift amendments were completed in March 2009.

## Appendix B – Approved Duties

### 1. Travel and Subsistence Allowances can be claimed for the following approved duties:

- A meeting of the executive,
- A meeting of a committee of the executive,
- A meeting of the authority,
- A meeting of a committee or sub-committee of the authority,
- Attendance at briefings for Committee and Sub-Committee meetings if you are Chairman or Vice-Chairman,
- A meeting of any other body to which the authority makes appointments or nominations, or a meeting of a committee or sub-committee of any other body to which the authority makes appointments or nominations,
- 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 (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups),
- 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 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
- 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

2. As you can see from the above, you cannot claim travelling or subsistence allowance for ward duties (unless covered by the above) or for unofficial visits or meetings at Council Offices. If you are at any time unclear about whether you are entitled to claim travel and subsistence, then contact the Corporate Director of Governance

Source: Guidance on Members' Allowances for local authorities in England – Department for Communities and Local Government.



## **Appendix C – Travel and Subsistence Allowances**

### **1. Policy Objective**

All Chorley Borough Council Elected Members are entitled to reimbursement of approved additional expenses incurred in the course of their duties, in relation to travel, meals or overnight accommodation. This policy sets out the allowances and guidelines.

### **2. Chorley Borough Council's Responsibility**

This policy details the allowances that will be increased annually in line with the employees pay award, and provides guidelines to help Elected Members claim expenses.

Chorley Borough Council will make all reimbursements through the payroll system to satisfy our Income Tax arrangements with the Inland Revenue.

### **3. Elected Members' Responsibilities**

Elected Members must provide original receipts when making claims. All claims must be made on the appropriate form and authorised by Democratic Services. Claims should be submitted each month but will be accepted up three months in arrears, however, claims must not cross over financial years.

### **4. Outcomes**

The policy sets out a standard procedure for Elected Members to follow, which will prevent fraudulent claims being processed.

## 1. Subsistence Allowances

Payable up to the maximum amounts shown below.

BREAKFAST up to £6.05

This allowance is only payable when the Elected Member's work or journey to the work or training commences before 7.00 am.

LUNCH up to £8.19

This allowance is only payable when the location of the work or training makes it impractical for the Elected Member to return to the normal place of work for lunch.

EVENING MEAL up to £10.33

This allowance is payable where the Elected Member's work or journey home from the work or training continues beyond 7.00 pm.

CONFERENCES

For attendance at conferences the reasonable out of pocket expenses which are actually incurred will be reimbursed. You should seek further clarification on which expenses will or will not be re-imbursed from Democratic Services before attending a conference.

### Notes:

Subsistence allowances are not payable if meals are provided to the Elected Member. Actual expenditure will be re-imbursed subject to this not exceeding the maximum amounts. (Re-imburement of expenditure cannot be made in cases where an original receipt is not produced).

## 2. Travelling Allowances

Travelling expenses incurred by Elected Members in the performance of their official duties will be re-imbursed.

### Travel by Car

Mileage allowances, as agreed nationally by the National Joint Council for Local Government Services, will be paid to Elected Members, subject to the conditions below.

- An appropriate car mileage claim form must be completed with full details of the journey undertaken, and authorised by Democratic Services.

If more than one Elected Member is travelling to/from the same location then they should travel in the same car.

- If journeys are 60 miles or over (round-trip) and Elected Members choose to use their car rather than public transport they will only be re-imbursed the cost of a second class rail fare, unless:
  - (a) an early start/late finish would necessitate an overnight stay if public transport was used;
  - (b) more than one Elected Member is travelling in the same car, thereby saving a second rail fare;
  - (c) heavy/bulky items need to be transported;

(d) there are special circumstances that have been agreed in advance with the Chief Officer.

The rates agreed from 1 April 2009 are:

|             |               |               |
|-------------|---------------|---------------|
| 451 – 999cc | 1000 – 1199cc | 1200 – 1450cc |
| 42.9p       | 47.7p         | 60.1p         |

### **Travel by Public Transport**

The maximum amounts which will be re-imbursed are:

Second Class Rail Fare

Bus Fare

Taxi Fares (where it is not possible or practicable to start or finish the journey by public transport).

Other Fares Fares will be paid at standard rates, for other suitable modes of public transport, eg London underground, trams.

### **3. Hotel Accommodation**

If an Elected Member requires overnight accommodation this will normally be booked in advance and paid for direct. In these cases the Elected Member will be required to pay for any personal expenditure when checking out.

Any arrangements which differ from the above should be agreed in advance.

## **Appendix D - How do I Claim My Allowances?**

### **1. Allowances (Basic and Special)**

The Basic and Special Responsibility Allowances are paid automatically each month via the payroll without the need to claim.

### **2. Claim Form**

To claim all other allowances you must complete a "Claim for Member's Travel & Subsistence Allowance Form". This form must be fully completed, paying particular emphasis to accuracy, and attaching receipts if applicable. Copies of the form are available from Democratic Services and on theloop under My Place, Members, Member Forms,

Please note alternative forms/letters etc will not be accepted for processing in place of the claim form.

### **3. Claim Form Submission Deadline**

To avoid any delays in payment please submit your claim form, to the Democratic Services at least **every three months, for payment on the seventeenth of the next month. It cannot be guaranteed that claims made across financial years will be met.**

### **4. Advance Of Travel And Subsistence Allowances**

It may be possible to make an advance payment of your travel/subsistence and overnight allowances (for attending a conference) where you need reimbursement urgently. To apply for this advance please direct your written request to Democratic Services. Note - unless it is an emergency please refrain from claiming your expenses in this manner.

If an Officer or another Member paid for any meals, sundry expenses etc on your behalf you must identify this on the claim form (and reduce your claim accordingly). If this is not identified on the claim form and an Officer subsequently claims for expenses that were paid on your behalf, they will be recovered via the payroll.

**NOTE: Please do not request a personal cheque payment of allowances - or balance of allowances, from Directorates. Arrangements must be made via Democratic Services.**

## **Appendix E - The Effect on Taxation, National Insurance Contributions and Benefit Entitlement**

Your allowances (Basic and Responsibility) are taxable, and subject to National Insurance contribution in certain circumstances. Allowances are also classed as income when some benefits are claimed such as Income Support, Housing and/or Council Tax Benefit. Therefore you must declare allowances received to the relevant agencies if this applies to you.

Expenses for travel, subsistence and miscellaneous items defined in this guide are covered by an Inland Revenue dispensation and do not need to be declared for tax purposes. However, if there is any element of profit arising from your claim (i.e. amount claimed is greater than the amount actually spent) then this is taxable.

Please note that since the introduction of Self Assessment it is your responsibility to keep records to support your tax liability.

## CHORLEY BOROUGH COUNCIL

**LOCAL GOVERNMENT AND HOUSING ACT 1989 – SECTION 18  
THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003**

**SCHEME FOR PAYMENT OF MEMBERS' ALLOWANCES**

NOTICE IS HEREBY GIVEN in pursuance of Regulation 15 (3) of the above Regulations that the total sums paid by the Council to each Councillor in the financial year 2007/08 are as follows:

*This shows the totals for the period May 2007 to and including April 2008.*

| Name              | Basic Allowance | Special Responsibility Allowances | Travel Allowances | Subsistence | Total Allowances |
|-------------------|-----------------|-----------------------------------|-------------------|-------------|------------------|
| Ken Ball          | 4087.68         | 1784.63                           | 96.99             | 0           | 5969.3           |
| Nora Ball         | 4087.68         | 0                                 | 50.22             | 0           | 4137.9           |
| Eric Bell         | 4087.68         | 4095.9                            | 424.5             | 0           | 8608.08          |
| Judith Boothman   | 4087.68         | 0                                 | 190.84            | 0           | 4278.52          |
| Terry Brown       | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Alan Cain         | 4087.68         | 53.62                             | 27.9              | 0           | 4169.2           |
| Pat Case          | 4087.68         | 9707.46                           | 0                 | 0           | 13795.14         |
| Henry Counce      | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Alan Cullens      | 4087.68         | 4095.9                            | 0                 | 0           | 8183.58          |
| Magda Cullens     | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Mick Davies       | 4087.68         | 0                                 | 153.91            | 0           | 4241.59          |
| Mike Devaney      | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| David Dickinson   | 4087.68         | 1698                              | 767.77            | 0           | 6553.45          |
| Doreen Dickinson  | 4087.68         | 0                                 | 562.47            | 0           | 4650.15          |
| Dennis Edgerley   | 4087.68         | 10439.61                          | 0                 | 0           | 14527.29         |
| Anthony Gee       | 4087.68         | 1315.66                           | 0                 | 0           | 5403.34          |
| Danny Gee         | 4087.68         | 0                                 | 261.69            | 0           | 4349.37          |
| Peter Goldsworthy | 4087.68         | 16455.65                          | 0                 | 0           | 20543.33         |
| Marie Gray        | 4087.68         | 1365.71                           | 178.9             | 0           | 5632.29          |
| Pat Haughton      | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Harold Heaton     | 4087.68         | 2997.41                           | 0                 | 0           | 7085.09          |
| Cath Hoyle        | 4087.68         | 0                                 | 46.87             | 0           | 4134.55          |
| Keith Iddon       | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Margaret Iddon    | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Kevin Joyce       | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Hasina Khan       | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Roy Lees          | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Margaret Lees     | 4087.68         | 1598.73                           | 0                 | 0           | 5686.41          |
| Laura Lennox      | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Adrian Lowe       | 4087.68         | 1784.63                           | 0                 | 0           | 5872.31          |
| Marion Lowe       | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Peter Malpas      | 4087.68         | 4095.9                            | 0                 | 0           | 8183.58          |
| Thomas McGowan    | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| June Molyneaux    | 4087.68         | 0                                 | 153.81            | 0           | 4241.49          |
| Greg Morgan       | 4087.68         | 3807.45                           | 0                 | 0           | 7895.13          |
| Mick Muncaster    | 4087.68         | 0                                 | 0                 | 0           | 4087.68          |
| Mark Perks        | 4087.68         | 3203.19                           | 0                 | 0           | 7290.87          |
| Geoff Russell     | 4087.68         | 5173.16                           | 297.77            | 0           | 9558.61          |
| Rosie Russell     | 4087.68         | 1365.71                           | 315.62            | 0           | 5769.01          |

|   |          |         |        |       |         |
|---|----------|---------|--------|-------|---------|
| Edward Smith  | 4087.68  | 1476.54 | 320.28 | 0     | 5884.5  |
| Iris Smith  | 4087.68  | 4596.14 | 0      | 0     | 8683.82 |
| Shaun Smith   | 4087.68  | 0       | 0      | 66.00 | 4153.68 |
| Joyce Snape   | 4087.68  | 528.82  | 11.23  | 0     | 4627.73 |
| Ralph Snape   | 4087.68  | 1784.63 | 50.4   | 0     | 5922.71 |
| John Walker   | 4087.68  | 4095.9  | 0      | 0     | 8183.58 |
| Stella Walsh  | 4087.68  | 528.82  | 91.4   | 0     | 4707.9  |
| Mary Wilson *                                       | 4087.68  | 0       | 0      | 0     | 4087.68 |
| * passed away during term of office                 |          |         |        |       |         |
| <u>Independent Chair of the Standards Committee</u> |          |         |        |       |         |
| Tony Ellwood  | 1,595.00 | 0       | 874.26 | 0     | 2469.26 |

Andrew Docherty, Corporate Director of Governance, Chorley Borough Council, Town Hall, Chorley, PR7 1DP.

November 2008