

## Appendix 9 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. 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.
5. Subject to paragraph 8, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

### **Attendance Allowances**

6. 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**

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

### **Renunciation**

8. 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**

9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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**

15. 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.
16. 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.

17. 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**

18. 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**

19. 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.
20. 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 Stationery**

21. All Councillors are offered IT equipment and stationery suitable for their needs.

**Annual registration with the Information Commissioner**

22. The Council pays for the annual registration fee with the information commissioner which is applicable to all Councillors.

Gary Hall  
Chief Executive

## Appendix A – Basic and Special Responsibility Allowances

1. The basic allowance is £4556.17.
2. 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>
Executive Leader of the Council (assumed to be also a Leader of a large Group (over 12 Members))	13748.48
Leader of Opposition	7056.42
Leader of a Large Group (who is not the Executive Leader or the Leader of the Opposition)	N/A
Leader of a Medium Group (between 6 and 12 Members)	N/A
Leader of a Small Group (between 2 and 5 Members)	992.56
Deputy Leader of a Large Group	1985.12
Deputy Executive Leader	4256.92
Executive Member for any one or more specified portfolios	4556.17
Chair of the Development Control Committee	3083.91
Chair of the Licensing and Safety Committee	3083.91
Lead Member	1519.10
Member Responsible	759.55
Council Champion	334.37
Vice-Chair of the Development Control Committee	1519.10
Vice-Chair of the Licensing and Safety Committee	1519.10
Chair of the Governance Committee	1821.79
Vice-Chair of the Governance Committee (only applicable when chairing the meeting due to the absence of the Chair)	53.17 (½ day)
Independent Member of the Governance Committee	537.01
Chair of the Overview and Scrutiny Committee	4556.17
Vice-Chair of the Overview and Scrutiny Committee	1519.10
Chair of the Overview and Scrutiny Task Groups	334.38

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 24 November 2015.

**Notes:** The last annual uplift amendments were completed in May 2018.

## Appendix B – Approved Duties

**Travel and Subsistence Allowances can be claimed for the following approved duties where a Member is formally appointed as a Member or a Substitute Member of that body:**

- a meeting of the Executive Cabinet and Development Control Committee whether the Councillor is a member of the Executive or not,
- 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 chair or vice-chair,
- a meeting of any other body to which the authority makes appointments or nominations, or a meeting of a committee and 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 and 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

**Notes:** 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 Head of Governance

## Appendix C – Travel and Subsistence Allowances

### Policy Objective

1. 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.

### Chorley Borough Council's Responsibility

2. 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.
3. Chorley Borough Council will make all reimbursements through the payroll system to satisfy our Income Tax arrangements with the Inland Revenue.

### Elected Members' Responsibilities

4. Elected Members must retain original receipts when making claims. All claims must be made using the electronic claim system 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.

### Outcomes

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

### Subsistence Allowances

6. Payable up to the maximum amounts shown below:

Breakfast up to £6.35. 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 £8.60. 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 £10.84. This allowance is payable where the Elected Member's work or journey home from the work or training continues beyond 7.00 pm.

### Conferences

7. 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).

### Travelling Allowances

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

### Travel by Car

9. 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.
- The Member must submit their claim using the electronic claim system with full details of the journey undertaken, the system will calculate the shortest journey route, and be authorised by Democratic Services.
  - The Member must have a current driving licence, a valid MOT certificate (where applicable) and have checked they have the required business motor insurance in place for their Council work.
10. 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.

In special circumstances, with prior approval, an Elected Member who is not able to drive and needs to be picked up/dropped off for meetings by family/friends could claim for a double journey.

11. The rates agreed from 1 April 2010 are:
- |             |               |               |
|-------------|---------------|---------------|
| 451 – 999cc | 1000 – 1199cc | 1200 – 1450cc |
| 46.9p       | 52.2p         | 65.0p         |

### Travel by Public Transport

12. 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.

### Hotel Accommodation

13. 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.
14. Any arrangements which differ from the above should be agreed in advance.



## **Appendix D – Other Allowances**

### **Dependant Carers Allowance**

A Dependant Carers Allowance is payable based on the following conditions:

When a Councillor is undertaking "Council approved duties" according to Chorley Council guidance notes on approved duties:

- For the independent care of a child, who is resident with the Councillor, aged 15 years and under
- For the professional care of a dependant relative.

A dependant relative is defined as where the Councillor is the main carer and one of the following categories apply:

- Elderly relative requiring constant care,
- Disabled relative requiring constant care,
- Relative with learning disabilities requiring constant care

### **Qualifying Situation**

- The child or foster child of a Councillor (one payment per household in the case of a spouse or partner)
- Dependant relative of a Councillor (one payment per household in the case of a spouse or partner)

### **Rates of Payment**

National Minimum Wage, unless there were specific circumstances.

### **Pensions**

Members of Chorley Council are not eligible to join the Local Government Pension Scheme.

## Appendix E – How do I Claim My Allowances?

### Allowances (Basic and Special)

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

### Electronic Claims

2. To claim all travel and subsistence expenses Members are asked to register to use the electronic claim system and retain all receipts for future inspection.
3. Please note however that paper forms can be provided on request.

### Claim Submission Deadline

4. To avoid any delays in payment please complete your claim 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.**

### Advance of Travel and Subsistence Allowances

5. 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.
6. 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.

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

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

1. 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.
2. 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.
3. Please note that since the introduction of Self Assessment it is your responsibility to keep records to support your tax liability.