

Members' Allowances Scheme 2019-20

MEMBERS' ALLOWANCES SCHEME – 2019-2020

LOCAL GOVERNMENT AND HOUSING ACT 1989

LOCAL GOVERNMENT ACT 2000

**THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND)
REGULATIONS 2003**

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

This scheme may be cited as the Derbyshire County Council Members' Allowances Scheme, and shall have effect for the period commencing on the 1st April 2019 as amended by Council on 15th May 2019.

Members are reminded of the need to keep detailed supporting information, such as a diary, about every attendance for which they claim. This information should be available for scrutiny by the County Council's Auditors or other relevant persons as and when required.

1. Definitions

- a) "Councillor" means a member of the Derbyshire County Council who is a Councillor;
- b) "year" means the 12 months ending with 31st March.
- c) "Schedule 1" sets out the annual equivalent amount and per activity rates payable to members with effect from the 1st April 2019. This schedule will be automatically updated annually in accordance with the methodology for year on year changes included as part of the scheme. Members will be informed annually of the rates for the forthcoming year.
- d) "Pay Award" is the increase in the pay award due to employees covered by the NJC Pay Rates for Local Government Services as at the 1st April each year.
- e) Later sections of the Scheme mention liability to Tax and the insurance arrangements for Members and Co-optees of the County Council. These sections do not deal with entitlements under the Scheme and are only brief summaries for information. The County Council does not guarantee that they are necessarily accurate or appropriate for individual Members or Co-optees. It is for Members and Co-optees to satisfy themselves personally that their tax and insurance arrangements are in order and they should consult their own advisers,

as they think fit, about these matters.

2. Basic Allowance

- a) Subject to paragraph 8, 9 and 10 for each year a flat rate basic allowance shall be paid to each Member. This allowance is designed to cover the time commitment of all Members in all meetings including those with officers and members of the public. It is also intended to cover incidental costs such as the use of home and private telephone facilities.
- b) The rate at which the Basic Allowance is paid is detailed in Schedule 1. The allowance will be increased in line with the Pay Award with effect from the 1st April each year.

3. Special Responsibility Allowances

- a) Subject to paragraphs 8, 9 and 10 for each year a special responsibility allowance shall be paid to those Members who perform the special responsibilities in relation to the County Council that are specified in schedule 1 to this scheme.
- b) The allowance will be increased in line with the Pay Award with effect from the 1st April each year.

4. Carers of Dependents' Allowance

- a) Those councillors who incur expenditure for the care of children aged 16 or under, or dependent adults for whom documentary evidence of their care requirements has been provided are eligible to claim care costs for undertaking particular duties. These duties are specified in Schedule 2.
- b) The rate at which the Carers of Dependents Allowance is set is detailed in Schedule 3. The allowance will equate to the National Living Wage hourly rate and will be updated in line with any national alteration to this rate.
- c) In exceptional circumstances (e.g. where a dependent has a disability and specialised care is required) and with prior authorisation, higher hourly rates than the bench mark may be available
- d) Only actual receipted expenditure will be reimbursed
- e) If a household contains more than one Councillor, care costs may only be claimed once.
- f) The allowance cannot be claimed in respect of payments to other members of a

Councillor's household

5. Travel Allowances

- a) A Member may be reimbursed in respect of travel allowance, including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken in connection with or relating to such duties as are specified in Schedule 2.
- b) The rates at which members can be re-imbursed for travel are set down in Schedule 3 The car mileage rates are the same as those applicable to employees of the County Council under Single Status and shall be changed in line with changes made to the allowances paid to employees.
- c) The basis on which members travel will be reimbursed is detailed in Schedule 4.

6. Subsistence Allowance

- a) Subsistence should not be claimed except in exceptional circumstances
- b) Where a Member is travelling out of county and required to be away overnight then the Commissioning, Communities and Policy department- Central Administration Office should, where possible, make advance provision for meals and accommodation when making travel arrangements.
- c) Where a Member has been unable to arrange for the Council to organise accommodation and subsistence out of county then the maximum rates that can be claimed are shown in Schedule 4. These rates are the same as those applicable to employees and will be updated when the employee rates are updated. Any claim for subsistence must be supported with receipts for actual expenditure incurred.

7. Co-optees Allowance

- a) An annual allowance may be paid in respect of attendance at conferences and meetings for a Member of a committee or sub-committee of the County Council who is not a Member of the County Council.
- b) Where a Co-opted Member is a Member of a committee by virtue of their employment with the County Council then they will be ineligible to receive the Co-optees allowance.
- c) The rate at which Co-optees allowance is paid is set down in Schedule 1. The rate is set at a fixed proportion of the Basic Allowance and as such will be increased annually to maintain that relative proportion.

8. Renunciation

A Member may, by notice in writing given to the Director of Finance & ICT, elect to forego any part of his or her entitlement to an allowance under this scheme.

9. Part-year Entitlements

- a) If an amendment to this scheme changes the amount to which a Member is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods
 - 1. (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - 2. (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) in that 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.

- b) An amendment to this scheme may change the duties specified in Schedule 2 to this scheme, or the amount payable by way of a Travelling, Subsistence or Dependent Carers Allowance. Where such an amendment takes place, entitlement to these Allowances shall be to the payment of the amount of the allowance under the Scheme as it has effect when the duty is carried out.
- c) The term of office of a Member may begin or end otherwise than at the beginning or end of a year. The entitlement of that Member 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 or her term of office subsists bears to the number of days in that year.
- d) Where this scheme is amended as mentioned in sub-paragraph (a), and the term of office of a Member does not subsist throughout the period mentioned in sub-paragraph (a)(i), the entitlement of any such Member 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 Member subsists bears to the number of days in that period.
- e) Where a Member has during part of, but not throughout, a year such special

responsibilities as entitle him or her to a special responsibility allowance, that Member'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.

- f) Where this scheme is amended as mentioned in sub-paragraph (a), and a Member has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (a)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Member'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.

10. Acting-up Arrangements

There will be occasions when Members with significant Special Responsibilities may be unable to undertake their duties. In the instances of illness or personal incapacity of the Leader, Deputy Leader or Cabinet Member, for a continuous period of 4 weeks or an accumulated absence of 4 or more weeks per quarter, then acting-up arrangements may be instituted as follows, subject to Cabinet approval: -

- In the absence of the Leader, the Deputy Leader would undertake the 'acting-up' arrangements.
- In the absence of the Deputy Leader, a Cabinet Member may be nominated by the Leader to undertake the 'acting-up' arrangements.
- In the absence of a Cabinet Member, the Leader or Deputy Leader would undertake the portfolio responsibilities; or alternatively such responsibilities may be allocated to another Cabinet Member.
- Where acting-up arrangements have been formally agreed due to a Member's illness or personal incapacity, then the Member undertaking the role will be eligible for the higher SRA from the date the acting-up arrangements are agreed.
- Where acting-up arrangements are to apply due to a Member's absence, then the absent Member must provide medical certification for the absence. This will ensure that the absent Member continues to receive their SRA until they are able to resume their duties. If no medical certification is provided the SRA will cease from the date at which the acting-up arrangements have

been commenced.

- The acting-up arrangements may only last for a maximum period of 6 months. This time period relates to the Member in the post concerned, not the Member in receipt of the additional SRA for acting-up.

11. Withholding of Payments Made to Members

- a) Where a Member is suspended or partially suspended from their responsibilities or duties as a Member of the County Council in accordance with Part III of the Local Government Act 2000, or regulations made under that part, the part of either Basic or Special Responsibility Allowances payable to that Member in respect of duties or responsibilities from which they are suspended or partially suspended may be withheld by the County Council. The full Council will make any such decision.
- b) Where a Member is unavailable to undertake their duties for which they receive a SRA, for any reason other than sickness, and that period exceeds four weeks within a three month period, then the Council can withhold any SRA due to the Member concerned for the period during which the absence occurred. The Cabinet will make any such decision based on a report from the Director of Legal Services and considering each case on its merits.

12. Recovery of Payments Made to Members

Where a payment has been made to a Member that relates to a period where either the Member concerned: -

- a) is suspended or partially suspended from their duties and responsibilities as a member in accordance with Part III of the Local Government Act 2000 or regulations made under that part;
- b) or ceases to be a member of the County Council;
- c) or is in any other way not entitled to receive the allowance in respect of that period;

The County Council may require that such part of the allowance as relates to any such period be repaid to the County Council. The full Council will make any such decision.

13. Payment of Allowances

- a) Claims for Carers of Dependents, and Travel allowances under this scheme shall be made in writing on a regular basis, preferably monthly. All claims must be

made on the appropriate form.

- b) The payment of Basic, Special Responsibility and Co-optees allowance is made automatically and no claim is required.
- c) A claim for allowances shall include, or be accompanied by, a statement by the Member claiming the allowance that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the scheme.
- d) All payments to Members are made by using the Bankers Automated Clearing System on the 15th of each month or the nearest preceding working day if the 15th falls on the weekend or at a Bank Holiday.

14. Tax and Benefits

Income Tax

- a) Basic, Special Responsibility and Carers of Dependents' Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- b) HMRC is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the HMRC notifies the County Council of the appropriate tax code for each Member.
- c) Some expenses incurred by Members in the course of County Council duties as Members may be deductible against tax. Any Member who believes that some of his/her expenses as a Member may be tax deductible, should contact HMRC

National Insurance Contributions

- a) Basic, Special Responsibility and Carers of Dependents' Allowance payments will attract National Insurance (NI) contributions at levels that vary depending on the total earnings of Members.
- b) Some Members may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See HMRC website for information.
<http://www.hmrc.gov.uk/pensioners/paying-making.htm>
- c) Some Members, who are married women or widows who have elected to pay reduced rate contributions for NI, may also need to have their NI Contributions on allowances calculated at a reduced rate.
- d) Members who are self-employed may also be subject to different levels of NI

Contributions.

- e) Members who believe that they fall into any of the above categories should contact the Director of Finance & ICT who will seek to obtain further information to assist with the query.

15. DWP Benefits

- a) The receipt of allowances may affect Members who are receiving DWP Benefits. All allowances should be declared to the DWP who will be able to advise Members on any affect on their benefits.
- b) Members should note that failure to disclose any allowances to the DWP may result in prosecution.

16. Insurance for Members

- a) The County Council provides insurance cover for Members when they are engaged on business that relates to their activities for the County Council. The insurance does not cover Party Political activities.
- b) The insurance covers certain risks in the following broad categories:
 - Public Liability
 - Officials' Indemnity
 - Libel and Slander
 - Employer's Liability
 - Personal Accident Insurance
 - Business Travel Insurance

For further details relating to the extent of this cover please contact:

Insurance Section
Finance & ICT Division
Commissioning, Communities and Policy

- c) Please note that the County Council's motor insurance does not extend to Members' own vehicles, even if these vehicles are used on County Council business. Members should ensure that they have advised their own insurers and they are suitably covered if their own vehicles are to be used on County Council business.

Amounts Payable to Members under the Members Allowances Scheme

No Claim Required. These Allowances will be paid Automatically.

		Relative Responsibility %	Annual Amount 2019-20 £
Special Responsibility Allowances			
Council	Chairman	5	1,800
	Civic Chairman	25	9,000
	Civic Vice-Chairman	10	3,600
Cabinet	Leader	100	36,000
	Deputy Leader	75	27,000
	Cabinet Member	50	18,000
Leader of the Main Opposition Group		45	16,200
Leader of the Minority Opposition Group (with at least 10% of Council Members)		15	5,400
Cabinet Support Member		25	9,000
Improvement and Scrutiny Committee-Resources	Chairman	25	9,000
Improvement and Scrutiny Committee-Places	Vice-Chairman	10	3,600
Improvement and Scrutiny Committee-People			
Improvement and Scrutiny Committee-Health			
Planning Committee (Regulatory)			
Governance,Ethics and Standards			
Audit Committee			
Pensions and Investments Committee			
Appointments and Conditions of Service Committee			
Basic Allowance			10,896
Co-optees Allowance			720
Fostering Panel			1,908
Adoption Panel			954

NB - A Member cannot be in receipt of more than two SRAs at any one time

APPROVED DUTIES

The following are specified as approved duties for the purposes of Carers of Dependents and Travel Allowances, these require no further approval: -

- 1) the attendance at a meeting of the County Council, Cabinet or of any committee or sub-committee of the County Council, or of any other body to which the County Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- 2) attendance as a representative of the County Council on approved Bodies at meetings relating to the body other than meetings of the body itself or Committees or Sub-Committees thereof;
- 3) the attendance at any other meeting, the holding of which is authorised by the County Council, Cabinet or a committee or sub-committee of the County Council, or a joint committee of the County Council and at least one other local County Council within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee;
- 4) the attendance at a meeting of any association of County Councils of which the County Council is a member;
- 5) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened;
- 6) the performance of any duty in connection with the discharge of any function of the County Council conferred by or under any enactment and empowering or requiring the County Council to inspect or authorise the inspection of premises;
- 7) duties carried out within the UK arising out of a Member holding an office to which a Special Responsibility Allowance applies, or such a duty carried out by their nominee;
- 8) attendance at County Hall for a meeting with either a Member in receipt of a SRA or an officer for the purposes of discussing matters relating to Council business which it is reasonable to expect the Member to have an interest;
- 9) attendance at training courses, the purpose of which is to assist Members to understand and carry out their duties more effectively, e.g. IT training courses, but are not directly related to the work of the County Council. All such activities to be arranged by the County Council;

- 10) attendance by a Member at a Cabinet, Committee or Sub-committee meeting of the County Council for the purpose of making a statement to the meeting where the Member is not a Member of that Committee or Sub-committee.
- 11) attendance at Cabinet and relevant Cabco meeting of Shadow Cabinet Members, nominated by the Leader of the principal Minority Group.
- 12) attendance at Parish Council meeting within your constituency to which you have been invited to attend to discuss Derbyshire County Council business

The Director of Legal Services may approve the following duties. Any duty so approved will be reported to the next Cabinet meeting for information. Where the Director of Legal Services is unsure of the suitability of such attendance then that decision must be referred to Cabinet. The items included are: -

- 1) duties carried out by any Member of a Committee or Sub-Committee, e.g. visits and inspections, in order to discharge the functions of the Committee or Sub-Committee;
- 2) attendance by Members at conferences, seminars and other meetings at which it is necessary for the County Council to be represented. Any such attendance to have been approved by the relevant party leader or deputy leader before being agreed by the Director of Legal Services;
- 3) organised official visits including deputations to government departments;
- 4) attendance at official openings of new premises by Members of the appropriate committee;
- 5) attendance of a Member in receipt of a Special Responsibility Allowance or nominees as guest speakers at conferences or meetings closely connected with the functions and activities of the Committee, subject to a claim being made by the Member to the conference organiser for travelling, subsistence and any fees to be repaid to the County Council;
- 6) official and courtesy visits of a civic nature within the United Kingdom and abroad (such as "twinning" arrangements with overseas local Authorities);
- 7) attendance at interviewing panels.

Finally any other duty approved in advance by the Cabinet or relevant Cabinet Member, as appropriate, may qualify for Carers of Dependents and Travel allowances.

Schedule 3

Mileage rate	April 2013
Per mile first 8,500	45.0p
Per mile after 8,500	12.2p
Passenger rate per mile	0.5p
Bicycle rate per mile	20.0p

‘Carers of Dependents Allowance’ maximum per hour £8.21
From 1st April 2019 (Maximum of £50.33 per day)

SCHEDULE 4

Travel Claims

The County Council will meet reasonable travel costs incurred on authorised official business.

All arrangements must be made through the Commissioning, Communities & Policy department Central Administration Office and organised by Members support services. Working with their Corporate Partners, they will determine the most cost-effective way of undertaking the assignment.

In determining this they will take into account all costs including public transport, mileage, parking, accommodation and subsistence.

For example:

- It may be more cost effective to use air transport if doing so removes the need for an additional overnight stay.
- Whilst rail travel will usually be Standard Class, there may be occasions where the cheapest option available is a first-class ticket on an earlier train.

Please note there is a cancellation fee, if a ticket is ordered but not used.

Members may request, via Member Support Services, a quote for alternative grade/type of transport (eg first class rail). If they wish to take up this option then the incremental cost is at the members own expense and will not be reimbursed by the Council, even if the additional cost is met by the member from their personal funds, will be disclosed in any Freedom of Information or other such request.

In very exceptional circumstances, where there is not time to order tickets in advance then members may purchase their own ticket and claim through the expenses process, receipts must be attached.

Taxis should only be used where reasonable alternatives are not available or the following are applicable

- There is a significant saving in official time;
- You have to transport heavy luggage and/or equipment;
- Where Members/Officers are travelling together and it is the cheaper option;
- Some form of physical impairment prevents use of other forms of transport.

Other exemptions may be acceptable and all should be agreed in advance with Member Support. Taxi receipts should be attached to your claim form.

Mileage Allowances

Rates are paid at a rate per mile and at the rate prevailing at the time of travel.

You must hold a current full driving licence.

All vehicles used on County Council business should be taxed, have a valid MOT certificate (if older than 3 years) and current insurance policy. The insurance policy must cover you for business use and indemnify the employer against all third party claims (including those concerning passengers) when the vehicle is used on official business.

If your insurance covers 'Social and Domestic Pleasure only' your whole policy will be invalid if you use your car for County Council business.

Mileage claimable must be calculated on the basis of the most reasonable route possible for the journey. Where it is reasonable to use Public Transport then Members will be expected to do so. If a Member decides to travel by car when it is reasonable to use public transport then the Member will only be reimbursed up to the lower of the car mileage amount or the cost of public transport. If a Member is in any doubt they should seek the advice of the Director of Finance & ICT.

HMRC has ruled that mileage payments in excess of approved mileage allowance payment (AMAP) are subject to payment of National Insurance. This will be deducted at source.

Overseas Travel

Overseas travel is classed as any journey outside the United Kingdom. Any journey, which incorporates travel overseas, must have prior authorisation from the relevant Committee. Claims should be made on the basis of any available tourist or cheap rate fares. The County Council will not reimburse the cost of obtaining a passport.

Other Costs

Any parking, toll or similar fee necessarily incurred on official business can be reclaimed from the County Council. Please attach receipts to your claim.

Parking fines or similar charges will not be paid by the County Council.

**Subsistence Claims valid from 1st January 2017
(Rates not updated since above date)**

Ordinary Subsistence Rates

Breakfast	£7.12	
Lunch	£9.83	
Tea	£3.87	
Evening Meal	£12.20	
Bed and Breakfast	£49.65	(£63.39 in London)

Absence of 24 hours or More

Per day or part thereof	£33.00	
Per night	£49.65	(£63.39 in London)

For clarification, should an officer be booked into a hotel on an accommodation only basis, then the maximum allowance for meals would be £33.00 total daily allowance (this is not in addition to any other allowances for individual meals).

Under normal circumstances, any overnight accommodation booked would be inclusive of all necessary meals and these should be invoiced directly to the Council for authorisation and payment in the normal way. This allows the Council to recover any VAT due.