

COUNCILLORS' ALLOWANCES SCHEME

APPENDIX 13

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APPENDIX 13 - COUNCILLORS' ALLOWANCES SCHEME

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

Citation

1. This scheme may be cited as the Worcestershire County Council Councillors' Allowances scheme, which will have effect for the year commencing on 1 April 2009 and subsequent years.

Interpretation

2. In this scheme,

“Councillor” means a member of the Worcestershire County Council who is a County Councillor;

“Year” means the 12 months ending with 31 March.

Basic Allowance

3. Subject to paragraph 21 for each year, a basic allowance of £8,515 shall be paid to each Councillor. This allowance is intended to recognise the time devoted by Councillors to their work, including such inevitable calls on their time as meetings (whether Council meetings or meetings with constituents and political group meetings). This allowance is also intended to cover other incidental costs incurred including:-
 - use of home
 - use of telephone (including the cost of mobile phones and other handheld devices of a similar nature)
 - costs associated with member surgeries and other public events (including Room Hire) which are not facilitated by the County Council.
4. By the very nature of their positions some Councillors who hold positions on the Council may incur additional expenditure which is over and above that incurred by ordinary backbench Councillors. In these circumstances any additional costs will be met from their special responsibility allowances.

Special Responsibility Allowances

5. For each year, a special responsibility allowance shall be paid to those Councillors who have been notified to the Director of Corporate Services by their Group as holding the special responsibilities in relation to the authority as fall

within the categories defined in paragraph 5 of the Regulations and as specified in Schedule 1 to this Scheme.

6. Subject to paragraph 20, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
7. In addition to those special responsibility allowances payable, an allowance of £14,233 p.a. is payable to the Chairman of the County Council under the provisions of the Local Government Act 1972. An allowance of £3,223 p.a. is also payable to the Vice-Chairman under this provision.
8. Special Responsibility Allowances are only payable to Group Leaders with 5 or more group members.

Annual Uplift of Allowances

9. The basic, special responsibility and carers/dependants allowances and the allowance payable to fund connection to the Internet and provision of ICT consumables shall be uplifted annually on 1 April in line with the Consumer Price Index.

Councillor ICT arrangements

10. A sum of £1,000 is available over the life of the council to Councillors to enable them to support their ICT arrangements. The sum is available to individual Councillors but may only be used for:-
 - The purchase (or upgrading) of a PC or laptop (including Office 2007 and Anti-virus software);
 - An appropriate PC support contract in connection with the above;
 - A printer/scanner;
 - A memory stick or external hard drive for back up purposes; and
 - The purchase of other communication devices (fax, mobile phone, XDA's only)
- 11.. This allowance cannot be used for the purchase of other peripherals/software not specified above, nor can it be used to fund call charges and running costs associated with any communication equipment purchased through this allowance.
12. In order to qualify for re-imbursement under this arrangement councillors must:-
 - Provide details of the equipment purchased and receipts to support the purchase; and
 - Declare that any ICT equipment purchased under this arrangement will be used to support councillors in their role as a County Councillor.
13. In addition, a sum of £505 per annum (paid monthly) is paid to councillors to fund connection to the internet and the purchase of ICT consumables in exchange for a commitment from councillors that they will use the IT systems and applications available to them for communication and other purposes.

Backdating

14. When the scheme is amended, the Council may choose to apply the amendment retrospectively to the beginning of the financial year in which the amendment is made.
15. Where a Councillor takes on duties entitling him/her to a different level of allowances, the new level of allowances may be applied retrospectively to the time at which the circumstances changed.
16. The Council's Independent Remuneration Panel may make recommendations, where relevant, as to whether payments on which they have made a recommendation may be backdated. The Council is required to have regard to these recommendations.

Only One Allowance

17. No Councillor may receive more than one special responsibility allowance.

Attendance Allowance

18. No attendance allowance shall be payable under this scheme, either for casual duties per se, or in respect of appointments to outside bodies.

Renunciation

19. A Councillor may renounce in writing to the Director of Corporate Services any part of his/her entitlement to an allowance under this scheme and may subsequently withdraw or amend such renunciation, but not retrospectively.

Part Year Entitlement

20. The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to a basic and special responsibility where, in the course of a year:-
 - (a) the scheme is amended; or
 - (b) that person becomes or ceases to be a councillor; or
 - (c) that councillor accepts or relinquishes a special responsibility for which a special responsibility allowance is payable
21. In relation to basic allowances and special responsibility allowances:-
 - (a) if an amendment to this scheme changes the amount to which a councillor is entitled; or
 - (b) where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year; or
 - (c) where the special responsibilities of a councillor do not subsist throughout the year; or

- (d) where the scheme is amended as referred to in (a) above and the term of office and/or special responsibilities of the councillor do not subsist throughout any part of the periods within the year distinguished by the payment of different amounts for these allowances then

the entitlement to the allowance shall be calculated by reference to the proportion the number of days in each such period bears to the number of days in that year.

Claims and Payment

22. Payments in respect of basic and special responsibility allowances shall, subject to paragraph 21 above, be made in monthly instalments of one-twelfth of the amount specified in the Scheme.
23. Payments otherwise than in accordance with paragraph 22 above will only be made when it appears to the Director of Corporate Services in a particular case that individual and extenuating circumstances exist.
24. Where a payment of one-twelfth of the amount specified in this scheme in this respect of basic allowance or a special responsibility allowance would result in the councillor receiving more or less than the amount to which, by virtue of Schedule 1, he/she is entitled, the payment shall be such amount as will ensure that no more or no less is paid than the amount to which he/she is entitled.

Travelling and Subsistence Allowances

25. Subject to paragraph 26 below, a Councillor shall be entitled to receive travel and subsistence allowances where the Councillor necessarily incurs expenditure on travelling or subsistence for the purposes of enabling the performance of a duty approved in advance.
26. No Councillors or individuals shall decide for themselves that expenses should be recoverable for something they have done, even if done for or on behalf of the Council. In the interests of flexibility, and subject to paragraph 28 below, the situations set out in Schedule 2 to this Scheme (within the UK except where otherwise stated) are hereby approved for the purposes of travelling and subsistence allowances.
27. The County Council has previously determined that the payment of subsistence allowances are only approved for duties **out of County**.
28. The following situations are not approved:-
- party political meetings;
 - Religious meetings such as church services;
 - site visits (unless authorised member body visits) or visits with or to constituents; and
 - School Governor's meetings/events

29. The rates currently payable are detailed in Schedule 3 to this Scheme.
30. The distance claimed for mileage shall be the shortest, most reasonable journey by road from the point of departure to the point at which the duty is performed and similarly from the duty point to the place of return.

Carers/Dependants Allowance

31. A Councillor shall, in appropriate circumstances, be entitled to receive a carers/dependants allowance, particularly to recompense those councillors who incur expenditure for the care of children or other dependants whilst undertaking those duties set out in Schedule 2 to this Scheme. The rates currently payable are detailed in Schedule 3 to this Scheme.

Co-opted Members

32. Subject to paragraph 27 above, a co-opted member who serves on the Council's Committees, Panels or Task Groups will be entitled to receive travel and subsistence allowances (as detailed in Schedule 3 to this Scheme) where the member necessarily incurs expenditure on travelling or subsistence for the purposes of enabling the performance of a duty approved in advance.
33. A co-opted member shall, in appropriate circumstances, be entitled to receive a carers/dependants allowance in accordance with paragraph 30 above.

Conference Allowances

34. Subject to paragraph 27 above, allowances in the nature of allowances for travelling and subsistence shall be payable in respect of attendance, previously approved, at conferences or meetings organised by other persons or bodies. The convenors shall not be commercial or have wholly or partly party political objectives. The purposes of the conference or meeting shall concern the interests of the Council's area or its inhabitants.
35. All appropriate booking arrangements shall as far, as practical be undertaken by the Director of Corporate Services.

Official and Courtesy visits

36. Where a Councillor reasonably incurs travelling and/or other expenses on behalf of the Council in making pre-authorised official or courtesy visits inside or outside the UK, such expenses shall be payable.
37. Expenses incurred in the pre-authorised reception and entertainment by way of official courtesy at visits by distinguished persons and persons representatives or connected with local government or other public services inside or outside the UK shall also be payable.

Foreign Travel

38. Members shall only travel abroad on County Council business with the express approval of their Group Leader and the Chief Executive.
39. All arrangements for travel and hotel accommodation shall as far as is practicable be made by the Director of Corporate Services.
40. Councillors are required to provide receipts of actual expenses and details of meals provided when they submit claims for reimbursement.

Double Claiming

41. Where a Councillor is also a member of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties. A Councillor must certify that no other claim will be made in respect of matters to which a particular claim relates and no payment by way of travelling or subsistence allowances or conference allowances can be made if payment has already been made in respect of the matter concerned under this scheme of allowances.

Income Tax

42. Basic and special responsibility allowances are classed as emoluments of office and as such are subject to income tax under Schedule E. This shall be a matter between the Councillor and the Inland Revenue.
43. The Director of Financial Services is also required to make a return to the Inland Revenue at the end of each financial year, giving details of car allowances paid to Councillors during that year. The Inland Revenue takes this information into account when issuing tax codes to Councillors for the following year.

National Insurance

44. Class I National Insurance contributions becomes payable if allowances (including subsistence at County Hall, and for the deemed profit for car allowances) reach the lower monthly earnings limit and the councillor is aged below the normal retirement age (60 or 65 years old). Once normal retirement age is reached liability to pay National Insurance contributions ceases provided that a Certificate of Age Exemption Form (CF384) is obtained from the Benefits Agency and passed to the Director of Financial Services. To enable correct records to be maintained a Councillor may be requested to provide certain information relating to National Insurance contributions to the Director of Financial Services.

Statutory Sick Pay

45. For the purposes of the Statutory Sick Pay Scheme, a Councillor who receives basic and special responsibility allowances is to be counted as an "employee" and may in certain circumstances be eligible to receive Statutory Sick Pay.
46. All Councillors aged 65 and over are excluded from the Statutory Sick Pay Scheme. Other Councillors may be eligible to benefit in respect of days on which

they would have otherwise been entitled to claim the above allowances, dependent upon the level of allowances received.

47. Any Councillor who is prevented from attending Council business because of sickness and wishes to claim shall contact the Director of Financial Services.

Pensions

48. Councillors are not currently permitted to join the Local Government Pension Scheme.

Submission of claims

49. Further guidance on the completion of monthly claim forms is supplied to each councillor and claims must be made in accordance with that guidance. Claims are only necessary for travelling, out of county subsistence and the payment of a Carers/Dependants Allowance.
50. Claims must be made within 2 months of the duty to which the claim relates. Late claims will only be made in exceptional circumstances and with the approval of the Director of Corporate Services.
51. Payment of any claim shall normally be through the "payroll" system in the last week of every month provided that the claim has been received at least three weeks before the end of the month. Payments outside this system shall not be made unless it appears to the Director of Corporate Services in a particular case that individual and extenuating circumstances exist.

Enforcement

52. As a code of good practice, Councillors are expected to observe the procedures and protocols set out above, without the need for sanctions. However where circumstances dictate, individual cases shall be drawn to the attention of the appropriate Group Leader by the Director of Corporate Services with the expectation that the Leader of the appropriate Group shall seek explanations from the Councillor. Councillors are reminded that claims for allowances are subject to both internal and external audit.

Withholding Allowances

53. Where a member of the Council is suspended or partially suspended from his/her responsibilities or duties in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, part or all of any allowances payable to him/her in respect of the period for which he/she is suspended, or partially suspended, may be withheld.

Repayment of Allowances

54. Where payment of any allowance has already been made in respect of any period during which the member concerned is:-

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

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

Disclaimer

55. Every effort has been made to state accurately the position of the date of publication of these notes. The Director of Corporate Services shall not be liable for any inaccuracies, omissions or misrepresentations contained therein or for any change in practice or interpretation which may be adopted without notice by the County Council subsequent to the date of this publication.

Date of this publication: 1 April 2009
(amended September 2009)

**SCHEDULE 1 - POSITIONS DEEMED TO CARRY SPECIFIC RESPONSIBILITIES
AND THE AMOUNTS PAYABLE**

BAND	AMOUNT OF ALLOWANCE	ROLE
Band 1	£31,074.47	Leader of the County Council
Band 2	£16,499.71	Cabinet Members with Responsibility Chairman of the Overview and Scrutiny Performance Board
Band 3	£9,734.84	*Leader of the Conservative Group Leader of the Liberal Democrat Group Lead Scrutiny Members (including Health Overview and Scrutiny Committee Chairman and Chairmen of Overview and Scrutiny Panels) Chairman of the Planning and Regulatory Committee Chairman of the Audit and Governance Committee
Band 4	£ 5,820.68	None currently payable within this Band

* Not currently payable

**SCHEDULE 2 -
COUNCILLORS' ALLOWANCES - APPROVED DUTIES FOR TRAVELLING,
SUBSISTENCE AND CARERS/DEPENDANTS ALLOWANCE PURPOSES
(OUT OF COUNTY ONLY)**

- Any member body meeting as part of the Council's constitutional arrangements or called by an officer.
- Chairman/Vice-Chairman's attendance at agenda briefings.
- Any duty undertaken by the Chairman or Vice-Chairman of the County Council in that role and, by Cabinet Members with Responsibility and Chairmen Vice-Chairmen of the Cabinet, and Committees or scrutiny lead members in that role.
- Attendance at any other meeting or site visit where the initiative for attendance is taken by or on behalf of a chief officer.
- Attendance at any member development or other event, approved in advance and as a representative of the Council
- Visits at the initiative of the councillor to a chief officer (in the county only).
- Attendance at any outside bodies as a representative of the Council (other than school governors) unless excluded at time of appointment or the body themselves pay such expenses.
- Parish Council meetings in the Councillor's Division.
- A (non political) public meeting when Councillor's attendance is requested by the Organisers.
- Attendance at Civic events by written invitation from the Council.
- Other meetings where attendance is requested by officers.

SCHEDULE 3 – RATES OF TRAVEL ALLOWANCE FOR TRAVEL BY MOTOR VEHICLE

Travelling Allowances

Use of Motor Vehicle 39.5 pence per mile

If carrying passengers (otherwise entitled to claim and subject to a maximum of 4) the above rates may be increased by 3p per mile for the first passenger and 2p per mile for the second and subsequent passengers.

Tolls and parking fees evidenced by receipts may be reclaimed.

Public Transport

The amount of the ordinary standard class fare (or any available cheap fare as incurred).

Motorcycle Rates	0cc – 49cc	12.7 pence per mile
	50cc – 250cc	18.2 pence per mile
	Over 250cc	25.48 pence per mile
Bicycle Rates		7.28 pence per mile

Subsistence Allowances (payable out of county only)

Breakfast Allowance (more than 4 hours away from normal place of residence before 10.00am) £4.92

Lunch Allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00pm) £6.77

Tea Allowance (more than 4 hours away from normal places of residence, including the period 3.00pm – 6.00pm) £2.67

Evening Meal Allowance (more than 4 hours away from the normal place of residence ending after 7.00pm) £8.38

Overnight Accommodation

Councillors who require overnight accommodation should, wherever possible, make the necessary arrangements via the Member Support Unit. In exceptional circumstances, where it has not been possible to make the necessary arrangements in advance, then prior consultation with the Head of Legal and Democratic Services should take place, whereupon any reasonable expenses incurred may be reclaimed on the production of the necessary receipts.

Carers and Dependants Allowance

Up to £6.09 per hour with an annual ceiling of £2,432.83 evidenced by receipts.