

# **PART 6**

## **MEMBERS' ALLOWANCES**



# Section 42

## Members' Allowance

### Scheme 2018-21

This document contains the scheme for Councillors' Allowances as approved by the Council for the period 1 April, 2018 to 31 March, 2021. Any amendment to the scheme requires the approval of the Council.

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## **1. INTRODUCTION**

- 1.1 This Scheme, which may be cited as the Cannock Chase Council Members' Allowances Scheme, was approved by Cannock Chase Council at its meeting on 23 May, 2018 in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.2 This Scheme replaces all previous Members' Allowances Schemes.
- 1.3 The Allowances mentioned in this scheme shall be implemented with effect from 1 April, 2018 and shall run until 31 March, 2021.
- 1.4 Any other amendments to the Scheme will be solely determined by the Council, following receipt of recommendations from the Independent Remuneration Panel.

## **2. EXPLANATION OF TERMS**

- 2.1 In this scheme,

“Councillor” means a Councillor of Cannock Chase Council.

“Year” means the 12 months commencing from the Council’s Annual General Meeting

## **3. BASIC ALLOWANCE**

- 3.1 Subject to paragraph 6, for each year a basic allowance shall be paid to each Councillor, in accordance with the table at Schedule 1 to include a notional allowance for the provision of stationery, postage and indemnity insurance.
- 3.2 The Basic Allowance shall be increased by 2% for 2018/19 and index linked to any percentage changes in NJC Officer pay rates for 2019/20 and 2020/21.

## **4. SPECIAL RESPONSIBILITY ALLOWANCES**

- 4.1 For each year a special responsibility allowance, comprising component elements to be agreed by the Council, may be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme provided that a signed request form has been received by the Managing Director from the Councillor confirming their wish to receive a special responsibility allowance.
- 4.2 Subject to paragraph 6, the amount of each such element shall be the amount specified against that special responsibility in that schedule.
- 4.3 With the exception of those Councillors in receipt of a Civic Allowance, Councillors shall be entitled to only one special responsibility allowance, with the single highest allowance being paid. Those Councillors in receipt of a Civic Allowance shall also be entitled to a special responsibility allowance, where appropriate.

4.4 As with the Basic Allowance, all Special Responsibility Allowances and Civic Allowances shall be increased by 2% for 2018/19 and index linked to any percentage changes in NJC Officer pay rates for 2019/20 and 2020/21.

## **5. RENUNCIATION**

5.1 A Councillor may give notice in writing to the Managing Director to elect to forego any part of his/her entitlement to an allowance under this scheme. For clarification, this may included entitlement to an annual increase.

5.2 A Councillor must give notice in writing to the Managing Director to elect to forego any part of his/her entitlement, including any increases in Basic, Special Responsibility or Civic allowances payable under this Scheme. Any such requests must also specify the rate of Basic, Special Responsibility or Civic allowance the Councillor concerned wishes to continue receiving (where applicable).

## **6. PART-YEAR ENTITLEMENTS**

6.1 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 is payable.

6.2 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,

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 days in the period bears to the number of days in the year.

6.3 If an amendment to this scheme changes the duties specified in schedule 2 to this scheme, the entitlement to an allowance shall be to the payment of the amount of the allowance under the scheme as it has effect when the duty is carried out.

6.4 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office subsists bears to the number of days in that year.

- 6.5 Where this scheme is amended as mentioned in sub-paragraph 6.2, and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph 6.2(a), the entitlement of any such Councillor to a basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his/her term of office as a Councillor subsists bears to the number of days in that period.
- 6.6 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 has such special responsibilities bears to the number of days in that year.
- 6.7 Where this scheme is amended as mentioned in sub-paragraph 6.2, and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 6.2(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 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.

## **7. SUSPENSION OR PARTIAL SUSPENSION OF COUNCILLORS**

- 7.1 Where a Councillor or Independent Member is suspended or partially suspended from responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of the allowance payable (including travel and subsistence allowances) in respect of the period of suspension or partial suspension may be withheld by the Council.
- 7.2 Where payment of any allowance has already been made in respect of any period during which the member is concerned is:
- (i) suspended or partially suspended from responsibilities or duties as described above;
  - (ii) ceases to be a Member of the Council; or
  - (iii) is in any other way not entitled to receive the allowances in respect of that period,

the Council may require that such part of the allowance as they relate to any such period be repaid to the Council.

## **8. TRAVEL AND SUBSISTENCE**

- 8.1 Payment of allowances for travel and subsistence are not payable under this Scheme, but Councillors shall be entitled to receive payments by way of travelling allowance or subsistence allowance under the provisions of Section

174 of the Local Government Act, 1972, in connection with performing any of the approved duties set out in Annex 1 to this Scheme. The amounts of such payments and limits and conditions relating to them are set out in Annex 2 to this Scheme.

8.2 Such allowances will be payable at the same rates as those which can be claimed by Officers.

## **9. TRAVEL AND SUBSISTENCE OUTSIDE THE U.K.**

9.1 Payment of travel and subsistence allowances for official duties outside the United Kingdom are not payable under the Scheme, but travelling and subsistence allowances are payable under Section 174 of the Local Government Act, 1972 and are detailed in Annex 3.

## **10. CLAIMS AND PAYMENTS**

10.1 Payments shall be made:-

- (a) in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme on the 25th of each month (20th December) by bank credit transfer (BACS);
- (b) in respect of travel and subsistence expenses, on the 25th of the month (20th December) following submission by a Councillor provided that submission is made to the Managing Director by the 7th day of that month.

Where the 25th/20th falls on a non-banking day, payment will be made on the last banking day before.

10.2 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 6, he or she is entitled, the payment shall be restricted to such an amount as will ensure that no more is paid than the amount to which he or she is entitled.

## **11. PUBLICITY**

11.1 Details of this scheme will be publicised within the Authority's area as soon as possible after the Council has agreed or amended the scheme.

11.2 As soon as practicable after the end of the year the Authority shall make arrangements for the publication, within the Authority's area, of the total payments of each allowance made to Councillors in accordance with Regulation 15 of the Local Authorities (Councillors Allowances) (England) Regulations 2003.

# Schedule 1

## Basic, Special Responsibility and Other Allowances

### Basic Allowance

The Basic Allowance for 2019/20 is £5,554 of which £1,224 is included in this sum for the purchase of consumables by Councillors, such as stationery, postage and the provision of indemnity insurance for work on outside bodies, which shall be arranged by each individual Councillor as they see fit.

### Special Responsibility Allowances and Civic Allowances

Special Responsibility Allowances and Civic Allowances for 2019/20 shall be paid as follows:

<u>Special Responsibility Allowances:</u>	<u>2019/20</u>
Leader of the Council (x1)	£18,884
Deputy Leader of the Council (x1)	£9,636
Councillors of Cabinet (x7)	£8,349
Leader of the Opposition (x1)	£7,066
Chairman of Planning Control Committee (x1)	£4,496
Chairmen of Scrutiny Committees (x4)	£2,081
Chairman of Licensing & Public Protection Committee (x1)	£1,929
Chairman of Audit & Governance Committee (x1)	£1,929
Councillors of Shadow Cabinet (x8)	£1,248
<u>Civic Allowances:</u>	
Chairman of the Council (x1)	£9,343
Vice-Chairman of the Council (x1)	£3,667

The nature of the allowances payable to the Council Chairman and Vice-Chairman are different in nature from the other allowances payable, due to the very much different role played by these Councillors as civic leaders. These are thus payable as “cash” sums, rather than the more salary-like basis of most other allowances.

### Independent Members

The payment to Independent Members with decision-making powers, such as those on the Standards Committee and the Independent Remuneration Panel, is £220 per annum.

### Communications Allowance

An allowance of £400 will be paid to Councillors in their year of (re-)election, followed by £400 per annum for each of the following three years. This allowance will be paid in instalments of £33.33 per month as a ‘communications allowance’, to cover the cost of; consumables, broadband, telephone line rental and mobile phone usage. All payments are subject to tax.



## **Carers Allowances**

Councillors shall be reimbursed for the actual costs incurred as a result of providing care for children under the age of 14, persons over the age of 60 and people with disabilities or learning difficulties. Reimbursement will be at the National Living Wage rate in force at the time any such claim is made.

The person to be cared for should be someone who normally lives in the claimant's household who cannot be left unsupervised. In addition, the carer employed should not be someone who normally lives with the claimant. The allowance is payable for approved duties only as defined in the Members Allowances Regulations 2003.

## Schedule 2 Approved Duties

Approved duties are prescribed as:-

- (a) Attendance of appointed Councillors at meetings of the Council, Cabinet, Committees and other Council meetings.
- (b) Attendance of appointed Councillors at Special Meetings.
- (c) Attendance of invited Councillors at meetings.

Note: A payment shall be made only to Councillors invited to attend to participate by the Chairman of the Committee etc., prior to the meeting and whose names are recorded in the Minutes as being present with an indication of the Chairman's reasons for permitting participation.

- (d) Attendance at meetings that relate to the business of the Council i.e. presentations and events whereby all Councillors of the Council are invited to attend.
- (e) Attendance of at least two Group Leaders (or, where only one Group Leader exists, two Councillors) at meetings called by the Managing Director. (Refer to Schedule 2(b))
- (f) Attendance of Councillors appointed to deputations, site visits or like business, where prior approval by the Council/Committee has been granted

Note: Eligible provided that the duty for which the attendance is paid shall have had prior approval by the Committee requiring the duty to be undertaken or, in exceptional circumstances, by the Managing Director after consultation with the Chairman of the Council.

- (g) Attendance at meetings by Councillors of the Cabinet in their capacity as Portfolio Leader.
- (h) Attendance at:-
  - (i) Bodies of national, regional or county standing which carry out directly related Council functions. The Councillor appointed to these bodies must be appointed to 'act' on behalf of the Council, which must form part of the list of bodies approved by Council and Cabinet.

Note: Although not part of this Scheme, attendance at approved Conferences will also qualify for payment of travelling expenses and subsistence under Section 175 of the Local Government Act, 1972. The approved Conferences are:-

- (A) Local Government Association Annual Conference:  
Leader of the Council and Managing Director

- (B) Chartered Institute of Public Finance and Accountancy:  
Leader of the Council and Head of Finance
- (C) Chartered Institute of Housing:  
Leader for Housing and Head of Housing and Partnerships
- (D) LGA Economic Regeneration Conference:  
Leader for Economic Development & Planning and Head of Economic Prosperity
- (E) Chartered Institute for the Management of Sport & Physical Activity:  
Leader for Culture & Sport and Head of Environment and Healthy Lifestyles

## **Annex 1**

### **Travel and Subsistence Allowance**

Approved duties for the purposes of payment of travelling and subsistence allowances under Section 174 of the Local Government Act, 1972 shall be payable in respect of the following:-

- (a) All Approved Duties for the purposes of the Members' Allowances Scheme referred to in the Second Schedule to the scheme.
- (b) Attendance of Chairman/Vice-Chairman of the Council, Cabinet or Committees for Agenda discussion or on business of the Council, Committee or Sub-Committee.
- (c) Attendance of Councillors at Council offices on the business of the Council.
- (d) Attendance of Councillors on courses or seminars approved by the Council, Committee or Sub-Committee.
- (e) Bodies of local standing generally having statutory backing carrying out functions of a consultative nature but not necessarily being directly or indirectly related to local authority work.
- (f) The Executive Committee of the Staffordshire Parish Councils' Association.

## Annex 2

# Travel and Subsistence Allowances

### TRAVEL

Councillors shall be paid car mileage rates in accordance with rates paid to Officers, including any local amendments to national rates. Current rates payable are:

<u>Engine Capacity</u>	<u>451-999cc</u>	<u>Over 1000cc</u>
Claimable rate (pence per mile)	46.9p	52.2p

- (a) If Councillors use a taxi regularly to attend meetings and they live within easy access to a convenient bus route then reimbursement will only be made at the appropriate bus fare rate.
- (b) Journeys from the place of Council meetings to the place of work are considered to be for the purpose of attending work and reimbursement of travelling allowance will not be paid.

### SUBSISTENCE

Councillors shall be paid subsistence rates in accordance with rates paid to Officers, including any local amendments to national rates. Current rates payable are:

<u>Allowance Type</u>	<u>Maximum Claim Amount</u>
Breakfast	£5.89
Lunch	£8.11
Tea	£3.20
Dinner	£10.04
Overnight Accommodation (Outside London)	£95.60
Overnight Accommodation (London)	£109.03

When refreshments/meals are provided at meetings subsistence should not be claimed.

### OTHER TRAVEL AND SUBSISTENCE

Councillors shall be paid in accordance with rates paid to Officers, including any local amendments to national rates.

The travel and subsistence allowances should be adjusted annually in line with those paid to Officers.

Note: Claims for travel and subsistence will not be approved unless accompanied with appropriate VAT receipts as proof of the expense being incurred.

## **Annex 3**

# **Travel and Subsistence Allowances Outside The U.K.**

1. For approved duties within the U.K. there are a series of subsistence allowances approved by the Secretary of State, dependent on the location, duration and purpose of the duty.
2. However, the Secretary of State has no jurisdiction to determine subsistence rates abroad and each Local Authority must pay whatever it considers appropriate.
3. Accordingly, the Council has adopted the following scheme for the payment of subsistence on official duty outside the U.K.
4. Councillors of the Council and Officers who are required to undertake official duties outside the U.K. shall be entitled to the following travel and subsistence allowances:
  - (i) Full cost of all travel (to the extent that it is not met directly by the Council) from the Councillor's/Officer's home or office as appropriate to the place of duty, all necessary travel whilst engaged on the duty and return, such costs to be supported by appropriate receipts.
  - (ii) Full cost of accommodation for the duration of the duty (to the extent that it is not met directly by the Council), such costs to be supported by appropriate receipts.
  - (iii) The reasonable cost of all meals purchased (not including alcoholic beverages) such costs to be supported by appropriate receipts.
  - (iv) The commission charged on the necessary exchange of sterling into the appropriate foreign currency and the commission charged on the necessary exchange of the appropriate foreign currency back into sterling, such costs to be supported by appropriate receipts.
  - (v) The monetary loss as a consequence of differing exchange rates as a consequence of the exchange of the appropriate foreign currency into sterling, as identified on the exchange receipt and calculated by the Director of Resources.
  - (vi) The sum of £10 per day or part thereof to meet incidental, unidentified expenses.

The sterling equivalent of costs arising under (i), (ii) and (iii) above, when not in sterling, will be calculated using the exchange rate identified on the "out of sterling" currency exchange document.

## **Annex 4**

# **National Insurance Contributions**

1. If a Councillor is paid Councillors' Allowance equalling or exceeding the lower earnings limit of £512 per month (2019/20 rate), as from 6th April, 1997, there is a liability for Class 1 (earnings related) contributions.
2. The contributions are payable whether or not the Councillor has other employment or self-employment. There is an annual maximum for contribution liability for people with more than one job and in some instances a Councillor in this position may be entitled to a refund of contributions; alternatively, a Councillor may be able to apply to defer payment of contributions in his/her capacity as a Councillor.
3. Certain Councillors may be exempt from National Insurance either by virtue of age or already on the maximum rate elsewhere. If this is the case, the Councillor will need to provide the Head of Finance with an exemption certificate. Further, advice can be sought from the Head of Finance.

## **Annex 5**

# **Social Security Contributions and Benefits**

1. Payment of allowances will count as earnings for social security purposes. Councillors can be affected, therefore, both as contributors to the social security scheme and as beneficiaries. The above allowances will be chargeable to Schedule E for income tax and accordingly will give rise to liability for national insurance contributions unless the payments fall below the lower earnings limit.
2. These contributions can, of course, give rise to pension entitlement. As regards social security benefits, a number are subject to earnings rules, and can therefore be affected by the receipt of allowances. A Councillor who is receiving a particular benefit and is in doubt about how it may be affected is recommended to make enquiries at the local offices of the Department for Work and Pensions.

## **Annex 6**

# **Statutory Sick Pay**

1. Councillors who are in receipt of Councillors' Allowances are considered to be 'employed' by their authority and as such, may in certain circumstances be eligible to receive Statutory Sick Pay (SSP).
2. Where a Councillor wishes to make a claim for payment of SSP it is essential that there is a notification on the first day of absence due to sickness to the Human Resources Department. Further advice and documentation will then be issued.