

Part 6

Members' Allowances Scheme

EAST HERTS COUNCIL

LOCAL GOVERNMENT AND HOUSING ACT 1989

AND

**LOCAL AUTHORITIES (MEMBERS' ALLOWANCES)
REGULATIONS 1991 (AS AMENDED)**

**MEMBERS' ALLOWANCES SCHEME
(including Special Responsibility allowances)**

Revised December 2003

1.0 **APPROVED DUTIES**

1.1 The following are approved duties for which travel and subsistence allowances can be claimed:

- (a) the attendance of a Councillor at meetings of the Council, a Committee or Sub-Committee or Working Party of the Authority, or any other body to which the Authority makes appointments or nominations, or of a Committee or Sub-Committee of such a body, provided that no other arrangements for payment exist in respect of such bodies to which the Authority makes appointments or nominations,

(Note: When an outside organisation itself has a scheme for paying travelling etc. allowances, then the Member(s) concerned should claim from that body.)

- (b) attendance at any other meeting which has both been authorised by the Authority (Executive, Scrutiny or Regulatory Committee) and to which representatives of more than one political group have been invited,
- (c) the attendance at a meeting of a Local Authority Association of which the Council is a Member, and
- (d) carrying out any other duty connected with the Authority's functions approved by the Council (Executive) and such approval must be given before it is carried out.

2.0 **CONFERENCES**

2.1 In relation to conferences, an allowance to Members for their attendance at such an event will only be paid provided they are both organised by any person or body who is not doing so by way of trade, or by any body whose objects are not wholly or partly political and where the purpose of the conference meeting is to discuss matters which, in the Council's opinion relate to the interests of its area, or part of it, or to the inhabitants of their area, or some of them.

2.2 The following conferences only be approved for the purposes of Section 175 of the Local Government Act 1972, namely:

Local Government Association
Chartered Institute of Housing - Housing Conference
Royal Town Planning Institute - Summer School

2.3 The attendance of a reasonable number of Councillors nominated by the Council, the Executive, a Committee or Sub-Committee of the Council at a conference referred to above shall be considered an approved duty.

2.4 The attendance of a member at any other conference not mentioned in 2.2 above, or a training course or seminar shall be considered as an approved duty provided that such attendance has been authorised by the Executive.

2.5 A member attending any such conference, training course or seminar shall be entitled to receive the appropriate allowance for travelling subsistence and attendance allowance in accordance with the Regulations for the time being in force;

2.6 In respect of any conference other than those listed above no allowance or payment of any kind shall be paid in respect of the attendance of a member thereat unless such attendance shall have been first approved by the Executive.

3.0 **DESIGNATION BY DIRECTOR OF INTERNAL SERVICES**

3.1 The Director of Internal Services may, upon application to him/her by any Member of the Council, subject to consultation with the Leader of the Council for the time being, designate the attendance of that Member at any other meeting, training session, seminar or conference or other attendance not hereinbefore specifically referred to as an approved duty for the purpose of this scheme, provided that such designation shall be reported to Members via the Members' Information Bulletin, and the meeting does not conflict with the provisions of Section 1 of this scheme. No retrospective designations can be given.

4.0 TRAVELLING ALLOWANCES

4.1 Travelling Allowances for attendance at meetings of the Authority as defined in Section 1 of this Scheme will only be paid on the basis that a Member travels from their home address to the meeting and returns to their home address within the District. No payments will be made for any additional costs incurred over and above those costs of travel from a Member's home address within the District to a meeting and return.

INSIDE HERTFORDSHIRE AND THE DISTRICT OF UTTLESFORD

4.2 The travelling allowances payable under the provisions of paragraph 4.1 are as follows.

4.2.1 Public Transport

When used the amount claimed shall be limited to any concessionary or special fare available and shall not exceed the ordinary first class fare.

4.2.2 Taxis

To be used only for short journeys where public transport is not convenient. If a taxi-cab is used the actual fare paid and a reasonable gratuity may be claimed.

4.2.3 Motor Cycles/Bicycles

Rates can be obtained from the Head of Democratic Services in respect of Motor Cycles. For bicycles - Code U

4.2.4 Motor Cars

Exceeding 500cc but not exceeding 999 cc Code E

Exceeding 999cc but not exceeding 1199 cc Code F

Over 1199 cc Code G

Plus in respect of each passenger, not exceeding 4, to whom a travelling allowance would otherwise be payable. Code H

Plus the actual expenditure incurred on Tolls, Ferries or Parking Fees.

Plus in the case of an absence overnight from the usual place of residence by not more than Code I for garaging a car or Code J for garaging a motor vehicle of another type.

4.2.5 Hired Cars

If a hired motor car is used (other than taxi-cab) the rate shall not exceed the rate payable on the motor vehicle belonging to the Member.

4.3 OUTSIDE HERTFORDSHIRE ETC

For journeys in respect of approved duties defined in sections 1 and 2 above where any portion of the journey involves travelling outside the limits of Hertfordshire and the District of Uttlesford the following rates for travelling allowances apply (these rates apply to the whole of the journey).

4.3.1 Public Transport

When used the amount claimed shall be limited to any concessionary or special fare available and shall not exceed the ordinary first class fare. The rates may be increased by supplementary allowances for actual expenditure on pullman cars, reservation of seats, portage and deposit of luggage. Reference should be made to the Head of Democratic and Legal Support Services before undertaking a journey by air.

4.3.2 Taxis

To be used only for short journeys where public transport is not convenient. If a taxi-cab is used the actual fare paid and a reasonable gratuity must be claimed.

4.3.3 Motor Cars

(Note: The first 50 miles of any such round trip will be paid at the full rate)

All Sizes Code K

In respect of each passenger not exceeding 4, Code L
to whom a travelling allowance would otherwise
be payable

Plus the actual expenditure incurred on Tolls,
Ferries or Parking Fees.

Plus in the case of an absence overnight from
the usual place of residence by not more than
Code I for garaging a car or Code J for garaging
a motor vehicle of another type.

4.3.4 Hired Cars

If a hired motor car is used (other than taxi-cab) the rate shall not exceed the rate payable on the motor vehicle belonging to the Member.

4.3.5 Air Travel

Reference should be made to the Head of Democratic and Legal Support Services before undertaking a journey by air.

5.0 SUBSISTENCE ALLOWANCES

5.1 Receipts must be provided for all claims made under this section. Members will not be entitled to claim an allowance for any meal taken as a consequence of their attendance at a Council (Executive/Committee/Sub-Committee) meeting.

5.2 The subsistence allowance shall not exceed -

(a) in the case of an absence, not involving an absence overnight from the usual place of residence:

of more than 4 hours before 11 am £ Code M

of more than 4 hours, including the period between 12 noon and 2 pm £ Code N

of more than 4 hours, including the period 3 pm to 6 pm £ Code O

of more than 4 hours ending after 7 pm £ Code P

(b) in the case of an absence overnight from the usual place of residence £ Code Q and for such an absence overnight in London, or for the purposes of attendance at an annual conference (including an annual meeting) of the Local Government Association , £ Code R. For the purpose of this paragraph, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

5.3 Any rate determined under paragraph 5.2 above shall be deemed to cover a continuous period of absence of 24 hours.

5.4 The rates specified shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body during the period to which the allowance relates.

6.0 **BASIC ALLOWANCE***

6.1 Subject to Section 9, for each year a basic allowance of £ Code S shall be paid to each Member.

7.0 **SPECIAL RESPONSIBILITY ALLOWANCES***

- 7.1 For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in the schedule attached.
- 7.2 Subject to Section 8, the amount for each such allowance shall be the amount specified against that special responsibility in that schedule. Where a Member is in receipt of more than one Special Responsibility Allowance, then the “second” (lower) allowance is reduced by 50%. Any further allowances are also reduced by 50%.
- 7.3 The Council has determined that the posts listed in the schedule attached carry a special responsibility in relation to the duties of the Council and have agreed the payments of Special Responsibility Allowance detailed alongside, apportioned as described in Section 8 for the year.

8.0 **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 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 financial 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 the days in the period bears to the number of days in the year.

- 8.3 If an amendment to this scheme changes the duties specified herein or the amount payable by way of an attendance allowance, the entitlement to an attendance 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.
- 8.4 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 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.
- 8.5 Where this scheme is amended as mentioned in sub-paragraph 8.2, and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph 8.2(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/her term of office as a Councillor subsists bears to the number of days in that period.
- 8.6 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 which he/she has such special responsibilities bears to the number of days in that year.
- 8.7 Where this scheme is amended as mentioned in sub-paragraph 8.2, and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 8.2(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.
- 9.0 **CARE ALLOWANCE***
- 9.1 This is an allowance for Members who incur expenditure on the care of children and/or dependent relatives in order to perform their duties as Councillors.

9.2 To qualify for care allowance payments, the Council requires that each of the following criteria must be met:

- (a) the event is an approved duty under the scheme (see Section 1),
- (b) the event requires the Member to provide care for:-
 - (i) a child below school age, or
 - (ii) a child under 14 outside school hours, or
 - (iii) an elderly, sick or disabled dependant requiring constant care,
- (c) the Member pays another person (not a member of their immediate family) to provide that care and a receipt must be obtained and submitted with a claim,
- (d) the sums claimed do not exceed the actual sum paid or £ Code T per hour (whichever is the lesser),
- (e) the sums claimed in aggregate do not exceed £1,000 for the financial year.

10.0 CLAIMS AND PAYMENTS

10.1 No allowance under this scheme shall be paid unless an individual Member has, in writing, requested payment of the allowance(s) to which they are entitled.

11.0 RENUNCIATION

11.1 A Councillor may by notice in writing given to the Head of Democratic and Legal Support Services elect to forego any part of his entitlement to an allowance under this scheme.

12.0 WITHHOLDING

12.1 Where a Member has either been wholly or partially suspended from the Authority, then their basic allowance may be fully or partly withheld

as can travel and subsistence and special responsibility allowance(s). The withholding of any allowances under this section will be determined by the Standards Committee. The Standards Committee will also determine whether or not the Member(s) concerned should repay any allowances which have been paid in respect of a period during which the Member(s) has/have been suspended.

13.0 **ANNUAL ADJUSTMENTS**

- 13.1 The allowances indicated with a * are index linked to the national Chief Officers' annual pay increase for a period of three years commencing with the 2004 settlement.

MEMBERS' ALLOWANCES RATES

Code	£	p	Date Fixed
E*		38.6	April 2007
F*		44.0	April 2007
G*		54.1	April 2007
H		2.0	December 2003
I		Actual Cost	
J		Actual Cost	
K		14.2	01.04.99
L		2.0	01.04.00
M	6.24		January 2007
N	8.62		January 2007
O	3.40		January 2007
P	10.67		January 2007
Q	79.82		01.04.00
R	91.04		01.04.00
S*	5,404		2007/08
T	4.50		December 2003
U		4.0	December 2003

Note: (1) There are no Codes A, B, C and D.

(2) The allowance for attendance at a conference is £50.00 per 24 hour period or part thereof.

SCHEDULE OF SPECIAL RESPONSIBILITY ALLOWANCES 2007/08

	£
Leader	27,022
Deputy Leader	16,213
Executive Member	13,511
Chairman of Committee (Audit, Corporate Business Scrutiny, Development Control, Human Resources, Licensing)	8,106
Chairman of Committee (Community Scrutiny, Environment Scrutiny)	4,053
Chairman of Community Voice	2,702
Chairman of Standards Committee	1,351
Chairman of Highways Partnership (when an EHDC Member)	1,351