

CHAPTER 6 - MEMBERS' ALLOWANCE SCHEME

Introduction

- 1.1 Councillors are not paid but they are entitled to claim certain allowances and expenses for carrying out public duties.
- 1.2 The Council is able to determine its own allowances scheme taking into account the recommendations of an Independent Remuneration Panel which has to be established and maintained by the Council under the Local Government Act 2000. A full copy of the latest report of the Independent Remuneration Panel, on which this scheme is based, can be obtained from the Head of Elections and Members' Services (tel: 01634 332864). This document outlines Medway Council's current scheme for Members' allowances and also the scheme of allowances for officeholders of the Kent and Medway Fire & Rescue Authority and Kent & Medway Police and Crime Panel.
- 1.3 The criteria for allowances are complicated and not all duties qualify for an allowance. This guidance aims to set out clearly what duties qualify for payments and how they are made.

2. How payments are made

- 2.1 When a Councillor is first elected, s/he will be asked to complete a form giving details of their national insurance number and the bank or building society account into which allowances are to be paid. Payments are made monthly, directly into the account, and a pay advice note will be issued monthly. The pay advice note details how much has been paid and what deductions have been made, eg for tax and national insurance. These should be kept safely to enable the completion of tax assessment returns each year.

3. National insurance, tax and benefit payments

- 3.1 Allowance payments are regarded as income and are liable for tax and national insurance deductions. Being paid allowances may also affect any entitlement to social security benefits. How entitlements may be changed depends on the particular benefit being received: there is a full range of leaflets produced by the DWP explaining what happens when those in receipt of benefit receive income of any sort.
- 3.2 For confidential advice with regard to individual circumstances, please contact the Operations Manager, in the Business Support Department (01634 332210).

4. Foregoing of allowances

- 4.1 A Councillor or a co-opted member may forego any part of his/her entitlement to an Allowance under this Scheme. Such a Councillor or co-opted member must put such a request in writing to the Head of Elections and Member Services.

5. Suspension of allowances

- 5.1 Where payment of any Allowance is due or has already been made in respect of any period during which the Councillor concerned

- (a) ceases to be a member of the Authority; or
- (b) is in any other way not entitled to receive the Allowance in respect of that period,

the Authority may withhold the payment of an Allowance for that period or, as the case may be, require that such part of the Allowance already paid as relates to any such period, be repaid to the Authority.

6. Part-year entitlement

- 6.1 If an amendment to this Scheme during any year changes the amount to which a Councillor is entitled in relation to the basic allowance or Special Responsibility Allowance, the entitlement to such a revised Allowance shall be to payment in proportion to the number of days that he/she has been entitled to the allowance during the period over which the revised amount comes into force.
- 6.2 Where the Scheme is amended as referred to in Paragraph 6.1 above, and the term of office of a Councillor does not continue throughout the period of the financial year, the entitlement of any such Councillor to a revised Basic Allowance shall be to the payment of such part in proportion to the number of days during which his or her term of office as a Councillor continues during the period over which the revised amount comes into force.
- 6.3 Where this Scheme is amended as mentioned in paragraph 6.1 and a Councillor has during part, but not throughout the whole, of any financial year been entitled to any Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of the Allowance in proportion to the number of he or she has been entitled to the Special Responsibility Allowance during the period over which the revised amount comes into force.

- 6.4 Where the term of office of a Councillor begins or ends otherwise than at 1 April, (and otherwise than in the year of Local Council elections) the entitlement of that Councillor to a Basic Allowance will be in proportion to the number of days that he/she held office during that financial year
- 6.5 Where a Councillor has during part of, but not throughout, a financial year, such responsibilities as to entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to a payment of that Allowance in proportion to the number of days during which he or she has such special responsibilities in that financial year.
- 6.6 In the year of Local Council elections:
- (a) Councillors who had been appointed as Mayor and Deputy Mayor, prior to the elections, shall be entitled to receive payment of their allowances until the date of the Annual Council Meeting held after the election even if they are not re-elected as Councillors;
 - (b) The Councillor who held the position of Leader of the Council prior to the elections shall continue to receive payment of his/her Special Responsibility Allowance until the day of the Annual Council meeting even if he/she is not re-elected unless he/she resigns from office, is disqualified or otherwise removed from office;
 - (c) The Councillor who held the position of Deputy Leader of the Council prior to the elections shall continue to receive payment of his/her Special Responsibility Allowance until the day of the Annual Council meeting unless he/she is no longer a Councillor, resigns from office or is removed from office by the Leader;
 - (d) Any Councillor who had been appointed by the Leader as a Cabinet Member prior to the elections shall continue to receive payment of his/her Special Responsibility Allowance until the day of the Annual Council meeting unless he/she is no longer a Councillor, resigns from office or is removed from office by the Leader;
 - (e) Special Responsibility Allowances payable to Councillors who were Opposition Group Leader(s) or Group Whip(s) prior to the election will cease to be payable from the day of retirement after the elections. Special Responsibility Allowances for Councillors appointed to these positions after the elections will be payable from the date on which formal notice of their appointment is received by the Chief Executive signed by all Members who wish to be treated as members of the relevant political group;
 - (f) Councillors who had been entitled to any other Special Responsibility Allowances in the Scheme prior to the elections shall cease to be entitled to receive payment for the Special Responsibility Allowance from the date on which Councillors take up office after the election;
 - (g) Those Councillors who are appointed to positions which are entitled to a Special Responsibility Allowance after the elections, other than those provided for in paragraphs 6(a) to (e) above, shall be entitled to receive

such payments from the day after which they are formally appointed to the relevant position of Special Responsibility either by the Leader, the Council or relevant Committee;

- (h) Where a Councillor is in receipt of both a Special Responsibility Allowance from Medway Council and a Special Responsibility Allowance from the Kent & Medway Police and Crime Panel or Kent & Medway Fire & Rescue Authority, no deduction should be made to their Medway Special Responsibility Allowance until Medway Police and Crime Panel or Kent & Medway Fire & Rescue Authority have formally agreed their appointment to the position for which the SRA is payable by them. If the Kent & Medway Police and Crime Panel or Kent & Medway Fire & Rescue Authority Special Responsibility Allowance is backdated, the deduction from the Medway Special Responsibility Allowance shall be backdated to the same date.

7. The different types of allowances

7.1 Basic and special responsibility allowances

The Council has agreed that with effect from 9 May 2019 the following allowances are payable and linked to the basic allowance as shown by the benchmark percentage. If as a result of the changes, any Councillor has a net decrease in what they receive, the Council will not seek repayment and the change, in those circumstances, will take effect on 1 April 2020.

POSITION	£	BENCHMARK AS % OF BASIC ALLOWANCE
Basic Allowance	10,733	100
Leader of the Council	32,199	300
Deputy Leader	21,466	200
Cabinet Portfolio Holder (8)	16,100	150
Chairman of Planning Committee	12,880	120
Opposition Group Leader (more than 20% of members)	12,880	120
Chairman of Health & Wellbeing Board	12,880	120
Chairman, Overview & Scrutiny Committee (4)	10,733	100
Chairman of Audit Committee	7,513	70
Opposition Group Leader (more than 10% of members)	6,440	60
Overview & Scrutiny Spokespersons (group more than 20% of members) (4)	6,440	60
Vice-Chairman of Planning Committee	5,367	50
Opposition Group Spokesperson for Planning Committee (>20% of members)	5,367	50
Chairman of Employment Matters Committee	3,757	35
Vice-Chairmen of Overview & Scrutiny Committee	3,757	35
Ruling Group Whip	1,610	15
Opposition Group Whip (>20% of members)	1,074	10
Licensing Hearing Panel day rate based on 3 hours per session	41.28	
Mayor (1)	13,416	125
Deputy Mayor (1)	644	60

7.1.1 That with effect from 9 May 2019, attendance by the Chairman of Licensing and Safety Committee and other Panel members at Licensing Hearing Panels and Licensing 1982 Act Hearing Panels be paid £41.28 per day based on a 3 hour session.

7.1.2 The Basic Allowance is intended to recognise the time commitment of all Councillors, including meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes, including IT consumables, paper, telephone line rental and call costs, broadband costs etc.

NOTES:

- 1) A Member of the Council is only entitled to receive one Special Responsibility Allowance.
- 2) Any Member of the Council who is appointed to a position within Medway Council attracting a Special Responsibility Allowance, and a position with the Kent and Medway Fire & Rescue Authority and/or Kent & Medway Police and Crime Panel attracting a Special Responsibility Allowance, will have the Medway Special Responsibility Allowance discounted by 25% of the Fire or Police allowance (whether basic or special responsibility), which they also receive. If the Fire/Police Authority allowances are greater than the Medway SRA, the discount is 25% of the latter.
- 3) With effect from the date of the Annual Council meeting in 2021, a Member of the Council who is appointed to be Mayor, shall be entitled to receive an additional allowance of £13416 (125% of the basic allowance); a Member of the Council who is appointed to be Deputy Mayor, shall be entitled to receive an additional allowance of £6440 (60% of the basic allowance) and these are linked to the basic allowance for the next four years which itself is linked to the median Council staff hourly pay.
- 4) The level of basic allowance and amount for attendance at Licensing Hearing Panels payable are raised annually in line with the median Council staff hourly pay for a maximum period of 4 years from May 2019.

7.2 Dependent carer's allowance

Councillors of Medway or formally co-opted members of a Committee or sub-committee who have incurred expenses on childcare or care of dependent relatives for the purposes of carrying out an approved duty qualify for reimbursement of the expenses incurred as set out below.

The amount of expenditure actually incurred by a Councillor or co-optee for

- (a) Dependent childcare is reimbursable up to a maximum of £9.50 per hour. This is indexed against the Living Wage Foundation rate for the next four

years; and

- (b) For dependent adult care or children with special needs is reimbursable up to £16.88 per hour per person and indexed against the Council's commissioned hourly home care rate for the next four years.

In both cases claimants may include time spent in carrying out an approved duty and up to one hour in total travelling to and from the venue of the approved duty. The claim is per hour per child/dependent relative. The baby or child-sitting claim is only allowable for children aged 14 years or under.

Reasonable travelling expenses paid to the carer are also claimable as follows:

- (a) public transport; or
- (b) in cases of urgency or where no public transport is reasonably available, the amount of any taxi fare actually paid.

The allowance does not apply where the carer is a member of the Councillor's or co-optee's own household. The carer in respect of a dependent relative must be aged 18 or over.

For attendance at conferences, the maximum claimable in any one 24 hour period (starting at 3pm) for childcare is £171 and for adult dependent care or children with special needs is £303.84. This represents 18 hours. No allowance is claimable for periods whilst children are at school.

Claims are entirely the responsibility of the Councillor or co-optee making the claim. A member wishing to claim under this part of the allowance scheme will be required to register and to complete the necessary paperwork.

The Chief Executive has delegated authority to vary these provisions to assist claimants who need specialist care that costs more than the approved rates.

7.3 Subsistence and travelling allowances

The duties for which subsistence and travelling allowances can be claimed are set out in appendix 1. A co-optee's allowance equivalent to the amount which would be payable to Medway Councillors under the travel and subsistence scheme is payable on receipt of valid claim forms. Members of Education Schools Admission and Exclusion Appeals Panels are also eligible to claim travel and subsistence in accordance with this Scheme.

7.3.1 Subsistence allowance

Subsistence allowance can be claimed when a Councillor has had to be away from home at a mealtime as a result of carrying out an approved duty. It can be claimed when the absence from home (including travelling time) has been more than four hours and has covered certain specified times coinciding with a normal mealtime. The current levels of rates approved by the Council and the specified mealtimes are set out in appendix 2. These will be indexed annually against those payable to Council staff for a maximum of four years.

Overnight subsistence can be claimed if a Councillor is away from home for a continuous period of 24 hours carrying out an approved duty. This allowance is to meet the cost of accommodation and meals. Overnight subsistence should normally only be claimed if the Councillor has met the cost of accommodation and meals themselves. Usually the costs of a hotel and breakfast will be paid direct by the Council.

Subsistence allowances are a way of reimbursing expenditure that has been necessarily incurred when performing an approved duty. Members will

normally be expected to meet the cost of any alcohol consumption whilst performing an approved duty.

7.3.2 Travelling allowance

(i) **Car/motorcycle allowances**

Councillors who use a private vehicle for Council business, including travelling to and from home for meetings or other duties, must ensure that their vehicle insurance provides cover for such journeys. The Council will not be liable for any claims made against a Councillor in respect of motoring incidents or parking offences.

Mileage allowances payable to Members are indexed against the HMRC Approved Mileage Allowance Payment (AMAP) for the next four years. The current levels of car and motorcycle allowances are set out in appendix 3. The rates are set out at a level to cover fuel consumption, vehicle wear and tear, and to contribute towards maintenance and insurance costs. If a Member is claiming such allowances s/he will be asked to provide details of their vehicle to the Head of Members' Services and Elections and may be required to produce evidence to confirm engine size and insurance cover.

(ii) **Hired motor vehicles**

The rate of travel by a hired motor vehicle (other than a taxi cab) must not exceed the rate which would have been applicable had the vehicle belonged to the Member who hired it. The Council has agreed that the rate may be increased to an amount not exceeding the actual cost of hiring, only in circumstances where the cost to the Council of hiring a vehicle would be less than the rate payable for travel by public transport by the Member(s) concerned.

(iii) **Public transport/taxis**

Bus and train fares can be claimed when public transport is used to carry out approved duties. First class travel is only authorised where a Councillor has a disability and/or special mobility needs.

The rate of travel by taxicab or cab shall not exceed:

- (a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid;
- (b) in any other case, the amount of the fare for travel by appropriate public transport.

(iv) **Bicycles**

Councillors who use their personal pedal bicycle for Council business, including travelling to and from home for meetings or other approved duties, can claim an allowance. The allowance payable to Members is the same as those payable to officers and is currently 20p per mile. The allowance is set at a level to cover wear and tear, and to contribute towards maintenance and any insurance costs.

(v) **Journeys outside Kent or the London postal district (ie to other towns in the United Kingdom)**

Where an approved duty such as a conference normally takes place away from the county of Kent or the London postal area, any claim for travelling expenses should be in accordance with one of the following:

- (a) if travel by train (second class only) then the actual cost of the train fare to be reimbursed; or
- (b) if travel by car paid at 45p

(vi) **Travel outside the UK**

Travelling expenses for journeys outside the UK will normally fall to be met by the relevant service department and Councillors should ensure they have the agreement of the Director that the costs will be paid/reimbursed. Such expenses will only be paid from the Members' allowances budget where the duty has been specifically approved by the Council.

(vii) **Travel by air**

The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in financial loss allowance and subsistence allowance consequent on travel by air. The Council has agreed that where the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:

- (a) the ordinary fare or any available cheap fare for travel by regular air service, or
- (b) where no such service is available or in case of urgency, the fare actually paid by the Member.

8. **Conference expenses**

The Council has agreed the attendance of Councillors at a number of approved conferences. The list of approved conferences is attached at appendix 4 together with the current guidelines for attendance by Councillors at conferences.

The balance of the available budget for conferences has been allocated to each party group.

The Chief Executive has delegated authority, in liaison with the party whips, to agree the nomination of Councillors to attend conferences and also to approve the attendance by Councillors at conferences where these do not appear on the approved list. This will only be considered in exceptional circumstances where it is clear the Council would be disadvantaged if there was no attendance.

If a Councillor would like to attend a conference which does not appear on the approved list s/he should contact their party group whip or the Head of Members Services and Elections.

All conference bookings must be made by the Members' Services staff. It is important to ensure that the agreed procedures are observed and that overnight accommodation and subsistence costs do not exceed the rates laid down by the Secretary of State. All hotel bookings for Councillors must also be arranged by the Members' Services staff.

9. Duties for which allowances can and cannot be claimed

Subsistence and travelling allowances will only be paid for the duties specified in this guidance.

The main activities which do not qualify for allowances are party and group meetings or events, meetings with constituents and other Ward work.

10. How to claim travelling, subsistence and dependants' allowances

Claims for travelling and subsistence must be made on the Members' allowances claim forms. A form will be sent out each month by the Head of Members' Services and Elections. Councillors should carefully check the details and add any additional claims.

Claims for allowances should be submitted to the Head of Members' Services and Elections by the second day of each month, and must be received within two months of the date of the duty concerned.

Claims should indicate clearly the duty concerned (i.e. the names of the committee or body attended; and in the case of meetings with officers the names of the officers concerned and the place of the meeting). This will avoid uncertainty about the eligibility of the duty and consequent delay in processing claims.

The Head of Members' Services and Elections is able to give advice on how to complete a claim form.

11. Sickiness, maternity, paternity and adoption absence

- 11.1 All Councillors shall continue to receive their Basic Allowance in full for a period up to 6 months in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence.
- 11.2 Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period up to 6 months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence.
- 11.3 Where, for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of 6 months, a dispensation by Full Council can be sought in accordance with Section 85 of the Local Government Act 1972.
- 11.4 If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of party group position, the party group) the replacement will be entitled to claim an SRA pro rata for the period over which the cover is provided.
- 11.5 If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand for re-election, their basic allowance and any SRA will cease from the date they leave office.

**APPENDIX 1 - DUTIES QUALIFYING FOR TRAVELLING AND
SUBSISTENCE ALLOWANCE AND CHILDCARE AND DEPENDANT
CARER'S ALLOWANCE**

1. Any duty approved by the Council.
2. Any duty for the purpose of or in connection with the discharge of the functions of the executive (ie Cabinet).
3. Attendance at meetings of the Cabinet, Committees of the Cabinet, full Council, Committees, sub-committees and other formal working parties.
4. Site visits and other one-off meetings of Members of a Committee or sub-committee which have been formally approved by the Committee concerned, provided that such meetings comprise more than one political party.
5. Attendance as a formally appointed representative of the Council at meetings of outside bodies (the Members' Services staff have a complete list of all outside bodies to which the Council has formally appointed Councillors).
6. Attendance by Members of more than one political group with Council officers at meetings with central government, local authority associations and other strategic local and regional forums.
7. Attendances as an approved delegate at authorised conferences.
8. Attendances at ad hoc meetings (including special events and training sessions) which Members have been invited to attend by a Medway Council officer, where the purpose of the meeting is directly relevant to the Council's functions and priorities and is a meeting to which members of more than one political group have been invited.

NOTE: Gaps of up to two hours between one approved duty ending and another beginning shall be permitted for the purposes of subsistence allowance where the Member concerned is of the opinion that it is unreasonable to expect him/her to return home during that time.

APPENDIX 2 - SUBSISTENCE ALLOWANCES

A. In the case of an absence from the usual place of residence, not involving an absence overnight, the limits on claims for subsistence should be the lower of actual expenditure and the following:

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|-----------|---|--------|
| 1. | Breakfast allowance
Four hours or more away from home
STARTING BEFORE 7.30 am | £5.00 |
| 2. | Lunch allowance
Four hours or more away from home
INCLUDING period 12 noon to 2 pm | £7.00 |
| 3. | Tea allowance
Four hours or more away from home
ENDING AFTER 6.30 pm | £3.00 |
| 4. | Evening meal allowance
Four hours or more away from home
ENDING AFTER 8.30 pm | £15.00 |

- 5. Overnight allowance**
In the case of an absence overnight from the usual place of residence, reimbursement (or payment in advance by the Council) of reasonable and actual hotel expenses by agreement in advance with the budgetary accountable officer and group whip will be made.

B. The rates specified for day subsistence shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period for which the allowance relates.

C. When main meals (ie a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the limits specified below. Where the cost of meals taken on trains is reimbursed, the rate of day subsistence allowance for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by four hours in respect of each meal taken.

The limitations on reimbursements of actual expenditure incurred when performing an approved duty are:

- (i) Absence of more than four but not more than eight hours, the cost of one main meal.
- (ii) Absence of more than eight hours but not more than 12 hours, the cost of two main meals.
- (iii) Absence of more than 12 hours, the cost of three main meals.

- D. In the case of overnight allowances, the annual conference of the following associations are approved:

The Association of British Market Authorities;
The British Resorts Association; and
The National Association of Local Councils.

APPENDIX 3 - TRAVEL ALLOWANCES**A. Travel by car**

The following rates per mile for travel by a Member's own private motor vehicle, or one belonging to a member of his/her family, or otherwise provided for his/her use, or hire car over 500cc may be claimed with regard to journeys undertaken in respect of an approved duty within the County of Kent and the London postal area:

Up to 999cc	45p per mile first 8,500 12.1p per mile after 8,500
1000-1199cc	45p per mile first 8,500 12.1p per mile after 8,500
1200cc and over	45p per mile first 8,500 14.4p per mile after 8,500

B. Travel by motor cycle

21.3p per mile

C. Travel by car/motor cycle

The amount of any reasonable expenditure incurred on tolls, ferries or parking fees may be claimed.

D. Travel by bicycle

20p per mile

APPENDIX 4 - APPROVED CONFERENCES FOR MEMBER ATTENDANCE

Conference

LGA/ADSS National Childcare and/or Adult Services Conferences

Local Government Association - Cultural Services

CIPFA

Local Government Association - Annual Conference

Local Government Association - Education Conference

Guidelines for attendance by Councillors at conferences

1. The reasons for attendance at a conference and the likely benefits to the authority should be carefully evaluated in each case before booking any places.
2. There should be feedback to the authority after each conference. The lead officer will submit a report to the Cabinet and/or appropriate Committee and officer forum afterwards setting out the conference's key themes. Councillors are asked to brief their political groups.
3. When attending conferences, delegates are asked to be mindful of the need to ensure value for money when deciding travel arrangements and any hotel accommodation.
4. The Council's policy on any hospitality will apply. At present this means gifts of hospitality with a value in excess of £20 should be declined or returned courteously to the sender. If any hospitality or gifts are accepted this should be entered into the record of hospitality, which is maintained in the Chief Executive's office.
5. Members are only entitled to claim travel and subsistence allowances when attending conferences (and not attendance allowance).
6. The Chief Executive has delegated authority, to approve the attendance by Councillors at conferences where these do not appear on the approved list of conferences in exceptional circumstances where it is clear the Council would be disadvantaged if there was not attendance.
7. Group whips are required to make substitution arrangements if a nominated member is unable to attend a conference in order to minimise financial loss to the Council.

