

# CONSTITUTION

## PART 7 - MEMBERS' ALLOWANCES SCHEME

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Members' Allowances Scheme

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# Members' Allowances Scheme

The Ashfield District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, having established and consulted an Independent Remuneration Panel hereby makes the following scheme:

## Citation

1. This scheme may be cited as the Ashfield District Council Members' Allowances Scheme and shall have effect from 25 May 2023 and subsequent years.

## Interpretation

2. In this scheme, "Councillor" means a Member of the Ashfield District Council who is a Councillor;

"total estimated allowances" means the aggregate of the amounts estimated by the Chief Finance Officer, at the time when a payment of basic allowance and special responsibility allowance is made, to be payable under this scheme in relation to the relevant year, and for this purpose any election under paragraph 11 shall be disregarded;

"year" means the 12 months ending with 31<sup>st</sup> March.

## Basic Allowance and Performance Special Responsibility Allowance

3. (1) Subject to paragraph 9 for each year a basic allowance of £7,884.17 shall be paid to each Councillor.

## Other Special Responsibility Allowances

4. For each year a special responsibility allowance shall be paid to those Councillors who have the special responsibilities in relation to the Authority that are specified in Schedule 1 to this scheme.
  - (a) Subject to paragraph 9 the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
  - (b) In the case of the Leader and Deputy Leader of the Council, they shall not be entitled to receive an allowance for being Chairman or Vice-Chairman of the Executive.
  - (c) No Member shall receive more than one Special Responsibility Allowance.

## Inflation

5. For a period of four years or until any earlier review:
  - (a) The Member's basic, special responsibility allowances and the co-optees allowance shall be increased in accordance with the annual percentage salary increase for local government staff (at spinal column 49) implemented from the start of the municipal year;
  - (b) The Dependent Carer's Allowance in accordance with (i) the minimum/living wage in respect of childcare applicable to the age of the

carer and (ii) hourly wage rate at a maximum at the level of the National Living Wage, currently £10.42 per hour (April 2023) in respect of Social/Medical care;

- (c) The car mileage allowance rates in accordance with current HMRC AMAP rates;
- (d) The bicycle allowance in accordance with the current HMRC AMAP rate.
- (e) Subsistence Allowances indexed to the same rates that are applicable to Officers.

### **Childcare**

- 6. (1) Councillors shall be entitled to claim a Dependent Carer's allowance for childcare whilst on approved duties.
- (2) Where because of carrying out approved duties Councillors place their children in a nursery or similar establishment between the hours of 8 a.m. and 6 p.m. then a Dependent Carer's Allowance will be paid at a maximum at the level of the National Living Wage, currently £10.42 per hour (April 2023).
- (3) Payments for childcare shall be at a maximum at the level of the National Living Wage, currently £10.42 per hour (April 2023).
- (4) Payments will not be paid for childcare provided by members of the Councillor's own household or near relatives.
- (5) All claims must be supported by receipts.

### **Dependent Carer's Allowance**

- 7. (1) Councillors shall be entitled to claim for other dependents where there is medical or social work evidence that such care is required whilst a Councillor is on approved duties.
- (2) Payments for the care of other dependents shall be at a maximum at the level of the National Living Wage, currently £10.42 per hour (April 2023).
- (3) Payment of dependent carers allowance shall be limited to one dependent carer's allowance per household except in special cases to be determined by the Council's Audit Committee.
- (4) Any allegation of abuse of the dependent carer's allowance shall be referred to the Council's Audit Committee for adjudication.

### **Renunciation**

- 8. A Councillor may by notice in writing given to Democratic Services elect to forego any part of his/her entitlement to an allowance under this scheme.

## Part Year Entitlements

9. (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 allowance is payable.
- (2) If an amendment to this scheme is made which affects payment of a basic allowance, a special responsibility allowance or an equipment allowance in the year in which the amendment is made, 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) within 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.

- (3) 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 of 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.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout a period mentioned in sub-paragraph (2), 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 in that period bears to the number of days in that period.
- (5) 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/she has such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2) 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.

### Claims and Payments

10. A claim for travel and subsistence under this scheme shall be made in writing within two months of the date on which the duty in respect of which the entitlement to the travel and subsistence arises.
11. (1) Payments shall be made:
  - (a) In respect of basic and special responsibility allowances, subject to sub-paragraph 9(2), in instalments of one-twelfth of the amount specified in this scheme on the 15th of each month;
  - (b) In respect of travel and subsistence on the 15th of each month in respect of claims received up to the day 14 days before that date.
- (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 or less than the amount to which, by virtue of paragraph 9, he or 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 or she is entitled.

### Travelling and Subsistence Allowances

12. (1) The payment of travelling and subsistence allowances is conditional upon the particular duty being approved in advance by the Council for duties outside of the Ashfield District. Members cannot claim travel and / or subsistence allowance for Approved Duties within the District. It is not possible to give retrospective approval for travel and / subsistence allowance, and in case of any doubt it will be essential to obtain the prior approval of Democratic Services).
- (2) Claims for travel (including a bicycle allowance of 20p per mile) and subsistence should not exceed the standard allowances claimable by employees but should include actual and reasonable incidental expenses such as car parking charges.
- (3) Mileage claims for Approved Duties outside of the Ashfield District shall be restricted to the mileage from the Councillor's home or from the District Council's Main Office, whichever is the less.
- (4) Travel expenses may be claimed for all Approved Duties outside of the Ashfield District at the HMRC AMAP rates as follows:

Vehicle	Business Miles – First 10,000 miles £ per mile	Business Miles – Over 10,000 miles £ per mile
Cars & Vans	45p	25p

Motorcycles	24p	24p
Bicycles	20p	20p

Where a Member carries in their car another Councillor to an Approved Duty outside of the Ashfield District then they are entitled to claim an allowance of 5p per mile per passenger.

- (5) If an overnight stay is involved, then where possible, the Council shall reserve and pay directly for the accommodation; for other approved overnight stays, a maximum allowance of £115 per night (inclusive of VAT) will be made; out of pocket expenses shall be payable at the rate of £3.63 per night or £14.55 per week, (reflecting rates paid by other local authorities).
- (6) Specific provision for attendance at approved annual conferences are as follows:
  - (a) Recovery of actual costs incurred for overnight accommodation and evening meals;
  - (b) Payment of out of pocket expenses at the rate of £10.00 per day.
- (7) Where the period of absence gives an entitlement to more than one meal, then allowances can be aggregated over the period in question.
- (8) For overseas journeys, Councillors shall be entitled to claim actual and reasonable expenses having regard to the country visited.
- (9) In all cases claims must be supported by receipts.

**Notes:**

1. The allowances quoted in this scheme are shown at their 2023/24 level.

## SCHEDULE 1

1. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

Leader of the Council	£23,301.36
Deputy Leader of the Council	£17,476.03
Executive Lead Member	£13,980.82

**Chairmen of:**

Principal Select Committee	£9,320.55
Inward Focus Select Committee	£6,990.41
Outward Focus Select Committee	£6,990.41
Planning Committee	£9,320.55
Local Plan Development Committee	£6,990.41
Audit Committee	£4,660.27
Standards and Personnel Appeals Committee	£4,660.27
Licensing Committee	£4,660.27

**Vice Chairmen of:**

Principal Select Committee	£3,495.21
Planning Committee	£3,495.21
Local Plan Development Committee	£1,980.61
Inward Focus Select Committee	£1,980.62
Outward Focus Select Committee	£1,980.62

Leader of the Main Opposition Group	£5,825.34
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If there are two Main Opposition Groups of equal size, then the Main Opposition Group Leader's Special Responsibility Allowance of £5,825.34 is divided equally between each of the Main Opposition Group Leaders. The Allowance would be divided equally three ways in the event that there were three Main Opposition Groups of equal size, and so on.

Leader of other Opposition Groups £364.96 per member (subject to achieving the threshold of having at least four Group Members).

2. The following are the co-opted allowances for co-optees appointed to the Audit or Standards & Personnel Appeals Committees: £364.56 (for up to a maximum of 4 co-optees).

Independent Person (Dealing with allegations of Member misconduct) £1,237.57.

Reserve Independent Person (Dealing with allegations of Member misconduct) £618.79.

## SCHEDULE 2

### TRAVEL AND SUBSISTENCE DUTIES

- (a) Travel and Subsistence Allowance can be claimed for Approved Duties outside of the Ashfield District (For example, meetings with representative groups of other Council's or Government Departments, representing the Council at sub-regional, regional or national events).
- (b) To qualify for travel and subsistence, duties must receive confirmation from Democratic Services that attendance at a meeting outside of the Ashfield District is recognised as approved before the claim is made or authorised by Democratic Services. Retrospective approval cannot be given. However, if it is clear that a duty previously existed as approved but had been "missed", this can be corrected. Current Subsistence rates for attending approved duties outside the District are:

- Breakfast                      £4.31
- Lunch                              £5.93
- Tea                                 £2.34
- Evening Meal                  £7.35