

PART 6

MEMBERS' SCHEME OF ALLOWANCES

Scheme of Allowances

Introduction

- 1 This Scheme is governed by the Local Authorities (Members' Allowances) England Regulations 2003.
- 2 Elected Members of the Buckinghamshire County Council may claim basic allowances, special responsibility allowances, travelling and subsistence allowances for approved duties specified in this scheme. Appointed (non elected) Members may claim travelling and subsistence allowances for approved duties specified in this scheme.
- 3 The phrase "total estimated allowances" means the total amounts estimated by the Head of Finance to be payable under this scheme for the payment of basic allowances and special responsibility allowances during the relevant financial year.
- 4 "Year" means the 12 months ending with 31 March.
- 5 The Scheme has four Schedules which are available from Democratic Services or on the Internet under a separate link.

Schedule 1 Special Responsibility Allowances

Schedule 2 Payment of Travelling and Subsistence Allowances

Schedule 3 Duties Excluded from the Allowances Scheme

Schedule 4 Rates of Allowances

http://www.buckscc.gov.uk/bcc/get//assets/docs/constitution_allowances_rates.pdf

Creation and Amendment of the Scheme

- 6 This scheme came into effect on 11 June 2001 and was last reviewed by the Independent Panel in November 2009.
- 7 For changes in basic allowances, special responsibility allowances and financial loss allowances, new rates shall be payable from the date the amendment takes effect, in accordance with the Regulations.
- 8 The County Council shall be responsible for amending the scheme, having regard to the recommendations of the Independent Remuneration Panel.

Basic Allowances

- 9 The Authority shall pay equally to each Member of the Authority a basic allowance of an amount specified in Schedule 4.
- 10 Where the term of office of a Member begins or ends in the course of a financial year entitlement will be apportioned in accordance with the Regulations.
- 11 Basic Allowances are subject to tax and national insurance deductions.

Special Responsibility Allowances

- 12 The Authority shall pay each year to the Members of the Authority who are office holders and have special responsibilities by reason of the office(s) they hold, special responsibility allowances in accordance with Schedule 1.
- 13 Where a Member takes up or relinquishes any post that carries a special responsibility allowance in the course of a financial year the entitlement will be apportioned in accordance with the Regulations.
- 14 One or more of the following categories of special responsibilities in relation to the Authority must be met before special responsibility allowances may be paid:-
 - a Acting as leader or deputy leader of a political group within the Authority;
 - b Presiding at meetings of Cabinet, or a Committee, or Sub-Committee of the Authority; or a Joint Committee of the Authority and one or more other Authorities or a Sub-Committee of such Joint Authority;
 - c Representing the Authority at meetings of or arranged by any other body;
 - d Membership of a Committee or a Sub-Committee of the Authority which meets with exceptional frequency or for exceptionally long periods;
 - e Acting as the spokesman of a political group on a Committee or Sub-Committee of the Authority;
 - f Such other activities in relation to the discharge of the Authority's functions as require of the member an amount of time and effort equal to or greater than would be required on any one of the activities in a to c above.
- 15 Special responsibility allowances are subject to tax and national insurance deductions. Only one special responsibility allowance per member is payable.

Approved Duties

- 16 Allowances are only payable to Elected Members of the Authority for the following approved duties:
- a Attendance at a meeting of the Council;
 - b Attendance at a meeting of the Cabinet, any Committee/Sub-Committee, or Local Committee of the Council;
 - c Attendance at a meeting of any section, panel, working party or other meeting authorised by the Authority or a Committee or Sub-Committee of the Authority or a Joint Committee of the Authority and one or more other authorities to which the member has been specifically appointed provided that it is a meeting to which Members of at least two political groups have been invited.
 - d Attendance at a meeting of an association of authorities of which this Authority is a Member and to which the Member has been appointed by the Authority to represent the Council.
 - e Attendance at ad hoc meetings with other authorities, organisations or bodies authorised by a Committee or Sub-Committee of the Authority, or the Head of Legal and Democratic Services on the advice of the relevant Chairman and Vice-Chairman if this is not practicable.
 - f Attendance at briefing meetings to which members of at least two political groups have been invited authorised by a Committee or Sub-Committee of the Authority, or the Head of Legal and Democratic Services on the advice of the relevant Chairman and Vice-Chairman if this is not practicable.
 - g Attendance at seminars and conferences arranged by the Council, a Committee or Sub-Committee of the Authority, or the Head of Legal and Democratic Services on the advice of the relevant Chairman and Vice-Chairman if this is not practicable, with respect to any of its functions.
 - h Attendance at specific visits arranged by the Council, a Committee or Sub-Committee of the Authority, or the Head of Legal and Democratic Services on the advice of the relevant Chairman and Vice-Chairman if this is not practicable, with respect to any of its functions and where not all those Members attending are from one political party.
 - i Attendance at a meeting of the bodies or authorities upon which the Member has been appointed by the Authority or a Committee or Sub-Committee of the Authority to represent the Council. (See Schedule 2)
 - j Attendance while tender documents are opened in pursuance of any Standing Orders requiring a member or members to be present.
 - k Attendance in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.

Dependant Carer's Allowance

- 17 The Carer's Allowance is open to all Members who are the main carers of dependant relatives. The Allowance will be paid where a Member requires care provision for a dependant relative or partner to enable that Member to perform any of the approved duties as set out in the Members' Scheme of Allowances.
- 18 Dependants are defined as:
- Children aged 14 or less
 - Relatives and partners requiring a carer to be in attendance
- 19 A Carer is defined as:
- Anyone over the age of 16 who is not part of the Member's household
- 20 The Allowance is payable for the length of the qualifying duty plus up to one hour each side to cater for travelling time.
- 21 The Allowance is reimbursement of actual costs incurred up to a maximum rate of £6.00 per hour.
- 22 All claims for Dependant Carer's Allowance must be submitted on the approved expenses claim form within two calendar months of the date on which the duty qualifying for payment is carried out. Receipts or contract details should be provided wherever possible.

Travelling and Subsistence Allowances

General Provisions

- 23 The term "Member" for the purpose of travelling and subsistence allowances applies to any person who is a Member of the County Council, or who is a Member of any Committee, Sub-Committee or Panel of the County Council, and so includes appointed Non-Elected Members of those bodies. The payment of these allowances is dependent upon the performance of an "approved duty" which is an attendance as a Member at a meeting of the County Council or of any other event approved by the body for the purpose of, or in connection with, the discharge of the functions of the body, or of any of its Committees or Sub-Committees in connection with an approved duty.
- 24 The rates for travel and subsistence allowances are specified in Schedule 4.

Allowances are Maxima

- 25 The scales for all allowances are maxima and there is no obligation on any Member to claim any or all of the allowances.
- 26 A Member shall give notice in writing to the Head of Legal and Democratic Services that he/she elects to forego any part of his entitlement to an allowance under the scheme.

Social Functions and Occasions

- 27 Elected Members on occasions are invited or feel it necessary to attend functions or occasions which have a social element. No allowances are paid to Members of the Council on these occasions unless the Member is undertaking the performance of a positive duty and one of significant size, e.g. making a speech or distributing prizes when travel and subsistence allowances may be paid. Merely to attend because the Member is interested or represents people in the district is insufficient to justify payment of any allowances.

Conference Expenses

- 28 If attendance at a conference has been approved by the Authority, conference expenses which are obligatory and outside the control of the Member, will be paid in advance on request or will be reimbursed. These expenses will include the conference fee. The actual cost of accommodation, meals and the like, will only be met or reimbursed if it is part of the inclusive charge for the conference or it is a requirement of the conference or its organisers that the Member should stay at a particular hotel.
- 29 Travel and subsistence allowances are payable where appropriate.

Telephones

- 30 Elected Members of the Council may claim the quarterly cost of the rental of a telephone and a contribution of up to £25 per quarter towards the cost of official calls.
- 31 Where a telephone has been installed for both business and private use and the rental is being reimbursed by the County Council, the payment will be liable to both income tax and national insurance contributions.
- 32 The contribution of up to £25 per quarter towards the cost of official calls is treated by the Inland Revenue and the Department of Social Security as a "round sum allowance". This is an allowance paid whether or not expenditure is actually incurred for business purposes and as such the payment will also be liable to income tax and national insurance contributions. If, however, Members identify the cost of business calls actually made then this element will not be subject to such contributions. In this case an itemised statement will be required showing each business call made and the cost, together with the telephone bill, in order to satisfy the requirements for "set off" by the government agencies.
- 33 Mobile phones are provided for senior office holders if required, with the cost of supply, rental and business calls being met by the Authority.

Avoidance of Duplication

- 34 A claim for an allowance under the scheme or an allowance under any provision in sections 173 to 176 of the 1972 Act shall include, or be accompanied by, a statement signed by the claimant that no other claim has been, or will be made in respect of the matter to which the claim relates.

Records of Payments

- 35 Records of payments made to Members are available for inspection free of charge by any local government elector of the County.
- 36 A person entitled to inspect a record may make a copy of any part of it.
- 37 Details of total payments made to each Member for basic allowance, special responsibility allowance and Dependant Carer's Allowance shall be published as soon as practicable after the end of the year to which they relate.

Claim Forms

- 38 All information requested on the claim form must be provided, including details of start and finish times, journeys made and meetings attended. (It is always advisable for members to make contemporaneous notes in their diary to assist in the completion of claims).
- 39 Claims for expenses should only be made when actually incurred, ie rail/bus, taxis, and hotel accommodation. Receipts should be provided.
- 40 Claims for the same expenses (mileage, travel and subsistence etc) must not be made from more than one body (see examples below for detailed guidance where meetings of more than one authority are being attended on the same day).
- 41 Claim forms should be completed and submitted to the Legal and Democratic Services Division, promptly and within seven working days after the end of each calendar month.
- 42 Payments for all allowances will be paid monthly in arrears on the submission of a claim form.