



## Selection and Constitutional Review Committee

Notice of a Meeting, to be held in Committee Room No. 1 (Fougères Room), Civic Centre,  
Tannery Lane, Ashford, Kent TN23 1PL on Thursday 9<sup>th</sup> March 2017 at 6.30 pm\*

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The Members of this Committee are:-

Cllr Clarkson (Chairman);  
Cllr Bell (Vice-Chairman);  
Cllrs Mrs Bell, Bennett, Mrs Blanford, Burgess, Galpin, A Howard, Mrs Martin, Murphy,  
Ovenden, Shorter.

**NB: Under the Council's Public Participation Scheme, members of the public can submit a petition, ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers).**

\*Please note start time

### Agenda

- |   | Page<br>Nos. |
|---|--------------|
| 1. <b>Apologies/Substitutes</b> – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii).                            |              |
| 2. <b>Declarations of Interest:-</b> To declare any interests which fall under the following categories, as explained on the attached document: |              |
| a) Disclosable Pecuniary Interests (DPI)  |              |
| b) Other Significant Interests (OSI)  |              |
| c) Voluntary Announcements of Other Interests   |              |
| See Agenda Item 2 for further details   |              |
| 3. <b>Minutes</b> – To approve the Minutes of the Meeting of this Committee held on the 8 <sup>th</sup> December 2016                           |              |

### Part I – For Decision

- Changes to the Responsibility for Functions
- Amendments to the members' Allowances Scheme

### Part II – For Information

None for this Meeting

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Queries concerning this agenda? Please contact Danny Sheppard:  
Telephone: 01233 330349 Email: [danny.sheppard@ashford.gov.uk](mailto:danny.sheppard@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)



**Declarations of Interest (see also “Advice to Members” below)**

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

**Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/240134/Openness\\_and\\_transparency\\_on\\_personal\\_interests.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

## Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the 8<sup>th</sup> December 2016.

### Present:

Cllr. Clarkson (Chairman);

Cllr. Bell (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Burgess, Galpin, A Howard, Mrs Martin, Ovenden, Shorter.

### Also Present:

Cllrs. Bradford, Clokie, Pickering, Smith.

Deputy Chief Executive, Senior Solicitor (Strategic Development), Senior Member Services Officer.

## 214 Declarations of Interest

Councillor	Interest	Minute No.
Clarkson	Made a Voluntary Announcement as a Director of the ABC Property Company.	
Shorter	Declared an 'Other Significant Interest' as the proposed nominee to the Chilmington Green Community Management Organisation Partnership Working Group. He would leave the room for this item.	216
	Made Voluntary Announcements as a Director of Kent Play Clubs and as a Director of the ABC Building Consultancy Company.	

## 215 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 13<sup>th</sup> October 2016 be approved and confirmed as a correct record.**

## **216 Appointment to Chilmington Green Community Management Organisation Partnership Working Group**

The Deputy Chief Executive introduced the report. It advised that in anticipation of the Chilmington Green development Section 106 Agreement being completed and fully signed early next year and consent being issued, approval was sought to nominate a Councillor to the Chilmington Green Community Management Organisation Partnership Working Group (PWG). The PWG was an advisory group to the developer consortium whose responsibility it was to create a Community Management Organisation (CMO). It would have a limited lifespan as its focus would be on the detail of work to create a formal CMO and once that was established the PWG would be defunct. Trustee directors would be appointed to the CMO during the course of the next year and this would include a representative from Ashford Borough Council.

A Member asked if the proposed representative, Councillor Neil Shorter, would have enough time to do justice to the role given his busy Cabinet Portfolio, and whether there would be any conflict of interest between the two roles. The Chairman said that he also had some concern about the workload all being down to one individual Cabinet Member. Following debate the Committee agreed that given his history and knowledge of the issue, Councillor Shorter was the sensible candidate to undertake the role, but a second Member should be appointed to shadow him so that they could assist and provide continuity and back up for the role. This could be kept under review as they progressed towards the creation of the CMO and appointing a trustee director. Given the location of the Chilmington Green development it was suggested that Councillor Jessamy Blanford would be the sensible nominee for the shadow role.

### **Resolved:**

**That Councillor Neil Shorter be nominated as the Borough Council's representative to the Chilmington Green Community Management Organisation Partnership Working Group for the period up to the formal creation of the Community Management Organisation. The Council will also appoint a shadow Member to assist and provide continuity and back up for the role.**

## **217 Mandatory Training and Amendment to Terms of Reference of the Licensing and Health and Safety Committee**

The report sought agreement to add mandatory training requirements to the Notes of the Terms of Reference of the Licensing and Health and Safety Committee to ensure consistency. It also sought the Committee's response to an Internal Audit recommendation that Members of Committees with mandatory training requirements (Planning and potentially Licensing) should undertake training/refresher training at least once every four years to remain 'eligible' to sit on those Committees.

During the debate it was agreed that training for Members of the Licensing and Health and Safety Committee should be mandatory and undertaken at least once every four years. However, some Members expressed their belief that once Planning training had been undertaken, there should be no mandate to re-take that training to remain eligible. Other Members considered it was important to refresh the training each Council term in the context of representing constituents properly and continuous professional development.

One Member said that he would not be keen to see mandatory training extended further than these two particular Committees.

**Recommended:**

- That**
- (i) mandatory training be added as a Note to the Terms of Reference of the Licensing and Health and Safety Committee.**
  - (ii) Members of Committees with mandatory training requirements (Planning and Licensing) should undertake training/refresher training at least once every four years to remain 'eligible' to sit on those Committees.**

## **218 Changes to the Responsibility for Functions**

The report recommended amendments and additions to the Responsibility for Functions in the Constitution, in order to remove gaps in the delegations and to clarify positions.

The Chairman said that he had not had a full opportunity to review the report and discuss it with colleagues and he therefore proposed that consideration of the report be deferred to allow that to happen.

**Resolved:**

**That the report be deferred to allow more time for consideration by Members.**

## **219 Representatives on Outside Bodies**

The report advised the Committee of the need to make nominations to positions on various outside bodies/organisations.

**Resolved:**

- That**
- (i) Councillor Hicks be appointed as a Member representative on the Citizens Advice Bureau – Ashford Branch Management Committee.**
  - (ii) the appointment of a Member representative to sit on the Home Improvement Agency Support Group be deferred.**

- (iii) Councillors Apps and Krause be appointed to sit on the Ashford Almshouses and Parochial Charities to 30<sup>th</sup> November 2019.**

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**Agenda Item No:** 4  
**Report To:** Selection & Constitutional Review Committee  
**Date:** 9 March 2017  
**Report Title:** Changes to the Responsibility for Functions  
**Report Author:** Monitoring Officer



<b>Summary:</b>	The report recommends amendments and additions to the Responsibility for Functions in order to remove gaps in the delegations and to clarify provisions
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**Key Decision:** No

**Affected Wards:** N/a

**Recommendation:** **The Committee is asked to recommend to Full Council that the changes to the Constitution set out in paragraph 3 of this report be made**

**Policy Overview:** There is a duty to review the Constitution and keep it up to date

**Financial Implications:** None

**Risk Assessment** No

**Equalities Impact Assessment** No

**Other Material Implications:** None

**Exemption Clauses:** None

**Background Papers:** None

**Contacts:** paul.courtine@ashford.gov.uk – Tel: (01233) 330 212

## Report Title: Changes to the Responsibility for Functions

### Background

1. This report was previously considered by the Selection & Constitutional Review Committee on 8 December 2016. At that meeting members resolved to defer the item to allow more time for consideration by Members. The remainder of this report is unchanged.
2. Amongst other things, the purpose of the Council's Constitution is to enable decisions to be taken efficiently and effectively and to ensure that those responsible for decision making are clearly identifiable to local people. The Constitution also sets the legal framework within which the Council operates.
3. As part of the Monitoring Officer's role in ensuring the Constitution serves its various purposes, a selective review of the Responsibility for Functions (part 3 of the Constitution) has been undertaken. The Monitoring Officer's conclusions are that there are some gaps in responsibilities and that some provisions can be simplified and clarified.

### Recommended Changes

4. The following changes to the Responsibility for Functions are recommended:
  - 4.1. The wording in paragraph 4 of the terms of reference of the Planning Committee can be misinterpreted. It is therefore recommended to remove from that paragraph items (d), (e) and the wording "Revocation/ Modification and" from item (g) and insert the following new paragraph 9:

To exercise the Council's functions:

    - (a) under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015
    - (b) in relation to advertisement control (for example under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and section chapter III of part VIII of the Town and Country Planning Act 1990)
    - (c) of revocation and modification under sections 97 to 99 of the Town and Country Planning Act 1990
  - 4.2. In order to be consistent with the amended Planning Committee terms of reference, an additional item (l) should be added to paragraph 16.9 for the Head of Development, Strategic Sites and Design: "under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015". Item (b) in paragraph 6.16 of the delegation to the Corporate Director (Law and Governance) should be deleted as a consequence.
  - 4.3. Existing paragraph 5 of the terms of reference of the Planning Committee does not cover all eventualities and should therefore be replaced with: "To enter into and otherwise approve planning obligations under section 106 of the Town and Country Planning Act 1990 and to vary or relax or discharge

planning obligations and agreements under section 52 of the Town and Country Planning Act 1971.”

- 4.4. In order to be consistent with the amended Planning Committee terms of reference, paragraph 16.16 for the Head of Development, Strategic Sites and Design should be replaced with: “To enter into and otherwise approve planning obligations under section 106 of the Town and Country Planning Act 1990 and to vary or relax or discharge planning obligations and agreements under section 52 of the Town and Country Planning Act 1971. To exercise all powers in connection with and under any planning obligations.”
- 4.5. The delegation in paragraph 2.26 of the General Advice and Guidance is unduly restrictive and complicated. It is therefore recommended to be replaced with: “An Officer to whom a power, duty or function is delegated may authorise in writing another Officer to exercise that power, duty or function. The Officer authorised by the other should act in the name of the Officer who received the original delegation. No authorisation may be given if the statute or law prohibits it. There can be no additional sub-delegation.”
- 4.6. An additional delegation is recommended at the end of paragraph 3.10 of the General Advice and Guidance, which will give certainty: “In order to give effect to any planning obligation given to the Council, Heads of Service have power to acquire land and any other interest in land that is to be operated or managed by their Service.”
- 4.7. In order to clarify responsibilities, an additional delegation is recommended as a new paragraph 3.16 of the General Advice and Guidance: “The Chief Executive, Deputy Chief Executive, Directors and Heads of Service are authorised to enter into contracts and any other contractual obligations in connection with (a) in the case of the Chief Executive and Deputy Chief Executive, the Council’s functions, (b) in the case of the Directors, the functions carried out by that directorate and (c) in the case of Heads of Service, the functions carried out by that service.”
- 4.8. Paragraph 13.9 of the Head of Corporate Property and Projects’ delegation is unnecessarily limiting, so it is recommended to be replaced with: “To enter into any other land transaction in accordance with the Property Acquisition Investment and Disposal Strategy or where the principle of the transaction has been separately approved by the Council or the Cabinet.” It is recommended to replace 6.13 of the delegation or the Corporate Director (Law and Governance) as a consequence: “To execute and complete all necessary documentation to give effect to any land transaction that is in accordance with the Property Acquisition Investment and Disposal Strategy or where the principle of the transaction has been separately approved by the Council or the Cabinet.”
- 4.9. So as to provide the necessary flexibility to update the strategy, a new paragraph 4.3 for the Chief Executive is suggested: “In consultation with the Leader and the Corporate Director (Law and Governance), to amend the Property Acquisition Investment and Disposal Strategy”

- 4.10. The delegation in paragraph 13.10 for the Head of Corporate Property and Projects is ambiguous, so it is recommended to be changed to: “To negotiate the terms of new leases and (subject to consultation with the Head of Finance and the Corporate Director (Law and Governance)) to authorise completion of such new leases.”
- 4.11. An additional delegation is recommended at a new paragraph 14.21 for the Head of Housing to “vary and release (in whole or in part) covenants under section 609 of the Housing Act 1985”

## **Conclusions**

5. I recommend that the Responsibility for Functions be amended as set out in this report. This will ensure that the Council’s arrangements continue to be efficient and understandable.

**Contact:** Paul Courtine (01233) 330 212

**Email:** paul.courtine@ashford.gov.uk

**Agenda Item No:** 5  
**Report To:** Selection and Constitutional Review Committee  
**Date of Meeting:** 9<sup>th</sup> March 2017  
**Report Title:** Amendments to the Members' Allowances Scheme  
**Report Author & Job Title:** Danny Sheppard  
Senior Member Services Officer  
**Portfolio Holder** Cllr. Clarkson  
**Portfolio Holder for:** Leader of the Council



**Summary:** A recent internal audit of Members' Allowances identified some minor inconsistencies within the Scheme that would benefit from review and clarification. This report presents minor amendments to the Scheme to reflect those recommendations by Internal Audit.

**Key Decision:** NO

**Significantly Affected Wards:** None specifically

**Recommendations:** **The Committee is asked to endorse the minor amendments to the Members' Allowances Scheme (as shown in the appended track changed version) and recommend them to the Council for approval.**

**Policy Overview:** Ashford Borough Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, has made a Members' Allowances Scheme. The Scheme forms part of the Council's Constitution, therefore any proposed amendments to it need to be considered by the Selection and Constitutional Review Committee and agreed by the Full Council. There is a duty to review the Constitution and keep it up to date.

**Financial Implications:** None

**Legal Implications** None

**Equalities Impact Assessment** Not Required

**Other Material Implications:** N/A

**Exempt from  
Publication:**

**NO**

**Background  
Papers:**

**None**

**Contact:**

danny.sheppard@ashford.gov.uk – Tel: (01233) 330349

## Amendments to the Members' Allowances Scheme

### Introduction and Background

1. A recent internal audit of Members' Allowances identified some minor inconsistencies within the Scheme that would benefit from review and clarification. This report presents minor amendments to the Scheme to reflect those recommendations by Internal Audit. A full track changed version of the Members' Allowances Scheme, including the proposed amendments, has been appended to this report for clarity.

### Proposal/Current Position

2. The current Scheme states that Basic Allowance is intended to cover computer peripherals such as printer cartridges, paper etc. However, since the adoption of the new Members ICT Scheme in 2015, the intention has been for the £1000 allowance earmarked for each Member for their four year term of appointment, to be allowed to be used for both IT hardware and peripherals/consumables. The Members Allowances Scheme therefore needs to be realigned to reflect this point. **(See paragraphs 1 and 5 of the appended Scheme).**
3. The audit made reference to timeliness of claim submission. The current Scheme makes reference to claims having to be made "within one month to the end of the financial year to which the claims relate". This wording is considered to be ambiguous and not reflect the original intention of encouraging timely submissions. Taken to the nth degree, it could also unnecessarily restrict payment of claims. It is proposed that the wording be amended to read "Members should make every reasonable effort to ensure that claims are made within three months of the end of the financial year to which the claims relate". **(See paragraph 8 of the appended Scheme).**
4. The audit identified that spot checks were not undertaken to validate ad-hoc meeting claims. Checks to minutes published on-line appeared to show that Members did not attend two Parish Council meetings for which travel allowance was claimed. It is therefore proposed that spot checks be introduced for journeys claimed to ensure legitimacy of meetings and compliance with the Scheme. **(See paragraph 8 of the appended Scheme).**
5. Whilst accepted as a legitimate expense, the audit identified that reimbursement of parking tickets was not currently specified in the Scheme. It is therefore proposed to add the reimbursement of parking costs incurred to the travel and subsistence schedule of the Scheme, subject to production of a valid ticket/receipt. **(See Schedule 3 paragraph 1(f) of the appended Scheme).**

## **Implications and Risk Assessment**

6. There is a duty to review the Constitution and keep it up to date as well as responding to the recommendations of Internal Audit.

## **Conclusion**

7. The Committee is asked to endorse the minor amendments to the Members' Allowances Scheme (as shown in the appended track changed version) and recommend them to the Council for approval.

## **Portfolio Holder's Views**

8. To be given at the meeting.

## **Contact and Email**

danny.sheppard@ashford.gov.uk – Tel: (01233) 330349

## **Part 6**

## **Members' Allowances Scheme**

Part 6  
Members' Allowances Scheme

## Members' Allowances Scheme

### Ashford Borough Council Members' Allowances Scheme

The Ashford Borough Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 has made the following Scheme after consideration of the advice and recommendations from the Independent Members' Allowances Remuneration Panel. The Panel first met on the 9<sup>th</sup> and 10<sup>th</sup> August 2001 and has since reviewed the full scheme or aspects of the scheme in April 2002 on the 3<sup>rd</sup> September 2003, 20<sup>th</sup> November 2008, 18<sup>th</sup> January 2010, 11<sup>th</sup> December 2012 and the 16<sup>th</sup> September 2013.

In September 2001, on considering the recommendations of the Panel the Council agreed that the amounts would be phased in to allow for sufficient budgetary provision to be made. The phasing was at 50% from the 1<sup>st</sup> August 2001, 67% from the 1<sup>st</sup> June 2002 and 100% from May 2003. Subsequently at the Council meeting held on 20<sup>th</sup> February 2003 it was agreed that instead of going to 100% in May 2003, the basic allowance would be increased by £500 to £3,200 and the Special Responsibility Allowance by 3%.

The whole scheme, in particular Travel and Subsistence, was reviewed by the Panel on the 3<sup>rd</sup> September 2003 in the light of the new Members' Allowances regulations. The full scheme and the amounts paid were again reviewed on the 20<sup>th</sup> November 2008 and 16<sup>th</sup> September 2013.

The Scheme may be cited as the Ashford Borough Council Members' Allowances Scheme. The original Scheme came into effect on the 1<sup>st</sup> August 2001. The revised scheme, as detailed in this document, took effect from 1<sup>st</sup> January 2004.

In this Scheme:-

"Councillor" means a Member of the Ashford Borough Council who is a Councillor;

"Year" means the 12 months ending with the 31<sup>st</sup> March;

"Panel" means the Independent Members' Allowances Remuneration Panel.

#### 1. Basic Allowance

Subject to paragraph 6, in each year a Basic Allowance is to be paid to each Councillor as set out in Schedule 1 to the Scheme. This is intended to cover a notional £240 per year for telephone calls related to Council activity on the part of Members, and other incidental expenses such as stationery **and postage.** ~~and computer peripherals such as print cartridges.~~ Basic Allowance will be paid in the month it is due.

## 2. **Special Responsibility Allowances (SRA)**

Subject to paragraph 8, in each year, an SRA shall be paid to those Councillors who hold special responsibilities in relation to the authority that are set out in Schedule 1 to this Scheme. SRA will be paid one month in arrears.

## 3. **Approved Duties**

Members are able to claim Travel and Subsistence and Dependant and Child Care Allowances in respect of their travel to and from:-

- (a) meetings covered by the list of approved duties referred to in Schedule 2.
- (b) meetings of outside bodies/organisations to which they have been appointed by the Council, as set out in Schedule 2.
- (c) meetings with Officers in respect of matters relevant to their Committees etc. or external organisations/bodies subject to such meetings having been pre-arranged and not relating specifically to a Member's Ward business or work.
- (d) Meetings of a Full Parish/Town Council or Community Forum within the Member's Ward or meetings of its Planning (Sub) Committee only, but only if the Member has a round trip of ten miles or more in order to attend.

Details of the rates for Travel and Subsistence Allowances are set out in Schedule 3 to this Scheme.

## 4. **Dependent and Child Care Allowances**

This Allowance is divided into two parts; namely child care and elderly/disabled care. In respect of child care, this Allowance is available to Members who are eligible at a rate of £5.50 per hour or other rate if supported by a receipt for up to a maximum of 15 hours per week that can include up to 5 hours per week for non-approved duties. To claim this a Member will need to:

- register that they have a dependent child living with them under the age of 14.
- sign a statement which declares that the childcare has been provided by a babysitter and not paid to a member of the immediate family or household. This statement will be lodged with the Monitoring Officer.

With regard to the elderly and/or disabled care element of the Allowance, this is to be paid at a similar rate chargeable by the Kent County Council

Social Services Department (at an agreed maximum set by the Council and/or its Officers) for provision of a Home Care Assistant.

To claim this, a Member will need to:-

- register that they have an elderly/disabled person living with them.
- sign a statement which declares that the care has been provided by a carer and not paid to a member of the immediate family or household. This statement will be lodged with the Monitoring Officer.

**NB: In respect of these Allowances, a Member cannot claim for the employment of multiple carers for multiple dependants.**

#### 5. Provision of ICT – Members' ICT Scheme

The following scheme is available to Members to support their use of Information Technology:-

Each Member will have a choice of a standard IT offering provided by the Council's IT Section or the option to take a 'cash alternative' sum currently set at £1000 to fund IT hardware costs for each four year term. The offerings are based on a choice of tablet or laptop computer which will be fully compatible with the Council's corporate systems and documents.

All equipment supplied by Ashford Borough Council will be covered by a manufacturer's warranty and the IT Service Desk should be contacted in the first instance with any queries. Members will be required to sign an agreement upon entry to the scheme. The equipment will remain the property of Ashford Borough Council and Members will be required to abide by the ICT Acceptable Use Policy and the information security policy. As a consequence of entering in to the agreement all Councillors will be expected to: -

- Maintain an ashford.gov.uk email address.
- Ensure that any Council information held (whether relating to people or otherwise) is kept secure as far as is reasonably possible.
- Recognise that information held by them (including email) in their role as a Councillor may be subject to disclosure under Freedom of Information legislation.

Should a Member wish to take the 'cash alternative' scheme then payment of appropriately incurred expenses will take place upon production of relevant receipts up to a maximum of £1000. The purchase of any computer hardware (including tablets, laptops, printers, smartphones and associated peripherals [such as paper and print cartridges](#)) and software would be an appropriate use of funds. ~~As previously mentioned, consumables are expected to be funded via the Members Basic Allowance.~~ If this option is taken, individual Members need to make arrangements for suitable warranty cover – the IT Service Desk will be

Part 6  
Members' Allowances Scheme

unable to offer any support, training or other guidance on privately procured equipment.

If you have any queries concerning the Members' ICT Scheme, please contact:

Mr Robin Jones, ICT Operations Manager, 01233 330877,  
robin.jones@ashford.gov.uk

6. **Renunciation**

A Councillor may, by notice in writing given to the Proper Officer, elect to forego any part of his entitlement to an Allowance under this Scheme.

7. **Part-Year Entitlements**

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 the 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.

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 end of 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.

If an amendment to this Scheme changes the duties specified in Schedule 2 to this Scheme the payment of the amount of the Allowance under the Scheme shall be paid when the duty has been carried out.

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 the term of office subsists bears to the number of days in that year.

Where this Scheme is amended as mentioned in the second paragraph of this Section and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (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.

Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him/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 s/he has such special responsibilities bears to the number of days in that year.

Where this Scheme is amended as mentioned in the second paragraph of this section, and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (a) of that paragraph any such special responsibilities as entitle him/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 s/he has such special responsibilities bears to the number of days in that period.

#### 8. **Claims and Payments**

Claims for Allowances under this Scheme shall be made in writing on the claim forms distributed each month.

Claim forms do not have to be returned each month, but can be sent in a 'batch' if the Member wishes. For example, a Member may only have [a](#) very small travel allowance to claim, so these amounts could be added together. ~~The only requirement is that claims must be made within one month of the end of the financial year to which the claims relate.~~ [Members should make every reasonable effort to ensure that claims are made within three months of the end of the financial year to which they relate.](#)

Claims for Allowances shall include, or be accompanied by, a statement signed by the Councillor that the claims are in respect of the performance of approved duties and are in accordance with the Members' Allowances Scheme. [Three claim forms per month which include additional meetings will be spot checked for Members' attendance to ensure compliance with the Scheme.](#)

#### 9. **Payments Shall be Made**

Part 6

Members' Allowances Scheme

- (a) in respect of Basic and Special Responsibility Allowances, subject to the following paragraph, in instalments of one-twelfth of the amount specified in this Scheme on the 20<sup>th</sup> day of each month;
- (b) in respect of Travel, Subsistence, Dependent and Child Care Allowances, on the 20<sup>th</sup> day of each month in respect of claims received up to the 7<sup>th</sup> day of that month.

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

10. **Councillors' Tax Free Allowance**

The Council has negotiated a tax-free allowance to set against tax to be deducted from Members' Allowances. This is for expenditure incurred for which a Member does receive an allowance from the Council, and Members should keep a record of these expenses. Currently this amount is set at £500.

If Members have any queries concerning their tax liability, they should contact [Mr Carter](#) at the Inland Revenue on (01227) 864965, quoting reference 579/B/EC/577/A488/DISP/TC, or write to [him-them](#) at the Inland Revenue Canterbury, Charter House, St George's Place, Canterbury, Kent CT1 1UG.

11. **The Local Government Pension Scheme (LGPS)**

The Panel did not consider this to be a priority at the present time and, as such, Members are not eligible to join the pension scheme. This may, however, be of greater importance in the future and will be kept under review.

12. **Annual Adjustment**

In accordance with the regulations, the scheme allows for an annual adjustment for a four year period from the date of the last review. With the following exceptions, the allowances will be linked to the annual cost of living rise as applied to staff at the Council:-

Travel rates for cars – these will be increased in-line with the Inland Revenue threshold.

Travel rates for motorbikes and Subsistence rates for breakfast, lunch, tea and dinner – these will be kept at the NJC rates (which also apply to Council Officers) which are updated at various intervals.

**NB.** The annual adjustment does not apply to the ICT Allowance.

## Schedule 1

Set out below are details of the amounts of Basic and Special Responsibility Allowances payable from the 1<sup>st</sup> April 2016

<b>Allowance</b>	<b>Amount from 1<sup>st</sup> April 2016 £</b>
Basic	4,555.45
Leader	14,901.37
Deputy Leader	9,934.25
Other Cabinet (Executive) Members	7,450.69
Chairman of Overview and Scrutiny	5,960.55
Vice-Chairman of Overview and Scrutiny	1,986.85
Chairman of Audit Committee	4,967.12
Vice-Chairman of Audit Committee	1,655.71
Chairman of Planning	5,960.55
Vice-Chairman of Planning	1,986.85
Chairman of Licensing and Health and Safety	1,490.14
Standards Committee Independent Person	1,490.14
Chairman/Vice-Chairman of Joint Transportation Board (whichever is held by the Ashford Borough Council Member)	1,490.14
Lead Members	1,986.85
Chairman of Overview and Scrutiny Task Group	50.00 per Task Group
Group Leaders	229.03 per Member

**NOTE:** The pre-requisite for paying a Special Responsibility Allowance to a Group Leader is that the Group concerned must have a minimum of 2 members.

## Schedule 2

### Approved Duties

- 1.1 Attendance at all meetings of the Council, and the Cabinet (Executive).
- 1.2 Attendance at meetings of Committees, Sub-Committees, Forums, Groups and Boards subject to one of the following criteria being met
- (a) to which the Member has been appointed to.
  - (b) at the invitation of the meeting or its Chairman when matters particularly affecting the Member's Ward are to be considered or when a Member's personal knowledge or experience is likely to be of benefit.
  - (c) a newly elected Member, in his/her first year of office, for induction/training purposes.

**N.B. Ward Members attending to give their views at Planning Committee Meetings will not be entitled to claim travel**

- 1.3 Attendance:-
- (a) in pursuance of any Rules of Procedure requiring a Member or Members to be present at which tender documents are opened.
  - (b) 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.
  - (c) in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of Section 188 (Special Schools) of the Education Act 1993.
- 1.4 Attendance at any meetings with any other authorities concerned with the discharge of the Council's functions whether such meetings are organised on an ad-hoc basis or are part of a permanent liaison arrangement, provided in the case of ad-hoc meetings that such attendance has first been authorised by the authority.
- 1.5 Attendance at meetings pursuant to any Joint Arrangements with another or other local authorities whether appointed or established under the Local Government Act 2000 or any other enactment.
- 1.6 Attendance at any meeting with any Government department or any other meeting authorised by the Council, the Cabinet (Executive), any Committee or Sub-Committee to which representatives of more than one political group have been invited.

Part 6  
Members' Allowances Scheme –  
Schedule 2

- 1.7 Attendance at meetings of other bodies prescribed from time to time by the Secretary of State for the purposes of Section 177(2)(c) of the Local Government Act 1972, and on which bodies the Council is represented, such as universities and university courts.
- 1.8 Attendance at meetings of the Local Government Association or of its Committees and Sub-Committees at National and/or County Branch level.
- 1.9 Attendance by Members at the Local Government Association's Annual Conference.
- 1.10 Attendance at training and development events.
- 1.11 In the case of ad-hoc meetings, the Corporate Director (Law and Governance) has delegated authority to decide whether or not it is an approved duty (i.e. whether allowances can be claimed). Members are asked to seek advice **prior** to attending such meetings.
- 1.12 Attendance by a Councillor at meetings of the following organisations / bodies to which they have been appointed:-
1. Action With Communities in Rural Kent
  2. Alzheimer's Society – Ashford & Shepway Branch
  3. Ashford Almshouses and Parochial Charities
  4. Ashford Choral Society
  5. Ashford College Business Advisory Council
  - ~~6.~~ [Ashford Community Arts Trust](#)
  - ~~7-6.~~ Ashford Community Safety Partnership
  - ~~8-7.~~ Ashford Federation of the Arts
  - ~~9-8.~~ Ashford Leisure Trust
  - ~~10-9.~~ Ashford Mediation Service – Management Committee
  - ~~11-10.~~ Ashford Museum Committee
  - ~~12-11.~~ Ashford Sure Start (Fifth Wave) Partnership
  - ~~13-12.~~ Ashford Winkle Club
  - ~~14-13.~~ Ashford Youth Forum
  - ~~15-14.~~ Citizens' Advice Bureau Ashford Branch Management Committee
  - ~~16-15.~~ Dungeness Power Station Site Stakeholder Group
  - ~~17.~~ [East Kent Hospitals University NHS Foundation Trust – Council of Governors](#)
  - ~~18-16.~~ Elwick Club
  - ~~19-17.~~ Headcorn Aerodrome Consultative Committee

Scheme of Members Allowances (with track changes) (2).doc  
[Amended March 2017](#)

- ~~20-18.~~ High Weald (AONB) Joint Advisory Group
- ~~24-19.~~ Home Improvement Agency Support Group
- ~~22-20.~~ Home Start, Ashford Management Committee
- ~~23-21.~~ Kennington Parochial Charities
- ~~24-22.~~ Kent County Playing Fields Association
- ~~25-23.~~ Kent Downs Area of Outstanding Natural Beauty – Joint Advisory Committee
- ~~26-24.~~ Kent Downs and Marshes Leader Project
- ~~27-25.~~ Kent Invicta Chamber – Economic Development Group
- ~~28-26.~~ Local Government Association:- General Assembly
- ~~29-27.~~ Marshlink Steering Group
- ~~30-28.~~ Mid Kent Downs Steering Group
- ~~34-29.~~ National Council on Inland Transport – Executive Committee
- ~~32-30.~~ Parochial Church Council of St Mary the Virgin Ashford Arts and Arts Development Sub-Committee
- ~~33-31.~~ Patrol Adjudication Service - Joint Committee
- ~~34-32.~~ River Stour Internal Drainage Board
- ~~35-33.~~ Romney Marshes Area Internal Drainage Board
- ~~36-34.~~ Sandyacres Trust
- ~~37-35.~~ Singleton Environmental Centre Management Advisory Board
- ~~38-36.~~ South Ashford Youth Club – Management Committee
- ~~39-37.~~ South East Employers
- ~~40-38.~~ Swan Centre Site Management Committee
- ~~41-39.~~ Tenterden Folk Day Trust
- ~~42-40.~~ Tenterden Leisure Centre Trust
- ~~43-41.~~ Tenterden Town Council – Tourism & Business Committee
- ~~44-42.~~ Volunteering Ashford
- ~~45-43.~~ Willesborough Windmill Trust Limited
- ~~46-44.~~ Wye Rural Museum Trust

Travel and Subsistence Allowances can be paid to Members attending a full Parish/ Town Council or Community Forum meeting within the Ward which he or she represents or meetings of its Planning (Sub) Committee, but only if the Member has a round trip of ten miles or more in order to attend.

## Schedule 3

### Travel and Subsistence Allowances

1. Travel Allowance

(a) Private Vehicle Allowance

Motor Vehicles Allowance	Amount Payable Per Mile
Private Car	45p (To be increased in-line with the Inland Revenue threshold)
Motorbike	24p

(b) Passengers

If passengers otherwise entitled to Travel Allowance are carried, the vehicle's owner may be paid for each such passenger up to four 5 pence per mile

(c) Bicycle Allowance – 20 pence per mile

(d) Train or Bus - actual fare, but not first class rail travel  
(Minute No 93/7/10)

(e) Taxi - actual fare plus gratuity subject to the following:-

The Council's policy is that taxis should only be used in the case of urgency or where no other transport is reasonably available.

(f) [Parking – reimbursement of actual cost incurred subject to production of a valid ticket/receipt.](#)

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2. **Subsistence Allowances**

In the case of an absence from normal residence, other than an overnight absence from home, Subsistence Allowance is payable as follows:-

For more than 4 hours before 11.00am £6.00 (Breakfast Allowance)  
(£8.00 if in a hotel and not included on room price)

For more than 4 hours including lunch-time between noon and 2.00pm £8.35 (Lunch Allowance)  
(£12.00 in London)

Part 6  
Members' Allowances Scheme –  
Schedule 3

For more than 4 hours ending after 7.00pm	£10.50 (Evening meal Allowance) (£12.50 (£15 in London) if in a hotel and not included on room price)
In the case of an overnight absence*	£70.00 per night
For an overnight absence in Central London or at LGA conference*	£100.00 per night

**\*NB.** this allowance should be available where the need for accommodation is not foreseen. Where the need for accommodation is known beforehand, this should be booked through Member Services. The value of free meals must be deducted from the Allowance.