

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 9th and 10th August 2001 and has since reviewed the full scheme or aspects of the scheme in April 2002 on the 3rd September 2003, 20th November 2008, 18th January 2010, 11th December 2012 and the 16th 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 1st August 2001, 67% from the 1st June 2002 and 100% from May 2003. Subsequently at the Council meeting held on 20th 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 3rd September 2003 in the light of the new Members' Allowances regulations. The full scheme and the amounts paid were again reviewed on the 20th November 2008 and 16th September 2013.

The Scheme may be cited as the Ashford Borough Council Members' Allowances Scheme. The original Scheme came into effect on the 1st August 2001. The revised scheme, as detailed in this document, took effect from 1st 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 31st 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. 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

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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 be provided with an Apple iPad device for each four year term, which will be fully compatible with the Council's corporate systems and documents. Additionally, a keyboard, hard case and stylus pen will also be provided.

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 *Councils Suite of IT Policies*. As a consequence of entering in to the agreement all Councillors will be expected to: -

- Maintain and use for all Council business 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.

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

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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. 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

- (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 20th day of each month;
- (b) in respect of Travel, Subsistence, Dependent and Child Care Allowances, on the 20th day of each month in respect of claims received up to the 7th 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 the Inland Revenue on (01227) 864965, quoting reference 579/B/EC/577/A488/DISP/TC, or write to 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 1st April 2019

Allowance	Amount from 1 st April 2019 £
Basic	4,768.24
Leader	15,597.89
Deputy Leader	10,398.25
Other Cabinet (Executive) Members	7,798.70
Chairman of Overview and Scrutiny	6,238.96
Vice-Chairman of Overview and Scrutiny	2,079.65
Chairman of Audit Committee	5,199.13
Vice-Chairman of Audit Committee	1,733.04
Chairman of Planning	6,238.96
Vice-Chairman of Planning	2,079.65
Chairman of Licensing and Health and Safety	1,559.74
Standards Committee Independent Person	1,559.74
Chairman/Vice-Chairman of Joint Transportation Board (whichever is held by the Ashford Borough Council Member)	1,559.74
Chairman of Advisory Committees	1,559.74
Deputy Portfolio Holders	2,079.65
Lead Members	2,079.65
Chairman of Overview and Scrutiny Task Group	50.00 per Task Group
Group Leaders	239.72 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.

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- 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 Head of Legal and Democracy 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. Ashford Almshouses and Parochial Charities
 3. Ashford College Business Advisory Council
 4. Ashford Community Safety Partnership
 5. Ashford Mediation Service
 6. Ashford Museum Committee
 7. Ashford Volunteer Centre
 8. Ashford Youth Forum Trustees
 9. Chilmington Green Community Trust and CMO Partnership Working Group
 10. Citizens' Advice Bureau Ashford Branch Management Committee
 11. Dungeness Power Station Site Stakeholder Group
 12. Headcorn Aerodrome Consultative Committee
 13. High Weald (AONB) Joint Advisory Group
 14. Home Start, Ashford Management Committee
 15. Kennington Parochial Charities
 16. Kent and Medway Police and Crime Panel
 17. Kent Downs Area of Outstanding Natural Beauty – Joint Advisory Committee
 18. Kent Downs and Marshes Leader Project

19. Kent Invicta Chamber – Economic Development Group
20. Marshlink Steering Group
21. Repton Community Trust
22. River Stour Internal Drainage Board
23. Romney Marshes Area Internal Drainage Board
24. Sandyacres Trust
25. Singleton Spaces Trust
26. St Marys Arts Trust
27. Swan Centre Site Management Committee
28. Tenterden Folk Day Trust
29. Tenterden Leisure Trust
30. Tenterden Town Council – Tourism & Business Committee
31. 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.

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)

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.