

Part 6

Chesterfield Borough Council Members' Allowances Scheme

1. This scheme was made by Chesterfield Borough Council ("the Council"), in accordance with the Local Authorities (Members' Allowances) Regulations 2003

2. Title

The Scheme shall be known as the Chesterfield Borough Council Members' Allowance Scheme.

3. Amendment and Revocation

3.1 This scheme may be amended at any time, but may only be revoked with effect from the beginning of a year

3.2 Where an amendment is made which affects an allowance, the entitlement to such allowance as amended shall apply with effect from the beginning of the year in which the amendment is made unless the council otherwise decides

4 Interpretation

In this Scheme the following expressions have the following meanings :

'Councillor': an elected member of Chesterfield Borough Council

'year' the 12 months ending with the 31st March

'Regulations' The Local Authorities (Members' Allowances) Regulations 2003, as amended.

5. Basic Allowance

Subject to this scheme, a Basic Allowance of **£4,421** each year shall be payable to each councillor. The Basic Allowance shall be the same for each councillor

6. Special Responsibility Allowances

6.1 A Special Responsibility Allowance shall be paid each year to councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme

6.2 A Councillor can only receive one Special Responsibility Allowance at any given time.

- 6.3** If a Councillor is entitled to more than one Special Responsibility Allowance the higher allowance only shall be paid.
- 6.4** A special responsibility allowance shall be paid to at least one person who is **not** a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f) of the regulationsⁱ

7. Dependants' Carers' Allowance

Councillors are entitled to a Dependants' Carers' Allowance of **£6.08 per hour** (up to a maximum of £10 per hour in appropriate circumstances) in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in carrying out any of the specified and approved duties in Schedule 3 to this scheme

8. Travelling and Subsistence Allowance

Councillors and co-optee members shall be entitled to allowances in respect of travelling and subsistence subject to the conditions and at the rates specified in Schedule 2 to this Scheme and undertaken in connection with or relating to the duties specified at Schedule 3 to this scheme

9. Co-optee's Allowance

An annual allowance shall be payable in respect of attendance at conferences and meetings for the Chair of the Councils' Standards and Audit Committee where they are not a member of the Council. This allowance shall be paid at the rate of **£2,277** per year. This allowance shall be payable from and including 14th December 2005.

10 Claims and Payment of Allowances

10.1 Time Limit for Claims

Claims for Dependants' Carers' Allowance, Travelling and Subsistence allowance and Co-optees' Allowance shall be made within two months of the date when an entitlement to an allowance arises. But this shall not prevent the council from making a payment where an allowance is not claimed within that periodⁱⁱ

10.2 Monthly Payments

Payments of allowances shall be made monthly and shall be made by bank credit transfer.

10.3 Certifying Spending

Each member must certify that he or she has necessarily incurred expenditure on travelling and subsistence for the purpose of enabling them to perform approved duties as a member of Chesterfield Borough Council or as a co-opted member of one of its committees

10.4 Receipts

Members must, wherever practicable, provide receipts in respect of subsistence allowance. Tax may be payable on the difference between the amount of the receipt and the amount of the allowance paid. If no receipts are provided, the whole of the allowance paid may be taxable.

11 **Repayment of Allowances**

Where payment of any allowance has already been made in respect of any period during which the member concerned is

- ◆ suspended or partially suspended from his or her responsibilities or duties as a member of the authority in accordance with Part 3 of the Local Government Act 2000 or regulations made under that Part; or
- ◆ ceases to be a member of the authority; or
- ◆ is in any other way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

12 **Annual Index-related Adjustments to Allowances**

12.1 The following allowances shall be changed annually in line with the average level of change in the NJC staff pay award for spinal column points 35-40, and these changes shall apply from the effective date of that change as an adjustment to the allowances as permitted by Regulation 10 (4):

- ◆ Basic Allowance
- ◆ Special Responsibility Allowance
- ◆ Subsistence Allowances
- ◆ Co-optee's Allowance

12.2 The following allowance rates shall be changed annually in line with each change in the NJC staff mileage rates (including passenger supplements):

- ◆ *Rates per mile shown in the Tables at Schedule 2 to this Scheme (Travelling Allowances)*

12.3 The use of these adjustment indices shall not be valid after 31st December 2015, unless the Council has before then has sought a

further recommendation from its independent remuneration panel on their application in this schemeⁱⁱⁱ.

13 Electing to Forgo Allowances

A person may by giving written notice to the Head of Legal forgo his or her entitlement or any part of his or her entitlement to any allowance.

14 Part-Year Entitlement to Allowances

14.1 Basic Allowance

Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, that councillor's entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which that councillor's term of office as a councillor subsists bears to the number of days in that year^{iv}

14.2 Special Responsibility Allowance

Where a councillor does not have throughout the whole of a year any such special responsibilities as entitle that councillor to a special responsibility allowance, his or her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which that councillor has such special responsibilities bears to the number of days in that year.

15 Suspension or Partial Suspension of a Member

Where a member or a co-optee member is suspended or partially suspended from his or her responsibilities as a member or co-optee member in accordance with Part 3 of the Local Government Act 2000 or regulations thereunder (ethical framework), then:

- ◆ the part of a basic allowance payable to an elected member in respect of the period for which that member is suspended or partially suspended may be withheld;
- ◆ the part of a special responsibility allowance payable to an elected member in respect of the duties or responsibilities from which that member is suspended or partially suspended may be withheld;
- ◆ any co-optees' allowance payable to a co-optee member in respect of the duties or responsibilities from which that member is suspended or partially suspended may be withheld
- ◆ any travelling and subsistence allowance to a co-optee or elected member in respect of the duties or responsibilities from

which that member is suspended or partially suspended may be withheld

16 Councillors who are members of more than one authority

No councillor who is also a member of another authority (as defined by the Regulations^v) may receive any allowance from more than one authority in respect of the same duties.

17 Pension Scheme Membership

All councillors, under age 70, can join the Local Government Pension Scheme

Any payment received by way of Basic or Special Responsibility Allowance is classed as pensionable pay.

SCHEDULE 1
SPECIAL RESPONSIBILITY ALLOWANCES

Special Responsibility:	<u>Annual Amount £</u>
Executive Leader and also Chair of Cabinet.	27,785
Deputy Leader and also Vice Chair of Cabinet.	15,285
Executive Member with portfolio.	6,101
Assistant Executive Member with portfolio.	3,050
Leader of the minority political group within the Council	8,686
Deputy Leader of the minority political group within the Council	4,342
Cabinet Member without portfolio.	4,342
Chair of the Planning Committee.	4,629
Chair of the Appeals & Regulatory Committee when that office is held by the same councillor as the office of Chair of the Licensing Committee.	4,629
Chair of the Appeals & Regulatory Committee.	no separate allowance provided
Chair of Licensing Committee	no separate allowance provided
Chair of the Employment and General Committee	3,491
Chair of the Community, Customer & Organisational Scrutiny Committee	4,654
Vice-Chair of the Community, Customer & Organisational Scrutiny Committee	2,327
Chair of Enterprise and Wellbeing Scrutiny Committee	4,654
Vice-Chair of Enterprise and Wellbeing Scrutiny Committee	2,327
Chair of Standards and Audit Committee	2,277

SCHEDULE 2
RATES FOR TRAVELLING AND SUBSISTENCE ALLOWANCES

A TRAVELLING ALLOWANCES

1 Public Transport including Travel by Bus, Train, Taxi, Ship or Air

- 1.1 The rate for travel by public transport shall not exceed the ordinary fare or any available cheap fare. Advance tickets should be obtained where possible, and bus vouchers may be issued to members for local travel.
- 1.2 Where more than one class of fare is available, members shall travel by second class unless the council decides otherwise in any case.
- 1.3 Travel by ship may be by first class at the choice of the member.
- 1.4 Additional allowances are payable for the following, only if the total allowance is no more than the actual expense incurred by the member:
- ◆ Sleeping accommodation for an overnight journey, provided that any subsistence allowance for that night is reduced by a third
 - ◆ Pullman car or similar supplements, seat reservation and deposit or portorage of luggage
- 1.5 Air travel costs may be reimbursed if the Council decides it is justified. The ordinary or cheap rate will be reimbursed unless the council decides otherwise.
- 1.6 The allowance for travel by taxi is the amount of the fare by the most appropriate means of public transport. But in cases of urgency or where no other form of public transport is readily available, the amount of the actual taxi fare plus a reasonable tip will be reimbursed.

2 Travel by private or hired vehicle

- 2.1 The rates for travel by
- ◆ a member's own vehicle, or
 - ◆ a vehicle belonging to a member of his or her own family, or
 - ◆ a vehicle provided for a member's own use
- shall not exceed the following rates (subject to these conditions):

By Car:		
<i>Miles per annum</i>	<i>Under 10,000 miles per annum</i>	<i>10,000 and over miles per annum</i>
Rate per mile not to exceed	45.0 pence	25.0 pence
By Motor Cycle:		
Rate per mile not to exceed	24.0 pence	
By Bicycle:		
Rate per mile not to exceed	20.0 pence	

- 2.2 Where a member carries **one or more** passengers each of whom who would otherwise be entitled to claim a travelling allowance, the relevant rate in the table is increased by **5 pence** per mile
- 2.3 The cost of any necessary parking (including overnight parking), tolls and ferries is reimbursable
- 2.4 The rate for travel by a hired vehicle (other than a taxi) shall not exceed the rate that would have been payable if the member had owned the vehicle. But the actual cost of hire may be reimbursed if the Council approves that.
- 2.5 Members shall:
- ◆ Ensure that their vehicle insurance policy covers them for use on council business, and
 - ◆ Be personally responsible for any parking or traffic offence fines incurred while on council business.

B SUBSISTENCE ALLOWANCES

- 3 The rates for subsistence allowance are as follows, provided that a member is away from his or her usual home for **more than four hours:**

Absences not involving overnight stays			
absence before 11 a.m.	absence between 12 noon and 2 p.m.	absence between 3 p.m. and 6 p.m.	absence after 7 p.m.
£5.59	£7.72	£3.03	£9.53
Absences involving overnight stay (outside London)			
£90.84			
Absences involving overnight stay in London (or attending either the Annual Conference of the Local Government Association or the Association of British Market Authorities)			
£103.61			

- 4 Members travelling abroad are entitled to reasonable rates of subsistence to be determined by the Head of Finance.
- 5 Where any meal is provided free of charge to a member, the value of the meal must be deducted from any allowance claimed.
- 6 If sleeping car accommodation is charged to travel allowances, the amount of any overnight allowance payable is reduced by one third.
- 7 Where a conference or course fee is paid by the Council and includes provision of accommodation and meals, the value of the accommodation and meals will be deducted from the rate of allowance.

SCHEDULE 3
SPECIFIED AND APPROVED DUTIES FOR PAYMENT OF DEPENDANT
CARERS' TRAVELLING AND SUBSISTENCE ALLOWANCES^{vi}

1 the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

2 the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that -

where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

3. the attendance at a meeting of any association of authorities of which the authority is a member. This includes councillors appointed by their political groups to committees of the Local Government Association^{vii}.

4. the attendance at a meeting of the Cabinet (executive) or a meeting of any of its committees

5. the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

6. the performance of any duty 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;

7. the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.^{viii}

Such duties approved to date under this scheme are:

- ◆ Attending any Lead Member meeting as Lead Member or as consultee member or support member
- ◆ Attending any informal meeting with officers in connection with a Committee, Cabinet or Lead Member meeting
- ◆ Appearing as a witness or adviser to a Scrutiny Panel meeting
- ◆ Attending a training event arranged by the authority.

Other Help for Members not Part of the Statutory Scheme of Allowances

For information, the following help for elected members is also available:

Telecommunications

The following expenses are payable by the Council:

- ◆ The cost of installing a private telephone in a councillor's home
- ◆ Telephone re-connection charge where a member moves home and the original connection charge was not paid by the council
- ◆ A telecommunications allowance of up to £25 per month towards telephone rental and call charges and the cost of broadband (paid by monthly instalments).

Personal Computers

Councillors are provided with a PC or tablet at the council's expense.

Members' Surgeries

The Council will pay councillors' expenses of advertising and holding one Ward "surgery" per month.

Conferences etc.

The cost of some conferences, meetings and training including meals and accommodation etc. is often payable direct by the council, so there is no need for a member to claim an allowance.

Mayoral Allowance

Allowances are payable to the Mayor of the Council under sections 3(5) and 5(4) of the Local Government Act 1972.

An allowance of £5696, payable in 2 instalments (May and November), is provided for The Mayor as reimbursement for expenses which may be incurred in undertaking mayoral duties.

ⁱ These responsibilities are (a) acting as leader or deputy leader of a political group within the authority; and (f) acting as the spokesman of a political group on a committee or sub-committee of the authority;

ⁱⁱ Reg. 14 requires a time to be put in the scheme but does not specify what the period should be - two months is the period in the current scheme guide.

ⁱⁱⁱ Reg. 10(5)

^{iv} Reg. 4(2)(b)

^v Reg. 3(1): Any reference in this Part and Parts 2 and 3 of these Regulations to an **authority** shall, unless otherwise specified be construed as a reference to a body of one of the following descriptions - (a) a district council; (b) a county council; (c) a London borough council; (d) the Council of the Isles of Scilly; (e) a fire authority constituted by a combination scheme under the Fire Services Act 1947; (f) a joint authority established by Part IV of the Local Government Act 1985; (g) the London Fire and Emergency Planning Authority; (h) the Broads Authority; (i) a National Park authority; and (j) a conservation board of an area of outstanding natural beauty;

^{vi} Reg. 8(1)

^{vii} Clarification approved by Cabinet 5th Feb. 2004