

## **PART 6**

### **MEMBERS' ALLOWANCES**

#### **SCHEME**

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The Swale Borough Council, in exercise of the powers conferred by Section 18 of the Local Government and Housing Act 1989 as amended by Section 99 of the Local Government Act 2000 and various Regulations in particular The Local Authorities (Members' Allowances) (England) Regulations 2001 (SI 2001/1280) hereby makes the following scheme:

1. This scheme may be cited as the Swale Borough Council Members' Allowances Scheme, and shall have effect from the start of the new Municipal Year (Annual Council meeting). It will be subject to change following the annual deliberations of the Independent Members' Allowances Panel, which usually meet in October/November preceding the year under consideration.

2. In this scheme,

"Councillor" means a member of the Swale Borough Council who is a Councillor;

"Total estimated allowances" means the aggregate of the amounts estimated by the Head of Finance at the time when a payment of basic allowance or special responsibility allowance is

made, to be payable under this scheme in relation to the relevant year, and for this purpose any election under paragraph 7 shall be disregarded;

"Year" means the 12 months commencing with the Annual Council meeting. The first monthly payment will be made in June after the Annual Council meeting and will cease the following May.

#### **Basic Allowance**

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3. Subject to paragraph 8, for 2008/09 a basic allowance of £3,343 shall be paid to each Councillor by monthly instalments.

#### **Special Responsibility Allowances**

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4. (1) For each year a special responsibility allowance shall be paid by monthly instalments to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.

(2) Subject to paragraph 8, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule, and any notes applicable.

## Conference Allowances

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5. (1) A Councillor will be entitled to claim an allowance under section 175 of the Local Government Act 1972 in respect of a conference/seminar subject to the recommendation, be it retrospective or otherwise, of the Executive to the Council.

(2) The amount payable will be that sum prescribed by statutory instruments issued from time to time by the Secretary of State or in the absence of any direction by the equivalent % applicable to the annual Council staff pay award. The current sum effective from 1/4/2008 is £38.06 per day. (Minute No. 1260/5/00)

## Travel & Subsistence Allowances

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6. (1) Councillors will be entitled to claim reasonable travel and subsistence costs, on submission of receipts, in respect of approved duties specified in Schedule 2 to this scheme and approved attendance at conferences/seminars. Reimbursement will be based on the receipts submitted.

(2) Mileage rates for Councillors will be set at the same rate as the casual users staff mileage rate,

which are reviewed annually via the National Joint Council recommended rates.

The current rates effective from 1/4/2008 are: -

Not exceeding 999 cc	-	42.9 p
1000 cc - 1199cc	-	46.9 p
Above 1200cc	-	58.7 p

(3) The cycle allowance will be the same as the rate for cars not exceeding 999cc as above in (2).

(Minute No. 1260/5/00)

## I.T. Allowance

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7. (1) In addition to the Basic and Special Responsibility Allowances, Councillors are eligible for an I.T. Allowance to cover the additional costs incurred by the use of I.T. such as line rental/connection costs, paper and ink.

(2) The payment, to be paid in one lump sum at the beginning of each Municipal Year/in monthly instalments, as from 1/6/2007 is £100.00 per year.

## Renunciation

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8. A Councillor may by notice in writing given to the Head of Finance elect to forego any part of their entitlement to an allowance under this scheme.

## Part-year Entitlements

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9. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

(2) If an amendment to this scheme 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 year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

(3) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a), the entitlement of any such Councillor to a basic allowance shall be to the payment of any 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 or her term of office as a Councillor subsists bears to the number of days in that period.

(5) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole of the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

(6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have through the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

(7) In the event of extenuating circumstances the Leader of the Council and Head of Finance may vary the entitlement.

## **Claims and Payments**

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10. A claim for travel allowance shall include, or be accompanied by, a statement by the Councillor claiming the allowance that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the scheme. Councillors should endeavour to claim their travel allowances on a regular monthly basis. Claims received for expenses incurred more than three months previously will not be accepted.

11. Payments shall be made:

(a) In respect of the basic allowance, in instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month;

(b) In respect of the special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month;

(c) In respect of travel allowances, these will be paid on the 25<sup>th</sup> day of each month in respect of claims received up to the 10<sup>th</sup> day of the month of payment;

(d) For each Municipal Year the first monthly payment will be made in June after the Annual Council meeting and will cease the following May.

12. Claims in respect of conference allowances and subsistence allowances should be included with the claim for travel allowances and will be paid in accordance with 10(c) above.

## **Publicity**

13. The Council has a duty to publicise annually details of the actual sums paid to each Councillor for each type of allowance.

## SCHEDULE 1

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1. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable. The amounts of those allowances are calculated as a % of the Leader's entitlement:

### Special Responsibility Allowances (SRA)

	£	%
Leader	11,700	100
Executive (5)	7,020	60
Minority Leaders (3)	5,850	50
Scrutiny Chairmen (2)	3,510	30
Planning Chairman	3,510	30
Planning Committee Spokespeople (3)	1,170	10
Audit Chairman	1,170	10

### Note: -

Only one Special Responsibility Allowance can be paid to a Councillor in addition to the Basic Allowance.

## SCHEDULE 2

*(Executive Minute No. 722/2/06 and Council Minute No. 765(iii)/3/06 refer)*

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1. Councillors are entitled to claim for the attendance at meetings properly called to transact any functions or duties of the Council of which the

Councillor is a member or to which he/she is required to attend in order to assist the Committee/Panel/Working Group/Forum in its deliberations. (This would include for example, if invited to a Scrutiny Panel as a witness.)

(Minute Nos. 860/1/93)

2. Allowances will also be paid for site visits arranged by the Executive, a Committee, Panel, Forum or Working Group of the Council.

(Minute No. 880(3)/1/99)

3. Also as an approved duty for the purpose of payment of travel and subsistence allowances, is the attendance of meetings on the Approved Duties List. (Minute No. 709/12/94).

4. Chairmen and Spokespersons may claim for attending Chairman's Briefings, or meetings with Officers in connection with a matter relating to their Committee, subject to them being pre-arranged.

5. Executive Members may claim for pre-arranged meetings with Officers in connection with matters relating to their portfolio and to meetings of

external organisations if attending in the capacity of Executive Member.

6. Members may claim for attendance at meetings with Management Team and Heads of Service, which have been pre-arranged.

7. Members may claim for attendance at Member Briefings or training events organised by the Council, or at Conferences, if their attendance has been approved by the Executive.

8. In the case of meetings that are not covered under this scheme, the Director of Corporate Services and the Head of Legal Services have delegated authority to determine whether or not it is an approved duty. Members are asked to seek advice before attending such events.

9. Councillors are not eligible to claim for attendance at political group meetings or for attending parish council meetings in their ward.

## **MAYORS' ALLOWANCES**

### **SCHEME**

**(Not within the remit of the Members' Allowances Panel - Council Minute No. 765(iii)/3/06 refers)**

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1. Mayoral Allowances are payable to the Mayor and the Deputy Mayor.
2. The Mayor's allowance for 2008/09 is £3,260 and the Deputy Mayor £1,305. The Allowances will be increased by the equivalent % applicable to the annual Council staff pay award and are payable following appointment at the Annual Council meeting.
3. Payment arrangements are the same as those for the Members' Allowance Scheme, but can be varied with agreement by the Head of Finance.
4. Travel allowance is payable for bona fide purposes, where the Mayoral car or Mayoral Chauffeur are not available. Normally the Mayoral car is at the disposal of the Mayor/Mayoress and therefore it is likely that the Deputy Mayor will be attending functions in their own car. Similarly, it would not be normal for the Mayoral car to be used for administrative visits to Swale House to transact Mayoral business with the Mayoral staff.

5. Changes to the Mayoral Allowances can only be made by the Executive and such allowances are not subject to the statutory publicity requirements of the Members' Allowance Scheme.

## **PARISH COUNCILLOR ALLOWANCES**

**(Paragraph 27 of The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI2003/1021) refers.)**

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1. That recommendations for Parish Council Allowances for the Borough of Swale be set as follows:

a) Chairman's Allowance (Chairman of Parish Council) - a maximum of 10% of Swale Borough Council's Basic Allowance.

b) Basic Allowance (All other Parish Councillors) - a maximum of 5% of Swale Borough Council's Basic Allowance.

(Executive Minute No. 722/2/06 and Council Minute No. 765(iii)/3/06 refer).

## **CO-OPTEE'S ALLOWANCE**

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1. The Co-optees' Allowance for Swale Borough Council, to cover the cost of travel and subsistence, is set at £10.00 per meeting.

(Executive Minute No. 722/2/06 and Council Minute No. 765(iii)/3/06 refer).

## **APPROVED DUTIES LIST INCORPORATING BOROUGH COUNCIL NOMINEES ON OUTSIDE BODIES AND GOVERNING BODIES**

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The above list is contained under Part 3 of this Constitution.