

## **PART 6 – MEMBERS’ ALLOWANCES**

### **Introduction**

By law each Council must have a scheme for the payment of allowances to Councillors. The Scheme must include a “Basic Allowance” payable to each Councillor. The Scheme may also include provision for the payment of additional allowances (“Special Responsibility Allowances”) to Councillors having special responsibilities. A Scheme can only be adopted or amended following the consideration of recommendations from an Independent Remuneration Panel consisting of at least three persons, none of whom is a Member of the Council.

### **The Bracknell Forest Scheme of Members Allowances**

The Bracknell Forest Borough Council, in exercise of the powers conferred upon it by the Local Authorities (Members Allowances) (England) Regulations 2003, and having regard to the recommendations of an Independent Remuneration Panel, hereby makes the following Scheme:

1 This Scheme may be cited as the Bracknell Forest Borough Council Members' Allowances Scheme and shall have effect for the municipal year commencing on 21 May 2003 and subsequent years.

2 **In this scheme:**

"Councillor" means a Member of the Bracknell Forest Borough Council who is a Councillor.

"Year" means the 12 months ending on 31 March.

“Co-opted Member” means a non-Councillor appointed by the Council to serve as a member of a Council Committee or Overview and Scrutiny Committee or Sub Committee.

“Statutory Co-opted Member” means a Co-opted Member appointed by the Council in pursuance of a legislative or regulatory requirement.

3. **Basic Allowance**

Subject to paragraphs 8, 9 and 17, for each year the Basic Allowance shall be paid to each Councillor.

This allowance covers all incidental expenses not otherwise expressly specified in this scheme.

4. **Special Responsibility Allowance**

(1) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in the schedule to this scheme.

- (2) Subject to paragraph 8, 9 and 17, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
- (3) Any Councillor who, by virtue of holding more than one office, would otherwise become eligible to receive more than one Special Responsibility Allowance, shall be entitled to receive the highest Special Responsibility Allowance only.

**5. Leader of the Opposition Group(s)**

The SRA for a single Leader of the Opposition would be as specified in the schedule to this scheme. When there are two minority groups, each Leader's SRA would be proportionate to the SRA of a single Leader of the Opposition. An Opposition Leader's SRA would be payable to no more than two minority groups.

**6. Deputy Leader of the Opposition**

The SRA for the Deputy Leader of the Opposition would only be payable when a group reached seven in number.

**7. Co-optees' Allowance**

For each year the Co-optees' Allowances, as are specified Schedule 1 of this Scheme, shall be paid to Statutory Co-optees appointed by the Council to serve on Committees of the Council and its Overview and Scrutiny Committees and Sub Committees.

**8. Civic Dignitaries' Allowances**

The Council is empowered under s3(5) and s 5(4) of the Local Government Act 1972 to pay to the Mayor and Deputy Mayor an allowance which it thinks reasonable for the purposes of meeting the expenses of those offices. This is often known as a 'civic dignitaries' allowance'. It was agreed at Council on 3 December 2003 that the civic dignitaries allowances paid to the Mayor and Deputy Mayor be set at £10,967 and £3,655 respectively, with effect from 21 May 2003 and that these allowances would be indexed from the annual meeting each year, on the same basis as Members' Basic and Special Responsibility Allowances (see section 18).

The Mayor and Deputy Mayor will receive the Civic Dignitaries Allowance in addition to any Special Responsibility Allowance they are eligible for. These allowances do not fall within the remit of the Independent Remuneration Panel and the level at which they are set is a matter for the Council to determine. The current allowances are as specified in Schedule 1 of this Scheme.

Therefore both the Mayor and Deputy Mayor receive an allowance which is meant to cover all incidental expenses incurred during the Mayoral year excluding mileage to formal engagement duties both within and outside the borough but otherwise on the same terms as the Members' Allowances Scheme (see section 12).

**9. Dependants' Carers' Allowance**

**9.1 Eligibility**

Any Bracknell Forest Borough Councillor with a dependant, who has incurred expenses for the care of that dependant while carrying out any of the approved duties set out in Schedule 2 to this Scheme, is eligible to claim Dependants' Carers' Allowance.

Co-opted Members, statutory or otherwise, are not eligible as they have no express right to claim Dependants' Carers' Allowance under current legislation.

## 9.2 **Conditions and amount payable**

Two types of care are recognised within the Scheme: a childcare element and care for dependants on social or medical grounds, for example elderly parents or disabled siblings dependant upon a Member and who are normally resident within the Member's household (see (1) and (2) below).

This allowance does not apply where the babysitter or carer is a member of the Councillor's own household.

The total Dependants' Carers' Allowance claimable is capped at £50 per approved duty and at a maximum of 40 hours within any one week, including travel time up to a maximum of one hour per approved duty. The maximums payable may only be exceeded in exceptional circumstances with the prior agreement of the Head of Democratic and Registration Services, for instance when attending conferences.

Receipts, completed by the carer/babysitter and claimant, must be provided to support any claim and are available from the Senior Democratic Services Officer (Members and Information). The carer or babysitter must be 18 or over.

### (1) *Childcare*

Allowances are only claimable in respect of children aged 15 or under. The hourly rate payable will be no more than the minimum wage applicable to the age of the carer, or the actual reimbursement of expenses if less. No allowance is claimable for periods whilst children are at school.

### (2) *Medical/Social Care*

Any Member wishing to claim under this part of the Scheme will be required to register and complete the appropriate form, available from the Senior Democratic Services Officer (Members and Information). Claims will only be paid in respect of registered dependants.

The hourly rate payable will be no more than the average hourly rate paid to a home help in Bracknell Forest Borough Council's Social Services Department, or actual reimbursement of expenses if less.

## 10. **Renunciation**

A Councillor or Statutory Co-optee may by notice in writing given to the Head of Democratic and Registration Services elect to forego any part of his or her entitlement to an allowance under this Scheme.

## 11. Part-Year Entitlements

- (1) 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 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 Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:
  - (a) beginning with the year 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 in which the next amendment takes effect, or (if none) within 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 days in the period bear 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 terms 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 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 this 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 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 throughout 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.

## 12. **Payments**

- (1) Subject to sub-paragraph (2), payments in respect of Basic and Special Responsibility Allowance shall be made, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month.
- (2) 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 7, 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.
- (3) In an election year payments in respect of Basic Allowances and Special Responsibility Allowances will be made from 1 May of that year and will be adjusted at the end of the Councillor's term of office, or when there is a change to the level of their Special Responsibility Allowance, so that no Councillor will receive more than the amount to which they are entitled over their term of office. In respect of Special Responsibility Allowances, this means that in the final year of a full term of office the payment to each Member in receipt of a Special Responsibility Allowance will be made until the end of April that year to take this into account.
- (4) Payslips detailing payments will be sent out each month.

## 13. **Councillors' Pensions**

All Councillors below 70 years of age shall be eligible to join the Local Government Pension Scheme, applied to both their Basic Allowance and Special Responsibility Allowances. The Scheme is a contributory scheme. Any application to join the Scheme and benefits conferred under the Scheme shall be subject to the terms and conditions determined from time to time for Councillor Members of the Berkshire Local Government Pension Scheme. The policy set out in schedule 3 to this Scheme shall apply to Councillor Pensions.

## 14. **Travel Allowances**

A list of the approved duties for which travel and subsistence allowances can be claimed is attached as Schedule 2 to this scheme.

Councillors using a private vehicle for Council business, including travelling to and from home for meetings or other duties, must ensure that their vehicle insurance provides cover for such journeys. The Council will not be liable for any claims made against a Councillor in respect of motoring incidents or parking offences.

*Travel Allowance – approved duties within the Borough*

- (1) Reimbursement for travel to approved duties within the borough is restricted to travel by bicycle at the HMRC rates.

*Travel Allowance – approved duties outside the Borough*

- (2) Mileage allowances payable to Councillors or Co-opted Members are the same as those payable to officer casual users, with the maximum rate for car journeys outside the borough subject to a maximum of 45p per mile to avoid the need to submit tax returns. The rates are set out at a level to cover fuel consumption, vehicle wear and tear, and to contribute towards maintenance and insurance costs. If a Councillor or Co-opted Member is claiming such allowances, s/he will be asked to provide details of their vehicle to the Head of Democratic and Registration Services and may be required to produce evidence to confirm insurance cover.

*Passenger supplement – approved duties outside the Borough*

- (3) Councillors or Co-opted Members shall be eligible to claim a Passenger Supplement Rate at HMRC rates limited to a maximum of 4 passengers, who must be fellow Councillors and/or Officers in Bracknell or from a neighbouring authority.

*Alternative transport arrangements – approved duties outside the Borough*

- (4) Councillors travelling out of the Borough on approved duties shall normally travel by the most cost-effective methods that meet the needs of their travel requirements. In particular, Councillors who have to travel by train to out of Borough meetings shall normally travel standard class unless exceptional circumstances require otherwise. Travel by first class rail shall require the prior approval of the Director of Corporate Services and/or the Borough Treasurer.
- (5) If other types of journeys need to be taken by Councillors on out of Borough business and the rates recommended above are not practical then alternative modes of travel must receive prior approval from the relevant Director and receipts shall be provided for the reimbursement of any claims.

**15. Subsistence Allowances and Accommodation**

- (1) Councillors and Co-opted Members shall not be entitled to claim subsistence allowances in respect of approved duties within the Borough.
- (2) Where Councillors or Co-opted Members attend approved duties outside the Borough:
  - wherever possible the Councillor shall organise meals and accommodation through the Council, in advance.
  - where this is not practicable, Councillors shall be reimbursed subsistence and accommodation costs at the same rates that are payable for officers.

- for meals that cannot be pre-booked and paid by the Council and are in excess of current rates payable to officers, Councillors' reasonable costs shall be reimbursed on production of receipts up to a limit of £25 per day.

## 16. **Attending conferences/seminars**

Members attending conferences or seminars, either on the Council's approved list or where prior approval has been obtained to attend the event under the procedure for attendance at non-approved conferences, may claim travelling and subsistence allowance in accordance with paragraphs 12 (Travel Allowances) and 13 (Subsistence Allowances and Accommodation).

All conference bookings and arrangements for overnight accommodation and travel will be made by Democratic and Registration Services staff.

The list of approved conferences is attached as Schedule 4 together with the current guidelines for attendance at conferences not on the approved list. If a Member wishes to attend a conference not on the approved list, s/he should contact the Head of Democratic and Registration Services.

Unless otherwise stated the Council will usually send the relevant Executive Member(s) as its representative(s) at approved conferences. However the Leader of the Council may appoint alternative Members if necessary. In order to minimise financial loss to the Council, Group Leaders are required to make substitution arrangements if a nominated Member is unable to attend.

Members should observe the requirement within the Council's Code of Conduct to register in writing, within 28 days, any gift or hospitality received at conferences exceeding £25 in value.

Members will be invited to provide feedback evaluating the effectiveness and value of any conference they attend.

Members attending non-approved conferences and seminars without prior approval will not have their claims for reimbursement of expenses accepted.

## 17. **Provision of Information and Computer Technology (ICT)**

### (1) *Personal Computers (PCs)*

All Members are entitled to receive such computer hardware and software that enables them to perform their duties more effectively, at a level agreed by the Council. The Council will provide helpdesk support during office hours to all Members who have the Council's equipment installed. Members will be required to sign an agreement regarding usage of the equipment.

An allowance may be payable towards broadband costs for those Members who prefer, or are required, to use their own equipment. This allowance will only be paid on the receipt of relevant supporting documentation, at the same rates that are payable for officers, which is currently £9 per month, or actual reimbursement if less.

(2) *Mobile Phones and Personal Digital Assistant (PDA) devices*

Members of the Executive may receive a mobile phone or a PDA device. Other Members wishing to request a mobile phone or PDA should complete the necessary request form, available from the Head of Democratic and Registration Services, requiring the Member making the application to make a business case for the request. A list of Members who are provided with these devices will be maintained by the Head of Democratic and Registration Services.

Members will be required to sign an agreement regarding usage of the equipment and use of these devices will be monitored on a regular basis.

Members will be sent statements periodically in order for them to review their bills and pay for all personal calls. Payment to be received within two months of receipt of the bill.

In exceptional circumstances claims for personal mobile usage for Council work will be accepted, with the approval of the Director of Corporate Services. Claims must be submitted on a Members' Allowances claim form supported by the relevant mobile phone bill. Claims must be made within two months of receipt of the bill.

**18. Education Appeals Panels**

Education Appeals Panel Members can be paid for actual loss of earnings up to the following limits:

- £30.14 for a period not exceeding 4 hours
- £59.10 for a period between 4 and 24 hours

Education Appeal Panel Members may also be compensated for costs for caring for dependants while undertaking appeals and associated training, considered against the same criteria for Members as set out in the Members' Allowance scheme.

**19. How to claim**

The principle in claiming for reimbursement of expenses incurred is that all claims are readily corroborated against the Council's approved duties and therefore should include all relevant information to ensure claims can be substantiated, including dates of approved duties, place, purpose etc.

Only claims completed on the Members' Allowances claim forms will be accepted. The Basic and Special Responsibility Allowances will be paid in twelve monthly instalments for which claims are not required.

Claims should be submitted to the Senior Democratic Services Officer (Members and Information) by the first day of the month (or last working day prior, should the 1<sup>st</sup> fall on a weekend or Bank Holiday).



All claims by Members for reimbursement of expenses have to be submitted within two calendar months from the date when the approved duty occurred.

Claims should clearly indicate the duty concerned, including the name of the committee or body attended and in the case of meetings with Officers, the names of the Officers concerned and the place of the meeting. This will avoid any uncertainty about the eligibility of the duty and any consequent delay that might entail in processing claims.

Members are advised to refer to the guidance issued by the Head of Democratic and Registration Services in the completion of their claim form.

## 20. **Suspension**

If a Councillor is suspended from acting as a Councillor or as a member of a Committee of the Council after being found in breach of the Code of Conduct then the Standards Committee shall be empowered to suspend in whole or part the allowances payable to that Councillor. This provision shall also apply to travel and subsistence allowances.

## 21. **Annual Adjustments**

The following arrangements shall apply to the review and upgrading of allowances provided within this Scheme until the panel undertakes its next review in 2014, or until the Council requires a further review of the Scheme of Allowances, if earlier.

### (1) *Basic Allowance, Special Responsibility Allowance and Co-optees' Allowance*

No indexation will be applied to the Basic Allowance, Special Responsibility Allowances and Co-optees' Allowance.

### (2) *Dependants' Carers Allowance £50 limit per approved duty*

This allowance will be increased by the annual local government pay increase as agreed each April (linked to spinal column point 49 of the National Joint Councils scheme), to be implemented in that year from the date of the next following Annual Council Meeting.

### (3) *Travel and Subsistence*

- Out of Borough subsistence: indexed to officer rates, unless related to actual cost reimbursement.
- Out of Borough travel: indexed to officer casual users, subject to a maximum of 45p per mile.

### (4) *Broadband allowance*

This allowance will track the same rate paid to officers..