

## **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have effect from 1 April 2018 and subsequent years until it is reviewed by the Independent Remuneration Panel and is superseded by a revised Scheme.

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. **Membership of Another Authority**

As required by regulations, where a Councillor is also a member of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.

4. **Basic Allowance**

Subject to paragraphs 9 (Civic Dignitaries’ Allowance) and 10 (Dependants’ Carers’ Allowance), for each year the Basic Allowance shall be paid to each Councillor.

This allowance covers broadband provision, in-Borough travel, in-Borough parking, occasional use of taxis and all incidental expenses not otherwise expressly specified in this Scheme.

## **5. Special Responsibility Allowance (SRA)**

- (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 9 (Civic Dignitaries Allowance) and 10 (Dependants' Carers' Allowance), 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.

## **6. Minority Group Leader(s)**

The SRA for a single Minority Group Leader 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 Minority Group Leader. An Minority Group Leader's SRA would be payable to no more than two minority groups.

## **7. Minority Group Deputy Leader(s)**

The SRA for a single Deputy Leader of a minority group would be as specified in the Schedule to this Scheme. When there are two minority groups, each Deputy Leader's SRA would be proportionate to the SRA of a single Deputy Leader of a minority group.

A Deputy Leader's SRA would only be payable when a group reached seven in number and would be payable to no more than two minority groups.

## **8. Co-optees' Allowance**

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

## **9. 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 £12,703 and £4,234 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 paragraph 23 (Annual Adjustments).

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, as set out in paragraph 13 (Payments).

## **10. Dependants' Carers' Allowance**

### **10.1 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.

### **10.2 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 £53 per approved duty and at a maximum of 40 hours within any one week regardless of the number of dependants a Councillor may have. The DCA is a contribution to the care of dependants it is not designed to reimburse the cost of all dependants' care for all approved duties. 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 Members Services. The carer or babysitter must be 16 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 subject to the cap set out above. 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 Member Services. 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.

**11. Renunciation**

A Councillor or 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.

**12. 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.

### **13. 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 12 (Part-Year Entitlements), 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.

### **14. Councillors' Pensions**

From 1 April 2014 newly elected Councillors will not have access to the Local Government Pensions Scheme. Access to the Scheme for existing Councillors was terminated when their term of office ended which was May 2015. Therefore the policy previously set out as Schedule 3 to this Scheme no longer applies.

## 15. 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.

### (1) *Travel Allowance – approved duties within the Borough*

Councillors must meet the cost of any travel within Borough from their own basic allowance. **There are no exceptions to this rule.**

### (2) *Travel Allowance – approved duties outside the Borough*

Councillors and/or Co-Opted Members are eligible to claim for travel to an approved duty when this is conducted at a venue outside of the Borough. Travel should be undertaken as one continuous journey and start either from the Councillor's home or from, not via, another approved duty in the Borough. All elements of the journey would be eligible for reimbursement including parking and travel within the Borough.

### (3) *Use of car*

If a Councillor or Co-opted Member uses his or her own car to travel to an approved duty outside of the Borough and the mileage rate exceeds the cost of an ordinary class rail fare, the cost of the rail fare only will be reimbursed, unless good reason could be given for necessitating car travel. For instance, if it is significantly quicker to use a car, thus not necessitating the cost of an over night stay or for medical reasons, as set out in paragraph 18 (Exceptions).

If a Councillor or Co-opted Member uses a hire car (other than a taxi) the rate of travel shall not exceed the rate which would have been applicable had the vehicle belonged to the Councillor or Co-opted Member who hired it (see above).

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.

(4) *Passenger supplement – approved duties outside the Borough*

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.

(5) *Air travel*

The cost of air travel will only be reimbursed:

- If, in the UK the saving in time is so significant as to justify payment of the fare for travel by air
- If, the amount paid is based on the ordinary (economy) fare or any available cheap fare for travel by regular air service
- If, reimbursement does not exceed the rate applicable to travel by an appropriate alternative means of transport, together with an allowance equivalent to the amount of any saving in subsistence allowance resulting from travel by air

Approval to travel by air must be given by the Director of Resources in advance.

(6) *Travel by Train*

Standard Class rail travel should always be used. **There are no exceptions to this rule other than on health grounds as set out in paragraph 18 (Exceptions).**

(7) *Travel by Taxi*

If a Councillor chooses to travel by taxi only the equivalent of the fare for appropriate public transport or the relevant mileage / parking is claimable **unless:**

- no public transport is reasonably available
- luggage or equipment has to be carried
- the claimant has a medical condition or disability which precludes the Councillor from driving or using public transport, as set out in paragraph 18 (Exceptions)
- the claimant can demonstrate that this is cheaper than driving or using public transport

In these cases a claim may be submitted for the actual fare and any reasonable gratuity paid. This means, for example, a Councillor using a taxi on non-urgent business during the day when there is a bus service available or the Councillor

could have driven will only be reimbursed the cost of the bus fare or the mileage/parking.

## 16. 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. **There are no exceptions to this rule.**
- (2) Where Councillors or Co-opted Members attend approved duties outside of the Borough, Councillors shall be reimbursed subsistence at the same rates that are payable for Officers. **There are no exceptions to this rule.**
- (3) Councillors and Co-opted Members are not entitled to claim accommodation in respect of approved duties that take place within less than 50 miles from the Borough (Easthampstead House) unless it would mean that the Councillor would arrive back home after 12.00 midnight.
- (4) Where an approved duty takes place over 50 miles away (Easthampstead House) it only qualifies for overnight accommodation
  - where a Member would otherwise be required to leave home before 7am to attend the approved duty in time **or**
  - is unable to return home before 12.00 midnight
- (5) Where Councillors or Co-opted Members attend approved duties over 50 miles from the Borough (Easthampstead House):
  - wherever possible Member Services will organise meals and accommodation on behalf of the Councillor, in advance
  - where this is not practicable, Councillors shall be reimbursed accommodation costs at the following levels:
    - £ 158 overnight stay in London (subject to the criteria set out in (3) above)
    - £100 overnight stay outside London
  - 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 £26 per day.

Discretion to exceed these limits shall only be exercised in relation to conferences/seminars/training events as set out in paragraph 17 (Attending Conferences/Seminars).

## 17. 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 allowance in



accordance with paragraph 15 (Travel Allowances) and unless subsistence and accommodation is an integral part of a training or conference package then reimbursement limits will be as per paragraph 16 (Subsistence Allowances and Accommodation).

The accommodation limits referred to in paragraph 16(5) may be exceeded in exceptional circumstances at the discretion of the Head of Democratic and Registration Services, e.g., to enable a Councillor and an Officer attending a conference to stay at the same accommodation, subject to there being sufficient budget provision.

All conference bookings and arrangements for overnight accommodation and travel will be made by Member Services.

The list of approved conferences is attached as Schedule 3 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 or declare the combined value of gifts or hospitality (of any value) once it exceeds £25 when received in one year from the same source.

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.

## **18. Exceptions**

Exceptions to the out-of-Borough travel and accommodation rules can only be made on health grounds and must be supported by submission of the following evidence:

- a letter from the Councillor's doctor to say they have a disability **or**
- evidence to show that the Councillor is in receipt of one of the following benefits or support
  - Disability Living Allowance (DLA)
  - Access to Work Grant
  - Disabled Students Allowance
  - Support from Social Services
  - Direct Payments from a Council
  - Blue Badge

The Director of Resources will consider how medical needs affect specific aspects of the Scheme rather than the removal of all travel, subsistence and accommodation rules for that individual including whether reasonable alternatives are available. Where an exception has been granted it will be reconsidered on an annual basis by the Director of Resources.

## **19. 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.

### *(2) Mobile Phones and Smartphone Devices*

Councillors receive a Basic Allowance to cover costs associated with being a Councillor which includes telephone expenses. However, there are roles that some Councillors undertake such as that of an Executive Member or Chairman of a Committee, that require them to be contactable either via telephone or email to a significantly greater degree than other Councillors. The list of roles that Councillors undertake that will entitle them to a Council device are set out in the Council's Telephony Usage Standards.

Members are 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.

## **20. Education Appeals Panels**

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

- £31 for a period not exceeding 4 hours
- £60 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.

## **21. 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 and supported by valid receipts or proof of expenditure will be accepted (excluding mileage). No reimbursement will be made when valid receipts or proof of expenditure are not submitted as the expense will be categorised as an incidental expense to be covered by the Councillor's basic allowance. **There are no exceptions to this rule.**

The Basic and Special Responsibility Allowances will be paid in twelve monthly instalments for which claims are not required.

Claims should be submitted to Member Services by the last working day of the month and within three calendar months from the date when the approved duty occurred. Claims outside of the three month deadline will be referred to the Head of Democratic and Registration Services. However at the end of the financial year claims will need to be submitted in good time to be processed before the end of the financial year and close of accounts. Claims made at this time of year must be submitted by the date in April specified each year.

No claims relating to a financial year for which the accounts have been closed will be considered except in exceptional circumstances. The Director of Resources will be the arbiter of whether an exception to this deadline can be accepted.

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.

When expenses claims relate to an approved duty as the Council's representative on an outside body, and the outside body has established its own expenses scheme, the claim should be submitted to the outside body in the first instance.

## **22. Annual Adjustments**

Members' allowances are indexed as follows:

(1) *Basic Allowance, SRAs*

No indexation will be applied until the Panel undertakes a further review

(2) *Co-Optees' Allowances*

Indexed to the annual local government pay increase as agreed each April (linked to spinal column 49 of the National Joint Council for Local Government Services) on 1 April. Commencing 2018 and rounded to the nearest pound.

(3) *Travel Allowance – Out of Borough Mileage Rates*

Indexed to HMRC AMAP mileage rates.

(4) *Subsistence Allowance – Out of Borough*

Indexed to the annual local government pay increase as agreed each April (linked to spinal column 49 of the National Joint Council for Local Government Services) on 1 April. Commencing 1 April 2018 and rounded to the nearest pound.

(5) *Overnight Accommodation*

Both London and outside of London maximum rates indexed to the annual local government pay increase as agreed each April (linked to spinal column 49 of the National Joint Council for Local Government Services) and rounded to the nearest pound. Commencing 1 April 2018.

(6) *Dependants' Carers' Allowance – Maximum Rates £53 per approved duty:*

Indexed to the annual local government pay increase as agreed each April (linked to spinal column 49 of the National Joint Council for Local Government Services) and rounded to the nearest pound. Commencing 1 April 2018.