



## *Draft for Approval*

# **MEMBERS' ALLOWANCES SCHEME 2019 - 2020**

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1<sup>st</sup> April 2019 until the 31<sup>st</sup> March 2020
2. In this scheme:
 

"Councillor" means a Member of the Mid Devon District Council who is Councillor;

"year" means the twelve months ending with 31<sup>st</sup> March.

### **Basic Allowance**

3. Subject to paragraph 8, from 1<sup>st</sup> April 2019 a Basic Allowance of £5011.91 shall be paid to each Councillor. Any increases thereafter will be linked to the staff pay award until the next review.

### **Special Responsibility Allowances**

4. (i) 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. These Allowances shall be calculated based upon a weighting applied to the Basic Allowance, therefore any increase in the Basic Allowance as a result of a staff pay award shall also result in an increase to the Special Responsibility Allowances.
 

(ii) Subject to paragraph 6, the amount of each such Allowance shall be the amount specified against that Special Responsibility in that Schedule.

(iii) No Councillor is entitled to claim more than one Special Responsibility Allowance.

### **Renunciation**

5. A Councillor may, by notice in writing given to the Head of Finance, elect to forego any part of his/her entitlement to an Allowance under this scheme.

### **Part-Year Entitlements**

6. (i) 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.

(ii) 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.

7. 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 years to the number of days in the year.

(i) Where the term of office of the 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 his term of office subsists bears to the number of days in that year.

(ii) Where this scheme is amended as mentioned in sub-paragraph (ii), and the term of office of the Councillor does not subsist throughout the period mentioned in sub-paragraph (ii)(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 term of office as a Councillor subsists bears to the number of days in that period.

(iii) 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.

(iv) Where this scheme is amended as mentioned in sub-paragraph (ii), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (ii)(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.

### **Carers' Allowance**

8. A Carers' Allowance of the actual expenditure incurred up to a maximum of the national living wage of a person over 25 years of age or the actual cost of childcare at an accredited Nursery, will be paid for care of dependants whether children, elderly people or people with disabilities to Members whilst carrying out approved duties. The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time. The Allowance will not be payable to a Member of the claimant's own household. The Carers' (reasonable) expenses will be paid and must be accompanied by a receipt.

### **Travelling and Subsistence Allowances**

9. Travelling and subsistence allowances will be paid in accordance with the scales of allowance set out in schedule to this scheme in connection with or relating to such duties as are within one or more of the following categories:

- (a) 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;
- (b) 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 it is a meeting to which members of at least two such groups have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) 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;
- (e) 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;
- (f) any conference or meeting of any body where the Council or a Committee have agreed to send a representative;
- (g) as a member of a deputation approved by the authority, a committee or sub committee;
- (h) the Chairman or Vice Chairman of the authority, Committees or Policy Development Groups at meetings with a Chief Officer where Council or Committee business is discussed;
- (i) the Chairman of the Council and Chairmen of Committees acting in such capacity at meetings of Parish Councils;
- (j) Civic Receptions and other social functions;
- (k) Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council; and
- (l) 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.
- (m) the start point for a Member claiming travel to attend a meeting be at the Mid Devon border and not outside.

### **Payments**

10. (i) Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph (ii), in instalments of one twelfth of the amount specified in this scheme on the 22<sup>nd</sup> day of each month.
- (ii) 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 8, 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.

## **Claims**

11. Claims for the payment of dependent carers' allowance and travelling and subsistence allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

## **Pensions**

12. None of the allowances contained within this scheme shall be eligible for inclusion within the Local Government Pension Scheme.

## **Tax and Benefits**

### **13. Income Tax**

- a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- b) The HMRC is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the HMRC notified the Council of the appropriate tax code for each Member.
- c) Some expenses incurred by Members in the course of their Council duties may be deductible against tax. Any Member who believes that some of his/her expenses as a Member may be tax deductible should contact his/her Tax Office.

### **14. National Insurance Contributions**

- a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Members.
- b) Some Members may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- c) Some Members, who are married women or widows who have elected to pay reduced rate NI Contributions may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- d) Members who are self-employed may also be subject to different levels of NI Contributions.
- e) Members who believe that they fall into any of the above categories should contact the Head of Finance who will seek further information to assist with the query. Members should also obtain the appropriate certificates from the Department of Work and Pensions (DWP).

### **15. Chairman's Civic Budget**

A small budget (not exceeding £2,000 and to be agreed each year during the budget setting process) be allocated to the Chairman of the Council for civic functions.

Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s

## 16. IT Allowances

Until 31<sup>st</sup> March 2020 IT allowances will be paid as follows:

A digital allowance of £150 to be paid to Members using digital devices only.

**DATED** this 31<sup>st</sup> March 2019

### SCHEDULE

With effect from 1<sup>st</sup> April 2019, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£15035.77
Deputy Leader of the Council	£7518.40
Cabinet Member	£6264.65
Chairman of Scrutiny Committee	£6264.65
Chairmen of Policy Development Groups	£3759.20
Chairman of Audit Committee	£3759.20
Chairman of the Planning Committee	£6264.65
Chairman of the Licensing/Regulatory Committee	£1252.72
Chairman of the Standards Committee	£1252.72
Chairman of the Council	£2506.48

With effect from 1<sup>st</sup> April 2019 \* (to be updated from 1<sup>st</sup> April 2019 once the new rates are known), the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

#### (a) Travelling Allowances:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 25p per mile for push bikes
- 24p per mile for motorcycles

#### (b) Subsistence Allowances

Breakfast	£7.50
Lunch	£10.35
Tea	£4.07
Dinner	£12.80

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

Note: \*HMRC rates come into effect on the 1 April each year and therefore these amounts to be increased accordingly.

**FOR INFORMATION AND CLARIFICATION - NOT PART OF THE APPROVED SCHEME**

**ELIGIBILITY TO ALLOWANCES AND EXPENSES**

**ALLOWANCES CLAIMABLE**

Description of Approved Duty	Carers' Allowance	Travel & Subsistence
1. (a) Meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees (Members of Committees or Substitutes)  (b) Non-Committee Members attending	YES  YES	YES  YES
2. Meetings of bodies to which the Authority makes appointments, or of Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees	YES	YES
3. Any meeting authorised by the Authority, Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees to which duly appointed representatives of more than one Political Group have been appointed  Non-duly appointed Members	YES  NO	YES  YES
4. A meeting of a Local Authority Association	YES	YES
5. Any conference or meeting of any body where the Council or a Committee have agreed to send a representative	YES	YES
6. (a) Any visits or inspections undertaken by Members, approved by the Authority or any Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees. (Members of Committee or Substitutes)  (b) Non-Committee Members attending by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny and regulatory Committees.  (c) Non-Committee Members attending uninvited	YES  YES  NO	YES  YES  YES
7. As a Member of a deputation approved by the Authority, the Cabinet, Policy Development Group, Audit, Scrutiny or Regulatory Committees.	YES	YES

8.	By Chairman or Vice-Chairman of the Authority, Cabinet, Policy Development Group, Audit, Scrutiny and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	By Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty for which express authority from time to time is given by the Authority or in case of emergency by the Chairman or Vice-Chairman of the Authority	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council	NO	YES

Notes:

- (1) In all cases, the duties for which claims are made must have been approved prior to the event.
- (2) Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited
- (3) Other Briefing meetings fall within (8) above.