

Part 6

Councillors' Allowances Scheme

COUNCILLORS' ALLOWANCE SCHEME

Swindon Borough Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, has made a scheme for the payment of Councillors' Allowances for 2012/13. The Council, on the recommendation of the Independent Remuneration Panel on Councillors' Allowances, agreed at its meeting on 22 September 2011 that there should be no increase in the levels of Basic, Special Responsibility and other Allowances for the 2012/13 Municipal Year. The Allowances, therefore, remain the same as for the 2011/12 Municipal Year.

Rates and Allowances

These are determined from time to time by the Council having regard to the recommendation of the Council's Independent Remuneration Panel on Councillors Allowances.

Total Annual Allocation

The total allocation for Member Services for 2012/13 is £693,000

Swindon Borough Council has currently set aside £439,480 of that total allocation for 2012/13 for the payment of Councillors' Basic Allowances (£7,710.17x 57) with £253,520? made available for Mayoral Allowances, Special Responsibility Allowances, other Allowances (e.g. Travelling and Subsistence) as specified in the Scheme.

ALLOWANCES APPLYING TO ALL COUNCIL MEMBERS

Basic Allowance

- (a) Basic Allowance is intended to recognise the time devoted by Councillors to their work, including approved duties, Council meetings and such inevitable calls on their time as meetings with Constituents, and incidental costs for which no other provision is available.
- (b) The Basic Allowance for each member will be £7,710 for 2012/13

Travelling and Subsistence Allowances

Members and Non-Elected (co-opted) Members are entitled to receive payment of travelling and subsistence allowance, where expenditure has been necessarily incurred on travelling inside or outside the U.K. or on subsistence, for the purposes of performing approved duties as set out in the Appendix to the Scheme.

Travel

The rate for the use of a private car shall not exceed 45p per mile (Inland Revenue Tax Threshold).

The rate for motorcycles shall not exceed 16.5p per mile.

The rate for pedal cycles shall not exceed 30p per mile.

The rate for travel by taxi shall not exceed:

- (a) in cases where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity (tip) paid (providing that all appropriate receipts are attached); and
- (b) in any other case, the amount of the fare for travel by appropriate public transport.

Passengers

The rate for the use of a private car above may be increased for the "carriage of each passenger (not exceeding 4) to whom a travelling allowance would otherwise be payable". A rate of not more than 3 pence a mile for the first passenger and 2 pence per mile for the second and subsequent passengers may be claimed.

Bus fares, train fares, ferry fares, tolls, and parking fees will be reimbursed at actual cost providing that all appropriate receipts are attached.

The rate of travel by a "hired vehicle" other than a taxi shall not exceed the rate that would apply had the vehicle belonged to the Councillor / Co-opted Member who hired it.

Rail and Air Travel

Standard Class rail fare or ordinary fare for other public conveyance, or the appropriate cheap or economy rate where applicable shall apply in all cases.

Standard Class rail travel should always be used unless the train's Standard Class accommodation is full, in which case it is in order to travel First Class and pay the surcharge.

Travel Concession Cards

Councillors and non-elected Members who are eligible to hold a senior citizens rail card or similar concession card for rail or bus travel can purchase them and be reimbursed by the Borough Council through the normal expenses' claim mechanism, providing that by doing so there is a reduction in the cost of allowances claimed from the Council. Cards and similar forms of Concession must be purchased in conjunction with travel associated with an "Approved Duty" and this clearly indicated on the Councillors' Allowances Claim form .

Rail Travel

The Council can arrange for Councillors travelling by rail on Approved Duties to be issued with a "rail travel warrant / tickets" in advance of their departure. For details please contact the Committee and Member Services Section (Tel: 463608).

Air Travel

The rate for travel by Air -

- shall 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;
- is dependant on approval being given "in advance" by the Director of Law and Democratic Services in consultation with the Leader of the Council / Chair of the Cabinet, and
- that in the UK the saving in time is so significant as to justify payment of the fare for travel by air;
- the amount paid is based on the ordinary (economy) fare or any available cheap fare for travel by regular air service.

Travel General

Members and Non-Elected members are entitled to make travelling claims for their home to the venue of an approved duty.

For journeys from work to an approved duty and then home, they should deduct their normal work to home mileage.

If a Member or Non-Elected member is required to leave work to attend an approved duty, and subsequently returns to work, they are entitled to claim the number of miles travelled.

Subsistence Allowances

Subsistence allowance claims must only be made where actual expenditure has been incurred. All appropriate receipts in support of subsistence claims must be provided and reimbursement will only be made up to the maximum levels set out below:-

- | | | |
|------|---|-------|
| (i) | Breakfast allowance (more than 4 hours away from normal place of residence) start before 7 a.m. | £5.85 |
| (ii) | Lunch allowance (more than 4 hours away from normal place of residence, including the lunchtime between 12 noon and 2 p.m.) | £8.05 |

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| (iii) | Tea allowance (more than 4 hours away from normal place of residence, including the period 3 p.m. to 6 p.m.) | £3.20 |
| (iv) | Evening meal allowance (more than 4 hours away from the normal place of residence ending after 7 p.m.) | £10.00 |

In the case of absence that covers more than one Subsistence period then Councillors are permitted to combine these to form one Subsistence claim.

Meals on Trains

When main meals (that is breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full. Where the cost of meals taken on trains is reimbursed, absence from the normal place of residence must be consistent with the absences listed.

This provision will also apply to any air travel where meals are taken during a period for which there is an entitlement to subsistence allowance and where a charge is made by the airline concerned,

Please note that claims must not be made where any meal is provided free of charge by an authority or outside body.

In the case of an absence overnight from your usual place of residence you are entitled to claim:

- (i) In London or at the Annual Conference of the Local Government Association / Conference of Local Education Authorities - £110.00
- (ii) Elsewhere in the U.K. - £93.50

These amounts relate to accommodation only and are not intended to include any meals for which separate allowances are available as above.

If an approved duty starts at such a time that it is not possible to be at the venue at the start of the event, then claims will be accepted for overnight stays subject to approval being gained in advance from the Director of Law and Democratic Services and the Leader of the Council.

All appropriate receipts should be submitted with each claim made.

Dependant Care Allowances

Councillors, Co-opted (Non-Elected) Members and other persons serving on the Council and / or its Committees, who are responsible for providing care to children and / or dependant relatives qualify for a Child Care / Dependant Relatives Allowance to assist with spending incurred in paying for care of the child or dependant relative whilst attending approved duties.

The allowance will cover paid care for the following that live with the claimant:

- children aged 15 years and under
- elderly relative requiring constant care
- disabled relative requiring constant care
- relative with learning disabilities requiring constant care

The paid carer cannot be a member of the immediate family or household.

The allowance will be the actual fee per hour, per child/dependant relative, but not exceeding £7.70p per hour.

Claims for Child Care / Dependant Relatives Care should be made on the appropriate Councillors' Allowances form.

Child Care / Dependant Relatives Care Allowance is assessed as income for benefits and income tax purposes and will therefore be paid through the Council's payroll.

All appropriate receipts for dependent care allowances should be submitted with each claim made, and should be signed by the carer.

* Reference to "the Council and its committees" should be understood as referring to the Council, the Cabinet and such other Committees and bodies as shall be established from time to time.

ALLOWANCES APPLYING TO CERTAIN COUNCIL MEMBERS AND CO-OPTED NON-ELECTED MEMBERS

Special Responsibility Allowances

For each year a Special Responsibility Allowance shall be paid to those Councillors who hold special responsibilities in relation to the work of the Council. Only one Special Responsibility Allowance is payable. If a Councillor is appointed to more than one position where a Special Responsibility Allowance is payable, then the larger of the allowances will be paid. The Council has agreed that the following Special Responsibility Allowances will be payable in the 2012/13 Municipal Year.

Type of Allowance	Allowance
Leader of the Council	£19,674.46
Deputy Leader of the Council	£11,698.67
Cabinet Member	£9,836.68
Chair of Audit	£4,253.15
Chair of Overview	£3,721.79
Chair of Scrutiny and Leader of the Opposition	£9,836.68
Chair of Scrutiny if not Leader of the Opposition	£4,929.81
Chair of Planning	£6,380.76
Leader of the Opposition if not Chair of Scrutiny	£4,670.24
Leader of Minority Group	£1,595.15
Chair of Licensing	£4,253.15
Licensing Committee Members	£1,062.71
Chair of Standards	£7,444.56
Co-opted Standards Members	£1,062.71

Mayoral Allowances

Mayor	£10,000
Deputy Mayor	£3,500

Co-optees (Non-Elected Members) Allowances

All co-opted members serving on Council bodies are entitled to claim travelling, subsistence and dependent care allowances for Approved Duties carried out both within and outside of the Borough boundary based on the level of Travel and Subsistence Allowance agreed for Councillors.

COUNCILLOR PENSION ARRANGEMENTS

In accordance with the provisions of the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003, from May, 2005, Swindon Councillors are on request

granted equal access to the Local Government Pension Scheme, based on their total remuneration of both Basic and Special Responsibility Allowances.

WITHDRAWAL OF ALLOWANCES

Where a Councillor has been wholly or partially suspended from his responsibilities and / or duties as a member of the Council in accordance with Part III of the Local Government Act 2000, or regulations made under that Part, or because of a breach of the Council's Code of Conduct there will be provision for the withdrawal of all allowances payable (or part, if applicable, in relation to suspension only of Special Responsibilities held).

There will be also be provision for the repayment of any allowance that has been paid in respect of a period when a Councillor was suspended or had ceased to be a member of the Council. If the suspension is rescinded then any amount of unpaid allowance will be reimbursed.

FORGOING ALLOWANCES

Individual Councillors may give notice in writing that they wish to forgo their entitlement to all or any part of their entitlement to allowances. Notice should be sent to the Director of Law and Democratic Services.

FUTURE LEVEL OF ALLOWANCES

For the 2010/11, 2011/12 and 2012/13 award, the Council determined that index linking of Councillors' Allowances was not to be re-introduced based on an amount equivalent to the percentage increase applied to local government officer salaries in the Municipal Year.

CLAIMS AND PAYMENTS

Claims

Claim forms are available from the Committee and Member Services Section. A continuation sheet is also available for when more than one claim form is required for each month.

Properly completed forms must be submitted to Committee and Member Services before the 1st of each month (or nearest possible date when the 1st falls on a weekend).

The time limit within which any claim for travelling, subsistence and dependant care allowance must be made by the person to whom they are payable is **two months**.

Certification

All claims have to be certified by Committee and Member Services officers to ensure that they relate to an Approved Duty as defined in this Scheme.

All appropriate receipts must be submitted with each claim made for those specific travel and subsistence allowances specified in the relevant sections of this Scheme.

To help the Council certify that you are attending an "Approved Duty" if you attend a meeting of an outside body or attend meetings at the request of a Council officer you should provide supporting information with your claim. Failure to do so may delay payment of your claim.

For example you may:-

- (i) attach the agenda front sheet or minutes of that meeting to your claim form if they indicate your attendance;
- (ii) attach letters or correspondence from the Council officer concerned requesting your attendance at the meeting referred to on your claim form.

It is a Councillor's responsibility to ensure the accuracy of any claim submitted.

The Council's Internal Audit Service may undertake visible sampling of claims made by Councillors to ensure that accurate claims are being made.

Payments

The payment of allowances and related matters are handled within the Payroll Section (operated by Capita the Council's strategic partner). If you have enquiries regarding your allowance payments please contact the Council's Payroll Team by telephoning 01793 464631.

Any more general queries concerning Councillors' Allowances, Approved Duties and the provisions of this Scheme of Allowances should be directed to the Committee and Member Services Manager on Tel: 463601.

The following points should assist you to understand how the allowances are paid and answer some of the general points that could arise from time to time:

- Records of Councillors allowances showing the amount and nature of the payment are open to inspection by Local Government electors resident in the area and are subject to both internal and external audit. They are required by law to be publicised in the local press each year.
- Claims will not be required for Basic Allowance and Special Responsibility Allowance as these will be paid on a monthly basis.
- New Councillors and retiring Councillors will be paid allowances pro rata to their period of office.
- Claims may be made by Co-opted Members (Non-Elected Members) on the standard form for Non-Elected Members available from the Committee and Member Services Section (or from the Payroll Section), and the Council's Intranet.

- Claims may be made for Travel, Subsistence and Dependant Care Allowances in accordance with the Approved Duties defined in the Appendix to the Scheme.
- It is important that the claim form is completed fully, including, date, start and finish times, journey details and place of duty. For claims relating to meetings of outside bodies and meetings attended at the request of Council officers, invitations to attend and / or agenda front sheets must be attached. If they are not this may lead to payments being delayed or claims being referred back to the Councillor concerned for clarification. The mode of travel should be indicated and whether travelling by car, motorcycle or pedal cycle the mileage must be entered.
- The separate financial columns on the claim form should be correctly totalled. Councillors must sign and date the claim and cross through any unused lines and columns.

Please note that claims, which have not been completed fully, which do not have adequate supporting documentation or which are more than 2 months old, will not be authorised and will be returned.

Taxation of Members' Allowances and Expenses

Basic, Special Responsibility and Dependant Care Allowances, count as earnings for BENEFITS (SOCIAL SECURITY) purposes and INCOME TAX. Councillors can be affected, therefore, both as contributors and beneficiaries of the Social Security Scheme and accordingly National Insurance contributions will be deducted unless the payments fall below the threshold limit. .

To find out more details about Benefits and Income Tax implications that may affect you please contact the following for more information –

Benefits Agency, Spring Gardens House, Princes Street, Swindon, SN1 2HY.
Telephone: 01793 489600 (Benefits)

<http://www.benefitshelpline.com/>

HM Inspector of Taxes, Bristol & North Somerset Area, Weston Super Mare Office, Parkside, Grove Road, Weston Super Mare, BS23 2AJ. Telephone: 01202 585001 (Councillor Tax Enquiries – Quote Tax Ref: 214 1836H)

Guidance is also available on the following websites (www.direct.gov.uk) and (www.hmrc.gov.uk)

A useful leaflet (SE65920) is also available from the latter website.

The Local Government Information Unit has published a booklet on the interaction of Councillors' Allowances with the tax and social security benefits system. Copies of the booklet are available from the Political Group Assistants and from Committee and Member Services. A copy has also been placed in the Members Room.

Please note that Council officers must not give advice on Tax and Social Security issues.

Deductions - Political Affiliations

The Council is able to arrange to deduct from Councillors' Basic Allowance on a monthly basis affiliation fees to certain political organisations relating to a Councillor's Work (e.g. Association of Labour Councillors). Members wishing to make use of this service should request the organisation concerned to write to the Council to provide the necessary authorisation, with details of the deduction to be made, amount, and address for payment. Queries concerning this service should be made to the Payroll Team (Tel: 464631) or the Committee and Member Services Manager (Tel: 463601).

Director of Law and Democratic Services
May 2012

APPENDIX

Approved Duties

(Reference to "the Council and its committees" should in all cases be understood as referring to the Council, the Cabinet and such other Committees, Commissions, Boards, Panels, Working Parties, Groups and Sub-Groups as shall be established from time to time.)

Allowances are payable for the following Approved Duties:-

- (1) **Meetings of the Council and its committees** (Including Locality Meetings and cases where a Member is invited by the Chair of the meeting or officially notified to attend a meeting of a committee of which he/she is not a Member.)
- (2) **Formal briefing meetings** provided Members of at least two political groups have been invited to attend.
- (3) **Ad hoc briefings, training sessions, presentations, seminars and on-site inspections (site visits) or other visits** authorised in advance to which members of at least two political groups have been invited to attend.
(In accordance with the Council's Scheme of Delegations the appropriate Officer in consultation with the relevant Cabinet Lead Member or Chair of the Cabinet and the Director of Law and Democratic Services may authorise / approve the duty.)
- (4) **Attendance as a representative of the Local Education Authority at a shortlisting meeting or at an interviewing panel** for a senior post in an education establishment, provided Members of at least two political groups have been invited to attend.
- (5) **Attendance at the following "Annual Tours" by Members of the Council:-** Borough Farms, Housing Areas and Planning and Transport Sites.
- (6) **Attendance of meetings of the Schools Governors, Education and Community Forums**, providing that Members from at least two political groups have been invited to attend.
- (7) **Attendance at outside conferences, courses and seminars** - The attendance of Members at conferences, external courses and seminars shall normally be limited to one Member of a political group per event. Exception to this may be granted with the approval of the Chief Executive after consultation with the Director of Law and Democratic Services, the Lead Cabinet Member, and / or the Leader of the Council / Chair of the Cabinet.

The only automatic exceptions shall be the Local Government Association (LGA) Annual Conference, which may be attended by the Council's representatives on the Association, including Members appointed to serve on LGA committees, and those other Conferences listed in the Schedule to the Scheme.

Attendance at conferences, courses, seminars etc. must be authorised in advance by the appropriate committee or when it is not practicable to obtain committee authorisation, in advance, by the appropriate Officer in consultation with the Director of Law and Democratic Services, the Lead Cabinet Member, and / or the Leader of the Council / Chair of the Cabinet.

- (8) **Attendance at joint meetings with other local authorities and other statutory bodies** (e.g. Primary Care Trust) authorised by the Council and /or its committees.
- (9) **Any other meeting, the holding of which has been authorised by the Council or its committees**, provided members of at least two political groups have been invited to attend.
- (10) **Attendance as a representative of the Council at meetings of the Local Government Association (LGA) and at South West Councils (including at the South West Strategic Leaders Board)**, their committees, sub-committees, working parties and for any appointments to represent those organisations on associated bodies.
- (11) **Meetings of the bodies referred to in the Schedule attached to the Scheme** to which the Member has been appointed or nominated to attend by the Council and / or its committees for the period of appointment (and to such other meetings / organisations as may be approved from time to time by the Council and / or its committees.)
- (12) **Visits by Members to private and voluntary homes** in accordance with a programme organised by the Board Director, Commissioning.
- (14) **Visits by Members to Schools** in accordance with a programme organised by the Board Director, Commissioning.
- (15) **Attendance at official opening ceremonies** as may be approved in advance of the event by the Chief Executive after consultation with the Director of Law and Democratic Services and the Leader of the Council / Chair of Cabinet.
- (16) **Meetings, including public meetings, by prior arrangement with or at the request of Council Officers on Council business** and where an advance invitation has been received from the organisation/officer concerned.

- (17) **Meetings with Community Councils, Parish Councils, Residents Associations and other such Associations** relevant to their Ward, where an advance invitation has been received from the organisation concerned.
- (18) **Meetings with Government Ministers, MPs and Civil Servants and Official "Goodwill" visits** subject to a Member being authorised to attend by the Council and / or its committees or when it is not practicable to obtain committee authorisation, in advance, by the Chief Executive or the Director of Law and Democratic Services and the Leader of the Council / Chair of the Cabinet.
- (19) **Any other duty or class of duty** as may be approved in advance by the Cabinet or in the case of an individual duty by the Chief Executive after consultation with the Director of Law and Democratic Services and the Leader of the Council / Chair of the Cabinet.

An advanced invitation may take the form of a dated Letter (or Fax/E-Mail), Agenda Front Sheet, Memorandum or Signed Hand Written Note from the organisation/officer concerned. A copy of the "invitation" should be attached to the relevant claim form when submitted for payment.

Schedule

21st Century Swindon Forum
Archaeological Advisory Body of the Swindon Development Trust
Arts Council England – South West
Association of Public Service Excellence

Centre for Local Economic Strategies Board
Childrens Centres (Croft, Eldene and Saltway)
Conference of Local Education Authorities (CLEA)
Conference of Social Services Directors
Cotswold Water Park Joint Committee
CRE8 Studios
Cricklade Country Way
Dorcan Site Management Committee
Forward Swindon Ltd.
Great Western Enterprise
Great Western Community Forest Committee
Health Hydro (Best Value Team) Management Committee
Highworth Recreation Centre Management Committee
Highworth Youth and Community Centre Support Committee
Joint Committee of the National Parking Adjudication Service
Local Government Association
Local Government Association Annual Conference
Local Government Association Rural Commission
Local Government Association Urban Commission
Local Government Association Annual Children's Conference
Local Government Association Annual Adult /Social Services Conference
Local Government Information Unit
Lydiard House Conference Centre
National Children and Adult Services Conferences
National Councillor Network for Adult Social Care and Health Conferences
Neighbourhood Safety Teams (NeSTS)
North Wessex Downs Area of Outstanding Natural Beauty Partnership Board

Plas Pencelli Management Committee
Standing Advisory Council on Religious Education
South West Chairs and Chief Education Officers Group
South West Councils
South West Strategic Leaders Board
South West Provincial Employers National Joint Council for Local
Government Services
South West Regional Board for Asylum Seekers and Refugees

Stratton Pupil Referral Unit Management Committee
Swindon Adoption Panel
Swindon Business Improvement District Board
Swindon Commercial Services Ltd (SCS).
Swindon Dance Board
Swindon Fostering Panel
Swindon Foyer
Swindon/Ocotol Link
Swindon Lifelong Learning Partnership
Swindon Portage
Swindon Primary Care Trust
Swindon Railway Historic Castings Ltd.
Swindon Railway Heritage Centre Trust (Board of Trustees)
Swindon Strategic Partnership Board and Conferences
Thames Regional Flood Defence Committee
Thamesdown Transport Ltd. Board
Town Twinning Network
Unitary Authority Education Network
Wessex Reserve Forces and Cadets Association
Wiltshire Historic Buildings Trust
Wiltshire Pension Fund Committee
Wiltshire Police Authority / Police and Crime Commissioner Meetings
Wiltshire and Swindon Fire Authority
Wiltshire and Swindon History Centre Project Board
Wiltshire and Swindon Rural Regeneration Partnership
Wilts and Berks Canal Trust
Wiltshire Valuation Tribunal
Wiltshire Waste Partnership