

## PART 7 MEMBERS' ALLOWANCES SCHEME

This document sets out the full range of allowances payable to members of the County Council. Not all of the allowances are payable to every member. It is intended to help members understand which allowances may be claimed and in what circumstances.

Members are not obliged to claim allowances. If any member wishes to waive his or her right to claim all or some of the allowances payable he or she should write to the Chief Executive explaining his/her wishes.

Members may also be entitled (if they wish to take advantage of any salary sacrifice scheme administered by the Council) to receive their allowances through a combination of direct payment and benefits by sacrificing a proportion of those allowances in return for a non-cash benefit; provided again that he/she gives notice in writing to the Chief Executive of his/her intention to forego that proportion or amount of allowance required under the sacrifice scheme.

The Devon County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended, hereby makes the following scheme:

1. This scheme amends the existing Devon County Council Members' Allowances Scheme and shall have effect from 26 May 2011.

2. In this scheme:

*"councillor"* means an elected member of Devon County Council;

*"year"* means the 12 months ending with 31 March.

### 3. Basic Allowance

Subject to paragraph 8, for each year an allowance (the basic allowance) reflecting the figure agreed by the County Council in May 2005 and subsequently updated in line with paragraph 5(i) below (currently £10,970) shall be paid to each councillor. This is intended to recognise the time devoted by members to their work and covers constituency duties; correspondence; telephone calls; attendance at meetings of the County Council, committees, joint committees and working parties or other authorised meetings; meetings of the Local Government Association not covered under the LGA Scheme of Allowances; single member duties; attendance at seminars and conferences, outside bodies and Parish Council meetings. It will be paid automatically to members in twelve monthly instalments.

### 4. Special Responsibility Allowance

(a) Subject to (d) below, in each year a Special Responsibility Allowance calculated in line with the basic allowance multiplier or as otherwise shown shall be paid to those members who hold the responsibilities listed below:

Special Responsibility/Designated Role	£	Basic Allowance Multiplier
Leader of the Council	25,000	- [Fixed Rate]
Deputy Leader of the Council	20,000	- [Fixed

		Rate]
Cabinet Members	16,455	1.5
Shadow Leader of the Council	8,000	0.73
Chairmen, Scrutiny Committees	8,000	0.73
Vice-Chairmen, Scrutiny Committees	4,000	0.365
Chairman of the County Council	8,775	0.8
Vice- Chairman of the County Council	3,055	0.2785
Chairman, Development Management Committee	5,485	0.5
Vice Chairman, Development Management Committee	2,743	0.25
Chairman, Appeals Committee	2,743	0.25
Chairman, Investment & Pension Fund Committee	2,743	0.25
Chairman, Farms Estate Committee	2,743	0.25
Chairman, Public Rights of Way Committee	2,743	0.25
Chairman, Procedures Committee	2,743	0.25
Chairman , Standards Committee	2,743	0.25
Chairman, Audit Committee	2,743	0.25
Leader, Opposition Party Group(s)	5,485	0.5
Leader, Independent or Non Aligned Group	2,743	0.25

- (b) These allowances will be paid automatically to designated members in twelve monthly instalments;
- (c) In addition, a Special Responsibility Allowance of £50 per meeting shall be payable for attendance by members at meetings of Stage III Review Panels convened under the Social Services Complaints Procedure;
- (d) Excepting (c) above, and other than the Chairman of the Council, an individual member may not claim more than one Special Responsibility Allowance at any time and unless otherwise notified only the higher Allowance will be payable.

## 5. Travelling and Subsistence Rates

- (a) Those duties set out in Schedule 1 will attract payment of travelling and subsistence allowances, including journeys between a member's home address and County Hall, in recognition of the fact that he/she undertakes County Council work at his/her place of residence; provided that Members may not claim the cost of car parking incurred at County Hall or any other administrative offices of the County Council where the Council itself levies a charge for car parking. Those duties listed in Schedule 2 will be eligible for travelling allowances only.
- (b)
- (i) Where travel within the County of Devon is in the member's own private vehicle the rates of travelling allowance payable will be equivalent to the Commercial rate laid down from time to time by Her Majesty's Revenue & Customs (HMRC), currently 45p per mile for the first 10,000 miles and 25p per mile thereafter.

A supplement of 1p per mile for the first passenger carried and 5p for second and subsequent passengers carried will also be paid

(ii) Where a member undertakes official duties within the geographical counties listed below and travels in his/her own car, he/she may claim actual mileage in line with the above rate:

Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Somerset, Wiltshire and the area of the former Avon County Council

- (c) When the performance of an approved duty involves an absence (not involving an overnight absence from the normal place of residence) a member may also claim subsistence in line with the following rates:

An absence of more than 4 but less than 8 hours	£10.16
An absence of more than 8 but less than 12 hours	£16.27
An absence of more than 12 hours	£20.34

- (d) For absence overnight (from usual place of residence) — £79.82 (£91.04 in London)
- (e) Subject to (b) above, where travel is outside the County of Devon standard class rail fare or ordinary fare for other public conveyance only will be payable. Where it is impractical for members to travel by public transport they may travel by car and claim mileage.
- (f) The rate for travel within the County of Devon, including the areas of Plymouth and Torbay, by a member's own motor cycle will be 20.04p per mile, irrespective of the engine capacity of the motor cycle.
- (g) An allowance of 20.04p per mile shall be payable to those members using pedal cycles to undertake official duties.
- (h) Travelling and subsistence allowances shall be payable to any member attending meetings of the Committee of the Regions on United Kingdom business where such allowances are not paid direct by the Committee of the Regions.
- (i) The rates of allowance at paragraphs 3 and 4 above shall be increased only with the express approval of the County Council having regard to the Median Increase to the Daily Rate as recommended by the Local Government Association based on the Annual Survey of Hours and Earnings and revised from time to time (currently based on the 2008 rate of £142.77p). The rates at sub-paragraphs (c), (f) and (g) above shall be increased automatically in line with APT&C Pay Awards.

## **6. Carer's Allowance**

- (a) An allowance of up to £5.73p per hour (equivalent to the national minimum wage as revised from time to time) may be claimed when a carer for a dependent has been engaged to enable a member to carry out an approved duty listed in Schedule 1 or those bodies listed in Schedule 3 and denoted by an \* where such bodies are unable to pay Carer's Allowance;
- (b) A carer will be any responsible adult who does not normally live with the member as part of his/her family;
- (c) An allowance will be payable if the dependent being cared for:
- (i) is a child under the age of 14; or
  - (ii) is an elderly person; or
  - (ii) has a recognised physical or mental disability

who normally lives with the member as part of that member's family and should not be left unsupervised.

## **7. Co-optee's Allowance**

An allowance of £500 per annum shall be paid to Independent Members of the Standards Committee (excepting the Chairman of that Committee who is in receipt of a Special Responsibility Allowance).

## **8. Part-Year Entitlements**

This scheme incorporates the provisions in the 1991 Regulations or any superseding rules which provide for the apportionment of an allowance when a member serves for less than a whole year either as a councillor or in a capacity of special responsibility or when the Scheme is amended during a year. Essentially, all adjustments to payments are done pro-rata to the number of days in year.

## **9. Claims**

- (a) All claims for allowances under this scheme shall be made on claim form TS1 supported by receipts as appropriate. A separate claim form must be submitted for each month by the 7<sup>th</sup> day of the following month if payment is to be made by the due date. Claim forms which are submitted late may need special Council approval before payment.
- (b) The allowance claim form shall include, a signed statement by the member claiming the allowance that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the scheme.
- (c) All claims should be made to the Chief Executive's and County Solicitor's Department (Finance Section). Claims should be submitted regularly each month.

## **10. Payments**

- (a) Payments shall be made on the last working day of each month and shall include, subject to sub-paragraph (b), one-twelfth of the amounts specified in this scheme for any basic or special responsibility allowances to which a member may be entitled.
- (b) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic or special responsibility allowance would result in the member 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.
- (c) Payments will normally be made direct into a bank account. Appropriate details should be given to the Chief Executive.

**SCHEDULE 1  
(APPROVED DUTIES, CONFERENCES OR MEETINGS QUALIFYING FOR THE  
PAYMENT OF TRAVELLING AND SUBSISTENCE ALLOWANCES)**

1. Approved Conferences/Delegates, viz:

Local Government Association Annual Conference	Representatives appointed by the County Council to the LGA General Assembly
National Childrens and Adults Services Conference  <i>[NB: This replaces the former separate LGA Education and Social Services Annual Conferences]</i>	Cabinet Members for Schools & Learning, Health and Social Care and the Chairman or a representative of the People's Scrutiny Committee
County Councils Network Annual Conference	Representatives appointed by the County Council to the CCN Council

**NOTES:**

Attendance by the delegates (or a substitute nominated by the identified member or office holder) listed at any of the above 'approved' conferences shown is automatically approved for the payment of allowances. Any variation thereto will require the approval of the Leader of the Council, in accordance with normal procedures.

Attendance at any other conference(s) will require the specific approval of the Leader of the Council with a presumption that attendance will not be permitted unless a case is made.

In determining whether or not a case has been made for a specific approval or to Conferences being added to the approved list consideration will be given to:

- the views of the relevant Cabinet Member and Chief Officer on the desirability/relevance of attendance at the event;
- the significance of the event;
- all party representation being appropriate; or
- representation rotating between groups on an annual basis;
- attendance being authorised but with a 'lesser' category of allowances payable (e.g. travelling & subsistence only).

Conference fees, accommodation and allowances are all payable by claim to the Chief Executive. In most cases however the booking and payment of the fee and for accommodation will normally be made direct by the Chief Executive's Department.

2. Meetings of the County Council and of committees, joint committees, fora, working parties and panels properly constituted by the County Council under Standing Orders to which Members have been appointed by the County Council.

3. Duties necessarily undertaken by the Chairman of the Cabinet, Cabinet Members or Chairmen, Vice-Chairmen of Committees or Working Parties/Panels.
4. Meetings of those European, National, Regional and County-wide bodies to which representatives have been appointed by the County Council.
5. Meetings of the following bodies:
  - Adoption Panels (non county councillors only)
  - AONB Advisory Committees
  - Coast and Countryside JACs
  - Dame Hannah Rogers School
  - Devon School & Local Admissions Fora
  - Family Education Resource Network
  - Governing Bodies of Maintained Special Schools
  - Grand Western Canal Advisory Committee
  - National Association of Standing Advisory Conferences on Religious Education
  - Northbrook Community Trust
  - Police Liaison Groups (County Councillors only)
  - Royal School for the Deaf (non county councillors only)
  - St Loyes College Council
  - Standing Advisory Conference on Religious Education
  - School Appeals Committees (non county councillors only)
  - West of England School for Children with Little or No Sight
6. Single member duties:
  - in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise inspection of premises;
  - in connection with arrangements for the attendance of pupil at a school approved for the purpose of section 188 (Special Schools) of the 1993 Education Act.
7. Seminars, briefings or training events arranged for the benefit of Members of the Council.
8. An annual visit by the County Councillor for the Bideford South and Hartland Electoral Division to the Island of Lundy to visit his constituents, subject to prior agreement with the Chief Executive.

## **SCHEDULE 2 - OTHER BODIES: TRAVELLING ALLOWANCES ONLY**

1. Members attending and participating in site visits or other meetings properly convened by or with the knowledge of the Chief Executive.
2. Official openings of Council premises, launches of Council services, road schemes etc (for those members of sponsoring committees invited in each case by agreement with the Chief Executive).
3. Meetings of the following bodies:-

- SWRPC Passenger Rail Franchising Consortium
- Meetings of Town or Parish Councils in the electoral division of the Member concerned

### **SCHEDULE 3 - OTHER BODIES: WHERE PAYMENT IS MET BY THE BODY ITSELF**

Dartmoor National Park Authority  
 Devon and Cornwall Police Authority  
 Somerset & Devon Fire Authority  
 Devon Valuation and Community Charge Tribunal  
 Exmoor National Park Authority  
 Flood Defence Advisory Committees  
 Land Drainage Committees  
 Traffic Commissioners  
 War Pensions Committees  
 Governing Bodies of Schools

If any member requires advice on the application of any part of the members' allowances scheme, the following officers in the Chief Executive's and County Solicitor's Department will be pleased to advise and help.

Mr Rob Hooper (382300) or Karen Strahan (382264) on eligibility or interpretation of the scheme and the Finance Section (382982) on claims procedure or payments.

### **GENERAL NOTES**

#### **1. Dual Membership: Claiming**

A Member who is both a County Councillor and a District Councillor may claim allowances from both authorities should he or she undertake two separate duties — one for each authority — on the same day. The same position would apply to any member who also serves on any other body from which allowances may be claimed direct such as the Devon and Cornwall Police Authority.

A Member who is both a County and District Councillor may not however claim from both Councils for undertaking the same duty. Members must take particular care to avoid duplication or overlap of claims for travelling and subsistence expenses when, as may happen, they attend two separate events on the same day one as a County Councillor and one as District Councillor both of which take place at the same venue. Claims for the full return journey should not be made to both Councils. To avoid the impression that a Member may be seeking to maximise income in such instances it is suggested that Members should either claim the cost of the whole journey from the Council paying the lesser rate(s) or claim for one single journey (from home to meeting) from one Council and the other single journey (from meeting to home) from the other Council.

Similarly, where a Member attends a meeting of the County Council or one of its Committees and then later that day attends a meeting of, say, an outside body to which he/she has been appointed as a County Council representative care should be taken in submitting any subsequent claims. In some instances allowances for attending meetings of an outside body will be paid by the County Council whilst in others allowances will be paid by the body concerned. The same principles as set out above should be adopted where meetings take place at the same venue. Where allowances are paid by the County Council (a full list of which is set out elsewhere in these Notes of Guidance) only one allowance will be payable in any twenty four hour period and (if both meetings taking place in

the same location) then the member concerned may only claim for one return journey.

Claims for allowances, particularly those involving travelling and subsistence, should reflect the span of time of meetings and journey times regardless of when the journey is actually made. In other words a member should not claim allowances during any period before or after an official duty where he or she has chosen to arrive earlier or leave later, unless travelling by public transport. If a Member is in any doubt about entitlement he or she is urged to seek advice from the Chief Executive's office before submitting a claim.

## **2. Rail Travel**

Members who are eligible to hold a senior citizens rail card can purchase them and be reimbursed by the County Council through the normal expenses' claim mechanism. The Council has decided that rail travel for Members shall be provided at standard class rates. Members are only therefore able to claim second class rail fare or if travelling by car, the equivalent amount (NB: see also paragraph 6).

## **3. Taxation**

### **Basic and Special Responsibility Allowances**

Members Basic and SRAs will be treated as emoluments of the office and subject to Tax and National Insurance contributions (NIC) by the PAYE process operated by the Council

### **Mileage Allowances**

These are taxed according to the profit element, which is calculated by comparing the amounts paid per mile with the Inland Revenue's Authorised Mileage Rates, which are reviewed annually. Amounts paid in excess of these figures will be included on the annual return of expenses and benefits to the Inland Revenue on form P11D. Any assessable tax will be recovered by adjustment to the Members' tax code in the following year. NIC deductions are made during the course of the year through the Payroll in the month in which the payments are made. Any mileage paid for travel from a Members external employer or site where the Member has not attended on DCC official business will be taxable and subject to NIC. This excludes travel for home to County Hall as for this purpose these journeys are deemed to be between bases within the employment.

### **Other Expenses**

In addition to the above payments, Members may be entitled to claim other expenses incurred in accordance with the Council's policy for the reimbursement of expenses. These will be claimed through the appropriate channels and will be subject to Income Tax and NIC in accordance with tax law. Deductions from payments should occur at the time the payment is made.

### **Other Benefits**

Members may be permitted to make use of the Council's assets for incidental personal use or benefit from facilities which give rise to a taxable benefit. Where this occurs, Members, via the Chief Executive's Directorate, will be required to declare benefits of this nature for inclusion the annual P11D return to the Inland Revenue.

### **Dispensations**

The Council has agreed with the Inland Revenue that in certain instances payments of expenses and benefits should not give rise to a Tax or NIC liability as there is no profit element involved. Details of these dispensations or any further advice on Allowances, Tax and Social Security Benefits can be obtained from Andy Stapley (Tax and Exchequer Manager) in the Resources Directorate on 01392 382410.

4. The County Council will also reimburse the rental and maintenance costs and any call charges (incurred on County Council business) for any FAX machine and telephone lines installed by the County Council.
5. Any reference to 'Chairman of a Committee' shall be taken to include Chairman of the Cabinet.