

**WOKING BOROUGH COUNCIL**

**CONSTITUTION**

# **Members' Allowances Scheme**

Made pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003

July 2024



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## **1.0 INTRODUCTION**

- 1.1 This is a scheme for members' allowances made by the Council pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003 having regard to the recommendations of the Independent Remuneration Panel established for the purpose. The 2003 Regulations put in place a consolidated and simplified regime for allowances and all references in this scheme to regulations should be construed as references to the 2003 Regulations unless otherwise specified.
- 1.2 This scheme was initially approved by the Council on 17 July 2003 and is reviewed by Council from time to time.

## **2.0 BASIC ALLOWANCE**

- 2.1 The Basic Allowance is an amount paid to all Councillors in respect of the year to which it relates (defined in the Regulations as being a period ending on 31 March in each year). The amount of the allowance is the same for all members.
- 2.2 The amount of entitlement to Basic Allowance for each member in respect of the 2024/25 Municipal Year is **£7,380**.
- 2.3 Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, their entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during their term of office as member subsists bears to the number of days in that year.
- 2.4 Where a member is suspended or partially suspended from their responsibilities 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, the part of Basic Allowance payable to them in respect of the period for which they are suspended or partially suspended may be withheld by the Council.

## **3.0 SPECIAL RESPONSIBILITY ALLOWANCE**

- 3.1 This is an allowance that may be paid to such members as have special responsibilities in relation to their Council duties.
- 3.2 Special Responsibility Allowances for 2024/25 and future years to be prorated to the Leader Special Responsibility Allowance. The Leader Special Responsibility Allowance (SRA) for the 2024/25 Municipal Year is £12,000. Special Responsibility Allowances to be prorated as follows:

Deputy Leader of the Council	30% of Leader SRA (£3,600)
Leader of the Opposition	10% of Leader SRA (£1,200)
other Executive Members/Portfolio Holders	20% of Leader SRA (£2,400)
Planning Committee Chair	20% of Leader SRA (£2,400)
Scrutiny Committee Chair	10% of Leader SRA (£1,200)
Licensing Committee Chair	5% of Leader SRA (£600)
Employment Committee Chair	5% of Leader SRA (£600)
Group Leader	5% of Leader SRA (£600)

#### **4.0 LOSS ALLOWANCE**

- 4.1 A Member is eligible to apply for a Loss Allowance where they have been appointed by the Council or a Committee to attend a Conference or Seminar or any other approved duty necessitating absence from the Members normal employment. An allowance of £100 (one hundred pounds) per twenty four hour period will be payable provided, upon the submission of necessary documentary evidence, to take unpaid leave, or use paid leave entitlement. In cases where the Member's employer permits "public service days" the Member will need to provide evidence that the days allowed by their employer have been utilised before claiming Loss Allowance.

#### **5.0 TRAVELLING AND SUBSISTENCE**

- 5.1 Allowances and amounts as set out below shall be paid to members in respect of travelling and subsistence, including an allowance in respect of travelling by bicycle, undertaken in connection with such duties as may fall within the categories prescribed in Regulation 8(1). Receipts in respect of actual expenditure shall be produced where appropriate.

##### Travelling Expenses

- 5.2 Payable for approved duties inside or outside the Borough:-

- (i) Public Transport (reimbursement of cost)
- (ii) Members' own private vehicles:-

Motor car (or tricar) - 45.0p per mile

These rates shall be increased:-

- (a) for each passenger carried (not exceeding 4) who would otherwise have been paid a travelling allowance:-
  - (b) 5.0p per mile where any other rate is payable;
  - (c) by the amount of any expenditure on tolls or parking fees.
- (iii) Bicycle – 20.0p per mile
  - (iv) Taxis - the rate of travel by taxi-cab or cab shall not exceed:-
    - (a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
    - (b) in any other case, the amount of the fare for travel by appropriate public transport.
  - (v) As a general rule, for journeys outside the Borough, where public transport is a reasonable alternative to the use of a car.
  - (vi) Expenses can be claimed for travelling to enable the undertaking of any approved duty from anywhere in the United Kingdom on the basis that the

first 10,000 miles will be paid at the 45.0p per mile and all subsequent miles at the rate of 25.0p per mile.

### Subsistence Expenses

- 5.3 Payable on production of receipts and in respect of actual expenditure incurred for approved duties.
- 5.4 The rate of subsistence allowance shall not exceed:
- (i) in the case of an absence, not involving an absence overnight, from the usual place of residence;
    - (a) of more than 4 hours, before 11am, (breakfast allowance), £6.14;
    - (b) of more than 4 hours, including the period between 12 noon and 2 pm, (lunch allowance), £8.39;
    - (c) of more than 4 hours, including the period 3 pm to 6 pm, (tea allowance), £3.35; and
    - (d) of more than 4 hours, ending after 7 pm, (evening meal allowance), £10.48.
  - (ii) in the case of an absence overnight from the usual place of residence £84.42 and for such an absence overnight in London, or for the purposes of attendance at an annual conference (including or not including an annual meeting) of the Local Government Association or such other association or bodies as the Secretaries of State may for the time being approve of the purpose, £96.28.
- 5.5 For the purposes of paragraph 5.4 (ii), London means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.
- 5.6 Any rate determined under paragraph 1 (b) above shall be deemed to cover a continuous period of absence of 24 hours.
- 5.7 The rates specified above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.
- 5.8 The attention of members is drawn to declaration (b) on the claim form, to the effect that entitlement to subsistence allowance can only arise to the extent that actual expenditure has been incurred, and that the sums shown on the previous page are maxima - i.e. only actual expenditure incurred can be reclaimed and any expenses in excess of those shown on the previous page cannot be reclaimed.

## Meals on Trains

- 5.9 Where main meals (i.e. breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full on production of the appropriate receipt, within the limits specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.
- 5.10 The limitations on reimbursement are:
- (i) for breakfast, an absence of more than four hours, or where the authority permits, a lesser period, before 11am;
  - (ii) for lunch, an absence of more than four hours, or where the authority permits, a lesser period, including the period between 12 noon and 2 pm;
  - (iii) for dinner, an absence of more than four hours, or where the authority permits, a lesser period, ending after 7 pm.

## **6.0 DEPENDANTS' CARERS' ALLOWANCE**

- 6.1 The scheme may provide for the payment to members of an allowance in respect of the expenses of arranging for the care of children or dependants as necessarily incurred in attending meetings or carrying out official duties, within the categories set out in Regulation 7(1).
- 6.2 Payment of the allowance will normally be made at a rate of up to £8.91 per hour. However, in special circumstances, e.g. where specialist nursing skills are required, consideration may be given to the payment of a higher rate, subject to presentation of proof of expense.
- 6.3 For members with sole responsibility for children or a dependant relative, payments will be made up to a level of £802 per annum (i.e. the equivalent of 30 x 3 hour meetings, allowing for travelling time). However, where responsibility is shared with a spouse or other adult member of the household, or where there are children in the household aged over 16 years, it would be expected that the need to pay for cover would be reduced. In these circumstances, members will be allowed to claim up to a total of £401 per annum.

## **7.0 CO-OPTEEES**

- 7.1 The Council may pay co-optees' allowances in respect of their attendance at conferences and meetings. "Co-optees" for these purposes are persons who are not members of the authority but are members of a committee or sub-committee of the authority. The person who qualifies at the present time as a co-optee is the co-opted (independent) member who sits on the Audit and Governance Committee.
- 7.2 Where the term of office of a co-optee does not begin or end to constitute a full year, their payment shall be a proportional amount of the co-optee's yearly entitlement. The amount shall be equivalent to the period served during that year by days.



- 7.3 Where a co-optee is suspended or partially suspended from their responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of co-optees' allowance payable to them in respect of the period for which they are suspended or partially suspended may be withheld by the Council.

## **8.0 PENSIONS**

- 8.1 With effect from 1 April 2014 a Councillor's eligibility for membership of the Local Government Pension Scheme within the Surrey Pension Fund (administered by Surrey County Council) was ended (Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014). A councillor who was a member of the Pension Scheme on 31 March 2014 will continue to accrue rights until the end of the term of office which that Councillor was serving on 1 April 2014.

## **9.0 INDEXING**

- 9.1 Regulation 10(4) permits a scheme to make provision for an annual adjustment of allowances by reference to an index. The Council may not rely on that index for longer than four years before seeking a further recommendation from the Independent Remuneration Panel. Annual adjustments to allowances by reference to the index do not count as amendments to the scheme, although Regulation 16(2) requires advertisement in a local newspaper of the main features of the scheme every twelve months, whether amended or not.
- 9.2 The level of Basic Allowance shall be adjusted annually by reference to an index. The scheme shall identify that index as the annual cost of living salary increase for Officers. The Basic Allowance shall be so indexed for a period of up to four years, after which it shall no longer be used without the further recommendation of the Independent Remuneration Panel.
- 9.3 On 11 February 2016, the Council resolved that the Basic Allowance and the Child Care and Dependent Carers' Allowances should be increased annually by the Chief Executive in line with the agreed pay award for the Council's staff.
- 9.4 On 11 February 2016, the Council resolved that the Chief Executive be authorised to determine Members' Allowances and Special Responsibility Allowances annually in consultation with the Independent Remuneration Panel and in accordance with an aggregate Member Allowances budget set annually by the Council. The Special Responsibility Allowances for future years should be increased in line with the balance of uplift in the total budget for Members' Allowances after deducting the uplift in Basic Allowance from the set basis in the 2016/17 Municipal Year.
- 9.5 On 22 May 2019 the Chief Executive, under delegated authority, determined that the framework for the overall budget for Members Allowances increase over the next 3 years by the percentage increase in the total Employee Budget.
- 9.6 On 22 May 2019 the Chief Executive, under delegated authority, determined that the Subsistence Allowance be linked to employee indexation.
- 9.7 On 22 May 2019 the Chief Executive, under delegated authority, determined that the Dependents' Carers' Allowance be linked to the National Living Wage.

## **10.0 GENERAL PROVISIONS**

### Elections to Forgo Allowances

- 10.1 A person may, by notice in writing to the Chief Executive of the Council, elect to forgo their entitlement to the whole or part of any allowance.

### Time-limits

- 10.2 Claims for payment for dependants' carers' allowance, travelling and subsistence allowance, and co-optees' allowance must be made within six months from the date on which entitlement arises, although the Council may make payment where the allowance has not been claimed within the specified period.

### Membership of other relevant authorities

- 10.3 A member of the Council who is also the member of another relevant authority (as defined in Regulation 3) shall not be paid an allowance from more than one authority in respect of the same duties.

### Amendments to Scheme

- 10.4 Where an amendment is made which affects an allowance payable for the year in which the amendment is made, the entitlement to the allowance as amended will apply with effect from the beginning of the year in which the amendment is made.

### Repayments

- 10.5 Where a member is suspended or partially suspended from responsibilities or duties as a member in accordance with Part III of the Local Government Act 2000 or regulations made thereunder, or ceases to be a member of the Council, or is any other way not entitled to receive an allowance, the Council may require that such part of an allowance paid in respect of a period of non-entitlement shall be repaid to the Council.

### Taxation

- 10.6 Allowances, other than travelling and subsistence, are subject to Income Tax and National Insurance contributions (where applicable). Deduction at the appropriate rate shall be made at source.

### Claims

- 10.7 Allowances shall be paid automatically. Claims for expenses should be made on the Members' Expenses Application Form. Claims will be processed monthly and, if received by the first working day of the month, will be paid on the 15<sup>th</sup> day of that month (if the 15<sup>th</sup> falls on a weekend, then it will be paid on the Friday before), or at longer intervals, if the member wishes.

## **11.0 RECORDS AND PUBLICITY**

### Records of Allowances

11.1 The Council shall keep a record of the payments made by it in accordance with this scheme. The record shall:-

- specify the name of the recipient of the payment and the amount and nature of each payment;
- be available, at all reasonable times, for inspection and at no charge by any local government elector for the area of the Council; and
- be supplied, in copy, to any person who requests such a copy and on payment of a reasonable fee.

### Publication of total sums paid

11.2 As soon as reasonably practicable after the end of a year to which the scheme relates, the Council shall make arrangements for the publication of the total sum paid by it in the year to each recipient in respect of each of the following:-

- basic allowance
- special responsibility allowance
- dependants' carers' allowance
- travelling and subsistence allowance; and
- co-optees' allowance

### Publicising the scheme

11.3 As soon as reasonably practicable after making or amending a scheme, the Council shall make arrangements for its publication by:-

- ensuring that copies of the scheme are available for inspection by members of the public at the Council's principal office at all reasonable hours; and
- publishing in a local newspaper a notice advertising the scheme and providing the information required by Regulation 16(1)(b).

11.4 The newspaper notice referred to above shall be published in a local newspaper as soon as possible after the expiration of twelve months after its previous publication, irrespective of whether the scheme has been amended during that twelve-month period.

11.5 The Council shall provide a copy of this scheme to any person who requests a copy and on payment of a reasonable fee.

### Publicity for Independent Remuneration Panel Reports

11.6 As soon as reasonably practicable after receiving the report of its Independent Remuneration Panel, the Council shall:-

- ensure that copies of the report are available for inspection by members of the public at the Council's principal office at all reasonable hours; and
- publish in a local newspaper a notice advertising the report and providing the information required by Regulation 22(1)(b).

11.7 The Council shall provide a copy of the report of the Independent Remuneration Panel to any person who requests a copy and on payment of a reasonable fee.

