



**HYNDBURN**

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## **HYNDBURN BOROUGH COUNCIL**

### **Members Allowances Scheme for 2023/24**

Adopted by the Council with effect from 1<sup>st</sup> April 2016 and in effect for all subsequent financial years to date

Municipal Year 2023/24

## **Hyndburn Borough Council**

### **Members' Allowances**

*These rules are made by the Council in exercise of its powers under the Local Government & Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances)(England) Regulations 2003.*

#### **PART A**

##### **Basic, Special Responsibility, Carer's and Conference Allowances**

#### **1. Basic Allowance**

- 1.1 Subject to paragraph 4, the basic allowance specified in Schedule 1 will be paid to each Councillor each year.
- 1.2 The basic allowance will be paid in 12 equal monthly instalments on the 15<sup>th</sup> day of each month (unless the 15<sup>th</sup> falls on the weekend, when the allowance will be paid on the Friday before if the 15<sup>th</sup> is a Saturday and on the Monday afterwards if the 15<sup>th</sup> is on a Sunday).
- 1.3 Upon their election to the Council all Councillors should complete a form to claim their basic allowance. The form will be supplied to Councillors by Members' Allowances Scheme Administrator and should be completed as soon as possible. Upon a Councillor ceasing to hold office, the Members' Allowances Scheme Administrator will notify the Payroll Section accordingly.
- 1.4 The basic allowance shall be increased annually with effect from 1<sup>st</sup> April by applying the NJC Local Government Annual Pay Award.

#### **2. Special Responsibility Allowance**

- 2.1 Subject to paragraph 4, special responsibility allowance(s) will be paid each year to the Councillors holding the special responsibilities specified in Schedule 1.
- 2.2 The amount of each special responsibility allowance will be that specified in Schedule 1.
- 2.3 Councillors may claim one special responsibility allowance only.
- 2.4 Upon accepting a special responsibility for which an allowance is payable, Councillors must complete the appropriate form to claim the special responsibility allowance. Copies of the form can be obtained from the Members' Allowances Scheme Administrator, who should be given the completed form as soon as possible following the Councillor's appointment. A further form should be completed by Councillors when they cease to hold a special responsibility for which an allowance is payable. Again, the form can be obtained from the Members' Allowances Scheme Administrator. Delay in completing this form may lead to an overpayment of allowance, which will be repayable by the Councillor concerned.
- 2.5 Special responsibility allowances will be updated with effect from 1<sup>st</sup> April in accordance with paragraph 1.4 above.

#### **3. Conferences**

- 3.1 Members may claim travel and subsistence allowances as set out in Part B, provided their attendance at the conference has been formally approved by the Council in advance.
- 3.2 Claims for travel and subsistence allowances must be made on a claim form supplied by the Members' Allowances Scheme Administrator.

#### **4. Carer's Allowance**

4.1 Subject to the conditions in paragraph 4.2, a carer's allowance will be paid in respect of costs necessarily incurred by Councillors in arranging care for:-

- a child or children under the age of 17
- an elderly relative requiring full time care
- a relative with a physical disability requiring full time care
- a relative with learning disabilities requiring full time care

where this is done in order to enable the Councillor to undertake any of the approved duties set out in paragraphs (1) to (7) of Schedule 2.

4.2 The following conditions apply in respect of entitlement to carer's allowance:-

- i) the person for whom care has been arranged must live in the same household as the Councillor,
- ii) the care in respect of which the allowance is claimed must not be provided by a member of the Councillor's immediate family or household,
- iii) the Councillor must notify the Council of the identity of the carer in respect of whose costs the allowance is claimed.

4.3 The rate of the carer's allowance shall be increased annually with effect from 1<sup>st</sup> April by the rate of inflation as measured by the Retail Prices (All Items) Index.

4.4 The rate of carer's allowance is £7.10 per hour.

#### **5. Part Year Entitlement**

5.1 Where during the course of a year:-

- a) a Councillor's term of office begins or ends,
- b) a Councillor accepts or ceases to hold a special responsibility in respect of which a special responsibility allowance is payable,
- c) this scheme for Members' allowances is amended,
- d) a Councillor elects to forego his or her entitlement to an allowance,

the relevant allowances will be paid pro rata for the period during which entitlement exists.

#### **6. Renunciation**

6.1 A Councillor may elect to forego his/her entitlement to an allowance or to receive a reduced allowance by completing an "Application to forego Allowances" and submitting it to the Members' Allowances Scheme Administrator.

#### **7. Taxation**

7.1 Members' allowances will be treated as earned income and will be subject to income tax and national insurance at the prevailing rates. It will be the Councillor's responsibility to provide details of his/her tax code and other sources of income to the Council's payroll section to enable the correct deductions to be made.

7.2 Members who claim other allowances and benefits (including job seeker's allowance, incapacity benefit, housing benefit, etc.) should be aware of the effects that receiving a Member's allowance will have on the levels of those benefits and allowances. In cases of doubt, advice should be sought from the local office of the Department of Work and Pensions and the Council's Housing Benefits Section.

## **8. Breach of Member Code of Conduct**

- 8.1 The right to basic allowance, special responsibility allowance and travel and subsistence allowance will be removed whilst a Councillor is suspended from the Council for breach of the Member Code of Conduct.
- 8.2 Whilst a Councillor is partially suspended from the Council as a result of a breach of the member code of conduct the right to a special responsibility allowance and travel and subsistence allowances will be removed in respect of the duties and responsibilities from which the Councillor is suspended.

## **PART B**

### **Travel and Subsistence**

Travel and subsistence allowances are payable when Councillors incur necessary expenditure on travel and subsistence when carrying out any **approved duty** as described in Schedule 2.

Councillors wishing to claim travel allowance in respect of journeys from their homes to the Council Offices should inform the Members' Allowances Scheme Administrator of the distance there and back in miles by the shortest reasonable route. A form will be provided for this purpose and the information provided will be used when verifying travel allowance claims.

The rates payable for travel and subsistence shall be increased annually with effect from 1<sup>st</sup> April each year in accordance with the average percentage increase in the Retail Prices Index (All Items) over the preceding 12 months for which figures are available at the date of calculation.

### **Travelling Allowances**

Claims for travel allowances should include details of car mileage undertaken or fares paid, as appropriate. Receipts should accompany claims for travel by public transport.

#### **1. Travel by Public Transport**

1. The Council will normally pay second class rail fare. However, this may be substituted by discounted first class rail fare, provided the cost does not exceed the cost of a standard second class fare for the same journey. This rate may be increased by amounts not exceeding expenditure actually incurred:
  - a) on Pullman Car or similar supplements, reservation of seats and deposit or portorage of luggage; and
  - b) on sleeping accommodation engaged by Councillors for an overnight journey.

Note: where first class rail fare is properly claimed under the provisions of this allowances scheme and a complimentary meal is provided as part of the cost of the ticket then the right to claim a meal allowance will be lost in respect of the meal so provided

#### **2. Travel by private motor vehicle**

1. The rate of travel by motor cycle shall not exceed –
  - a) for the use of a solo motorcycle of cylinder capacity not exceeding 150cc, 6p a mile;
  - b) for the use of a solo motor cycle of cylinder capacity exceeding 150cc but not exceeding 500cc, 10p a mile

- c) for the use of a solo motor cycle of cylinder capacity exceeding 500cc, 16p a mile
- 2. The rate for travel by private motor vehicle, other than a motor cycle shall not exceed for the use of a motor vehicle of cylinder capacity –
  - a) not exceeding 999cc, 32p a mile
  - b) exceeding 999cc but not exceeding 1199cc, 38p a mile
  - c) exceeding 1199cc, 46p a mile
- 3. The rates specified in sub-paragraphs (1) and (2) may be increased,
  - a) by 5p per mile for each passenger to whom a travelling allowance would otherwise be payable by the Council, subject to the maximum recommended passenger capacity of the vehicle
  - b) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.
- 4. For the purposes of this paragraph, cylinder capacity shall be that entered in the vehicle registration book or document by the Secretary of State under the Vehicles (Excise) Act 1971.

### **3. Travel by Taxi-Cab or Cab**

The rate for travel by taxi-cab or cab shall not exceed,

- 1. in the cases of urgency, or where no public transport is reasonably available - the amount of the actual fare and any reasonable gratuity paid; and
- 2. in any other case - the amount of the fare for travel by appropriate public transport.

in deciding whether urgency exists, the Members' Allowances Scheme Administrator will consider the reasonableness of the taxi use, taking into account:

- the time of day when the journey was made
- the time available to make the journey

in deciding whether public transport is reasonably available, the Members' Allowances Scheme Administrator will consider:

- the time of day when the journey was made
- any disability of the member
- the amount of luggage etc carried by the member

### **4. Travel by a Hired Motor Vehicle**

The rate for travel by a hired motor vehicle, other than a taxi-cab or cab, shall not exceed the rate which would have been applicable had the vehicle belonged to the Councillor who hired it provided that, where the Council so approves, the rate may be increased to an amount not exceeding the actual cost of hiring.

### **5. Travel by Air**

The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air.

Provided that where the Council resolves, either generally or specially, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:-

- 1) The ordinary fare or any available cheap fare for travel by regular air services, or
- 2) Where no such service is available, or in case of urgency, the fare actually paid by the Councillor.

### **Subsistence Allowances**

Allowances are also payable to Councillors where, due to carrying out an approved duty as described in Schedule 2, there is an absence from the usual place of residence for a period of time of more than 4 hours and within the time periods as described in the paragraphs below.

These subsistence allowances are paid in order to enable Councillors to purchase an appropriate meal, where required. Claims for subsistence allowances should provide details of the approved duty and the time of departure from, and arrival at, the normal place of residence.

**Subsistence allowance will not be paid in respect of any approved duty if a meal has been provided for the Councillor by any authority or body, free of charge. However, this will not apply if the member has previously notified the authority or body of special dietary requirements (e.g. vegetarian, diabetic, kosher, halal food) which are not catered for.**

#### **For absence not involving an absence overnight, from the usual place of residence –**

- (1) **breakfast allowance** - if the absence from the usual place of residence is for one hour or more before 9.00 a.m. - £4.82
- (2) **lunch allowance** - if the Councillor is absent from the usual place of residence between 12 noon and 2.00 p.m. - £6.71
- (3) **evening meal allowance** - if the absence from the usual place of residence is for more than 4 hours ending after 7.00 p.m - £19.91

#### **For absence involving an absence overnight from the usual place of residence**

When undertaking an approved duty, such as attendance at a conference involves an absence overnight from their usual place of residence, a Councillor may claim the following:

- (a) travelling allowance in accordance with this scheme in respect of any travelling expenses incurred; AND
- (b) subsistence allowance in accordance with this scheme; AND
- (c) the cost of hotel accommodation as follows:
  - In London: the actual cost incurred up to £136 per night
  - Outside London: the actual cost incurred up to £115 per night
- (d) the incidental expenses allowance as set out below

For the purposes of this scheme, '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.

On longer train journeys, where both lunch and evening meal allowances could be claimed, the reasonable cost of the evening meal (including VAT) will be reimbursed in full.

## Incidental expenses allowance

Where attendance at a conference is an approved duty a Councillor may claim £46.56 per day or part day in respect of incidental expenses incurred.

## Co-optees

Co-opted members of Council Committees may claim travel and subsistence allowances in accordance with the provisions of this scheme.

## Cycling Allowance

Councillors using a bicycle to travel to and from approved duties may claim a one off cycling allowance of £17.51 per annum.

## PART C

### Procedure for making claims

1. All claims must be submitted on the appropriate claim form. Claim forms must be signed. The items and amounts claimed should be stated clearly. Councillors are responsible for ensuring that their claims are accurate and complete.
2. Councillors' claims will be audited quarterly.
3. Claim forms should be handed in to the Members' Allowances Scheme Administrator. Audits will involve checking:
  - that the meeting took place (random checks will be done where the meeting is of an outside body),
  - that the Councillor attended it (random checks will be done where the meeting is of an outside body),
  - that mileage claims are reasonable and, where relevant, correspond to any mileage details registered with the Members' Allowances Scheme Administrator,
  - that meals were not provided free of charge at meetings for which subsistence is claimed (random checks will be done where the meeting is of an outside body).
4. **Despite the verification process, Councillors remain responsible for the accuracy of the claims they submit.** If the claim form is unsigned or unclear it will be returned to the Councillor concerned for completion/clarification, rather than processed for payment. If Councillors are unclear how to complete the claim form they should consult the Members' Allowances Scheme Administrator.
5. Claim forms must be submitted within 2 months of the relevant meeting taking place. **Late claims will not be accepted and entitlement to allowance will be lost.**
6. If a claim, or part of a claim, is disallowed, a Councillor will be informed within 10 working days and given a reason. If a Councillor does not agree with a decision to disallow a claim they then have 10 working days to ask for the matter to be reconsidered by the Head of Legal & Democratic Services, whose decision on the subject will be final.

## Schedule 1

		<u>Per Annum</u>
<u>Basic Allowance</u>		4 634.00
<u>Special Responsibility Allowances</u>	<u>Multiple of Basic Allowance</u>	£
Leader of Council	4.66	21 594.00
Deputy Leader of the Council	2.33	10 797.00
Leader of the Opposition	1.5	6 951.00
Deputy Leader of the Opposition	0.5	2 317.00
Cabinet Members	1.75	8,110.00
Chair of Scrutiny Committee	1.45	6 719.00
Vice-Chair of Scrutiny Committee	1.2	5 561.00
Chair of Scrutiny Sub-Committee	0.95	4 402.00
Vice-Chair of Scrutiny Sub-Committee	0.3	1 390.00
Chair of Planning Committee	1.5	6 951.00
Vice-Chair of Planning Committee	0.5	2 317.00
Shadow Chair of Planning Committee	0.33	1 529.00
Member of Planning Committee (excluding the Chair, Vice-Chair and Shadow Chair)	0.165	765.00
Chair of Area Council	0.165	765.00
Chair of Judicial Committee (hackney carriage and private hire licensing)	0.33	1 529.00
Chair of Employment Committee	0.165	765.00
Chair of Licensing Committee	0.33	1 529.00
Vice-Chair of Licensing Committee	0.165	765.00
Chair of Audit Committee	0.165	765.00
Group Chief Whip	0.165	765.00
Group Secretary	0.165	765.00



## Schedule 2

### Approved duties

The categories of approved duties for travel and subsistence claims are as follows:

1. Meetings of the Council;
2. Meetings of a Council Committee or Sub-Committee;
3. Meetings of the Cabinet or a Cabinet Committee;
4. Meetings of other bodies to which the Council makes appointments;
5. Other meetings approved by the Council or a Committee or Sub-Committee provided members of at least two of the political groups on the Council are invited. This can include meetings with officers;
6. Meetings of any local authority association of which the Council is a member
7. Attendance at tender openings where this is required by the Contract Procedure Rules;
8. Attendance at any statutory inspection or premises;
9. Any other duty approved by the Council or a Committee/Sub-Committee for the purpose of, or in connection with, the discharge of the functions of the Council.

The approved duties for which carer's allowance can be claimed are set out paragraphs (1) to (8) above.

When you make a claim for travel and subsistence you must describe the approved duty as accurately as you can. For example, you must give the correct name of the committee or outside body concerned.

If you are unsure whether an activity qualifies as an approved duty you should check with the Members' Allowances Scheme Administrator before you submit your claim as you are responsible for ensuring that your claims are accurate and correct