

Members' Allowances Scheme

Torbay Council has made the following scheme for the payment of allowances to members from 9 May 2023, in accordance with the Local Authorities (Members' Allowances) Regulations 2003.

1. In this scheme:

“councillor” means an elected member of Torbay Council;

“co-opted member” means the following:

(a) Statutory co-optees (diocesan authority and parent governor representatives).

Basic Allowance

2. Subject to paragraph 10, an annual Basic Allowance (BA) will be paid to each councillor. For the year commencing 9 May 2023 the Basic Allowance is **£9,926**. This is intended to recognise the time commitment of councillors on constituency duties and attending meetings and travel on non-approved duties etc; dealing with correspondence; and costs relating to the use of the councillors' home such as telephone charges, broadband, stationery, postage and office equipment.

Special Responsibility Allowances

3. (a) Subject to paragraph 10, an annual Special Responsibility Allowance (SRA), will be paid in addition to the Basic Allowance to those councillors who hold the special responsibilities listed below. The SRA is paid to recognise the additional commitment and time required to fulfil each role and covers subsistence and travel for attending meetings not listed in Schedule 1.

Leader of the Council	£24,815
Deputy Leader of the Council	£14,889
Cabinet Members:	
□ Collective decision making	£12,904
Overview and Scrutiny Co-ordinator	£7,941
Scrutiny Lead Members who Chair Adult Social Care and Health Overview and Scrutiny Sub-Board and Children and Young People's Overview and Scrutiny Sub-Board	£5,956
Scrutiny Lead Members who Chair ad hoc Task and Finish Groups	£3,970
Chairman/woman of Planning Committee	£7,941
Chairman/woman of Statutory Licensing Committee	£3,970
Chairmen/women of Statutory Licensing Sub-Committees (excluding Chair of Licensing Committee):	
□ 10+ meetings	£1,290
□ 5-9 meetings	£695
Chairman/woman of Regulatory Committee	£3,970
Chairmen/women of Regulatory Sub-Committees (excluding Chair of Licensing Committee):	
□ 10+ meetings	£1,290
□ 5-9 meetings	£695
Civic Mayor	£3,970
Chairman/woman of Harbour Committee	£3,970
Chairman/woman of Audit Committee	£3,970

Chairman/woman of Health and Wellbeing Board	£3,970
Leaders of Political Groups: (an allowance per member excluding the Group Leader)	£397

- (b) No councillor will be entitled to receive more than one Special Responsibility Allowance.

Co-optees' Allowance

4. Subject to paragraph 10, an annual co-optees' allowance of £140 shall be paid to each co-opted member (to include expenses for travel and subsistence).

Independent Person for Audit Committee Allowance

5. An allowance of up to £1,000 per annum shall be offered as remuneration to the Independent Person for the Audit Committee.

Civic Allowances

6. The Council has chosen to pay a Civic Allowance for each Municipal Year (which is outside of the Members' Allowances Scheme) to the Chairman/woman of the Council to assist them in carrying out their civic and ceremonial role. This is in addition to the SRA received by the Chairman/woman of the Council.

Individual's Acceptance of Allowances

7. A councillor or a co-opted member may choose to not accept all or part of his or her entitlement to an allowance under this scheme by giving written notice to the Head of Governance Support.

Part-year Entitlements

8. Councillors and co-opted members will be paid for the period they serve and if this is less than a whole year payments will be made on a pro-rotta basis on the number of days applicable. This also applies to those holding positions of special responsibility and if the Scheme is amended during the year.
9. In the year of a local election the Chairman/woman of the Council and Vice-Chairman/woman of the Council will continue to receive their SRA and Civic Allowances up to the day of the Annual Council meeting. This includes where they are not re-elected.

Tax and National Insurance Contributions

10. The Basic Allowance and any Special Responsibility Allowances are subject to Tax and National Insurance contributions by the PAYE process operated by the Council and these allowances will be paid automatically to councillors in twelve monthly instalments. Co-optees Allowances are also subject to Tax and National Insurance contributions and are paid in a single payment at the end of each financial year.

Suspension

11. Where a councillor is suspended or partially suspended their Basic and/or Special Responsibility Allowance and any other allowances they would normally be entitled to will be stopped for the period of the suspension.

Travelling and Subsistence Allowances

12. Councillors and co-opted members may claim Travelling and Subsistence Allowances for approved duties listed in Schedule 1 at the rates set out in Schedule 2. These are not subject to tax. Prior written approval should be obtained from the Head of Governance Support for travel abroad or first class travel.

Childcare and Dependent Carers' Allowance

13. (a) An Allowance equal to the cost incurred may be claimed when a carer has been engaged to enable a councillor (including those members in receipt of an SRA where that member is representing the Council at a formal external meeting in that capacity, including any acting as an approved substitute as notified by the relevant Group Leader to the Head of Governance Support in advance of the meeting) or a co-opted member to carry out an approved duty listed in Schedule 1.
- (b) The Allowance will cover paid care for the following who live with the claimant:-
 - children aged 15 years and under;
 - elderly relative requiring constant care;
 - disabled relative requiring constant care; or
 - relative with learning disabilities requiring constant care.
- (c) The paid carer cannot be a member of the immediate family or household.
- (d) As per HMRC regulations, no tax relief is due for the cost of a carer and any claim will be subject to tax.

Duties which fall outside the Scheme

14. The Head of Governance Support is authorised to approve Travel and Subsistence and Childcare and Dependent Carer's Allowances for duties that technically fall outside the scheme (provided, that in the case of childcare and dependent carer's allowances, they meet the requirements of 13 above) where he/she is satisfied that the expenses incurred are essential to the proper conduct of Council-related business.

Up-rating of Allowances

15. The Basic Allowance, Special Responsibility Allowances and Co-optees Allowances will be indexed, on the 1 April each year from 2024, to the percentage of the average of the staff pay increase (to be calculated annually by the Director of Finance) following the annual local government pay percentage increase as agreed by the National Joint Committee for Local Government Services.

The Travel and Subsistence Allowances will be up-rated as and when the officers' scheme is adjusted, subject to the requirement in the Regulations for this index to apply for no longer than four years without a further review of the Allowances Scheme by an Independent Remuneration Panel.

Claims and Payments

16. A claim for a Travel and Subsistence Allowance and a Childcare and Dependent Carers' Allowance under this scheme must be made in writing or the Council's MyView system within **three months** of the date of the meeting and must be supported by appropriate receipts.
17. Claims must be submitted to the Governance Support Team by 1st of the month (or the next working day if the 1st falls on a weekend or bank holiday). Payments will be made on 25th of each month by BACS.
18. All questions about the interpretation and application of any of the allowances should be emailed to the Chief Executive.

Parking Permit

19. Members have the option to purchase either an annual car parking permit at £100 to include all Council owned car parks or to pay to park on an ad-hoc basis in line with the charges applicable to staff.

Schedule 1

The following duties are recognised as approved duties for the payment of Travel and Subsistence Allowances and Childcare and Dependent Carers' Allowances:

- i) attendance at meetings as a duly appointed member of:
 - (a) the Council and any committee of the Council;
 - (b) any sub-committee appointed by a committee;
 - (c) the Cabinet or committee of the Cabinet (if appointed);
 - (d) working parties (including the Member Development Group and Leadership Group);
 - (e) scrutiny review panels;
 - (f) policy development groups;
 - (g) any outside organisation and their sub-groups appointed by the Council or the Cabinet, provided that the organisation does not pay any such expenses (these are listed on each Councillor's details page on the Council's website at www.torbay.gov.uk/DemocraticServices/mgMemberIndex);
- (ii) Members in receipt of an SRA where that member is representing the Council at a formal external meeting in that capacity, including any acting as an approved substitute as notified by the relevant Group Leader to the Head of Governance Support in advance of the meeting
- (iii) attendance at internal Cabinet/Senior Officer meetings (Cabinet and Directors' meeting (CAD));
- (iv) attendance at internal cross party governance meetings with Councillors and Senior Officers, for example, Council Leadership Group;
- (v) attendance at LGA Boards (for Torbay Councillors) who are members of those Boards but not appointed by Torbay Council;
- (vi) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny by committee/board members;
- (vii) attendance at member development sessions;
- (viii) attendance at seminars and all member briefings organised by Torbay Council, except for those held immediately prior to a meeting of Council;
- (ix) attendance at non-political conferences/seminars, subject to prior approval by the relevant Group Leader and Head of Governance Support and funding for the conference being available (in accordance with the Local Protocol for the Leader of the Council and Political Groups); and
- (x) members who are not the appointed member of the bodies listed below are able to claim mileage and carers' allowance (excluding subsistence allowance) for

attendance in person at meetings of the following (with effect from 1 January 2024):

- a) the Council and any committee of the Council;
- b) any sub-committee appointed by a committee;
- c) the Cabinet or committee of the Cabinet (if appointed);
- d) working parties; and
- e) scrutiny review panels.

Schedule 2

Travelling and Subsistence Allowances

The following travelling allowance may be claimed with effect from June 2023 (the date the rates came into force) and rates for travel will be the same as those set out in the Torbay Council Expenses Policy for those duties listed in Schedule 1:

Travelling Allowances

- (a) Motor Cars – 45p per mile
- (b) Electric Car – 40p per mile
- (c) Motor Cycles - 40p per mile
- (c) Bicycles - 40p per mile
- (d) Taxi - councillors and co-opted members may claim taxi fares provided that the journey is necessary to undertake an approved duty of the Council and where no public transport is reasonably available.

A member may claim a maximum of 40 miles for a round trip for attending approved duties within Torbay. However, where a member is temporarily residing outside of Torbay and is required to attend an approved duty in Torbay they will be able to claim the travel allowance from their temporary residence on a one-off ad hoc basis with the prior agreement of the Head of Governance Support (such travel should be by the most cost effective means).

Notes: For all journeys, councillors and co-opted members will be expected to use the most appropriate means of transport possible. This includes public transport. For travel outside Torbay, councillors and co-opted members should agree in advance with the Head of Governance Support whether travel by car, train or other public transport is appropriate before any journey is undertaken.

All claims for travel on public transport must be accompanied by a receipt.

All claims for travel by car or motor cycle must be accompanied by a VAT fuel receipt which must be for at least one-third of the total amount of the claim. One receipt may be used for more than one journey provided it covers at least one-third of the total amount claimed. This is to enable the Council to reclaim the VAT on the fuel element of the mileage claims.

Subsistence

The following subsistence allowances may be claimed with effect from June 2023 for those duties listed in Schedule 1:

- (i) **Breakfast** allowance (departure from home before 8.00 a.m.)..... **£7.06**
- (ii) **Lunch** allowance (absent from normal place of work during
12.00 noon and 2.00 p.m.) **£9.72**
- (iii) **Evening** meal allowance (not home before 6.00 p.m.)..... **£13.44**

Notes: Subsistence rates for councillors and co-opted members are calculated on a meals basis dependent on the time of day the meal would be taken and the time away from home. All claims for subsistence must be accompanied by a receipt. The maximum allowance will

only be paid where the cost of the subsistence is equal to, or greater than, the maximum amount.

Where subsistence is provided by the Council or event organiser, subsistence claims will not be paid, even where a member declines to accept the subsistence provided and makes their own provision.

Other expenses

The actual amount incurred on any tolls, ferries or parking fees shall be reimbursed. All claims for such expenses must be accompanied by a receipt.

In the case of an absence overnight from their usual place of residence, councillors and co-opted members may be entitled to claim reasonable expenses by agreement in advance with the Head of Governance Support.

Note: Schedule 2 has been updated with effect from June 2023 to reflect the change in rates for staff.