

## 8. Member Procedures

### (f) Scheme of Members’ Allowances

- 1.1 The Council, in exercise of the powers conferred by the Local Authorities (Members’ Allowances) Regulations 2003, hereby makes the following scheme.
- 1.2 This scheme may be cited as the Teignbridge District Council Scheme of Members’ Allowances and shall have effect from 1 April 2023 as agreed at the Council meeting held on 29 November 2022.

#### 2. Basic Allowance

- 2.1 For the 2022/23 municipal year, a basic allowance of £5,990 shall be paid to each Councillor. For the purpose of carrying out District Council duties, elected Members are provided with IT devices and IT support for those devices. Members are required to meet the cost of their internet access from this allowance.

#### 3. Special Responsibility Allowances

- 3.1 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 Appendix A below**. Only one Special Responsibility Allowance can be paid to each Councillor, with the exception of the Group Leaders Allowance:

Leader of the Council	£20,967
Deputy Leader of the Council	£10,484
Chair of the Planning Committee	£8,387
Executive Members	£8,986
Executive Member without Portfolio	£6,590
Chair of the Overview & Scrutiny Committee(s)	£6,590
Chair of the Council	£5,991
Chair of Licensing & Regulatory Committee	£4,493
Chair of Audit Scrutiny	£2,995
Vice Chair of Planning Committee	£2,995
Vice Chair of the Council	£2,396
Vice Chair of Overview & Scrutiny Committee(s)	£1,797
Vice Chair of Licensing & Regulatory Committee	£2,396

Chair of Standards Committee £2,995

Group Leaders % calculation of Basic Allowance based upon & of members of the group out of maximum number of Council Members (47)

**4. Co-optees Allowance**

4.1 A Co-optees Allowance is payable to the independent members appointed to advise under the standards code.

Per half day £50

**5. Suspension of Allowances**

5.1 Regulations permit the suspension of allowances though it is accepted that a suspended Member may be in a position to undertake some duties within their Ward.

5.2 If a Member is wholly suspended, both Basic and Special Responsibility Allowances will be withdrawn. If a Member is partially suspended, the recommendations of the Standards Committee will be sought as to the degree of intent and they will then make a recommendation to Democratic Services, who will take the decision over the payment of the allowance.

5.3 In the event of a Councillor with special responsibilities being unable to carry out their additional duties due to maternity/paternity leave or sickness, the Special Responsibility Allowance will cease and will instead be paid to the Councillor undertaking the duty, in accordance with the one Special Responsibility Allowance remuneration rule.

**6. Travel and Subsistence Allowances**

6.1 The Council has adopted the rules and rates set by HMRC for travel and subsistence.

6.2 To qualify for payment the duties must fall within the definition of an approved duty set out in Appendix A.

**a) Travelling Allowances**

**i) Motor Vehicles, Motorcycles and Bicycles**

The rates applies to all types within the class.

Car/van first 10,000 miles	Car/van over 10,000 miles	Passenger (each)	Motorcycles	Bicycles
45p per mile	25p per mile	5p per mile	24p per mile	20p per mile

The actual cost of any necessarily incurred tolls and car parking fees can also be claimed.

ii) Public Transport

The rate of travel shall be reimbursed at the actual cost of the cheapest available fare. Where more than one class of fare is available, only the standard class will be payable.

For long distance journeys, where there is a direct rail link, Councillors should use the railway network. If there is no direct rail link then travel will be at the normal travel rate for a car.

iii) Travel by Taxi

Taxi fares will only be paid provided a medical certificate is produced which certifies the Member could not for medical reasons use public transport.

iv) Hired Motor Vehicles

Rates payable shall not exceed the rates of Councillors own motor vehicle unless previously approved by the Council.

v) Travel by Air

Please refer to Democratic Services.

**b) Subsistence Allowance**

Minimum journey time	Maximum amount of meal allowance
5 hours	£5
10 hours	£10
15 hours (and ongoing at 8pm)	£25

Where a scale rate of £5 or £10 is paid and the qualifying journey in respect of which it is paid lasts beyond 8pm, a supplementary rate of £10 can be paid to cover the additional expenses necessarily incurred as a result of working late.

**6.3** Expenses such as accommodation and travel for courses and conferences will normally be arranged by Democratic Services.

**7. Dependant’s Allowance**

**7.1** The Dependants’ allowance may be claimed when a carer for a dependant has been engaged to enable a Councillor to carry out an approved duty as defined in Appendix A.

**7.2** A dependant, for the scheme, is defined as a person needing the presence of a responsible adult, for example a child under the age of 14 years, or a person with a recognised physical or mental disability. The dependant must reside with the Councillor and either be a child of which the Councillor is the legal guardian, or the spouse/civic partner of the Councillor.

- 7.3** The allowance may not necessarily cover the whole cost of care but will provide the reimbursement of expenditure up to the current National Minimum Wage hourly rate for 25+. If the actual hourly rate is lower, the actual sum paid by the Councillor would be reimbursed to the Councillor. The allowance will be paid for the duration of the approved duty, plus an allowance for up to one hour's total travelling time before and after the meeting.
- 7.4** The care of the dependant does not necessarily have to be provided by a registered or professionally qualified provider, but it cannot be claimed for care carried out by a member of the same household. In addition, it may not be claimed if the care is already paid for by another body or if claimed elsewhere. A receipt is required with the cost of the care, counter-signed by both the Councillor and the carer.
- 7.5** Special circumstances could be considered on an individual basis.
- 7.6** Payment of the allowance will be made under the powers of Section 111 of the Local Government Act 1972.

## **8. Claims and Payments**

- 8.1** The Basic Allowance and Special Responsibility Allowances shall be paid in twelve monthly instalments. The Chair of Standards and Co-optees Allowance will need to be claimed. Payment will be made direct to the bank or building society account of the Member's choice.
- 8.2** Payments shall be commensurate to the length of appointments and period of office.
- 8.3** A claim for travelling, subsistence and care under this scheme shall be made on the appropriate claim form within one month of the date of the meeting, in respect of which the entitlement to the allowance arises. Claims which do not comply with this timescale will only be accepted by Democratic Services in exceptional circumstances. Fuel receipts should be attached to the claim form whenever possible. Receipts for claims for other methods of travel, subsistence and care must be attached. Allowances will be restricted to 50% of the approved scale or refused if no receipt is attached.

## **9. Automatic Increases of Allowances**

- 9.1** From 2023 Basic and Special Responsibility Allowances will automatically increase at the start of the municipal year based on the percentage applied to the majority of Local Government grades.
- 9.2** Travel and subsistence allowances and will automatically be updated with changes made by HMRC.
- 9.3** The Dependants Allowance will be updated in line with National Minimum Wage.



## **APPENDIX A**

### **Approved Duties**

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 either as:
  - As an observer or
  - A duly appointed member of:
    - (a) the Council and any committee of the Council;
    - (b) any sub-committee appointed by a committee;
    - (c) the Executive or committee of the Executive (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 at Appendix B below).
- (ii) attendance at site visits for planning or licensing purposes or as part of overview and scrutiny by committee members;
- (iii) attendance at member development sessions;
- (iv) attendance at seminars and all member briefings organised by Teignbridge Council, except for those held immediately prior to a meeting of Council;
- (v) 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.
- (vii) attendance at a meeting of the Council.

### **Representation on Outside Bodies**

Representation on the following organisations will qualify as an approved duty.

Travel may be claimed for these:

Connecting Devon and Somerset Board  
Dartmoor National Park Authority  
Dartmoor National Park Community Forum  
Dartmoor National Park Site Inspections  
Devon Authorities Strategic Waste Committee  
Devon Building Control Partnership  
Devon playing Fields Association

Devon Rail Authority  
Exe Estuary Steering Committee  
Heart of SW Coastal Productivity Plan-Coastal Strategy Group  
Local Government Association  
Local Government Association Coastal Special Interest Group  
Local Government Association District Councils’ Network Assembly  
Newton Abbot Community Interest Company  
PATROL (Parking and Traffic Regulations Outside London)  
Police and Crime Panel  
South East Habitats Mitigation Executive Committee  
South West Councils  
South West Provincial Council  
Stover Canal Trust  
Stover Park Advisory Board  
Teign Estuary & Coastal Partnership  
Teignbridge Citizens Advice Bureau  
Teignbridge Highways and Traffic Orders  
Committee (HATOC)  
Teignbridge Locality Committee (County)  
Teignbridge Rural Aid Committee  
Teignmouth Town Centre Partnership  
Torbay and South Devon NHS Foundation Trust

## **Appendix B**

### **PARENTAL LEAVE POLICY**

#### **Introduction**

This Policy sets out Members’ entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis. Discussions are ongoing about changing the law to enable compulsory provision.

Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement with the Monitoring Officer or Deputy Monitoring Officer.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months’ period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement with the Monitoring Officer or Deputy Monitoring Officer.
- 1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.
- 1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity, shared parental or adoption leave as follows:

- Weeks 1 to 6 – 90% of SRA
- Weeks 7 to 18 – 50% of SRA
- Weeks 19 to 52 – no payment but retain the right to return to same position or an alternative position with equivalent status and remuneration.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

3.6 The Member be kept in the loop with KIT (keeping in Touch) meetings in line with officer procedure undertaken by the Group Leader.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member’s maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

4.3 In the event of the political control of the Council changing and a member no longer holds the same position, the member’s leave will end at that time.

4.4 Where a replacement is appointed to cover the period of absence that member shall receive an SRA for the period of the temporary appointment.

5. Disptes

5.1 Should any dispute arise over the interpretation of this policy, reference will be to the Monitoring Officer, in consultation with the Section 151 Chief Finance Officer, will determine the position.

Appendix 1

**HANDLING CASEWORK DURING PARENTAL LEAVE**

Wherever possible, political groups will put arrangements in place to help with casework and related issues.

Democratic Services will provide help and advice where appropriate, and arrange for officers in service areas to respond to enquiries.

The Group Leader has a discussion with the councillor to establish;

- a. A formal agreement of relevant dates for start and end of period of leave (end date could be amended) and an agreement to notify this and any changes to Democratic Services;
- b. Whether the councillor would like to maintain any councillor responsibilities during this period and, if so, which ones;
- c. How and how often the councillor would like to be contacted;
- d. How they would like their Councillor Contact webpage to be amended regarding contact details;
- e. Record keeping arrangements during the period of leave;
- f. A review and handover of open issues at the start of the period of parental leave;
- g. Return/settling back in review at the end of the leave (work handover, whether further support is needed)
- h. Any other relevant considerations including undertaking a risk assessment as required;
- i. The Group Leader or Political Assistant then communicates the above information to Democratic Services and they jointly agree what is needed. Understandably, each case will be individual, and so a flexible approach will be needed, and the arrangements may need to adapt with circumstances.
- j. Advice and support will be available from Democratic Services.