



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**GOVERNANCE, ETHICS AND STANDARDS COMMITTEE**

**18 January 2024**

**Report of the Director of Legal and Democratic Services**

**Annual Report of the Independent Remuneration Panel**

**1. Purpose**

- 1.1 To inform the Committee of the latest report from the Council's Independent Remuneration Panel (IRP), relating to member remuneration for 2024/25 in order to make recommendations to Council.

**2. Information and Analysis**

- 2.1 The Council is required to adopt and publish a Members' Allowances Scheme and to consider recommendations from the IRP. Attached for consideration at Appendix 2, is the report of the Independent Remuneration Panel dated December 2023. The Panel met in order to prepare their report and a summary of the work carried out is included in the Panel's report at section three.
- 2.2 The findings of the Panel are set out in section four of their report with the recommendations in full provided at section five.
- 2.3 The Committee will recall that earlier this year the Panel recommended Members Allowances for 2023/24 were left unchanged but uplifted by any increase in the pay award due to employees covered by the NJC Pay Rates for Local Government Services as of 1st April. The Panel recognised that a similar situation to 2022/23 may arise where a flat rate increase might be agreed rather than a percentage increase and if this was the case for 2023/24, they would wish to convene again to discuss the matter further. Since Council approved the Panel's

recommendations, Local Government Employers agreed the pay award for 2023/24 for staff covered by standard terms and conditions of employment. The agreement provided:

- Staff on grades 1 to 13: an increase of £1,925 (pro rata for part-time employees)
- Staff on grades 14 to 16: an increase of 3.88%
- Chief Officers and Chief Executives: an increase of 3.50%

2.4 In line with the recommendations approved at its last meeting, the Panel has reconsidered the pay award for 2023/24 in light of members allowances as it was not a straightforward percentage increase.

2.5 With reference to the 2023/24 year, the Panel is recommending that the basic allowance is increased by 5.1% in line with the average pay award for all staff covered by standard terms and conditions. For Special Responsibility Allowances, the Panel is recommending an increase of 3.50% which is in line with the pay award for chief officers covered by JNC Pay Rates. Such payments to be backdated to 1<sup>st</sup> April 2023.

2.6 The IRP have also considered the allowances payable in the next financial year beginning 1st April 2024. In summary the Panel is recommending that no changes to allowances are made, but that they are uplifted by any increase in the pay award due to employees covered by standard terms and conditions as of 1st April 2024. The Panel has recognised that the pay award has not been a straightforward percentage increase for all staff for the past two years so where that is the case has taken the decision to recommend that the Basic Allowance is uplifted in line with the average pay award for staff covered by standard terms and conditions and that any Special Responsibility Allowances are uplifted in line with the pay award for Chief Officers covered by the JNC Pay Rates.

2.7 The Panel has is also recommending two further changes to the Scheme. Firstly, the addition of an additional allowance for the newly created position of co-opted independent member of the Audit Committee, subject to the approval of Council. And secondly, the Panel is recommending some changes to the wording of the Members' Allowance scheme to clarify matters around the claims process. These changes are discussed fully in the Panel's report.

### **3. Consultation**

3.1 It has not been necessary to carry out formal consultation in relation to this report, however, email correspondence was sent to all councillors on 24 November inviting comments or feedback for the Panel.

#### **4. Alternative Options Considered**

4.1 The Committee could decide not to support the recommendations made by the Panel and make their own alternative recommendations for presentation to Council, however the Committee must have regard to the recommendation made by the Panel.

#### **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

#### **6. Background Papers**

6.1 None identified.

#### **7. Appendices**

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Report of the Independent Remuneration Panel

#### **8. Recommendation(s)**

##### **That Council:**

- 1) Considers the report and recommendations of the Independent Remuneration Panel, as set out in Appendix Two to the report, and recommend them to Council for approval.

#### **9. Reasons for Recommendation(s)**

9.1 To ensure that the Council has an up to date and robust scheme for the payment of allowances to members.

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## **Implications**

### **Financial**

- 1.1 The total costs for the proposed increases will be £0.059m. For 2023-24 budget purposes a sum of £0.045m was set aside for increases in Members Allowances. The proposed increase leaves the Council with a shortfall of £0.014m in 2023-24 and an ongoing pressure of that amount in each subsequent year. To resolve this, the base budget position will be aligned as part of the 2024-25 budget setting process.

### **Legal**

- 2.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) set out that local authorities must establish a panel to review and advise on the level of allowances payable to members. The Council must have regard to the recommendation made by the Panel.
- 2.2 The Council has the power to amend its Members' Allowances Scheme at any time during the year under regulation 10(3) of the 2003 Regulations.
- 2.3 Adopting the Members' Allowances Scheme and approval of amendments to the Constitution are both matters which are reserved to Full Council. However, under its terms of reference at Article 11 of the Constitution, the Governance, Ethics and Standards Committee is required to advise the Council on any matters in connection with the Members' Allowance Scheme, taking into account the recommendations of the Independent Remuneration Panel.

### **Human Resources**

- 3.1 None

### **Information Technology**

- 4.1 None

### **Equalities Impact**

- 5.1 None

### **Corporate objectives and priorities for change**

6.1 Not applicable

**Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None.

## **Appendix 2**

# **Report of the Independent Remuneration Panel Derbyshire County Council December 2023**

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Recommended Amounts Payable to Members under the Members' Allowances Scheme 2023-2024

### **Annex B**

Recommended Amounts Payable to Members under the Members' Allowances Scheme 2024-2025

### **Annex C**

Amended Members' Allowances Scheme 2024-2025

## 1. Background

- 1.1 The Independent Remuneration Panel is established under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) to provide advice and recommendations to the Council on its Members' Allowances Scheme and amounts to be paid under it.
- 1.2 Relevant guidance was issued by the Office of the Deputy Prime Minister "EIM65960 - Local Government Councillors and civic dignitaries in England: ODPM guidance: Part One: members' allowances.
- 1.3 Panel members are appointed for a period of four years and no member may serve for more than two terms of office of four years.
- 1.4 Panel members are recruited by public advertisement and should be of good standing in the community either as a resident and/or a stakeholder in the County. Ideally members should have sound knowledge of employment and financial matters with an understanding of the operations of a local authority. To maintain independence political appointments, and appointments which are made through friendship or any other personal association of any members of the council must be avoided.
- 1.5 The Council has successfully recruited three new members to the Panel who have been in place since December 2022 and contributed to this report.
- 1.5 The current Derbyshire County Council Independent Remuneration Panel comprises five members, none of whom are members of the Council or any of its committees, nor an employee of the Council. The members are:
  - a) **Peter Clay - elected by the panel as Chair** Retired Senior Banker, Retired Magistrate, former Non-Executive Director and Audit Chair of various Public Bodies including four NHS appointments, former Chair of Lincolnshire IRP, presently Chair of City of Lincoln IRP. Member since December 2021.
  - b) **Peter Clifford** - Retired Magistrate having served 17 years (including 6 years as a Chair). Former Pensions Manager at Coalite Group and Rolls-Royce. Bachelor of Law degree from the University of London. Member since December 2021.
  - c) **Matthew Holden** - Currently a serving Police Officer and former local authority officer and a Member of the IRP at South Holland District Council. Member since December 2022.



- d) **Gemma Shepherd-Etchells** - Magistrate and Senior Lecturer. Independent Member of the Cheshire Police and Crime Panel. Member since December 2022
- e) **Robin Morrision** - Former local authority Chief Executive before retirement and currently serving as Chair of Worcestershire Children First an arm's length company owned by Worcestershire County Council delivering Education and Children's Social Services to the Council. Member since December 2022.

1.6 The Panel is advisory in nature and the recommendations it makes are not binding on the authority. However, the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) requires Council to "have regard" to the Panel's recommendations when setting its allowances.

## 2. **Terms of Reference**

The purpose of the Independent Remuneration Panel is as follows:

- a) To make recommendations to the authority as to the amount of basic allowance that should be payable to its elected members.
- b) To make recommendations to the authority about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an award.
- c) To make recommendations to the authority about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance.
- d) To make recommendations as to the amount of co-optees' allowance.
- e) To make recommendations as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- f) To make recommendations on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended.
- g) To make recommendations as to whether annual adjustments of allowance levels may be made by reference to an index, and if so, for how long such a measure should run.

- h) The IRP will make its recommendations in the form of a report to Council.

### 3. **Process of the Review**

The Panel met in in December once the pay award for local government staff had been agreed at the end of November.

#### Allowances for 2023/24

The Panel was first asked to re-consider the issue of Members' Allowances for the 2023/24 year in light of the agreed pay award for local authority staff. In its 2022 and 2023 report, the Panel recommended, and Council subsequently agreed, that that any allowances payable to members should be "uplifted by any increase in the pay award due to employees covered by the NJC Pay Rates for Local Government Services as of 1st April each year".

In common with the previous year's pay award, it was explained that the matter of increasing the allowances in line with the national pay award was not straightforward as the final agreement on pay saw different groups of staff receiving different percentage increases or a flat rate depending on salary. The agreement also increased some staff allowances, such as payments for sleep in work and laboratory technicians, by 3.88%.

The Panel then discussed various options on how to implement the pay award. Alternatives discussed were:

- Applying an average percentage rise across all pay scales (equivalent to 5.1%)
- Applying an average percentage rise across Chief Officer Grades (equivalent to 3.50%)
- Applying the rate at which staff allowances were increased (equivalent to 3.88%)

In making their recommendations, the Panel discussed and had regard for the following:

- It was felt that the Basic Allowance, which is universally paid to all Councillors unless they chose to forgo it, should be increased in line with the average employee's salary. The Panel felt that this would be fair when considering the cost-of-living pressures that both councillors and staff are currently experiencing.
- The option of aligning the increase to Chief Officer pay covered by JNC Pay Rates was not supported as Panellists considered this figure to be too low in light of the previous point.
- The option of increasing the allowances by the average percentage rise across all pay scales was supported. Panellist felt that Councillors should be treated in similar terms to the majority of staff. The Panel felt

that both staff and Councillors were public servants in the same way and that any increase to allowances should recognise this.

Following agreement to recommend an increase of 5.1% to the Basic Allowance, the Panel next considered the increase in relation to Special Responsibility Allowances.

The Panel observed that councillors in receipt of SRAs were normally experienced councillors often holding senior positions which could be compared to a senior management type role. The Panel noted that this year's pay award for staff gave a pay award of 3.50% to Chief Officers covered by JNC Pay Rates which was a different rate compared to the average across all staff (5.1%). Because of this, the Panel agreed that it was appropriate for SRAs to be aligned to any pay award given to Chief Officers rather than all staff. Therefore, it was agreed to recommend that SRAs should increase by 3.50% for the 2023/24 year.

#### Allowances Scheme for 2024/25

The Panel went on to consider the Members' Allowances Scheme for 2024/25. The following was discussed:

- The Audit Services Team had consulted the Panel on a new position for the scheme – an Independent Member of the Audit Committee. It was explained that this newly created position was industry best practice to establish independent oversight of the Council's Audit processes. It was intended that two independent Members would be recruited as co-opted members. A role profile and briefing note was shared with the Panel with a suggestion that the position should attract an allowance of around £1,000 per annum. Following discussion, the Panel felt that a figure of £1,000 was too low to attract the calibre of applicants that the role required. It was therefore decided to recommend that the SRA for a Co-opted Member of the Audit Committee is set at £2,000 per annum.
- Following a report from officers, a number of changes were proposed to the wording contained within the allowance scheme. The changes proposed were largely technical in nature and designed to clarify several points around allowances that members were entitled to claim. The changes also clarified that members must arrange overnight accommodation through the Council's Members support team when away from Derbyshire on Council business as well as removing ambiguity on the rates of reimbursement for mileage and dependent carers payments. Panel members agreed to recommend that the changes were recommended to Council for approval.
- In relation to the Staff Pay Award for 2024/25, the Panel was informed that unions had not yet submitted their pay claim to employers. It was therefore not possible to agree any specific recommendations in advance of the next financial year. However, the Panel were keen to avoid a repeat of the situation experienced over the last two years

where the staff pay award was not a universally applied percentage increase which resulted in delays and uncertainty in the payment of allowances to Members. The Panel did, however, express the view that linking staff pay awards to increases in Members' Allowances should continue as this was recognised as good practice and had worked well previously. In light of the discussions held around the pay award for 2023/24, the Panel agreed to recommend that 1) The Basic Allowance should be uplifted by any increase in pay due to employees and where that is not a single percentage increase which applies to all staff that the Basic Allowance is increased in line with the average pay award for all staff covered by both the NJC and JNC schemes and 2) That any Special Responsibility Allowances should be increased in line with the pay award for Chief Officers covered by JNC Pay Rates. This was agreed as the recommendation for the 2024/25 increase to members allowances as it would provide certainty going forward. No further changes to allowances paid were proposed.

#### 4. Results of the Review

##### 4.1 Basic Allowance for 2024/25

On the issue of the Basic Allowance, the Panel agreed that there should be no change to the allowance for 2024-2025 other than the addition of any increase in line with whatever the average pay award due to all employees is as of 1 April.

##### 4.2 Special Responsibility Allowances for 2024/25

On the issue of Special Responsibility Allowances, the Panel agreed that there should be no change to the allowance for 2024-2025 other than the addition of any increase in the pay award due to Chief Officers covered by the JNC Pay Rates as of 1 April.

##### 4.3 Staff Pay award 2023/24

- a) On the issue of the pay award for 2023/24, The Panel agreed that the Basic Allowance for 2023-24 should be increased by 5.1% and back paid to 1 April 2023.
- b) The Panel agreed that the pay award should be applied to Special Responsibility Allowances at the rate of 3.50% and also back dated to 1 April 2023.

4.4 A revised Members' Allowances Scheme incorporating the recommended amendments is attached at Annex A for 2023/24. A revised Members' Allowances Scheme for 2024/25 incorporating the recommended amendments is attached at Annex B.

##### 4.5 Other Changes

The Panel agreed that a new Special Responsibility Allowance should be paid to the newly created position of Co-opted Independent Member of the Audit Committee and that the amount of this allowance should be £2,000.

The Panel agreed to make a number of changes, detailed at Annex C to the report, to the text of the Members Allowances Scheme to clarify the procedure around the claiming of some allowances.

## **5. Recommendations**

The Panel therefore recommends to Council that:

- 5.1 There should be no change to the Basic Allowance for 2024-2025 other than the addition of any increase in the pay award due to employees covered by the NJC Pay Rates for Local Government Services as of 1 April 2024. In the event that a single percentage increase which applies to all such staff is not agreed, the percentage increase should be tied to the average rate of pay increase applied to all staff.
- 5.4 Special Responsibility Allowances payable to all Members from 1st April 2024 should remain at the 2023-2024 level uplifted by any percentage increase in the pay award due to Chief Officers covered by the JNC Pay Rates as of 1st April.
- 5.5 The Basic Allowance for 2023-24 should be increased by 5.1% and back paid to 1 April 2023.
- 5.6 Special Responsibility Allowances for 2023-24 should be increased by 3.50% and back paid to 1 April 2023.
- 5.6 The revised Members' Allowances Scheme for 2023-24 at Annex A is approved.
- 5.7 The revised Members' Allowances Scheme for 2024-25 at Annex B is approved.
- 5.8 From 1 April 2024, a new Special Responsibility Allowance to be paid to the newly created position of Co-opted Independent Member of the Audit Committee is approved and that the amount of this allowance should be £2,000.
- 5.9 From 1 April 2024, changes are made to the Members Allowances Scheme as detailed at Annex C to the report, are approved.

## **6. Work Programme for 2023-24**

- 6.1 The Panel intends to continue to keep under review all aspects of allowances paid. The Panel are particularly keen to review the scope and application of all Special Responsibility Allowances paid to elected members in advance of the next County Election in 2025. Specifically, the Panel intends to consider whether Members should be in receipt of more than one SRA at any one time. Again, an open invitation is extended to all Members of Council to ask questions or raise issues with the Panel at any time.

**Report Author**  
**Peter Clay**  
**Independent Chair**

**Derbyshire County Council Independent Remuneration Panel      Annex A**  
**Amounts Payable to Members under the Members Allowances Scheme      2023/24**

No Claim Required. These Allowances will be paid Automatically.

		Relative Responsibility %	Annual Amount 2023-24 £
<b>Special Responsibility Allowances</b>			
Council	Chairman	25	10,212
	Civic Chairman	25	10,212
	Civic Vice-Chairman	10	4,080
Cabinet	Leader	100	40,848
	Deputy Leader	75	30,636
	Cabinet Member	50	20,412
Leader of the Main Opposition Group		45	18,372
Leader of a Minority Opposition Group (with at least 10% of Council Members)		15	6,120
Cabinet Support Member		25	10,212
Improvement and Scrutiny Committee-Resources	Chairman	25	10,212
	Vice-Chairman	10	4,080
Improvement and Scrutiny Committee-Places			
Improvement and Scrutiny Committee-People			
Improvement and Scrutiny Committee-Health			
Improvement and Scrutiny Committee-Climate Change, Biodiversity and Carbon Reduction			
Planning Committee (Regulatory)			
Governance, Ethics and Standards Committee			
Audit Committee			
Pensions and Investments Committee			
Appointments and Conditions of Service Committee			
Basic Allowance			12,552
Co-optees Allowance			816
Fostering Panel			2,160

NB - A Member cannot be in receipt of more than two SRAs at any one time

**Derbyshire County Council Independent Remuneration Panel      Annex B**

**Amounts Payable to Members under the Members Allowances Scheme      2024/25**

Note: the figures in this table will be amended in line with whatever is determined regarding the application of the staff pay award for 2024/25, once it is agreed.

No Claim Required. These Allowances will be paid Automatically.

		Relative Responsibility %	Annual Amount 2024-25 £	
<b>Special Responsibility Allowances</b>				
Council	Chairman	25	10,212	
	Civic Chairman	25	10,212	
	Civic Vice-Chairman	10	4,080	
Cabinet	Leader	100	40,848	
	Deputy Leader	75	30,636	
	Cabinet Member	50	20,412	
Leader of the Main Opposition Group		45	18,372	
Leader of a Minority Opposition Group (with at least 10% of Council Members)		15	6,120	
Cabinet Support Member		25	10,212	
Improvement and Scrutiny Committee-Resources Improvement and Scrutiny Committee-Places Improvement and Scrutiny Committee-People Improvement and Scrutiny Committee-Health Improvement and Scrutiny Committee-Climate Change, Biodiversity and Carbon Reduction Planning Committee (Regulatory) Governance, Ethics and Standards Committee Audit Committee Pensions and Investments Committee Appointments and Conditions of Service Committee	Chairman	25	10,212	
	Vice-Chairman	10	4,080	
	Basic Allowance			12,552
	Co-opted Member of the Audit Committee			2,000
	Co-opted Member of Other Committees			816
	Fostering Panel			2,160

NB - A Member cannot be in receipt of more than two SRAs at any one time



**MEMBERS' ALLOWANCES SCHEME – 2024-25**

**LOCAL GOVERNMENT AND HOUSING ACT 1989**

**LOCAL GOVERNMENT ACT 2000**

**THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND)  
REGULATIONS 2003**

The Derbyshire County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

This scheme may be cited as the Derbyshire County Council Members' Allowances Scheme, and shall have effect for the period commencing on the 1<sup>st</sup> April 2024

Members are reminded of the need to keep detailed supporting information, such as a diary, about every attendance for which they claim. This information should be available for scrutiny by the County Council's Auditors or other relevant persons as and when required.

**1. Definitions**

- a) "Councillor" means a member of the Derbyshire County Council who is a Councillor.
- b) "year" means the 12 months ending with 31<sup>st</sup> March.
- c) "Schedule 1" sets out the annual equivalent amount and per activity rates payable to members with effect from the 1<sup>st</sup> April 2024. This schedule will be automatically updated annually in accordance with the methodology for year on year changes included as part of the scheme. Members will be informed annually of the rates for the forthcoming year.
- d) "NJC Pay Award" is the increase in the pay award due to employees covered by the NJC Pay Rates for Local Government Services as at the 1st April each year.
- d)e) "JNC Pay Award" is the increase in the pay award due to Chief Executives and Chief Officers as at the 1<sup>st</sup> April each year

e)f) Later sections of the Scheme mention liability to Tax and the insurance arrangements for Members and Co-optees of the County Council. These sections do not deal with entitlements under the Scheme and are only brief summaries for information. The County Council does not guarantee that they are necessarily accurate or appropriate for individual Members or Co-optees. It is for Members and Co-optees to satisfy themselves personally that their tax and insurance arrangements are in order and they should consult their own advisers, as they think fit, about these matters.

## 2. Basic Allowance

- a) Subject to paragraph 8, 9 and 10 for each year a flat rate basic allowance shall be paid to each Member. This allowance is designed to cover the time commitment of all Members in all meetings including those with officers and members of the public. It is also intended to cover incidental costs such as the use of home/ ~~and~~ private telephone and broadband facilities.
- b) The rate at which the Basic Allowance is paid is detailed in Schedule 1. The allowance will be increased in line with the JNC Pay Award with effect from the 1<sup>st</sup> April each year. In the event that a single percentage increase which applies to all such staff is not agreed, the percentage increase should be tied to the average rate of pay increase applied to all staff covered by the NJC Pay Award.

## 3. Special Responsibility Allowances

- a) Subject to paragraphs 8, 9 and 10 for each year a special responsibility allowance shall be paid to those Members who perform the special responsibilities in relation to the County Council that are specified in schedule 1 to this scheme.
- b) The allowance will be increased in line with the JNC Pay Award for Chief Officers with effect from the 1<sup>st</sup> April each year.

## 4. Carers of Dependents' Allowance

- a) Those councillors who incur expenditure for the care of children aged 16 or under, or dependent adults for whom documentary evidence of their care requirements has been provided are eligible to claim care costs for undertaking particular duties. These duties are specified in Schedule 2.

- b) ~~The rate at which the Carers of Dependents Allowance is set is detailed in Schedule 3.~~ The allowance will equate to the currently in force National Living Wage hourly rate, ~~and will be updated in line with any national alteration to this rate.~~
- c) In exceptional circumstances (e.g., where a dependent has a disability and specialised care is required) and with prior authorisation of the Director of Legal and Democratic Services, higher hourly rates than the ~~benchmark~~ National Living Wage hourly rate may be available.
- d) Only actual receipted expenditure will be reimbursed.
- e) If a household contains more than one Councillor, care costs may only be claimed once.
- f) The allowance cannot be claimed in respect of payments to other members of a Councillor's household.

## 5. Travel Allowances

- a) A Member may be reimbursed in respect of travel allowance, including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken in connection with or relating to such duties as are specified in Schedule 2.
- b) ~~The rates at which members can be re-imbursed for travel are set down in Schedule 3~~ The car mileage rates are the same as those applicable to employees of the County Council under Single Status and shall be changed in line with changes made to the allowances paid to employees.
- c) The basis on which members travel will be reimbursed is detailed in Schedule ~~3~~ 4.

## 6. Subsistence Allowance

- a) Subsistence should not be claimed except in exceptional circumstances.
- b) ~~Where a Member is travelling out of county and required to be away overnight then the Corporate Services and Transformation Exchequer Division should, where possible, make advance provision for meals and accommodation when making travel arrangements.~~
- c) ~~Where a Member has been unable to arrange for the Council to organise accommodation and subsistence out of county then the maximum rates that can be claimed are shown in Schedule 4. These rates are the same~~

~~as those applicable to employees and will be updated when the employee rates are updated. Any claim for subsistence must be supported with receipts for actual expenditure incurred.~~

- b) Overnight hotel accommodation must be booked through Member Support who will ensure that accommodation is booked at the appropriate market rate. Higher rates of accommodation will only be booked where it is clearly in the County Council's interest and formal approval has been given by the Director of Legal and Democratic Services in advance. Any other reasonable and unavoidable costs related to overnight stays will be reimbursed on production of a receipt.
- c) The cost of meals purchased while undertaking Council business cannot be claimed for, except where the member is attending an event such as a conference and meals are not provided, or where the member is required to stay overnight.
- d) The Director of Legal and Democratic Services shall be authorised to allow claims to cover the actual cost of the meals up to a reasonable maximum (£10 for lunch, £15 for an evening meal) and upon production of a receipt.

## **7. Co-optees Allowance**

- a) An annual allowance may be paid in respect of attendance at conferences and meetings for a Member of a committee or sub-committee of the County Council who is not a Member of the County Council.
- b) Where a Co-opted Member is a Member of a committee by virtue of their employment with the County Council then they will be ineligible to receive the Co-optees allowance.
- c) The rate at which Co-optees allowance is paid is set down in Schedule 1. The rate is set at a fixed proportion of the Basic Allowance and as such will be increased annually to maintain that relative proportion.

## **8. Renunciation**

A Member may, by notice in writing given to the Director of Finance & ICT, elect to forego any part of his or her entitlement to an allowance under this scheme.

## **9. Part-year Entitlements**

- a) If an amendment to this scheme changes the amount to which a Member is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods

1. (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
2. (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) in that year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- b) An amendment to this scheme may change the duties specified in Schedule 2 to this scheme, or the amount payable by way of a Travelling, Subsistence or Dependent Carers Allowance. Where such an amendment takes place, entitlement to these Allowances shall be to the payment of the amount of the allowance under the Scheme as it has effect when the duty is carried out.
- c) The term of office of a Member may begin or end otherwise than at the beginning or end of a year. The entitlement of that Member to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
- d) Where this scheme is amended as mentioned in sub-paragraph (a), and the term of office of a Member does not subsist throughout the period mentioned in sub-paragraph (a)(i), the entitlement of any such Member to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his or her term of office as a Member subsists bears to the number of days in that period.
- e) Where a Member has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Member's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- f) Where this scheme is amended as mentioned in sub-paragraph (a), and a Member has during part, but does not have throughout the whole, of any

period mentioned in sub-paragraph (a)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

## **10. Acting-up Arrangements**

There will be occasions when Members with significant Special Responsibilities may be unable to undertake their duties. In the instances of illness or personal incapacity of the Leader, Deputy Leader or Cabinet Member, for a continuous period of 4 weeks or an accumulated absence of 4 or more weeks per quarter, then acting-up arrangements may be instituted as follows, subject to Cabinet approval: -

- In the absence of the Leader, the Deputy Leader would undertake the 'acting-up' arrangements.
- In the absence of the Deputy Leader, a Cabinet Member may be nominated by the Leader to undertake the 'acting-up' arrangements.
- In the absence of a Cabinet Member, the Leader or Deputy Leader would undertake the portfolio responsibilities; or alternatively such responsibilities may be allocated to another Cabinet Member.
- Where acting-up arrangements have been formally agreed due to a Member's illness or personal incapacity, then the Member undertaking the role will be eligible for the higher SRA from the date the acting-up arrangements are agreed.
- Where acting-up arrangements are to apply due to a Member's absence, then the absent Member must provide medical certification for the absence. This will ensure that the absent Member continues to receive their SRA until they are able to resume their duties. If no medical certification is provided the SRA will cease from the date at which the acting-up arrangements have been commenced.
- The acting-up arrangements may only last for a maximum period of 6 months. This time period relates to the Member in the post concerned, not the Member in receipt of the additional SRA for acting up.

## **11. Withholding of Payments Made to Members**

- a) Where a Member is unavailable to undertake their duties for which they

receive a SRA, for any reason other than sickness, and that period exceeds four weeks within a three month period, then the Council can withhold any SRA due to the Member concerned for the period during which the absence occurred. The Cabinet will make any such decision based on a report from the Director of Legal Services and considering each case on its merits.

## **12. Recovery of Payments Made to Members**

Where a payment has been made to a Member that relates to a period where either the Member concerned: -

- a) or ceases to be a member of the County Council
- b) or is in any other way not entitled to receive the allowance in respect of that period

The County Council may require that such part of the allowance as relates to any such period be repaid to the County Council. The full Council will make any such decision.

## **13. Payment of Allowances**

- a) Claims for Carers of Dependents, and Travel allowances under this scheme shall be made in writing on a regular basis, preferably monthly. All claims must be made on the appropriate form.
- b) The payment of Basic, Special Responsibility and Co-optees allowance is made automatically and no claim is required.
- c) A claim for allowances shall include, or be accompanied by, a 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.
- d) All payments to Members are made by using the Bankers Automated Clearing System on the 15th of each month or the nearest preceding working day if the 15th falls on the weekend or at a Bank Holiday.

## **14. Tax and Benefits**

### **Income Tax**

- a) Basic, Special Responsibility and Carers of Dependents' Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.

- b) HMRC is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the HMRC notifies the County Council of the appropriate tax code for each Member.
- c) Some expenses incurred by Members in the course of County Council duties as Members may be deductible against tax. Any Member who believes that some of his/her expenses as a Member may be tax deductible, should contact HMRC

### **National Insurance Contributions**

- a) Basic, Special Responsibility and Carers of Dependents' Allowance payments will attract National Insurance (NI) contributions at levels that vary depending on the total earnings of Members.
- b) Some Members may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See HMRC website for information.  
<http://www.hmrc.gov.uk/pensioners/paying-making.htm>
- c) Some Members, who are married women or widows who have elected to pay reduced rate contributions for NI, may also need to have their NI Contributions on allowances calculated at a reduced rate.
- d) Members who are self-employed may also be subject to different levels of NI Contributions.
- e) Members who believe that they fall into any of the above categories should contact the Director of Finance & ICT who will seek to obtain further information to assist with the query.

### **15. DWP Benefits**

- a) The receipt of allowances may affect Members who are receiving DWP Benefits. All allowances should be declared to the DWP who will be able to advise Members on any effect on their benefits.
- b) Members should note that failure to disclose any allowances to the DWP may result in prosecution.

### **16. Insurance for Members**

- a) The County Council provides insurance cover for Members when they are engaged on business that relates to their activities for the County Council.



The insurance does not cover Party Political activities.

b) The insurance covers certain risks in the following broad categories:

- Public Liability
- Officials' Indemnity
- Libel and Slander
- Employer's Liability
- Personal Accident Insurance
- Business Travel Insurance

For further details relating to the extent of this cover please contact:

Risk Management and Insurance Section

Finance & ICT Division

Corporate Services and Transformation

c) Please note that the County Council's motor insurance does not extend to Members' own vehicles, even if these vehicles are used on County Council business. Members should ensure that they have advised their own insurers and they are suitably covered if their own vehicles are to be used on County Council business.

**APPROVED DUTIES**

The following are specified as approved duties for the purposes of Carers of Dependents and Travel Allowances, these require no further approval: -

- 1) the attendance at a meeting of the County Council, Cabinet or of any committee or sub-committee of the County Council, or of any other body to which the County Council makes appointments or nominations, or of any committee or sub-committee of such a body.
- 2) attendance as a representative of the County Council on approved Bodies at meetings relating to the body other than meetings of the body itself or Committees or Sub-Committees thereof.
- 3) the attendance at any other meeting, the holding of which is authorised by the County Council, Cabinet or a committee or sub-committee of the County Council, or a joint committee of the County Council and at least one other local County Council within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee.
- 4) the attendance at a meeting of any association of County Councils of which the County Council is a member.
- 5) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened.
- 6) the performance of any duty in connection with the discharge of any function of the County Council conferred by or under any enactment and empowering or requiring the County Council to inspect or authorise the inspection of premises.
- 7) duties carried out within the UK arising out of a Member holding an office to which a Special Responsibility Allowance applies, or such a duty carried out by their nominee.
- 8) attendance at County Hall for a meeting with either a Member in receipt of a SRA or an officer for the purposes of discussing matters relating to Council business which it is reasonable to expect the Member to have an interest.

- 9) attendance at training courses, the purpose of which is to assist Members to understand and carry out their duties more effectively, e.g. IT training courses, but are not directly related to the work of the County Council. All such activities to be arranged by the County Council.
- 10) attendance by a Member at a Cabinet, Committee or Sub-committee meeting of the County Council for the purpose of making a statement to the meeting where the Member is not a Member of that Committee or Sub-committee.
- 11) attendance at Cabinet ~~and relevant Cabco meeting~~ of Shadow Cabinet Members, nominated by the Leader of the principal Minority Group.
- 12) attendance at Parish Council meeting within your constituency to which you have been invited to attend to discuss Derbyshire County Council business

The Director of Legal and Democratic Services may approve the following duties. Any duty so approved will be reported to the next Cabinet meeting for information. Where the Director of Legal and Democratic Services is unsure of the suitability of such attendance then that decision must be referred to Cabinet. The items included are: -

- 1) duties carried out by any Member of a Committee or Sub-Committee, e.g. visits and inspections, in order to discharge the functions of the Committee or Sub-Committee.
- 2) attendance by Members at conferences, seminars, and other meetings at which it is necessary for the County Council to be represented. Any such attendance to have been approved by the relevant party leader or deputy leader before being agreed by the Director of Legal and Democratic Services.
- 3) organised official visits including deputations to government departments.
- 4) attendance at official openings of new premises by Members of the appropriate committee.
- 5) attendance of a Member in receipt of a Special Responsibility Allowance or nominees as guest speakers at conferences or meetings closely connected with the functions and activities of the Committee, subject to a claim being made by the Member to the conference organiser for travelling, subsistence and any fees to be repaid to the County Council. 5

- 6) official and courtesy visits of a civic nature within the United Kingdom and abroad (such as "twinning" arrangements with overseas local Authorities).
- 7) attendance at interviewing panels.

Finally any other duty approved in advance by the Cabinet or relevant Cabinet Member, as appropriate, may qualify for Carers of Dependents and Travel allowances.

### Schedule 3

<b>Mileage rate</b>	<b>April 2013</b>
Per mile first 8,500	45.0p
Per mile after 8,500	12.2p
Passenger rate per mile	0.5p
Bicycle rate per mile	20.0p

**'Carers of Dependents Allowance'** maximum per hour £10.42  
From 1<sup>st</sup> April 2023 (Maximum of £64.38 per day)

### **Travel Claims**

The County Council will meet reasonable travel costs incurred on authorised official business.

All arrangements must be made through the ~~Exchequer Division, Corporate Services and Transformation Members' Support Office and organised by Members support services.~~ Working with their Corporate Partners, they will determine the most cost-effective way of undertaking the assignment.

In determining this they will consider all costs including public transport, mileage, parking, accommodation, and subsistence.

For example:

- It may be more cost effective to use air transport if doing so removes the need for an additional overnight stay.
- Whilst rail travel will usually be Standard Class, there may be occasions where the cheapest option available is a first-class ticket on an earlier train.

Please note there is a cancellation fee if a ticket is ordered but not used.

Members may request, via Member Support Services, a quote for alternative grade/type of transport (eg first class rail). If they wish to take up this option then the incremental cost is at the members own expense and will not be reimbursed by the Council, even if the additional cost is met by the member from their personal funds, will be disclosed in any Freedom of Information or other such request.

In very exceptional circumstances, where there is not time to order tickets in advance then members may purchase their own ticket and claim through the expenses process, receipts must be attached.

Taxis should only be used where reasonable alternatives are not available or the following are applicable

- There is a significant saving in official time,
- ~~You~~ A Member has ~~ve~~ to transport heavy luggage and/or equipment,
- Where Members/Officers are travelling together, and it is the cheaper option,
- Some form of physical impairment prevents use of other forms of transport.

Other exemptions may be acceptable, and all should be agreed in advance with Member Support. Taxi receipts should be attached to your claim form.

## **Mileage Allowances**

Rates are paid at a rate per mile and at the rate prevailing at the time of travel.

You must hold a current driving licence.

All vehicles used on County Council business should be taxed, have a valid MOT certificate (if older than 3 years) and current insurance policy. The insurance policy must cover you for business use and indemnify the employer against all third party claims (including those concerning passengers) when the vehicle is used on official business.

If your insurance covers 'Social and Domestic Pleasure only' your whole policy will be invalid if you use your car for County Council business.

Mileage claimable must be calculated on the basis of the most reasonable route possible for the journey. Where it is reasonable to use Public Transport then Members will be expected to do so. If a Member decides to travel by car when it is reasonable to use public transport, then the Member will only be reimbursed up to the lower of the car mileage amount or the cost of public transport. If a Member is in any doubt, they should seek the advice of the Director of Finance & ICT.

HMRC has ruled that mileage payments in excess of approved mileage allowance payment (AMAP) are subject to payment of National Insurance. This will be deducted at source.

## **Overseas Travel**

Overseas travel is classed as any journey outside the United Kingdom. Any journey, which incorporates travel overseas, must have prior authorisation from the relevant Committee. Claims should be made on the basis of any available tourist or cheap rate fares. The County Council will not reimburse the cost of obtaining a passport.

## **Other Costs**

Any parking, toll or similar fee necessarily incurred on official business can be reclaimed from the County Council. Please attach receipts to your claim.

Parking fines or similar charges will not be paid by the County Council.

**~~Subsistence Claims valid from 1<sup>st</sup> January 2017  
(Rates not updated since above date)~~**

**~~Ordinary Subsistence Rates~~**

<del>Breakfast</del>	<del>£7.12</del>
<del>Lunch</del>	<del>£9.83</del>
<del>Tea</del>	<del>£3.87</del>
<del>Evening Meal</del>	<del>£12.20</del>
<del>Bed and Breakfast</del>	<del>£49.65 (£63.39 in London)</del>

**~~Absence of 24 hours or more~~**

<del>Per day or part thereof</del>	<del>£33.00 (£63.39 in London)</del>
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~~For clarification, should an officer be booked into a hotel on an accommodation only basis, then the maximum allowance for meals would be £33.00 total daily allowance (this is not in addition to any other allowances for individual meals).~~

~~Under normal circumstances, any overnight accommodation booked would be inclusive of all necessary meals and these should be invoiced directly to the Council for authorisation and payment in the normal way. This allows the Council to recover any VAT due.~~