

BRIGHTON & HOVE CITY COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Brighton & Hove City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following Scheme:

1 The Scheme

- 1.1 This Scheme may be cited as the Brighton & Hove City Council Members' Allowances Scheme 2019-2023 and shall have effect on and from 23 May 2019 unless stated otherwise.

2 In this Scheme

- 2.1 "the council" means Brighton & Hove City Council;
- 2.2 "councillor" means a Member of the Brighton & Hove City Council who is a councillor;
- 2.3 "co-opted member" means a member of a committee or sub-committee of the council who is not a Member of the authority;
- 2.4 "total estimated allowances" means the aggregate of the amounts estimated by the Responsible Finance Officer, at a time when a payment of Basic Allowance or Special Responsibility Allowance is made, to be payable under this Scheme in relation to the relevant year, and for this purpose any election under paragraph 13 shall be disregarded;
- 2.5 "year" means the 12 months ending with 31 March.

3. Basic Allowance

- 3.1 Subject to paragraphs 12 and 13, for each year a Basic Allowance of £13,002 shall be paid to each councillor. These payments came into effect on and from 6 May 2019 and subsequently from each Annual Meeting of the Council 2020-2022, subject to any recommendations from the Independent Remuneration Panel.

4. Special Responsibility Allowances

- 4.1 For each year a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the council that are specified in Schedule 1 to this Scheme. These payments came into effect on and from 23 May 2019 and remain as listed.
- 4.2 Where a councillor holds more than one position of responsibility, only one Special Responsibility Allowance shall be paid, such an allowance being the higher or highest of the relevant allowances.

4.3 Subject to paragraphs 13 and 14, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

5. Attendance Allowance

5.1 No Attendance Allowance shall be payable.

6. Travel, Subsistence and Dependants' Carers Allowances

6.1 Travel, Subsistence and Dependants' Carers' Allowances shall be paid to councillors and co-opted members in accordance with Schedule 2 to the Scheme.

7. Pensions

7.1 The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 have resulted in the Local Government Pension Scheme (LGPS) no longer being available to elected Members.

8. Income Tax / National Insurance / Statutory Sick Pay

Income Tax

8.1 Basic, special responsibility allowances and the co-optees allowances are classed as income and are subject to taxation. Recipients are expected to make returns to the *Inspector of Taxes* so that a correct tax code is provided to enable payments to be processed through the normal payroll procedures.

8.2 Councillors are reminded to keep their own records of expenses claims and reimbursements for income tax purposes.

National Insurance

8.3 Contributions for national insurance are payable whether or not the Councillor has other employment or self-employment. There is, however, an annual maximum for people with more than one job and a councillor in this position may apply to their local contributions agency office for a Form CA27A. This should be sent to Deferment Services in the National Insurance Contributions Office who in turn can issue form CA2700. This will authorise an employer to deduct primary NICs at a rate of 2% on all earnings from the Earning Threshold (ET) for that tax year. A deferment certificate is only valid for the specified tax year and a new application is required for each subsequent year if the circumstances continue.

8.4 Some councillors may be exempt or liable to reduced rate contributions:

- a) married women and certain widows who have elected (or are treated as having elected) to contribute at the reduced rate;
- b) men aged over 65 years and women aged over 61 on a rising scale to age 65.

- 8.5 Councillors who come within these categories should apply to their local contributions agency office for a *Certificate of Exemption* or a *Certificate of Age Exemption*. When this certificate has been received it should be forwarded to the Head of Democratic Services. Unless these certificates are received there has to be a deduction full Class 1 contributions.
- 8.6 National insurance contributions are assessed on a monthly basis. Allowances must be treated separately from any other income received from any other employment or business.

Benefits

- 8.7 Full details of the benefits which are receivable by contributors to the state pension scheme can be found in D.S.S. leaflet FB1 "*Family Benefits and Pensions*" which is a regularly revised outline guide to all national pensions and other social security benefits.

Statutory Sick Pay

- 8.8 Employers are responsible for paying statutory sick pay (SSP) to their employees for up to 28 weeks of sickness absence in a tax year, on behalf of the DFSSH.
- 8.9 For the purposes of this scheme councillors are generally classed as employees.
- 8.10 If you are sick for four days or more and are unable to attend council meetings you should contact payroll and ask for a self-certification form.
- 8.11 A doctor's medical certificate must be supplied to payroll services for sickness absences which are for eight days and above in addition to the self-certificate.
- 8.12 SSP may be payable to you as a councillor even if you are receiving SSP payments from another employer. Please see advice as appropriate. Any payments made will be processed through the payroll system.
- 8.13 Some exclusions from SSP payments are:
- a) an employee whose average basic and special responsibility allowances paid over the previous two months are less than the lower monthly earnings limit for National Insurance contribution liability. (As stated in appendix 1 this can only relate to councillors who forego their allowances);
 - b) an employee who has received certain state benefits in the previous eight weeks (this includes maternity benefit).

Submission of Claims

- 8.14 Claims forms may be obtained from Democratic Services. Alternatively it may be downloaded from the Members webpage on the Intranet.
- 8.15 City council payroll staff are not permitted to make out a councillors / co-optees claim but will be pleased to give assistance and advice. There is also an obligation on councillors / co-optees to complete the forms in accordance with statutory requirements which include **in particular the full description of approved duties.**

Resolving doubts about approved duty

- 8.16 Councillors are asked **not** to make claims for any duty or function where there may be doubts as to whether it is an *approved duty*. In the case of any difficulty of interpretation, councillors should refer to the Executive Lead Officer for Strategy, Governance & Law or the Head of Democratic Services.

9 Method of Payment

- 9.1 Payments for councillors basic, special responsibility and co-optee Allowances will be made automatically on the **last working day of each month** (no claims will be necessary).
- 9.2 Claims for all other allowances should be made within **two months** of the date on which the approved duty was carried out. Payments will be made monthly when claims are received.
- 9.3 Payment will be made by Credit Transfer - direct payment into the councillors' / co-optees' bank account / building society account.
- 9.4 Payment will generally be credited to these accounts on the **last working day of each month**. A pay advice slip will be sent to each councillor/ co-optee.
- 9.5 Councillors / co-optees should inform payroll services of the bank or building society details including personal account number on the *method of pay* form which the payroll team will supply.

10 Co-optee's Allowance

- 10.1 The two Independent Members of the Audit & Standards Committee shall receive a Co-optees' Allowance of £1,030 as specified in Schedule 1 to this Scheme.
- 10.2 In addition to the co-optees' allowance specified in paragraph 10.1, a payment of £200 shall be paid to the Independent Member of the Audit & Standards Committee for each Standards Hearing Panel that they Chair.

11 Withholding of allowances

11.1 Where payment of any allowance is due or has already been made in respect of any period during which the member concerned is

- (a) ceases to be a member of the authority; or
- (b) is in any other way not entitled to receive the allowance in respect of that period,

the authority may withhold the payment of an allowance for that period or, as the case may be, require that such part of the allowance already paid as relates to any such period be repaid to the authority.

11.2 The term “member” in this paragraph covers both councillors and co-opted members.

12 Renunciation

12.1 A councillor or a co-opted member may by notice in writing given to the Responsible Finance Officer and Head of Democratic Services elect to forego any part of his/her entitlement to an allowance under this Scheme.

13 Part-Year Entitlement

13.1 Subject to paragraph 13.7, the provisions of this paragraph shall have effect to regulate the entitlements of a councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended or that councillor becomes, or ceases to be a councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.

13.2 If an amendment to this Scheme changes the amount to which a councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
- (b) 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) with the 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 days in the period bears to the number of days in the year.

13.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor 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 term of office subsists bears to the number of days in that year.

- 13.4 Where the Scheme is amended as mentioned in sub-paragraph 13.2, and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph 13.2(a), the entitlement of any such councillor 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 term of office as a councillor subsists bears to the number of days in that period.
- 13.5 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor'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.
- 13.6 Where this Scheme is amended as mentioned in sub-paragraph 13.2, and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 13.2(a) of that paragraph any special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor'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.
- 13.7 The provisions of this paragraph, subject to necessary modifications, shall apply to Co-optees' Allowances as if the reference to a "Member" included a co-opted member.

14 Claims and Payments

- 14.1 Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph 13.2, in instalments of one-twelfth of the amount specified in this Scheme on the last day of each month (or the last working day before that day if it is not a working day).
- 14.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 13.6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- 14.3 The provisions of this paragraph shall apply to Co-optees' Allowances in the same way as they apply to Basic and Special Responsibility Allowances.

This Scheme was approved by Full Council at its meeting on 13 December 2018 and takes effect from 23 May 2019 unless stated otherwise.

RATES - 2019 / 2023

**The maximum rates that can be reimbursed
are currently as follows:**

BASIC COUNCILLORS ALLOWANCE

£13,002 per annum

CO-OPTEE'S ALLOWANCE:

£1,030 per annum – Independent Member of Audit & Standards Committee
Plus £200 per Standards Panel chaired

TRAVELLING ALLOWANCES

(Outside of Brighton and Hove)

Car 45 pence per mile
Supplement 5p per mile for each
passenger, with a maximum of 4
Motorcycle 24p per mile
Bicycle 20 pence per mile

CHILD / DEPENDANT CARE ALLOWANCE

Paid as per the living wage
on submitted receipts

The basic and Special Responsibility Allowance (SRA) rates will be effective from May 2019 and subject to future increases based on the council's rate of salary inflation.

SCHEDULE 1

Brighton & Hove Members Allowances Scheme 2019-23

Special Responsibility Allowances

Responsibility	SRA (£)
Leader of the Council*	32,505
Deputy Leader of the Council**	19,503
Chairs of Policy Committees	
Policy, Resources & Growth*	9,752
Children, Young People & Skills	9,752
Environment, Transport & Sustainability	9,752
Housing & New Homes	9,752
Neighbourhoods, Inclusion, Communities & Equalities	9,752
Tourism, Development & Culture	9,752
Chairs of Regulatory Committees	
Planning	11,377
Licensing (dual role)	11,377
Audit & Standards	4,876
Chairs of Overview & Scrutiny Committees	
Health & Wellbeing OSC	4,876
Deputy Chairs of Policy Committees	
Policy & Resources (with responsibility for Finance)	4,876
Children, Young People & Skills	975
Environment, Transport & Sustainability	975
Housing & New Homes	975
Neighbourhoods, Inclusion, Communities & Equalities	975
Tourism, Development & Culture	975
Deputy Chairs of Regulatory Committees	
Planning	975
Licensing (dual role)	975
Other positions of additional responsibility	
Chair of the Health & Wellbeing Board	9,752
Lead Member for Adult Care & Health	4,876
Leader of the Opposition Group	11,377
Deputy Leader of the Opposition Group	6,501
Leader of a Minority Group	6,501

Note :

- The payment of allowances to the Leader and Deputy Leader assumes the following:
 - The Leader of the Council will Chair the Policy, Resources & Growth Committee; and
 - The Deputy Leader will Chair one of the Policy Committees.
- Only one Deputy Leader of the Council and One Deputy Leader of the Opposition have been included in the Members' Allowances Scheme as being attributable for the payment of an SRA.
- The remit and responsibilities of the Chair of the Health & Overview & Scrutiny Committee may change without requiring amendment to the Members' Allowances Scheme.
- Where a councillor holds more than one position of Special Responsibility, only one Special Responsibility Allowance shall be paid and this is the higher or the highest of the relevant allowances.
- Where there are any changes to any role listed as attracting a special responsibility allowance under the scheme, and the revised role is substantially the same as the previous role in terms of the nature or level of responsibility, the special responsibility allowance shall continue to apply to the new role. This is subject to the Independent Remuneration Panel being consulted and agreeing that it is substantially the same role.

Co-optee's Allowances

Independent Member of Audit & Standards Committee (x2)	1,030
Independent Member of Audit & Standards Committee (serving as the Chair of a Standards Hearing Panel)	200

Special Responsibility Allowances and Co-optees' Allowances are payable from 23 May 2019.

SCHEDULE 2

Brighton & Hove Members Allowances Scheme 2019-23

Approved Duties

Brighton & Hove City Council specifies the following as approved duties for the purpose of the payment of Travel, Subsistence and Dependants' Carers' Allowances.

1. Attendance at :
 - (a) The council, or any of its committees and sub-committees.
 - (b) The bodies to which the council makes appointments or nominations at either Annual Council or Policy, Resources & Growth Committee including any committee or sub-committee of such a body.
 - (c) The following meetings, the holding of which is authorised by the council, or any of its committees or sub-committees, or by any joint committee (or sub-committee thereof) of the council and any other authority, provided that it is a meeting to which councillors of at least two political groups of the council have been invited:
 - i) Meetings of the council's formally established consultative fora and partnerships, scrutiny review panels and select committees.
 - ii) Meetings with outside bodies in pursuit of economic development objectives which have been authorised by the council, or any of its committees or sub-committees.
 - iii) Councillors' tours of the authority's area which have been authorised by the council, or any of its committees or sub-committees.
 - iv) Internal training sessions organised and facilitated by officers of the council for the induction of councillors or for the better performance of their duties and responsibilities or to enable better understanding of the council's functions.
2. The following meetings of associations of authorities of which this authority is a member:
 - The Local Government Association and its committees
3. Any other duty, or class of duty approved by any committee, or officer of the council acting under delegated powers, such duty or class of duty to be for the purposes of or in connection with the discharge of the functions of the council, or its committees or sub-committees.
4. Payments in respect of the above approved duties shall be paid in accordance with the following rates:

A. Travel and Subsistence Allowance

Public Transport

Actual standard class rail fares (first class travel will only be reimbursed with prior agreement where councillors have to work on the journey).

Long distance travel undertaken by car will be reimbursed at the rail fare rate where this is a cheaper option.

Councillors purchasing their own rail tickets should provide their receipt or ticket when claiming reimbursement.

For local travel councillors may choose:

Either

- (a) an annual saver ticket valid for Brighton & Hove buses where bus fares would otherwise be payable (bus travel is free for those aged 60 and over travelling after 9.00am and the disabled),

Or

- (b) a combination of reimbursement of cycle mileage and (ticketed) bus travel

Or

- (c) reimbursement of cycle mileage and passes to the Lanes and Hove Town Hall Car Parks

Mileage Allowances

Motor mileage for attendance at approved council duties is payable for travel **outside** the city boundaries only, except in exceptional circumstances where the use of taxis/personal transport shall be permitted with the agreement of the Monitoring Officer for example by Members who have a disability or injury, or former mayors undertaking mayoral duties on behalf of the Mayor. Taxis may also be claimed in cases of urgency, meetings outside normal working hours (8.30am-6.30pm) or where there is no public transport available. Receipts must be provided. Motor mileage within the city's boundaries is deemed to be covered by the Basic Allowance.

All mileage is paid at Inland Revenue advisory rates and these will automatically be updated by the council to reflect any changes the Inland Revenue introduces. The current rates are -

Cars	45p per mile (up to 10,000 business miles) 25p per mile (for cars for each business mile above 10,000 miles)
Supplement for Passengers	5p per mile for each official passenger, up to a maximum of 4 passengers
Motor Cycle Allowance	24p per mile
Cycle Allowance	20p per mile

In addition, those Members opting for either (b) or (c) above may also take advantage of either the council's Bike Loan Scheme or the new Tax-free Bike Scheme and they will have access to the showering and secure lock-up facilities at three sites across the city.

Day Subsistence

Subsistence for approved council duties is payable for attendances **outside** the city boundaries only, except in exceptional circumstances. Where refreshments are not provided, subsistence costs within the city's boundaries are deemed to be covered by the Basic Allowance. Where claims can be made, eligibility is based on the time of day meals are taken and time away from home, as follows: -

Breakfast allowance	- more than four hours' absence before 11.00am	£6.77
Lunch allowance	- more than four hours' absence including 12 noon – 2.00pm	£9.30
Tea allowance	- more than four hours' absence including 3.00pm – 6.00pm	£3.50
Evening Meal allowance	- more than four hours' absence ending after 7.00pm	£15.00

Receipts should be provided for all subsistence claimed.

Overnight Subsistence

Where an overnight stay is required, overnight subsistence may be claimed up to a maximum of:

London/Conference Rate not exceeding	£114.00
Standard Rate not exceeding	£100.00

The above sums are for all subsistence received over a 24-hour period.

Meals on Trains

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the limits specified below. Where the cost of meals taken on trains is reimbursed, the rate of day subsistence allowance for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by four hours in respect of each meal taken. The limitations on reimbursement are:

- (i) Absence of more than four but not more than eight hours, the cost of one main meal.
- (ii) Absence of more than eight hours but not more than 12 hours, the cost of two main meals.

(iii) Absence of more than 12 hours, the cost of three main meals.

Where the cost of meals taken on trains is reimbursed, the rate of day subsistence for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by 4 hours in respect of each meal taken.

NOTE:

1. The council will not reimburse the cost of any alcohol purchased.
2. With effect from 1 September 2007 motor mileage within the authority's boundaries can only be claimed in exceptional circumstances and councillors should either use the bus or cycle within the city.
3. With effect from 1 September 2007 subsistence within the authority's boundaries can only be claimed in exceptional circumstances.

Car mileage rates were revised from 1 April 2011.

All other travel and subsistence rates apply from 28 November 2003 and these have been re-affirmed by Full Council on 21 October 2011, 23 October 2014 and 13 December 2018.

B. Dependants' Carers' Allowance

Dependants' Carers' Allowance (for children and adult dependants) may be paid retrospectively to either councillor or care provider when a councillor attends any of the approved duties identified in Schedule 2 to this Scheme and incurs costs for care provision.

This claims-based scheme is subject to tax and national insurance deductions at personal rates (liability falling to whoever receives the payment).

Childcare

Eligible councillors may claim no more than the actual amount paid for childcare provision, up to a maximum of £9.00 per hour for each child, provided that the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the child/children remain with the carer for the duration.

Childcare costs may be claimed for children until the Saturday following the 1 September after their 15th birthday in line with the government's eligibility criteria for Working Tax Credits.

The restriction on the use of household members for caring (family and otherwise) applies as a matter of good practice in line with other local authorities.

The minimum age for any carer should be 18 years.

The annual cap for childcare is set at £1,800pa per councillor.

Dependant Care

This allowance is payable for both children with severe disabilities and also dependent adult relatives living in the councillor's home and for whom the councillor is directly responsible. It applies to the care of dependants on social or medical grounds.

Eligible councillors may claim no more than the actual amount paid for specialist dependant care up to a maximum of £9.00 per hour, provided the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the dependant remains with the carer for the duration.

The minimum age for any carer should be 18 years.

The annual cap for dependant care is set at £1,800pa per councillor.

The Dependants' Carers' Allowance was revised at Full Council on 13 December 2018.

SCHEDULE 3

Brighton & Hove Members Allowances Scheme 2019-23

Other Allowances

NB These allowances which do not form part of the Members' Allowances Scheme are included here for information only:

Mayoral Allowances

Mayor's Allowance for 2019/20 £9,752 pa

Deputy Mayor's Allowance for 2019/20 £1,950pa

The Mayoral Allowances were approved by Full Council on 13 December 2018 and will be uplifted by the council's salary inflation each year, following the recommendations of the Independent Remuneration Panel, and subject to any future review by the Panel.

Payments to Former Mayors £35 per
duty

This is currently a flat rate allowance which is not subject to inflationary increases, although it is subject to further review as required by the Independent Remuneration Panel.

Independent Remuneration Panel

Members of the Independent Remuneration Panel (4) £544 pa each

The IRP' Allowance was revised at Full Council on 13 December 2018 to be effective from 23 May 2019.