

## MEMBERS' ALLOWANCES SCHEME

### 1. INTRODUCTION, TITLE AND INTERPRETATION

- 1.1 Babergh District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) (the Regulations) hereby makes the following scheme which may be cited as the Babergh District Council Members' Allowances Scheme and shall have effect from 08 May 2023 until otherwise varied.
- 1.2 In this Scheme:  
'Councillor' means an elected Member of Babergh District Council  
'Member' includes co-opted Members and elected Members
- 1.3 The requirements for the Review of this Scheme shall be operated in accordance with the Regulations.

### 2. GENERAL

- 2.1 Under the scheme Councillors are entitled to the following allowances in connection with performing their duties:
- (a) Basic Allowance – this is a flat rate allowance payable to every Councillor (£6,870 per annum).
  - (a) Special Responsibility Allowance (SRA) – this allowance is for certain Councillors, in recognition of their additional responsibilities arising from their appointment to the offices specified in Paragraph 3 below. Only 2 SRA (the larger/largest if two or more appointments are made) may be claimed per Councillor.
  - (b) Travel and Subsistence Allowances – the detailed rules in connection with entitlement to these allowances are set out in paragraphs 8 and 9 below.
  - (c) Childcare and Dependants' Carers' Allowances – these can be claimed in accordance with the provisions set out in paragraph 10 below.
  - (d) Parental Leave Policy – Babergh and Mid Suffolk District Council's Parental Leave Policy can be found in Schedule D of this document.
- 2.2 The Allowances referred to in 2.1 (a), (b) and (c) and 2.2 above may be withheld from, or repaid by, Members in respect to any period during which they are suspended or partially suspended from responsibilities or duties as a Member for breaches of the Code of Conduct as provided for in the Regulations.
- 2.3 That the Basic Allowance be increased in line with the Local Government Officer pay awards until the scheme is next reviewed in 2026 or earlier. If a future officer pay award was to be in the form of a lump sum the increase would be calculated by establishing the percentage increase of the lump sum using the council's average officer wage.

### 3. SPECIAL RESPONSIBILITY ALLOWANCE (SRA)

The current levels of Special Responsibility Allowance are as follows:-

	<b>£ (per annum)</b>
Chair of the Council	6,870
Vice-Chair of the Council	3,435
Leader of Council	17,175
Deputy Leader of the Council	8,587
Chair of Planning Committee	6,870
Vice-Chair of Planning Committee	3,435
Chair of Scrutiny Committee	6,870
Vice-Chair of Scrutiny Committee	3,435
Chair of Joint Audit and Standards Committee	3,435
Planning Committee Members	859
Political Group Leaders (5 or more members)	5,152
Political Group Leaders (less than 5 members)	1,717
Chair of Regulatory Committee	3,435
Vice-Chair of Regulatory Committee	1,717
Cabinet Member with Portfolio	8,587
Cabinet Member without Portfolio	3,435
Lead Member	5,152

**4. PAYMENT OF BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES**

- 4.1 Special Responsibility Allowances and Basic Allowances are paid on a monthly basis, as part of the normal payroll process. The actual payment day is normally the 25<sup>th</sup> day of the month.

**5. NOTICE TO FOREGO ENTITLEMENT TO ALLOWANCE(S)**

- 5.1 A Member may give notice in writing to the Corporate Manager for Governance and Civic Office that they wish to forego any part of the entitlement to any allowance.

**6. PART – YEAR ADJUSTMENTS**

- 6.1 The payment of Basic Allowances, Special Responsibility Allowances and Co-opted Members Allowances shall be adjusted accordingly to reflect any Member's part-year entitlement to such an allowance. Where a Member's term of office commences part-way through the financial year (commencing on 1 April) they shall be entitled to the proportion, by reference to the number of days, of the allowance which the period of the term of office bears to the whole of the financial year.

**7. ATTENDANCE BY COUNCILLORS AT MEETINGS OF COMMITTEES TO WHICH THEY HAVE NOT BEEN APPOINTED**

- 7.1 Attendance by Councillors at meetings of Committees upon which they have not been appointed to serve shall be eligible for travel and subsistence allowances as follows:-
- (a) To Chair of Committees, Sub-Committees, Task Groups and Panels presenting reports to Committees of which they are not Members
  - (b) To Councillors attending any Committee where they are not Members of the Committee to address the Committee.

[NB. See also 8.3 below – SUBSTITUTES]

**8. TRAVEL ALLOWANCE**

- 8.1 Councillors are able to claim travel allowances for travel from, and return to, home or work to attend duties for which the payment of travel allowances has been approved. Approved duties include those set out in Schedule A.
- 8.2 Travel and Subsistence Allowances are paid to accord with the rates payable to Council employees from time to time with the exception of overnight absences. Details of the current rates payable are set out in Schedule B.

8.3 For the avoidance of doubt, Councillors who attend as substitutes for other Councillors at certain Committee and Sub-Committee meetings shall be eligible for travel and subsistence allowances in accordance with Council Procedure Rule No. 5.

8.4 Where a Councillor is appointed as the Council's representative at meetings falling within Schedule A, a substitute Councillor may attend such meetings where the appointee is unable to attend and the appointee so requests, and the substitute Councillor will be eligible for travel and subsistence allowances.

[Notes:- (a) Such substitute Councillors are asked to inform the Director - Law & Governance / Corporate Manager –Governance and Civic Office so that the payment of appropriate allowances can be authorised.

(b) If an appointee finds that it is difficult to attend meetings falling within Schedule A on a regular basis, then they should consider their continued appointment and contact the Corporate Manager Governance and Civic Office - to discuss the matter.

## 9. **SUBSISTENCE ALLOWANCES**

9.1 Where Councillors undertake approved duties involving absences of more than four hours which extend over a period which fully covers a normal evening meal-time, an allowance for a meal may be claimed. The rates and full details are set out in Schedule B.

## 10. **CHILDCARE AND DEPENDANTS' CARERS' ALLOWANCES**

10.1 Allowances for meeting the costs of Childcare and/or Dependants' Carers can be claimed by Councillors to enable them to undertake approved duties as defined in Schedule A.

10.2 Childcare Allowance up to £13.00 per hour, and Dependants Relative Care/Specialist Nursing Care Allowance up to £30 per hour are payable on the production of satisfactory receipts. Claims should be made as referred to in Paragraph 11.1 below.

10.3 Childcare and Dependants' Carers' Allowances –

- (a) are not payable in respect of care undertaken by a family member, friend or neighbour but should be for professional care and
- (b) are payable for the duration of the approved duty undertaken by the Councillor, including travelling time.

## 11. CLAIMS FOR ALLOWANCES

- 11.1 Councillors are required to submit claims electronically through the Oracle system. The Oracle site can be accessed from any computer/mobile device, provided the link has been stored, so claims can be entered at any time of the day from home, Council offices or elsewhere.
- 11.2 A Councillor who is also a serving Member of another Authority should use the forms of, and claim from, that Authority, in respect of the relevant approved duty undertaken for that body. Similarly, where a Councillor receives an allowance from another body for travel or subsistence, they should only claim from that body.
- 11.3 A claim for all relevant travel and subsistence allowances should be made within three months of the expenditure being incurred.
- 11.4 In respect of subsistence it should be noted that the Scheme entitles Councillors to claim the actual cost incurred up to the maximum amount detailed in Schedule B. In other words, if the amount spent is below the maximum then only the amount spent may be claimed.

## 12. TAXATION

- 12.1 Allowances are liable for Income Tax and National Insurance contributions.
- 12.2 Councillors are advised to seek independent advice on their own taxation position.
- 12.3 Councillors seeing constituents at home will not have income tax deducted from relevant travel expenses if they have completed the Declaration form supplied by the Corporate Manager – Governance and Civic Office.

## SCHEDULE A

1. The following approved duties are eligible for the payment of Travel and Subsistence Allowances:-
  - (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
  - (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority(ies) within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that –
    - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
    - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
  - (c) the attendance at a meeting of any association of authorities of which the authority is a member;
  - (d) the attendance at a meeting of the Cabinet or a meeting of any of its committees, where the authority is operating executive arrangements;
  - (e) 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;
  - (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
  - (g) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.
2. For the avoidance of doubt, attendance at meetings of the bodies listed in (a) below (or as may be amended by the Council from time to time), or in connection with the duties described in (b) (c) and (d) below is included in the categories set out in paragraph 1. above.

Assembly of the East of England LGA

Association for Suffolk Museums

Babergh and County Domestic Violence and Abuse Forums  
Dedham Vale and Stour Valley Joint Advisory Committee (JAC)  
East Suffolk Internal Drainage Board  
Gainsborough's House Society Board of Governors  
Greenways Countryside Project JAC  
Haven Gateway Partnership  
Ipswich and District Citizens Advice Bureau  
Ipswich Strategic Planning Area Board  
Joint Waste Management Board  
Local Government Association and its Executive, Boards, Panels, Commissions including Partnerships, Forums, Policy Review Groups, Special Interest Groups and Task Groups etc together with the Annual Meeting and Conference, the LGA General Assembly and the East of England Assembly of Leaders  
Pin Mill Bay Management Community Interest Company  
South Suffolk Leisure Trust Board  
Sudbury and District Citizens Advice Bureau  
Suffolk Coast and Heaths AONB Joint Advisory Committee (JAC) and Partnership  
Suffolk Flood Risk Management Scrutiny Sub-Committee  
Suffolk Health and Wellbeing Board  
Suffolk Health Scrutiny Committee  
Suffolk Joint Emergency Planning Policy Panel  
Suffolk Police and Crime Panel  
Suffolk Rail Policy Group  
Suffolk Waste Partnership (SWP)  
The Quay Theatre at Sudbury Ltd – Management Board  
Western Suffolk Community Safety Partnership

- (b) Attendance at meetings to compile draft lists of Committee, Task Group and Panel Memberships.
- (c) Attendance by the Chair and/or the Vice Chair of the Council, a Committee, Sub Committee, Task/Project Group, Working Party, Panel or Advisory Group to discuss with Officers the business of his Committee, Sub Committee, Task Group, Working Party, Panel or Advisory Group (or business of the Council in the case of the Chair or Vice Chair of the Council) on not more than two occasions per cycle of meetings where it is not practicable for such business to be conducted by the Councillor when they visit the Council Offices in connection with another approved duty.

- (d) Attendance by a Councillor at a meeting called by an Officer to discuss or carry out the business of the Council where it is not practicable for such business to be conducted by the Councillor when visits to the Council Offices are made in connection with another approved duty.
- (e) District Councillors attending Parish Council meetings, as the district ward representative for that area, with the exception of when the District Councillor was also a Parish Councillor for that Parish Council.



## SCHEDULE B

### TRAVEL AND SUBSISTENCE ALLOWANCES

(a) **Councillor's own motor vehicle**

The rate for travel by a Councillor's own private motor vehicle shall be 45p per mile. Passenger allowance can be claimed for taking other members and officers to meetings etc, at 5p per mile for one or more passengers.

A passenger's name(s) must be listed with the journey details, and the extra 5p claimed in Section 5 of the claim form.

Claims for longer journeys will be capped at the cost of undertaking the journey by public transport if this is a suitable and reasonable option.

Councillors are encouraged to reduce their reliance on motorised transport when carrying out Council business including IT related/home working solutions.

(b) **Travelling to or from a Railway Station and Centres of Public Transport**

If a Councillor's own motor vehicle is used, the appropriate mileage allowance can be claimed.

(c) **Miscellaneous Expenses connected with the use of Vehicles**

The amounts actually incurred on tolls, ferries and parking (including overnight) will be reimbursed.

(d) **Taxi Fares**

The amount to be claimed by Councillors will be the cost of travel by public transport save when travel by taxi is occasioned by reason of urgency or when no public transport is reasonably available. In these circumstances the actual amount of the fare and any reasonable gratuity paid will be reimbursed.

(e) **Hire of Vehicles**

The rate of travel by a hired motor vehicle other than a taxi cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Councillor who hired it, except that the actual cost of hiring may be reimbursed in cases where it can be shown that the expense could not be avoided.

(f) **Railway and Bus Fares**

Reimbursement of fares actually paid. Bookings for rail tickets should be made via the Governance Team.

(g) **Bicycle Allowance Scheme**

Mileage rates can be claimed at 27.7p per mile. This rate will attract a profit element on which tax and national insurance will be deducted.

Members should provide: -

- (a) Their own bicycle, together with any associated running expenses,
- (b) Wet weather/reflective protective clothing,
- (c) Protective helmet (which must be worn at all times when using a bicycle on Council business)
- (d) Insurance cover relating to damage or theft.

(i) **Subsistence Allowance**

The maximum rates are:

For absences, not involving an absence overnight, from the usual place of residence, actual expenditure will be reimbursed up to the following amounts: -

Evening Meal Allowance	£20
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(j) **Overnight Absences**

Overnight accommodation must be arranged by the Council on behalf of the Councillor, subject to the Director – Law & Governance being authorised to agree reasonable accommodation rates.

In an emergency a councillor may claim for the actual cost of hotel accommodation and meals with the agreement of the Corporate Manager for Governance and Civic Office and on the production of receipts.

## **SCHEDULE C**

### **GUIDELINES FOR USE OF DELEGATED POWER BY DIRECTOR - LAW AND GOVERNANCE IN RESPECT OF MEMBERS CONFERENCES/SEMINARS/MEETINGS**

#### **1. INTRODUCTION**

- 1.1 Under the Scheme of Delegation, the Director - Law & Governance has been granted delegated authority to approve attendance by Members (at conferences, seminars or meetings) which has not previously been approved by the Council.
- 1.2 In exercising their delegation the Director - Law & Governance must have regard to these guidelines.

#### **2. GUIDELINES**

- 2.1 The Director - Law & Governance must ensure that there is sufficient budgetary provision taking into account:-
  - (a) The financial provision required for the support and development needs of all Members for the financial year in question.
  - (b) The cost and quality of the course/seminar/conference where applicable.
- 2.2 The Director - Law & Governance must ensure that:
  - (a) The meeting/conference/seminar is relevant to the Member's role and responsibilities at the Council, (e.g. by virtue of membership of a Committee, Sub-Committee, Task Group, Panel or Outside Body) or, their position as Chair or Vice-Chair of a Committee, Sub-Committee, Task Group, Panel or Outside Body, or Leader/Portfolio Holder OR
  - (b) Attendance would be beneficial to the Council or non-attendance would be prejudicial to the Council or its standing in the wider community, OR
  - (c) The conference/seminar provides necessary or relevant training or education to the Member(s) in their capacity as a District Councillor, OR
  - (d) The conference/seminar forms part of an agreed programme of training for Members, AND the conference/seminar does not duplicate attendance by that Member at a previous conference/seminar/meeting.

## **SCHEDULE D**

### **BABERGH AND MID SUFFOLK DISTRICT COUNCIL PARENTAL LEAVE POLICY**

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## 1. Aim of the Policy

- 1.1 This policy sets out councillors' entitlements to Parental Leave (covering maternity, paternity shared parental and adoption leave) and relevant allowances.
- 1.2 The objective of the policy is to provide a positive environment for councillors with family responsibilities and to ensure that councillors 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.
- 1.3 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 have felt excluded from it.

## 2. Leave Provisions of the Policy

- 2.1 Councillors who are the designated carer, are entitled to up to 6 months parental leave from the due date, or date of placement in respect of adoption, with the option to extend up to 52 weeks by agreement.
- 2.2 In addition legal advice has been taken on these policies, and they conform with current requirements
  - Leave Periods

Councillors 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 if required.

In addition, where the birth is premature, the councillor 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.

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.

Councillors shall be entitled to take a minimum of 2 weeks paternity leave following the birth of their child (ren) if they are the biological father or carer of the child as nominated by their partner/spouse.

A councillor 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.

Where both parents are councillors 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.

A councillor 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 if required.

Any councillor 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.

Any councillor 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.

Any councillor 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.

### **3. Basic Allowance and Special Responsibility Allowances (SRA's) During Parental Leave**

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

- Special Responsibility Allowances

Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

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.

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.

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 two Special Responsibility Allowances shall apply.

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.

#### **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.

#### **5. Ward Duties**

- 5.1 Councillors who take parental leave will be able to nominate another councillor to deal with local issues in their Ward. It will be the responsibility of the councillor to hold discussions with their preferred nomination to arrange this. Where this hasn't been possible, the councillor taking parental leave will need to raise this with their Political Group Leader.
- 5.2 Where a councillor has limited alternatives to nominate due to low political representation, the Leader will decide with the member the most appropriate way in which their ward duties can be covered.
- 5.3 Councillors are responsible for putting an out of office message redirecting queries to a designated councillor. However, if they still wish to respond to emails/correspondence whilst taking parental leave, they are at liberty to undertake this activity.
- 5.4 Committee Services will provide help and advice where appropriate and arrange for officers in service areas to respond to enquiries.

#### **6. Parental Bereavement Leave (miscarriage or still birth)**

- 6.1 A premature birth is defined as any birth which takes place before the 37th week of pregnancy. Neo-natal means "relating to new-born children". A child is classed as a neonate from their birth until the 28th day after their Expected Due Date.
- 6.2 If a councillor has a stillbirth on or after the 25th week of their pregnancy, they will still be eligible to receive parental leave and allowances as normal. If a councillor miscarries earlier than the 25th week of their pregnancy they will not qualify for parental leave and allowances, and any time off will count as sickness absence. The Council will endeavour to support them throughout this difficult time.

- 6.3 The Council understands that it may not always be possible to notify it immediately of a premature birth, or a neo-natal care situation. However, it asks that the parent or a family member informs the Council as soon as possible so that the correct parental leave and allowances are received. The Council also asks that the councillor keeps Committee Services informed of any changes. The Council may require evidence of the premature birth/neo-natal care when possible. This could be in the form of a birth certificate or a copy of a discharge letter.
- 6.4 On a member's return to take up their duties the Council recommends they meet with their Group Leader (if applicable) and the Corporate Manager Governance and Civic Office to discuss whether any further support is required.