

PART 5 - MEMBERS' ALLOWANCES SCHEME

1. Introduction

- 1.1 The Swale Borough Council, in exercise of the powers conferred by Section 18 of the Local Government and Housing Act 1989 as amended by Section 99 of the Local Government Act 2000 and various Regulations the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:
- 1.2 This scheme may be cited as the Swale Borough Council Members' Allowances Scheme and shall have effect from the start of the new Municipal Year (Annual Council meeting). It will be subject to change following any significant revisions to responsibilities or committees which require the deliberations of the Independent Members' Allowances Panel.
- 1.3 In this scheme:
 - "Councillor" means a member of the Swale Borough Council who is a Councillor;
 - "Total estimated allowances" means the aggregate of the amounts estimated by the Director of Resources at the 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;
 - "Year" means the 12 months commencing with the Annual Council meeting. The first monthly payment will be made in June after the Annual Council meeting and will cease the following May.

2. Basic Allowance

- 2.1 Subject to paragraphs 7 and 8, for 2024/25 a basic allowance of £6,786 shall be paid to each Councillor by monthly instalments.

3. Special Responsibility Allowances

- 3.1 Subject to paragraphs 7 and 8, a Special Responsibility Allowance (SRA) shall be paid each year by monthly instalments to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.
- 3.2 The amount of each such allowance shall be the amount specified against that special responsibility in Schedule 1, and any notes applicable.

4. Maternity, paternity, adoption and sickness leave

- 4.1 All councillors shall continue to receive their basic allowance in full for a period up to six months in the case of absence from their councillor duties due to maternity, paternity, adoption or sickness absence. In the case of a premature birth, the length of this period will be extended to cover the period between the birth and the due date plus six months from the due date.

- 4.2 Councillors entitled to a special responsibility allowance shall continue to receive their allowance in full for a period of six months in the case of absence from their councillor duties due to maternity, paternity, adoption or sickness absence. In the case of a premature birth, the length of this period will be extended to cover the period between the birth and the due date plus six months from the due date.
- 4.3 If a replacement to cover the period of absence under these provisions is appointed by council or the leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a special responsibility allowance pro rata for the period over which the cover is provided.
- 4.4 Under s85 of the Local Government Act 1972, any councillor who fails to attend a meeting of the council for a period of six months will cease to be a member of the council unless the full council resolves to grant a dispensation. This policy neither removes this requirement nor fetters the council's discretion in the granting or withholding of dispensations, but will be a relevant factor in decisions about dispensations in cases in which the primary reason for absence has been and continues to be maternity, paternity, adoption or sickness.
- 4.5 Any councillor who decides not to return at the end of their maternity, paternity, adoption or sickness leave must notify the council at the earliest possible opportunity. All allowances will cease from the effective resignation date. If an election is held during a councillor's maternity, paternity, adoption or sickness leave and they are not re-elected, or decide not to stand for re-election, all allowances will cease from the Monday after the election date when they would technically leave office.

5. Travel Allowances

- 5.1 Councillors will be entitled to claim reasonable travel costs in respect of approved duties specified in Schedule 2 to this scheme and approved attendance at conferences/seminars. Where mileage or expenses are claimed this must be by the shortest available route or on the most economic fare. Distances and fares may be checked. Excessive claims can be rejected. Where a route which is not the shortest route is taken this must be justified within the claim and supported with evidence for example where a road was closed. Councillors cannot claim for expenses that they might alternatively claim from their business or employer. Claims for travel expenses outside of the borough will only be considered for travel on council business and with reference to Schedule 2.
- 5.2 Mileage rates for Councillors have been set as 45p per mile.
- 5.3 The cycle allowance will be 45p per mile.

6. Subsistence Allowance

- 6.1 Subsistence Allowances for which Councillors can claim for undertaking approved duties specified in Schedule 2 to this scheme and approved attendance at conferences/seminars, are based and indexed to the guidance published by the South East Employers (SEE).

- 6.2 Allowances claims should be for 'actuals'. For 2024/25 these rates can be viewed on the SEE website and have not changed since 2020 - 2022: <https://www.seemp.co.uk/free-resources/latest-on-pay/subsistence-allowances/>

7. Renunciation

- 7.1 A Councillor may by notice in writing given to the Director of Resources elect to forego any part of their entitlement to an allowance under this scheme.

8. Part-year Entitlements

- 8.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility where, during 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.
- 8.2 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 the days in the period bears to the number of days in the year.
- 8.3 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 their term of office subsists bears to the number of days in that year.
- 8.4 Where this scheme is amended as mentioned in sub-paragraph (8.2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (8.2 (a)), the entitlement of any such Councillor to a basic allowance shall be to the payment of any 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 their term of office as a Councillor subsists bears to the number of days in that period.
- 8.5 Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle them to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole of the same proportion as the number of days during which they have such special responsibilities bears to the number of days in that year.

- 8.6 Where a Councillor has during part, but does not have through the whole, of any period mentioned in sub-paragraph (8.2 (b)) of that paragraph any such special responsibilities as entitle them 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 they have such special responsibilities bears to the number of days in that period.
- 8.7 In the event of extenuating circumstances the Leader of the Council and Director of Resources may vary the entitlement.

9. Claims and Payments

- 9.1 A claim for travel allowance shall include, or be accompanied by, a statement by the Councillor claiming the allowance that they are not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the scheme. Councillors should endeavour to claim their travel allowances on a regular monthly basis. Claims received for expenses incurred more than three months previously will not be accepted.
- 9.2 Payments shall be made:
- (a) In respect of the basic allowance, in instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month;
 - (b) In respect of the special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month;
 - (c) In respect of travel allowances, these will be paid on the 25th day of each month in respect of claims received up to the 10th day of the month of payment;
 - (d) For each Municipal Year the first monthly payment will be made in June after the Annual Council meeting and will cease the following May.
- 9.3 Claims in respect of subsistence allowances should be included with the claim for travel allowances and will be paid in accordance with 9(c) above.

10. Indexation

- 10.1 The following indices are applied to the remuneration and allowances paid to Members of Swale Borough Council:
- A. Basic Allowance, SRAs, Co-optees Allowances.
Indexed to the annual percentage salary increase for local government staff (at spinal column 49) to be implemented from the start of the Municipal Year for which year it is applicable.
 - B. Subsistence Allowances:
Subsistence Allowances should be indexed to the rates published each year in guidance issued by the SEE.

11. Dependants' Carers' Allowance

11.1 This shall be reimbursed to a maximum of £9.30 per hour upon production of receipts. This rate will be linked to the National Living Wage determined by the Living Wage Foundation and reviewed on an annual basis.

11.2 In respect of the more specialist care, this should be reimbursed at the actual cost upon production of receipts. In the case of reimbursement for specialist care, medical evidence that this type of care is required must also be provided.

12. Publicity

12.1 The Council has a duty to publicise annually details of the actual sums paid to each Councillor for each type of allowance.

13. Parish and Town Council allowances

13.1 The Independent Members' Allowances Panel also makes recommendations to Town and Parish Councils on the level of allowances that they may set. This is set out in Schedule 3.

14. Co-optees' Allowance

14.1 A Co-optees' Allowance has been set, to cover the cost of travel and subsistence for any co-optees appointed. This has been set at £9.50 per hour plus reasonable preparation time for any meeting.

15. Other related items (not within the Members' Allowances Scheme but included for completeness)

15.1 The Council has set a personal allowance for the Mayor and Deputy Mayor. This is set out in Schedule 4.

SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable. The amounts of those allowances are calculated as a % of the Leader's entitlement:

Special Responsibility Allowances for 2024/25:

	£
SRA	
Leader	£16,965.00
Deputy Leader	£8,483.00
Leader of the Main Opposition	£5,938.00
Leader of the smaller groups (A group leader requires 10% of total members, 5 members in the group to qualify for allowance)	£2,036.00
Chair of Service Committees	£5,938.00
Chair of Planning Committee	£6,786.00
Chair of Licensing Committee	£2,036.00

Chair of Audit Committee	£2,036.00
Chair of Standards Committee	£2,036.00
Chair of Area Committees	£2,036.00

Note: -

Only one Special Responsibility Allowance can be paid to a Councillor in addition to the Basic Allowance.

SCHEDULE 2

1. Councillors are entitled to claim for the attendance at meetings properly called to transact any functions or duties of the Council of which the Councillor is a member or to which he/she is required to attend in order to assist the Committee/Panel/Working Group in its deliberations. (This would include for example, if invited to the Service Committee as a witness).
2. Allowances will also be paid for site visits arranged by the Service Committees, a Committee, Panel, or Working Group of the Council.
3. Also as an approved duty for payment of travel and subsistence allowances, is the attendance of meetings on the Approved Duties List. The approved list comprises of the list of outside body appointments.
4. Chairmen and Spokespersons may claim for attending Chairman's Briefings, or meetings with Officers in connection with a matter relating to their Committee, subject to them being pre-arranged.
5. Members may claim for attendance at meetings with Management Team and Heads of Service, which have been pre-arranged.
6. Members may claim for attendance at Member Briefings or training events organised by the Council, or at Conferences, if their attendance has been approved by the Chief Executive in conjunction with their Group Leader.
7. In the case of meetings that are not covered under this scheme, the Chief Executive and the Head of Legal Partnership have delegated authority to determine whether it is an approved duty. Members are asked to seek advice before attending such events.
8. Councillors are not eligible to claim for attendance at political group meetings or for attending parish council meetings in their ward.
9. Councillors are not able to claim for home to work or commuting to work. (This is due to HMRC rules.) Where a Councillor attends a meeting which is on their way home from work, the additional mileage incurred in attending may be claimed.

SCHEDULE 3

PARISH COUNCILLOR ALLOWANCES

(Paragraph 27 of The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI2003/1021) refers).

1. That recommendations for Parish Council Allowances for the Borough of Swale be set as follows:

a) Chair's Allowance (Chair of Parish Council) - a maximum of 10% of Swale Borough Council's Basic Allowance.

b) Basic Allowance (All other Parish Councillors) - a maximum of 5% of Swale Borough Council's Basic Allowance.

(Executive Minute No. 722/2/06 and Council Minute No. 765(iii)/3/06 refer).

SCHEDULE 4

MAYOR'S ALLOWANCES SCHEME

(Not within the remit of the Members' Allowances Panel - Council Minute No. 765(iii)/3/06 refers).

1. Mayoral Allowances are payable to the Mayor and the Deputy Mayor.
2. The Mayor's allowance for 2024/25 is set at 70% of the basic allowance £4,750.20 and the Deputy Mayor set at 30% of the basic allowance £2,038.80. The allowances will be increased by the equivalent % applicable to the annual Council staff pay award and are payable following appointment at the Annual Council meeting.
3. Payment arrangements are the same as those for the Members' Allowance Scheme but can be varied with agreement by the Director of Resources.
4. Travel allowance is payable for bona fide purposes, where the Mayoral car or Mayoral Chauffeur are not available. Normally the Mayoral car is at the disposal of the Mayor/Mayoress and therefore it is likely that the Deputy Mayor/Mayoress will be attending functions in their own car. Similarly, it would not be normal for the Mayoral car to be used for administrative visits to Swale House to transact Mayoral business with the Mayoral staff.
5. Changes to the Mayoral Allowances can only be made by the Policy and Resources Committee and such allowances are not subject to the statutory publicity requirements of the Members' Allowance Scheme.