



Epping Forest District Council

MEMBER REMUNERATION PANEL ***Thursday, 3rd February, 2011***

Place: Civic Offices, High Street, Epping

Room: Group Room, Room 1.19, First Floor

Time: 5.30 pm

Democratic Services Officer Graham Lunnun, The Office of the Chief Executive
Email: glunnun@eppingforestdc.gov.uk Tel 01992 564244

Members:

D Jackman, Ms R Kelly and S A Lye

1. CHAIRMAN

To elect a Chairman for the meeting.

2. APOLOGIES FOR ABSENCE

3. MINUTES OF THE LAST MEETING (Pages 3 - 6)

To approve as a correct record and sign the minutes of the meeting held on 9 November 2009 (attached).

4. TERMS OF REFERENCE

(Assistant to the Chief Executive) The Panel is established to make recommendations on the payment of allowances and expenses to members.

5. MEMBER REMUNERATION SCHEME - REVIEW (Pages 7 - 30)

(Assistant to the Chief Executive) To consider the attached report.

6. DATE OF NEXT MEETING

To agree a date for another meeting, if required.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Member Remuneration Panel **Date:** Monday, 9 November 2009

Place: Group Room, Room 1.19, First Floor, Civic Offices, High Street, Epping **Time:** 5.00 - 6.45 pm

Members Present: D Jackman and S A Lye

Other Councillors:

Apologies:

Officers Present: I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director – Democratic Services)

1. CHAIRMAN

RESOLVED:

That S Lye be elected Chairman for the meeting.

2. MINUTES OF THE LAST MEETING

RESOLVED:

That the minutes of the meeting held on 27 March 2008 be taken as read and signed by the Chairman as a correct record.

3. TERMS OF REFERENCE

The Panel noted that it had been established to advise on the payment of allowances and expenses to District Councillors.

4. MEMBER REMUNERATION SCHEME - REVIEW

The Panel considered a report:

- (a) summarising the Government's guidance on local authority allowances;
- (b) setting out the Council's existing Remuneration Scheme and details of its implementation;
- (c) summarising the results of a survey undertaken in spring/summer 2008 on behalf of the Local Government Association and the Improvement and Development Agency in relation to Local Authority Members' Allowances.

The Panel discussed the existing allowances and options for changes.

RESOLVED:

Basic Allowance

- (1) That, having regard to the small difference between the current amount in the adopted scheme (£4,300 per annum) and (a) the average amount paid to similar councils in the same region (£4,505 per annum) and (b) the amount (£4,524 per annum) achieved by applying the current minimum adult weekly wage of £5.80 per hour to a 15 hour week, no change to be made to the amount of Basic Allowance;
- (2) That members entering into an agreement under the Council's Connectivity Scheme continue to receive as supplement to the Basic Allowance a sum of £500 per annum in their first year in office and £250 per annum in each subsequent year of their term of office;
- (3) That the Council be encouraged to review its level of implementation of the Basic Allowance, currently £3,150 per annum, as this is clearly considerably less than the amounts paid to councillors in similar authorities in the same region and it is considered there is a danger of under-valuing the role which may make it more difficult to attract potential candidates to stand for election in future;
- (4) That in view of the Government's decision to reject the recommendation of the Councillors' Commission to authorise Standards Committees to suspend and clawback part of the Basic Allowance where a member fails to fulfil their role, no steps be taken to introduce voluntary clawback;
- (5) That the Council continue to consider steps which could be taken to make members more accountable including the Member Development Programme promoted by the Improvement and Development Agency.

Special Responsibility Allowances

- (6) That, subject to (7) below, in view of the similarities in the amounts of Special Responsibility Allowances in the Council's current adopted scheme and those of similar authorities in the same region as the Council, no change be made to the amounts of Special Responsibility Allowances;
- (7) That in view of the infrequency of meetings of the Complaints Panel and the Staff Appeals Panel, the Special Responsibility Allowances for the Chairmen of those Panels and the Housing Appeals and Review Panel be changed to an amount of £110 per meeting held;
- (8) That having regard to the increased number of meetings of Licensing Sub-Committees and the nature of business undertaken at those meetings the Council be asked to note the disappointment of the Panel that steps have not been taken to change the arrangements for the election of Chairmen of those Sub-Committees as it is considered that a significant responsibility is currently not being recognised;
- (9) That in view of the changes made to Portfolio Holder responsibilities at the Council meeting in June 2009 it is considered that it would be premature to make any recommendations regarding the tiering of allowances to Cabinet Members based on workload and responsibilities and that the Council be

asked to indicate to the Panel when they would wish the Panel to pursue tiering based on proposed paired comparison role evaluation/member's SRA role description/budget summary sheets/manpower summary;

Co-optee Allowances

(10) That no change be made in the allowances for co-optees but that the Panel explore further the allowance paid to the Chairman of the Standards Committee and the other independent members on that Committee who chair Sub-Committees of the Standards Committee with a view to making recommendations during the next review of the scheme in order to recognise the new local assessment regime and the increased workload arising therefrom;

Travelling Allowance

(11) That the scheme be amended to include payment for Parish/Town Council representatives at meetings of the Local Highways Panel;

Subsistence Allowance

(12) That no change be made to the scheme in respect of Subsistence Allowance;

Carers' and Childcare Allowances

(13) That having regard to the average amounts in the schemes of similar authorities in the same region as this Council and to the ONS Annual Survey of Earnings, the scheme be amended to provide for the payment of Carers' and Childcare Allowances at a rate of £8.39 per hour subject to the conditions contained in the current scheme;

Member Role Accountability Statements

(14) That the Member Role Accountability Statements which have been revised in order to reflect the changing role of members be referred to an appropriate Panel for consideration;

Draft Report

(15) That a briefing session for members of the Panel with Group Leaders and members not affiliated to any group be arranged in order to discuss the Panel's draft report on the review of the Member Remuneration Scheme;

(16) That the draft report be finalised following that meeting, if necessary after a further meeting of the Panel.

5. MEMBERSHIP OF THE PANEL

Consideration was given to what further steps could be taken in order to fill the vacancy on the Panel. It was noted that a member of the Panel could not also be a member of the District Council or a member of a Committee or Sub-Committee of the Council. It was further noted that a member of the Panel was not to be disqualified from being or becoming a member of an authority.

RESOLVED:

That the officers arrange to place a public notice in appropriate media and that copies be sent to the Clerks of Town and Parish Councils in the District.

6. DATE OF NEXT MEETING

Members considered the need for another meeting.

RESOLVED:

That officers consult with members of the Panel regarding the date for another meeting, if required.

CHAIRMAN

Report to the Independent Remuneration Panel



**Epping Forest
District Council**

Date of meeting: 3 February 2011

Subject: Members' Allowances Scheme - Review

Officer contact for further information: Graham Lunnun (01992 – 564244)

Recommendation:

To review the Members' Allowances Scheme and make recommendations for changes to be implemented at the commencement of the 2011/12 municipal year.

Report:

Introduction

1. The Local Government Act 2000 and the Local Authorities (Members' Allowances)(England) Regulations 2003, require local authorities to review their allowances schemes and to appoint independent remuneration panels to consider and make recommendations on new schemes. The Government's "Guidance on Consolidated Regulations on Local Authority Allowances" outlines the main statutory provisions and gives non-statutory guidance. A summary is given below:
 - (a) **Basic Allowance:** each local authority must make provision for a basic, flat rate allowance payable to all members; the allowance must be the same for each councillor and can be paid as a lump sum or in instalments.
 - (b) **Special Responsibility Allowances (SRAs):** each authority may make provision for the payment of special responsibility allowances for those councillors who have significant responsibilities; the Panel recommends the responsibilities and levels of allowances.
 - (c) **Co-optees' Allowance:** each authority may make provision for the payment of an allowance to co-optees for attending meetings, conferences and seminars.
 - (d) **Childcare and Dependent Carers' Allowances:** local authorities may make provision for the payment of an allowance to those councillors who incur expenditure for the care of children or dependent relatives whilst undertaking particular duties.
 - (e) **Travel and Subsistence:** each authority may determine the levels of travel and subsistence allowances and the duties to which they should apply.
 - (f) **Pensions:** each local authority may specify which councillors, if any, should be eligible for inclusion in the Local Government Pension Scheme and which allowances (basic and/or special responsibility) should be pensionable.
 - (g) **Indexation:** each local authority may determine that allowances should be increased in accordance with a specified index and can identify the index and set the number of years (not exceeding four) for which it should apply.

(h) **Backdating:** each local authority may determine that, where amendments are made to an allowances scheme, the allowances as amended may be backdated.

2. The Council's Members' Allowances Scheme was initially approved by Council in December 2002 following consideration of a report of the Independent Remuneration Panel. The Panel last reviewed the scheme in 2009/10 following which the Council amended the scheme for the year 2010/11.
3. Since 2002 the Council for budget reasons has not paid the full amounts of allowances recommended by the Panel. At its meeting in May 2008 the Council adopted the revised remuneration scheme proposed by the Panel but decided to implement payment of a Basic Allowance of £3150 per councillor (£4300 in the adopted new scheme). In addition as recommended by the Panel, members who have entered into an agreement under the Council's Connectivity Scheme receive an allowance of £500 per annum in their first year of office and £250 per annum in each subsequent year of their term of office. Special Responsibility Allowances are also currently being paid at amounts less than that set out in the scheme. The Panel in its last report encouraged the Council to review its level of implementation of Basic Allowance as the current level was considerably less than the amounts paid in similar authorities and it was considered there was a danger of undervaluing the role which might make it more difficult to attract potential candidates to stand for election in future. The Council acknowledged this view but felt unable to increase the Allowance in the economic climate
4. When last reviewing the scheme the Panel took account of a survey conducted in spring/summer 2008 on behalf of the Local Government Association and the Improvement and Development Agency. A total of 324 (83.9%) of 386 authorities responded. The survey collected information on basic allowance, special responsibility allowances and other allowances paid to members.
5. Set out below are details of the amounts included in the Council's adopted scheme as recommended by the Panel, the actual levels of implementation and the amounts paid by similar authorities.

Allowance	EFDC Adopted Scheme £	EFDC Implementation Levels £	Average Payments of other shire districts/boroughs in same region £	Notes
Basic	4,300	3150	4,505	
Supplementary Basic	500 first year 250 other years	500 250	-	
Leader	10,750	7,875	11,547	Basic x 2.5
Cabinet Members (9)	6,450	6,300	7,388	Basic x 1.5
Overview and Scrutiny Committee Chairman	4,300	3,150	4,500	Same as Basic
District Development Control Committee Chairman	3,225	2,362	4,445	Basic x 0.75

Area Plans Sub-Committees Chairmen	3,225	2,362	3,097	Basic x 0.75
Housing Appeals and Review Panel, Complaints Panel, and Staff Appeals Panel Chairmen	110 per meeting held	110 per meeting held	N/A	
Audit and Governance Committee Chairman	2,150	2,150	N/A	
Overview and Scrutiny Standing Panels Chairmen	2,150	2,150	N/A	
Standards Committee Chairman	1,000	1,000	1,726	Independent Member
Co-opted members other than Chairman of Standards Committee	500	500	N/A	Independent Members

6. Whilst the Council's budget is not a consideration for the Panel it is suggested, having regard to the figures above and the need for the Council to make savings, that there is little merit in proposing changes to the amounts of the allowances paid at the present time.
7. However, if the Panel wish to review allowances account should be taken of the Government's advice to Panels is that they should consider the following variables:
 - (a) what is the time requirement to fulfil the role of an ordinary councillor?
 - (b) how much of that time should be seen as public service and not remunerated?
 - (c) what is the remunerated time of a councillor worth?
8. A national census of local authority councillors was carried out in 2008 by the Local Government Association and the Improvement and Development Agency. Replies were received from 385 (99.7%) of the 386 local authorities in England and from 8,895 (45.3%) councillors in office. This research showed that councillors spent, on average, 22 hours per week on council/political business, with the largest proportion (21.4%) spending between 16 and 20 hours and 7.8% spending more than 40 hours. There were variations between types of authority, with the average number of hours per week spent on council and political business in shire districts amounting to 19 hours. Councillors were asked to estimate the amount of time in a week that they spent on attending meetings, engaging with constituents and on other council business, such as training events. Fewer councillors were able to provide accurate information resulting in a discrepancy with the total average hours spent per week. It emerged that the greatest average time was spent on attending council meetings or committees (10 hours). Slightly less time on average (8 hours) was spent engaging with constituents, conducting surgeries and answering enquiries and other activities (external meetings, training events and seminars) accounted for 6 weeks of the week.

9. It is generally considered that the time spent on council and political business should be 'discounted' by between 25-50% in recognition of the public service element. Anything beyond 50% and councillors are giving most of their time as public service, i.e. unremunerated, while anything less than 25% gives the impression that councillors are reluctant to recognise the public service element. District councils tend to discount closer to the higher end of the spectrum, 40-50%. To then arrive at an hourly rate, some panels look to the Local Government Association's guide that suggests that a councillor's time is worth at least the equivalent of the average male non-manual daily salary but there are local variations.
10. **If the Panel consider there should be a change to Basic Allowance and that there should be an increase, options include:**
- (a) **an increase to the average for similar authorities in the East of England (as per the survey results) ie £4,500;**
 - (b) **an increase reflecting the current minimum adult wage of £5.93 per hour – applying this figure to a 15 hour week results in an allowance of approximately £4,625;**
 - (c) **a % increase (related to staff APT&C increase – there has been no increase in staff salaries recently - or some other figure); the Panel could look at regional salaries as a benchmark; further work would be necessary on this option to arrive at a figure.**
11. **If the Panel consider there should be a change to Special Responsibility Allowances and that there should be increases, options include:**
- (a) **an increase to the average for shire districts in the East of England (as per the survey results);**
 - (b) **a multiplier of the basic allowance;**
 - (c) **a simple percentage increase.**

Supplement to Basic Allowance – Attendance at Meetings/Training Sessions

12. The Council requested the Panel as part of this review to consider inclusion in the Remuneration Scheme of a supplement to the Basic Allowance to be paid to members attending a specified number of meetings/training sessions. This followed the decision not to introduce voluntary clawback where a member is considered to have failed to fulfil their role.
13. The Panel has previously advised that there may be difficulties in drawing up a workable scheme and that account will need to be taken of members' other commitments, e.g. duties as a member of another local authority.
14. The Council has yet to agree a member training programme for 2011/12. The Constitution and Members' Services Scrutiny Panel will be considering the matter in March 2011. It is possible that there will be an element of "e" learning which could be undertaken in members' homes at a time to suit them.
15. Officers have been unable to find any other authority which makes provision for a supplement for attending meetings/training sessions. Some authorities have tackled poor attendance at training sessions by introducing personal development plans for individual members which are monitored by Group Leaders or a Member Panel. Officers will continue to research this issue and will report further at the meeting.

Deputy Portfolio Holders

16. The Council on 2 November 2010 when approving the creation of Deputy Portfolio Holders resolved that the application of SRAs for those positions should be deferred until 2011/12 to allow time for these new positions to be assessed in their initial period of operation.
17. Although the Council made its decision on 2 November 2010, councillors were only appointed to the positions on 14 December 2010. There has been little time therefore to assess the roles being undertaken. The model Job Description agreed by the Council for these positions is attached as Appendix 1.

Licensing Sub-Committee Chairmen

18. As part of the last review, the Panel resolved that having regard to the increased number of meetings of Licensing Sub-Committees and the nature of business undertaken at those meetings, the Council be asked to give further consideration to the way in which the Chairmen of the Sub-Committees are elected to enable consideration to be given to the payment of a special responsibility allowance.
19. In response the Council decided to appoint a Panel of six Licensing Sub-Committee chairmen from among members of the Licensing Committee to preside over Sub-Committee meetings by rota.
20. Since the appointment of six members at the Annual Council meeting in May 2010 there have been eight meetings of Licensing Sub-Committees and four of the six members have each presided over one meeting. One member has presided over three meetings one of which was when the appointed Chairman (the sixth member) could not attend at short notice. One member has presided over two meetings.
21. Members of the Panel have attended meetings of Sub-Committees during recent months to witness the role of Chairman at those meetings. One member of the Panel also attended a training session for members and officers on licensing law etc.
- ... 22. Officers have met Councillor Richard Morgan, who is an experienced Magistrate to discuss the former role of JPs and the current role of Councillors in relation to licensing issues. A note of the discussion is attached as Appendix 2.
23. Some members of the Licensing Sub-Committees have expressed the view that the role of Chairman is similar to the role of an Area Plans Sub-Committee Chairman.
24. The average payment to the Chairmen of Licensing Committees in the same region is £3,820. Amounts paid by other similar Essex authorities vary between £1,579 at Harlow and £8,226 at Basildon. Some have sub-committees which are not reflected in the survey. In some authorities the Chairman of the Licensing Committee is also the Chairman of the Sub-Committee.
25. The Panel may wish to meet some of the Chairmen of the Licensing Sub-Committees before making any recommendation on a special responsibility allowance.

Member Role Accountability Statements

26. As requested by the Panel last year, the Council's Constitution and Members' Services Scrutiny Panel at a meeting on 9 November 2010 considered revised draft Member Role Accountability Statements for the various member roles undertaken at the Council.

27. The Constitution and Members' Services Scrutiny Panel agreed that Statements based on models produced by the Improvement and Development Agency (IDeA) should be adopted. Officers have been asked to revise the Statements which were submitted to the meeting on 9 November 2010 and to submit revised copies to a future meeting of the Scrutiny Panel. Once the Statements have been adopted by the Council they will be referred to the Remuneration Panel to assist in making recommendations in relation to future allowances.

Co-optee Allowances

28. The Council on 20 April 2010 adopted a recommendation of the Panel that the allowance paid to the Chairman of the Standards Committee and other independent members on that Committee who chair sub-committees should be reviewed in order to recognise the new local assessment regime and the increased workload arising therefrom.
29. Shortly after the General Election, the coalition Government announced that it would abolish Standards for England (the national body). At that time it was assumed the announcement related to the central body only. However, it is now apparent that the proposal is to abolish the whole standards regime applicable to councillors in England including the Members' Code of Conduct, standards committees in their current guise, Standards for England and the First-tier Tribunal (Local Government Standards for England).
30. The timescale is currently uncertain as the proposal requires legislation which is included in the Localism Bill currently before Parliament. If and when the proposals are enacted, the determination of all outstanding cases at whatever level at that time will be the responsibility of standards committees. Once those cases have been determined the current standards regime will cease. The Council will be able if it wishes to continue with a Standards Committee but its role will be significantly different and there will be no requirement to include any independent members on the Committee.
31. **Pending clarification of the timescale for the abolition of the current complaints regime and the future role, if any, agreed by the Council for a standards committee it is suggested that no work is undertaken on a review of allowances to the independent members on the Standards Committee.**

Travelling Allowance

32. The Council has chosen to apply the same rates as those paid to officers, in common with other authorities. These are reviewed nationally on an annual basis. At present the rates are 46.9p per mile for use of a vehicle not exceeding 999cc; 52.2p per mile for use of a vehicle not exceeding 1199cc; and 65.0p per mile for use of a vehicle exceeding 1199cc. The Council also has provision for a bicycle allowance of 65.0p per mile. The 2008 survey showed that 92.6% of authorities offered travel allowance and 54.1% offered a bicycle allowance. Thirty five of the 37 shire districts/boroughs in the same region as this Council pay travel allowance and 25 pay bicycle allowance. Some authorities keep to a rate of 40p per mile – as this is the level above which members are liable to tax. The Council's scheme also provides for the payment of some extra pence per mile for carrying passengers.
33. Travelling allowance is payable in respect of 'approved' duties which are defined in the scheme.
34. The current scheme provides that in relation to travel to meetings outside of the District or by members resident outside the district, claims irrespective of the mode of travel shall not exceed the lower of:

- (a) first class rail return fare plus underground and other fares from station to destination; or
- (b) the appropriate car mileage.

35. Following a request for information under the Freedom of Information Act, a local resident has suggested that reference to first class rail travel is inappropriate in the current economic climate. He stated that Council Tax payers should be confident that they do not have to fund unnecessary costs or extravagance at the present time.
36. **The Panel is invited to review the appropriateness of reference to first class rail fares. It is suggested that there is no reason at present to review other aspects of travelling allowances.**

Subsistence Allowance

37. Thirty-five of the shire districts/boroughs in the same region as this Council offer subsistence.
38. The Council's current rates mirror the rates paid to officers which are currently – not exceeding £6.72 for breakfast; not exceeding £9.28 for lunch; not exceeding £3.67 for tea; not exceeding £11.49 for evening meal. These officer rates have previously been reviewed annually and changes are reflected in the Council's scheme.
39. However, there is currently a review being undertaken of the policies covering the reimbursement of work related expenses to staff. A copy of the proposals relating to subsistence payments is attached as Appendix 3. It will be noted that the proposals include restricting subsistence payments as follows:
- Breakfast – up to £3.00;
Lunch – up to £5.00 (less the average meal cost of £3.50);
Evening Meal – up to £11.77 (less the average meal cost of £3.50)
40. **The Panel may wish to consider whether subsistence payments to councillors should continue to mirror the officers' scheme.**

Carers' and Childcare Allowances

41. The scheme also provides a childcare/dependent carers' allowances payable at a rate of £8.39 per hour with a maximum of four hours imposed on any one claim. Allowances are not payable in respect of carers who are members of the councillor's immediate and close family, i.e. parents, children, spouses, co-habitees or members of the same household as the councillor.
42. The survey of all councils showed that 89.5% of authorities offer carers' allowance at an average hourly rate of £7.83 and that 73.2% offer a childcare allowance at an average hourly rate of £7.03:
- (a) the average for dependent carers' allowance for the shire district /borough authorities in the same region as Epping Forest District Council is £9.82 per hour (31 of the 37 authorities making provision).
- (b) the average for childcare allowance for the shire district /borough authorities in the same region as Epping Forest District Council is £8.13 per hour (25 of the 37 authorities making provision).
43. **To date no member of Epping Forest District Council has received this allowance and it is suggested there is no need to review the amount provided in the Scheme.**

Pensions

44. The current scheme also enables members to join the Local Government Pension Scheme (as do 11 other shire district/borough councils in the same region as Epping Forest District in the survey) and this is currently taken up by very few members. The Council agreed to this following a previous recommendation of the Panel. This is not a decision that the Panel is able to review.

State Benefits

45. The Panel has been advised to consider and report on the effect of member allowances on state benefits. L
46. The Local Government Information Unit publish a booklet entitled "Councillors' Tax and Benefits". Extracts from the 2009 edition are attached as Appendix 4. A copy of the complete publication is available to Councillors in the Members' Room.
47. **It is suggested that the Panel draw Members' attention to the availability of this booklet.**

ESSEX COUNTY COUNCIL – MODEL JOB DESCRIPTION FOR DEPUTIES TO CABINET MEMBERS

Purpose

To assist and work with the designated Cabinet Member with their responsibility for allocated portfolios.

Duties and Responsibilities

1. To assist the designated Cabinet Member in shaping and developing the strategic priorities of the Council as it relates to the allocated portfolio.
2. To assist the designated Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
3. Where appropriate and where permissible under the Council's Constitution to represent the designated Cabinet Member at meetings or visits.

Skills Required

Basic

1. To show good communication and interpersonal skills.
2. To show the ability to analyse and grasp complex issues.

Developmental

3. To develop a good understanding of how local and national government operates.
4. To develop a clear understanding of the operation of the Council and ability to contribute to the work of the Cabinet generally.
5. To develop skills in chairing meetings and facilitating open discussion.

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MEMBERS' REMUNERATION PANEL

**NOTES OF A MEETING TO DISCUSS SIMILARITIES/DIFFERENCES BETWEEN
CURRENT ROLE OF THE COUNCIL'S LICENSING SUB-COMMITTEE CHAIRMEN AND
THE FORMER ROLE OF MAGISTRATES UNDERTAKING THE LICENSED FUNCTIONS
NOW RESTING WITH THE COUNCIL**

Present: Councillor Richard Morgan, JP
Ian Willett, Assistant to the Chief Executive
Graham Lunnun, Assistant Director of Democratic Services

Councillor Morgan explained that the area covered by the Magistrates had been the North West Essex area which stretched from the Epping Forest District to Saffron Walden. He said that there had been approximately 100 Magistrates covering that area and of those 11 had been specially trained to act as Licensing Justices.

Councillor Morgan said that he had been Chairman of the Licensing Justices for some 10/12 years, sitting with two other Licensing Justices at each session. Monthly sittings had been held and approximately one week before each sitting the three appointed Licensing Justices had visited each premises. Often it had been necessary to visit in the region of 14 premises in a day driving over 140 miles. They had been accompanied on their visits by the Clerk (Legal Adviser). They had not been allowed to listen to any representations on the visits or accept any hospitality other than the occasional cup of tea. Councillor Morgan advised that no allowance had been paid to the Licensing Justices, only travel expenses had been paid.

Councillor Morgan pointed out that the Council's Licensing Sub-Committee Chairmen/Members did not visit premises and he assumed that part of the process was now undertaken by Council Officers.

The proceedings in Court had been similar to the Council's Licensing Sub-Committees although when retiring to deliberate the Magistrates had not been accompanied by the Clerk who had only been called in to be advised of what was proposed in order to ensure that problems were unlikely to arise from the decision. This differed to the practice of the Council's Licensing Sub-Committees as the Council's Legal Officers were present throughout the deliberations, advising as necessary.

Councillor Morgan advised that other than chairing the session/meeting and being able to exercise a casting vote, if necessary, the role of the Chairman of the Licensing Justices and the Chairmen of the Licensing Sub-Committees was no different to the role of the other Justices/Members forming the bench/Sub-Committee.

Councillor Morgan confirmed that appeals against the Licensing Justices decisions had been made to the Magistrates' Court and decisions of the Licensing Sub-Committees could be challenged in the Magistrates' Court. He stated that in the event of an appeal to the Magistrates' Court it would be Council Officers who would attend not the Chairmen of the Sub-Committee.

Councillor Morgan also pointed out that the Licensing Justices had issued occasional licences, a role not undertaken by the Licensing Sub-Committees.

In conclusion, Councillor Morgan said he would be happy to meet the Panel if they felt it would be beneficial. He also suggested that it might be advisable for the Panel to seek the views of a Licensing Sub-Committee Chairman who had not had any previous experience of the role of the Licensing Justices – possibly Councillor Ken Angold-Stephens.

Ministry of Justice Fees for fee paid judiciary and tribunal appointments WEF 01.11.09			
	01.04.08	01.04.09	01.11.09 [see note 3 below]
Courts (Crown, County, Supreme Court)			
Retired Lord of Appeal	926	940	940
Retired Lord Justices (sitting COA)	881	894	894
Retired High Court Judges etc	774	785	785
Deputy High Court Judge	774	785	785
Retired Judges of the TCC (sitting as Deputy Judge of TCC)	620	630	630
Recorder	575	583	583
Deputy Circuit Judge	575	583	583
Assessor, Taxation Tribunal (County Court)	461	468	468
Assessor, Taxation Tribunal (High Court)	461	468	468
Deputy District Judge	461	468	468
Deputy District Judge (Magistrates Courts)	461	468	468
Deputy Judge Advocate	461	468	468
Deputy Supreme Court Master/ Registrar	461	468	468
Tribunals			
Upper Tribunal - Administrative Appeals Chamber			
Social Security, Child Support & Pensions Appeal Commissioners (Eng, Wales, Scotl & N I)			
Former Deputy Social Security Commissioner (now Deputy Judge of the Upper Tribunal)	575	583	583
Care Standards			
Non-legal Member	198	201	201
Transport [Traffic Commissioner Appeals]			
President	575	583	583
Judicial Member (Chairman	461	468	478*
Non-legal Member	329	334	334
Upper Tribunal – Finance and Chancery			
Transferred-in Tax Judge, legal member	541	549	552*
Upper Tribunal - Other			
Deputy Judge of the Upper Tribunal	575	583	583
First-tier Tribunal – General Regulatory Chamber			
Charity			
Legal Member	461	468	468
Non Legal Member	261	265	265
Consumer Credit Appeals and Estate Agents Appeals			
Chairman	541	549	549
Non-legal Member	261	265	265
Transport			

President	575	583	583
Judicial Member (Chairman)	461	468	468
Non-legal Member	329	334	334
First-tier Tribunal - Health, Education and Social Care Chamber			
Care Standards			
Chairman	406	412	417*
Non-legal Member	198	201	201
Mental Health			
Legal (Restricted Patients' Panel)	575	583	583
Legal Member	447	454	455*
Medical Member	447	454	454
Non-legal Member	209	212	212
Special Education Needs & Disability			
Chairman	461	468	468
Non-legal Member	235	239	239
First-tier Tribunal - Social Entitlement Chamber			
Asylum Support			
Adjudicator	401	407	412*
Criminal Injuries Compensation			
Non-legal Member	385	391	391
Legal & Medical Member	385	391	391
Social Security and Child Support			
Legal Member	401	407	412*
Medical Member (medical examination might be required)	366	371	371
Financial Member	298	302	302
Medical Member (no medical examination required)	298	302	302
Member with experience of disability	189	192	192
First-tier Tribunal - Tax Chamber			
Transferred-in Tax Judge, legal member	541	549	549
Transferred-in tax member	261	265	265
Newly-appointed Tax Judge, legal member	461	468	468
Newly-appointed tax member	261	265	265
First-tier Tribunal - War Pensions and Armed Forces Compensation Chamber			
War Pensions and Armed Forces Compensation (previously Pensions Appeal Tribunal)			
Legal Member	447	454	455*
Medical Member	447	454	454
Service Member	209	212	212
Other Tribunals			
Adjudication Panel For England			
President	467	474	480*
Legal Member	392	398	404*
Non-legal Member	181	184	184
Adjudicator to HM Land Registry			
Adjudicator	461	468	468
Asylum & Immigration Tribunal (AIT)			
Immigration Judge	461	468	468
Non-Legal Member	261	265	265
Employment Appeal Tribunal (EAT)			

Recorders	774	785	785
Non-legal Member	299	303	303
Employment Tribunals (England & Wales, & Scotland)			
Employment Judge	443	450	452*
Non-legal Member	171	174	174
Family Health Services Appeal Authority			
President	573	582	583*
Chair	479	486	486
Professional Practitioner	331	336	336
Non-legal Member	271	275	275
Finance Tribunals			
Chairman, Claims Management Services Tribunal, FINSMAT, Pensions Regulator Tribunal	541	549	549
Non-legal Member	261	265	265
Gambling Appeals Tribunal			
Legal Member	461	468	468
Gender Recognition Panel [See note 1 below]			
Medical Member [See note 2 below]	366	371	371
Immigration Services Tribunal			
Legal Member (Chairman)	541	549	549
Non-legal Member	329	334	334
Information Tribunal			
Chairman	575	583	583
Deputy Chairman	461	468	468
Non-legal Member	261	265	265
Lands Tribunal (England & Wales)			
Member	541	549	549
Pensions Appeal Tribunal (Northern Ireland)			
Legal & Medical Member	447	454	454
Service Member	209	212	212
Proscribed Organisations Appeals Commission (POAC)			
Member	409	415	415
Reserve Forces Appeal Tribunal			
Employment Judge/Chair	443	450	450
Non-legal member	171	174	174
Social Security Commissioner and Child Support Commissioners (Northern Ireland)			
Deputy Social Security and Child Support Commissioners	575	583	583
Special Immigration Appeals Commission (SIAC)			
Non-legal Member,	409	415	415
Transport Tribunal			
President	575	583	583
Judicial Member (Chairman)	461	468	468
Non-legal Member	329	334	334
Others			
Solicitors' Disciplinary Tribunal - Non-legal Member	261	265	265
County Court Assessor (Landlord & Tenant)	261	265	265
County Court Assessor (Race Relations)	261	265	265
County Court Assessor (Sex Discrimination)	261	265	265

Note 1 - Legal Members of the GRP are salaried District Chairmen of Appeals Tribunals who receive no additional remuneration for undertaking GRP work.

Note 2 - Medical members of the GRP are drawn from the pool of Medical members of the Appeals Service.

Note 3 - Those fees highlighted by an asterisk include the first increment of phased increases, introduced from 1 November 2009, awarded further to the introduction of a new pay structure for legally qualified tribunals judiciary. Subsequent increases will be applied in April each year, with the final increment in April 2014.



Our People

Your pay

APPENDIX 3

Subsistence Payments Policy

January 2011



INVESTOR IN PEOPLE

Page 23



Epping Forest
District Council

1. Introduction

1.1 This policy covers all staff and casual workers employed by Epping Forest District Council.

1.2 The following policy and guidelines explain:

- i) When employees may be able to claim subsistence payments
- ii) What they are able to claim
- iii) How to make a claim

1.3 Subsistence payments are not an allowance but a reimbursement of expenses within a set ceiling. The claimant should not profit or lose money because they are undertaking official duties for the Council.

2. General principles

2.1 No employee should profit, or lose money, because they are undertaking work for the Council. A subsistence payment is payable if the employee necessarily incurred costs *over and above* what they would have paid for a meal in the normal course of their duties.

2.2. The amount of subsistence paid, is the **additional** expenditure incurred when undertaking work for the Council. Only food/drink bought on the day of a non-standard working period qualifies for a subsistence payment. (See paras 3.1, 4.1 and 5.1 when items can be claimed).

2.3 The Council will only reimburse for items which are reasonable and receipts proving purchase must be provided.

2.4 Work placements, such as school or not-for-profit organisation placements, may claim subsistence. However, there is no corporate budget for this and any amounts paid must be in accordance with this policy and made from the employing Directorate's budget.

2.5 Only work placements can claim through petty cash or the cashiers. All other employees must use the 'Committee Allowance, Subsistence and Other Payments' form which can be obtained from Payroll.

3. Claims for Breakfast

3.1 Employees can claim for breakfast only in the event of an emergency planning incident or where an overnight stay is required and breakfast is not included as part of the conference, training, exhibition event etc, or as part of the accommodation package.

3.2 Any expenditure claimed must have prior approval of the line manager and submission of receipts.

3.3 Payments will be in accordance with paragraph 7.

4. Claims for Lunch

- 4.1 Lunch will be reimbursed only in exceptional circumstances. Employees can claim for lunch when they are away from their workplace for a whole day i.e. **only** for attendance at an external conference, external training course or external meeting etc where lunch is not provided as part of the event and is in a place/venue where the food is more expensive e.g. London. Employees **cannot** claim lunch if they work in and around the district.
- 4.2 Acceptable meal items would include a ready meal, one course and a drink in a restaurant/pub, sandwiches, a drink and crisps. A chocolate bar/cake may be substituted for a packet of crisps but both cannot be claimed. Sweets, additional courses or a dessert would not be reimbursed.
- 4.3 The Council has agreed an average meal cost of £3.50. Employees can only claim the difference between the average cost and the maximum set out in paragraph 7.
- 4.4 Any expenditure claimed must have the approval of the line manager and receipts must be provided as proof of purchase.
- 4.5 Employees are not entitled to claim subsistence when attending training under the Council's Professional Education Scheme.
- 4.6 The amounts payable are detailed in paragraph 7.

5. Claims for an Evening Meal

- 5.1 Employees can claim for an evening meal if;
 - i) They are required to attend an evening meeting or emergency planning incident where it commences or continues after 7pm and it is not part of their normal contracted hours, or
 - ii) where an overnight stay is required and an evening meal is not included as part of the conference, training, exhibition etc, or as part of the accommodation package
- 5.2 The cost of alcohol taken with meals cannot be claimed
- 5.3 All expenditure must be reasonable and must have prior agreement from the line manager.
- 5.4 Receipts must be provided before a claim is reimbursed.
- 5.5 The amounts payable are detailed in paragraph 7.

6. Responsibilities

- 6.1 Authorising managers are responsible for ensuring that all claims are correctly authorised in accordance with this procedure. Additionally, it is the authorising manager's responsibility to ensure authorised, receipted claims are passed to Payroll promptly.

- 6.2 All Council employees are responsible for familiarising themselves with and ensuring that they comply with this policy.

7. How much can be claimed?

- 7.1 The Council will reimburse expenditure up to the following limits;

Subsistence	Maximum Payment
Breakfast	Up to £3.00
Lunch	Up to £5.00 (less the average meal cost of £3.50)
Evening Meal	Up to £11.77 (less the average meal cost of £3.50)

- 7.2 Receipts must be provided before a claim is reimbursed and only additional costs incurred will be reimbursed.

8. How do I claim?

- 8.1 Subsistence must be claimed on the 'Committee Allowance, Subsistence and Other Payments' form which can be obtained from Payroll. The employee must state the reason for claiming which should include the address of the venue visited, (i.e. the conference, exhibition or training course), if applicable.

9. Overnight Stays

- 9.1 There are no set allowances and managers are able to approve "reasonable expenses". Employees will discuss the costs of accommodation, meals, together with any other out-of-pocket expenses before it is incurred.
- 9.2 The appropriate manager must approve the expenditure before booking and receipts must be provided.

10. Car Parking Fees

- 10.1 Car parking fees must be claimed on the 'Committee Allowance, Subsistence and Other Payments' form which can be obtained from Payroll.
- 10.2 The car park ticket or receipt must be provided before payment is paid.

EXTRACT FROM LGIU BOOKLET - COUNCILLORS' TAX AND BENEFITS

1. Introduction to this guide

1.1 Introduction

Councillors are elected as representatives of the people and the communities in which they live. They come from a wide variety of backgrounds with differing economic and social circumstances, so there is no such person as an average councillor. Some councillors may be unemployed, retired or have a long term illness or disability. Other councillors (or their partners) may claim means-tested benefits. Many will be employed either part-time or full-time.

Whatever your individual circumstances, it is important for you to understand how the duties you perform or the payments you receive as a councillor can affect your rights to social security benefits and your income tax liability.

This guide provides an introduction to the rules for both social security and income tax. It explains which allowances are taxable and how being a councillor can affect the benefits which you or your partner claim. We hope the information provided here will help you to avoid problems with your benefits or being asked to pay more tax than you need to.

The rules on both income tax and social security can be complex and detailed. This guide only provides information about the basic rules and principles that affect your rights to benefits and your income tax liability.

If you are having a particular problem with tax or benefits, you may need more detailed information and advice than this guide can offer. Extra information about individual benefits can be found in the welfare benefit handbooks listed in Appendix 1.

You may, however, also need to seek specialist advice, for example, from your council's welfare rights unit, a local advice centre, law centre, citizen's advice bureau or your tax office. The LGiU is unable to offer an advisory service to individual councillors.

1.2 Using this guide

This guide focuses on how being a councillor affects your tax or particular benefits. It explains the basic rules for individual benefits, such as Income Support, Incapacity Benefit and Jobseeker's Allowance and then the implications or special rules for councillors. If you want to know more about a particular benefit, you can consult one of the handbooks listed in Appendix 1.

Wherever possible, we have tried to explain the rules in plain English and avoided using jargon or quoting a lot of legislation or case law. However, we have referred to some of the most important parts of the legislation and case law in the text.

Appendix 2 also provides information on the more significant pieces of legislation and guidance which have been relied on for the advice on benefits in this guide. You may find the references in Appendix 2 useful to quote if you are having particular problems or challenging a benefit decision, but seek advice as well.

One cause of confusion is that allowance is a term used in official literature to describe payments from the council, social security benefits or tax-free income. We have tried to minimise the risk of confusion by being consistent when referring to different allowances.

Attendance allowance used to be paid by councils for specific duties but has now been abolished and replaced by the flat rate basic allowance and special responsibility allowance. However, your social security or tax office may still ask you how much you get in attendance allowances.

Attendance Allowance is also a social security benefit paid by the Department for Work and Pensions (DWP) to disabled people who have substantial needs for care or supervision. We refer to this as DWP Attendance Allowance.

Personal income tax allowance is the amount of tax free income which each of us is entitled to for the financial year and is referred to as tax allowance.

1.3 Modernising local government

Modernising local government is one of the government's aims. The Local Government Act 2000 required councils to adopt new decision making structures with a separation of executive roles from those of overview and scrutiny.

At the same time, the Act required councils to establish independent remuneration panels to recommend the level of payments to be made to councillors.

Councils can now pay a flat rate basic allowance to all councillors. They may also pay a special 'responsibility allowance where appropriate, a childcare and dependant carer's allowance, a travel and subsistence allowance and a co-optee's allowance.

Authorities are not obliged to accept and implement their panel's recommendations, but the ability to tailor schemes according to local circumstances has led to a wide variety in the levels and types of allowances being paid to elected members in England.

This system of members' allowances is seen as necessary to support the changing role of councillors and to attract and retain a broad range of people as councillors.

1.4 Payments for being a councillor

Councillors may now have to take responsibility for a wide range of decisions. Being a councillor is time consuming, often demanding and pressurised and subject to a lot of media scrutiny.

Yet the level of payments for councillors can still be less than the amounts paid to other people with similar responsibilities. Although people do not become councillors for financial

reward, the payment of appropriate allowances is widely seen as important if councils are to attract and retain people who are genuinely representative of the communities they serve.

Role of remuneration panels

Councils are now required to establish independent remuneration panels by the Local Government Act 2000.

Their role is to provide a report to the council covering:

- the amount of basic allowance that should be paid to all councillors
- the duties of councillors that should be subject to a special responsibility allowance and the amount
- whether a childcare and dependant carer's allowance should be available to councillors and if so the amount
- the duties for which a travelling and subsistence allowance should be paid and the amount
- the amount of any co-optee's allowance
- which, if any, councillors should be eligible for membership of the Local Government Pension Scheme (LGPS)
- whether allowances should be increased annually by reference to an index.

Two or more councils may establish an independent remuneration panel and a single panel has been established for Wales, Scotland and by London Councils.

Any decision by a council to amend its remuneration scheme must have regard to the recommendations of the remuneration panel.

Although councils are not legally obliged to adopt their recommendations, they may find themselves subject to adverse media coverage if they do not do so.

Types of payments

Councillors may receive a number of different payments from the council, which are treated differently for benefit and income tax purposes. These are outlined below.

- Basic allowance

This is a flat rate allowance that must be paid to all councillors either by instalments or as a lump sum.

It is counted as earnings for benefit purposes and taxable income for income tax purposes less any expenses which are wholly, exclusively and necessarily incurred in carrying out council and constituency duties.

A special rule means that expenses only have to be reasonably incurred for Incapacity Benefit purposes.

- Special responsibility allowance

Each council may pay a special responsibility allowance to those councillors who they consider have significant responsibilities. This can be paid as a lump sum or in instalments.

The council, acting on the report of the independent remuneration panel, must identify the special responsibility for which the allowance is to be paid and the amount of the allowance to be paid for them.

Special responsibility allowance is treated in exactly the same way as the basic allowance for benefit and income tax purposes.

- Childcare and dependant carer's allowance

Councils now have a discretionary power to pay a childcare and dependant carer's allowance to those councillors who incur expenditure for the care of their children or dependant relatives whilst undertaking various duties as a councillor.

It is treated as earnings or income for benefit purposes less any expenses actually incurred and taxable income for income tax purposes.

- Travelling and other expenses

Councils also have the power to reimburse councillors for travelling and other expenses incurred on council duties.

These should not be treated as earnings or income for benefit purposes or taxable income for income tax purposes unless it is considered a profit element is included. There are special rules for travel in your own vehicle on council business. These are covered in detail on page 8.

- Pensions

Councils are allowed by the Local Government Act 2000 to provide a pension for councillors.

The independent review panel are able to recommend which councillors should be eligible for membership of the LGPS and to determine whether this should be based on their basic or on their basic and special responsibility allowances.

In Wales, a single independent remuneration panel for all Welsh councils has recommended that all councillors are eligible for membership of the LGPS on both their basic and special responsibility allowances.

The LGiU believes that all councillors should be able to join the pension scheme.

- Co-optee's allowance

Councils may also pay an allowance for the whole or part of the year to any co-opted or appointed member of a committee or sub-committee.

Any co-optee's allowance should be treated in the same way as the basic allowance for tax and benefit purposes.

Effects on social security benefits and income tax

The basic allowance and any special responsibility allowance, co-optee's allowance or childcare and dependant carer's allowance you receive count as earnings for benefit purposes and taxable income for income tax purposes.

Any profit element from the other allowances could also be counted as earnings or taxable income by Her Majesty's Revenue and Customs (HMRC). You should therefore declare all this income on your tax return and to each office where you claim benefits or tax credits.

The current system of councillors' allowances has given local authorities considerable discretion to decide how much and which allowances to pay. This has resulted in wide variations in the type and levels of councillors' allowances paid in different parts of the country. More and more authorities are now paying quite substantial flat rate basic allowances of up to £13,000 a year.

Many have introduced a cabinet system of local government and where this has been introduced some cabinet members may receive an additional special responsibility allowance of up to £40,000-£50,000 a year. Others continue to pay much lower allowances.

These variations make it difficult for both HMRC and the DWP to treat councillors consistently across the country. They both have

problems judging whether particular payments are earnings or expenses and therefore what effect they have on tax or benefits.

Over the past 10 years, the government has been clear that it wishes to encourage people with a wide range of backgrounds, experiences and skills to serve as councillors. The LGiU supports this aim and believes it would make local democracy more representative if more people on benefits were to become councillors.

However, the way that payments from the council affect councillors who claim benefits has serious implications. Newly elected councillors to authorities who pay high flat-rate basic allowances will probably find they lose entitlement to means-tested benefits. Councillors in other authorities may find they keep very little of their allowances on top of their benefits.

In these authorities, councillors, in effect, cover the costs of carrying out their duties from their benefits. Unemployed councillors and those on Incapacity Benefit in recent years have found it more difficult to remain on benefits while they are a councillor.

Recent benefit changes, far from addressing these problems, have further disadvantaged councillors on some benefits. The LGiU has made a number of representations to government ministers on these issues.

The problems facing councillors on benefits cannot be overcome without further changes to the system of councillors' allowances or to the benefit system itself.

In the meantime, we hope that this guide will enable councillors to know their rights and get their full benefit entitlement and maximum tax allowances.