

The Scheme for Payment of Members' Allowances 2012/13

Report of the Clerk

For further information about this report please contact Sharon Lloyd,
Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report asks the Fire Authority to consider and agree its 2012/13 Scheme for the Payment of Members' Allowances.

2 Recommendations

The Fire Authority is asked to consider and agree its Scheme for Payment of Members' Allowances 2012/13 to take effect from 1 April 2012 (set out at the appendix to this report).

3 Background

On 1 May 2003 the Local Authorities (Members' Allowances) (England) Regulations 2003 came into force, which required combined fire authorities to establish their own schemes of allowances, so replacing the existing practice whereby Members were paid allowances for their fire authority duties by their constituent authorities.

At its Annual Meeting in July 2003 Shropshire and Wrekin Fire Authority agreed its first Scheme for Payment of Members' Allowances and since then, in accordance with the Regulations, it has agreed a Scheme each year.

4 The 2012/13 Scheme

Under the Regulations referred to in section 3 of this report the Fire Authority is required each year to make a scheme for the payment of allowances to its Members. The wording of the proposed Scheme for 2012/13 is shown at the appendix to this report. The only differences between it and the 2011/12 Scheme are in the dates given.

Approved Duties

The proposed list of Approved Duties is set out at Schedule 1 of the Appendix to this report. Reference to the Board of the West Midlands Fire and Rescue Services Regional Control Centre, which was included in the 2011/12 list, has been removed from bullet point one at the top of page 5, as this no longer exists. No other changes are proposed.

Allowances

Last December, in light of the economic environment, the Fire Authority agreed that it was not appropriate for any increases in Members' allowances to be made in the 2011/12 Scheme. They also agreed that the car allowances paid to Members for 2011/12 should be reduced.

This year the Fire Authority's Remuneration Panel was due to carry out a review to inform the Fire Authority's decisions regarding its 2012/13 Scheme. In view of the worsening economic environment the Chair and Vice-Chair of the Authority felt, however, that the Remuneration Panel's review should be postponed and Members allowances remain as they were in the 2011/12 Scheme, which are as follows:

a) Car allowances

45p per mile (for up to and including 8,500 miles per annum) and 25p per mile (for over 8,500 miles per annum), regardless of car engine size. Following a decision of the Fire Authority in April 2011, these allowances are now linked to the Government's 'approved mileage allowance payments'.

b) Bicycle allowances

32.5p or the rate of 45p per mile (in line with a) above) to be payable, if a car would otherwise have been used

c) Train allowances

The lowest available fare for the journey provided that journey would not involve an unreasonable routing or number of changes. First class fare may be claimed for a particular journey, if authorised in advance by the Chair, in consultation with the Chief Fire Officer.

d) Taxi allowances

Members may claim the fare and reasonable gratuity, if sharing with others results in a saving on the total public transport cost for the group.

e) Subsistence allowances

Breakfast	£6.55
Lunch	£9.06
Evening meal	£11.22

f) Overnight Allowance

Bed and breakfast (excluding VAT) for:
Visits to London or national conferences £140
All other cases £120

g) Basic, special responsibility and co-optee allowances

The **basic allowance** for all Members of the Fire Authority is £2,658 per annum, payable by monthly instalments.

The following **Special Responsibility Allowances** are also payable by monthly instalments:

	£ per annum
Chair of the Fire Authority	10,000
Vice-Chair of the Fire Authority	5,000
Leader of Opposition Group with 3 or more Members	2,658
Chair of Strategic Risk and Planning Working Group	3,000
Member of Strategic Risk and Planning Working Group	1,000

The **co-optee allowance*** for Independent Members of the Standards Committee is £273 per annum, payable by monthly instalments. An additional allowance of £53 for up to 4 hours and £106 for over 4 hours shall be payable to Independent Members, should they be required to consider locally any allegations of breaches of the Code of Conduct.

*

As stated in the Legal Comment below, the Localism Act 2011 will amend the standards regime. Although it will impact on this provision, the date of implementation of the Act is not yet known. Officers have, therefore, retained this provision and references to it within the proposed 2012/13 Scheme. Any amendments required as a result of the Localism Act will be brought to Members for consideration at the appropriate time.

Full details of the allowances proposed for the 2012/13 Scheme are shown at Schedule 2 to the appendix.

5 Financial Comment

There are no financial implications relating to this report, if the Fire Authority agrees to maintain allowances at their current level. There will, however, be implications, should the Fire Authority agree either to reduce or increase Members' allowances.

6 Legal Comment

Under the Local Authorities (Members' Allowances) (England) Regulations 2003 the Fire Authority is required to establish annually a scheme to provide for the payment of a basic annual allowance to each of its Members.

That scheme may also provide for the payment of special responsibility allowances, allowances to co-optees serving on committees, and travel and subsistence allowances.

Arrangements for the publication of the scheme shall be made as soon as reasonably practicable after the making or amendment of the scheme.

The Localism Act 2011 will amend the standards regime. The date of implementation of this change is currently not known. Any necessary amendments to the Members' Allowances Scheme will be brought back to the Fire Authority for consideration.

7 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

8 Appendix

Proposed Scheme for Payment of Members' Allowances 2012/13

9 Background Papers

Office of the Deputy Prime Minister

1 May 2003 Local Authorities (Members' Allowances) (England)
Regulations 2003

Shropshire and Wrekin Fire Authority Draft Scheme for the Payment of Members' Allowances 2012/13

The Shropshire and Wrekin Fire Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI No. 2003: 1021) ['the Regulations'] hereby makes the following scheme.

1. This scheme shall have effect from 1 April 2012.

2. In this scheme:

“Member” means a Member of the Shropshire and Wrekin Fire Authority

“the Authority” means the Shropshire and Wrekin Fire Authority

“year” means the 12 months ending with 31 March

“pro rata” means in proportion to the number of days during the effective period of this scheme to the total number of days in the year

“independent person” means a person, other than a member of the Authority, appointed to serve on the Authority's Standards Committee (in accordance with Section 53 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001)

“NJC” means the National Joint Council.

3. Basic Allowances

3.1 The basic allowance payable to each Member shall be in accordance with the scales adopted by the Authority, from time to time, outlined in **Schedule 2** per year, pro rata, payable by monthly instalments.

4. Special Responsibility Allowances

4.1 The Members holding the offices specified in **Schedule 2** shall receive the Special Responsibility Allowances shown there per year.

4.2 No Member shall receive more than one special responsibility allowance from the Authority.

4.3 Special responsibility allowances will be payable, pro rata, by monthly instalments.

5. Travel and Subsistence Allowances

- 5.1 Payment of travel and subsistence allowances shall be made in respect of the approved duties undertaken by a Member, as set out in **Schedule 1** to this scheme, as amended from time to time by the Authority.
- 5.2 The amounts payable to each Member in respect of travel allowances and subsistence allowances shall be in accordance with the scales adopted by the Authority, from time to time, outlined in **Schedule 2**.

6. Dependants'/Carers' Allowance

- 6.1 In accordance with the Regulations, the scheme does not provide for this allowance.

7. Independent Persons

- 7.1 The co-optee allowance payable to Independent Members of the Standards Committee shall be in accordance with the scales adopted by the Authority, from time to time, outlined in **Schedule 2** per year, pro rata.
- 7.2 Additional allowances for up to 4 hours and for over 4 hours shall be payable to Independent Members of the Standards Committee, should they be required to consider locally any allegations of breaches of the Code of Conduct, in accordance with the scales adopted by the Authority, from time to time, outlined in **Schedule 2**.

8. Renunciation

- 8.1 A Member may, by notice given to the Treasurer to the Authority, elect to forego any part of his or her entitlement to an allowance under this scheme.
- 8.2 Any such notice shall specify the effective date of renunciation and, once given, the notice may not be revoked otherwise than with effect from 1 April in any year.

9. Time Limit for Claims

- 9.1 Members should submit completed claim forms for travel and subsistence for each calendar month, to the Corporate Services Manager at Brigade Headquarters by the 7th of the following month to ensure payment at the end of the month.
- 9.2 Claims must be submitted within three months of the end of the relevant month. The Treasurer may, having consulted the Chair of the Authority, accept a late claim for good cause and make the related payments.

10. Dual Claims

10.1 Where a Member of the Authority is also able to claim allowances as a Member of another authority, that Member may not receive any allowance from more than one authority in respect of the same duties, travel or subsistence.

11. Right to Withdraw Allowances or Require Repayment

11.1 Where a Member is suspended or partially suspended from his or her duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part, the Authority reserves the right to withhold that part of basic or special responsibility allowance or travelling and subsistence allowance payable to him or her in respect of the period of suspension or part suspension.

11.2 In the circumstances outlined in paragraph 11.1, or if a Member ceases to be a Member of the Authority, or is in any other way not entitled to receive an allowance for any particular period, the Authority reserves the right to require that such part of the allowance as relates to any such period be repaid to it.

12. Part-Year Entitlement

12.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to basic and special responsibility where, in the course of a year:

- a) this scheme is amended; or
- b) that person becomes or ceases to be a Member; or
- (c) that Member accepts or relinquishes a special responsibility for which a special responsibility allowance is payable.

12.2 In relation to basic and special responsibility allowances:

- a) if an amendment to this scheme changes the amount to which a Member is entitled; or
- b) where the term of office of a Member begins or ends otherwise than at the beginning or end of a year; or
- c) where the special responsibilities of a Member do not subsist throughout the year; or

- d) where the scheme is amended as referred to in (a) above and the term of office and/or the special responsibilities of the Member do not subsist throughout any part of the periods within the year distinguished by the payment of different amounts for these allowances,

then the entitlement to the allowances shall be calculated by reference to the proportion the number of days in each such period bears to the number of days in that year.

13. Administration

- 13.1 The Treasurer to the Authority shall maintain, on behalf of the Authority, a record of all payments made under this scheme which shall specify in relation to each payment the name of the recipient and the amount and nature of the payment.
- 13.2 This record shall be available at all reasonable times for inspection by local government electors in Shropshire and Borough of Telford & Wrekin at no charge. Copies will be provided on request on payment of a reasonable fee decided by the Treasurer.

14. Review of Allowances

- 14.1 The basic and special responsibility allowances payable under this scheme may be reviewed annually from 1 April each year based on the NJC for Local Government Services annual pay reviews, and any percentage increase applied automatically from that date.
- 14.2 Likewise the travel and subsistence allowances payable under this scheme may be reviewed annually from 1 April each year based on the NJC for Local Authority Fire and Rescue Services annual reviews or other local review and any increase applied automatically from that date.

15. Revision or Revocation of the Scheme

- 15.1 This scheme may only be amended or revoked by the Authority in accordance with the provisions of the relevant Regulations.

Approved Duties

For the purposes of paragraph 5 of the Authority's Scheme for the Payment of Members' Allowances, the following shall be regarded as approved duties:

- Meetings of the Authority
- Meetings of Committees, Panels and Working Groups of the Authority
- Any other meeting convened by the Authority (or by the Chair or Vice-Chair in cases of urgency), to which Members are invited
- Meetings between the Chair and/or the Vice-Chair of the Authority and the Chairs and/or Vice-Chairs of the Authority's Committees and officers of the Authority or the Brigade or other fire authorities or brigades to discuss Authority business
- Meetings between other Members of the Authority and officers of the Authority or the Brigade to discuss Authority business, at the specific direction of the Authority, or at the specific or general direction of the Chair
- Attendance at Shropshire Fire and Rescue Service events, at which Members' attendance is specifically requested
- Attendance at meetings and conferences of the Local Government Association (including plenary meetings and Policy Groups) by the appointed Members or their Substitutes
- Attendance at Audit Commission inspections and meetings related to inspections
- Meetings organised by the Authority with Ministers and/or Government officials on Authority business
- Meetings organised by the Authority with Shropshire and Borough of Telford & Wrekin Members of Parliament
- Attendance at the Local Government Association Annual Fire Conference by the Chair or Vice-Chair or any other Member specifically authorised by the Authority
- Attendance at any other meetings, groups, seminars, conferences, courses or visits on Authority matters, subject to the prior approval of the Authority (or the Chair or Vice-Chair in the case of urgency) for attendance at external or individual events

- Meetings of bodies (other than those specified above) to which the Authority has resolved to make appointments or nominations (for example Crime Reduction Partnerships)
- Carrying out any other duty previously approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the Authority's functions

Where a request from a Member to attend an event does not fall within one of the above approved duties, the Chair, in consultation with the Chief Fire Officer, may agree the attendance. In all such cases the Member concerned shall provide details in advance of the event to the Chair to enable him to reach his decision. The Member shall also provide a written report following the event to enable all Members of the Fire Authority to benefit from his / her attendance at the event.

**Proposed Travel and Subsistence Allowances
with effect from 1 April 2012**

Travel Allowances**Car**

Per mile up to, and including 8,500 miles	45p*	* These allowances are linked to the Government's 'approved mileage allowance payments'
Per mile over 8,500 miles	25p*	
Passenger allowance	3p	

Bicycle

Mileage allowance	32.5p
or	45p
if a car of the appropriate engine capacity would otherwise have been used.	

Train

Members are entitled to claim:

- The lowest available fare for the journey, which does not involve an unreasonable routing or number of changes. First class fare may be claimed for a particular journey, if it has been authorised in advance by the Chair in consultation with the Chief Fire Officer.
- Reservation and left luggage expenses; and
- Costs of getting to, and from, the station

Rail tickets can be obtained from Executive Support Officers Rosemary Hinchliffe, Lynn Ince, and Jayne Turner (telephone 01743 260201).

Taxi

Members are entitled to claim:

- The fare and reasonable gratuity, where the need to travel is **urgent** or where no public transport is reasonably available or where sharing with others results in a saving on the total public transport cost for the group.
- The appropriate public transport fare (e.g. bus fare) in other cases.

Members are also entitled to claim the actual cost of parking.

Subsistence Allowances

Breakfast	Payable when required to leave home before 7.00 am	£6.55
Lunch	Payable when absent from home for at least 4 hours, including the whole of the period 12 noon to 2.00 pm	£9.06
Evening Meal	Payable in respect of absence from home for at least 2 ¹ / ₂ hours up to, and including, 7.30 pm	£11.22

Payments made for alcoholic drinks will not be refunded.

All receipts must be attached to claims.

Overnight Allowance

Claims can be made where overnight absence from home exceeds 24 hours. The following allowances are for bed and breakfast:

- Visits to London or national conferences (excluding VAT) **£140**
- All other cases (excluding VAT) **£120**

Members' Allowances

The **basic allowance** for all Members of the Fire Authority is £2,658 per annum, payable by monthly instalments.

The **co-optee allowance** for Independent Members of the Standards Committee is £273 per annum, payable by monthly instalments. An additional allowance of £53 for up to 4 hours and £106 for over 4 hours shall be payable to Independent Members, should they be required to consider locally any allegations of breaches of the Code of Conduct.

The following **Special Responsibility Allowances** are also payable by monthly instalments:

	£ per annum
Chair of the Fire Authority	10,000
Vice-Chair of the Fire Authority	5,000
Leader of Opposition Group with 3 or more Members	2,658
Chair of Strategic Risk and Planning Working Group	3,000
Member of Strategic Risk and Planning Working Group	1,000

How and When to Claim

Claims for travelling and subsistence allowances should be submitted to the Corporate Services Manager and must relate to approved duties undertaken (see Schedule 1 for details). Claims will be paid monthly directly to Members' bank accounts. Claims must be made on the Members' allowances claim forms (FB218), copies of which are available from the Corporate Services Manager.

Claim forms should be completed for each calendar month, in which expenses have been incurred, and forwarded to the Corporate Services Manager **no later than the seventh of the following month to ensure payment at the end of the month.** VAT receipts for petrol purchased prior to the dates of travel listed on the claim form should also be provided. Claims must be submitted within three months of the end of the relevant month. The Treasurer may, having consulted the Chair, accept a late claim for good cause and make the related payments.

The full address for completed claim forms is:

**Corporate Services Manager, Shropshire Fire and Rescue Service,
Brigade Headquarters, St Michael's Street, Shrewsbury, Shropshire, SY1 2HJ**