

The Scheme for Payment of Members' Allowances 2013/14

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 2013/14 Scheme for the Payment of Members' Allowances.

2 Recommendations

The Fire Authority is asked to consider and agree:

- a) Its Scheme for Payment of Members' Allowances 2013/14 to take effect from 1 April 2013 (a draft of which is set out at the appendix to this report); and
- b) Whether basic, special responsibility, travel and subsistence allowances will increase automatically by the percentage awarded by the National Joint Council (if any) with effect from 1 April 2013.

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 2013/14 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 proposed wording of the Scheme for 2013/14 is shown at the appendix to this report. Certain changes, set out below, are recommended in order to bring it up to date.

References to Treasurer

By agreement with the Treasurer and Head of Finance, it is proposed that references within the Scheme to 'the Treasurer' are replaced with 'the Head of Finance' (see subsections 8.1, 9.2, 13.1 and 13.2). This is primarily for convenience, as the Head of Finance is based at Fire Service Headquarters.

Section 2 Definition of Independent Person

In previous schemes an independent person was defined as 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. Following enactment of the Localism Act 2011, which abolished the Standards Board regime, and subsequent regulations, the definition has been amended.

Section 7 Independent Persons

The co-optee allowance and additional allowances (previously payable to independent members of the Standards Committee) have been removed. The independent person and reserve will be able to claim reasonable expenses related to the completion of their duties, i.e. travel and subsistence allowances, as set out in the Fire Authority's Scheme for the Payment of Members' Allowances.

Section 11 Right to Withdraw Allowances or Require Repayment

Subsection 11.1 has been removed, as it relates to the standards regime in place prior to enactment of the Localism Act 2011. Subsection 11.2 now becomes subsection 11.1 and reference to subsection 11.1 removed from it.

Section 14 Review of Allowances

Subsection 14.1 states that basic and special responsibility allowances may be reviewed annually based on the National Joint Council for Local Government Services (NJC) annual pay reviews, and any percentage increase applied automatically from that date.

Although it did not award any percentage increase in April 2012 (for the third year running), the NJC has indicated that it would wish to avoid a situation of not being able to award an increase in 2013/14. Informal meetings are being held with the unions with a view to reaching an agreement for implementation on 1 April 2013. It is, therefore, recommended that any award made by the NJC is applied to the 2013/14 basic and special responsibility allowances for Members with effect from 1 April 2013.

Subsection 14.2 provides for an annual review of travel and subsistence allowances, based on the NJC for Local Authority Fire and Rescue Services annual review or other local review. No changes were recommended by the NJC during 2012, nor was there a local review. Again, it is recommended that any award made by the NJC is applied to the 2013/14 travel and subsistence allowances for Members with effect from 1 April 2013.

Members may also wish to consider whether the subsistence rates for stays in London are sufficient. The current rates are £140 for bed and breakfast and £11.22 for an evening meal.

Schedule 1 Approved Duties

The proposed list of Approved Duties is set out at Schedule 1 of the Appendix to this report. The reference to the Audit Commission has been replaced with 'external audit'.

Schedule 2 Allowances with effect from 1 April 2013

If the Fire Authority agrees the recommendations, set out at section 2 of this report, all allowances would, for the time being, remain the same as in 2012/13. Any increases awarded by the NJC would then be applied, when published, with effect from 1 April 2013.

Full details of all current allowances are shown at Schedule 2 to the appendix.

5 Financial Comment

Should the Fire Authority agree to increase Members' allowances in accordance with the percentage increase to be awarded by the NJC, there will be a cost implication. It would be possible, however, to contain this cost within the pay and prices contingency.

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 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.

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 2013/14

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 2013/14

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 2013.

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 appointed in accordance with the Localism Act 2011 and subsequent regulations

“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 Travel and subsistence allowances shall be payable to independent persons 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 Head of Finance 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 Head of Finance 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 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 Head of Finance 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 Head of Finance.

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 external audit 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 Allowances with effect from 1 April 2013

Travel Allowances

Car

Per mile up to, and including 8,500 miles	45p*
Per mile over 8,500 miles	25p*
Passenger allowance	3p

* These allowances are linked to the Government's 'approved mileage allowance payments'.

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 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 relate to approved duties (see Schedule 1) and made on the Members' allowances claim form, available from the Corporate Services Manager. Forms should be completed for each calendar month, in which expenses have been incurred, and submitted **no later than the seventh of the following month to ensure payment at the end of the month**, direct into each Member's bank account. Any claim, which is not submitted within three months of the end of the relevant month, will be referred to the Head of Finance, who may, having consulted the Chair, accept a late claim for good cause and make the related payments.

VAT receipts for petrol purchased prior to the dates of travel listed on the claim form should also be provided to enable VAT to be reclaimed.

The full address for completed claim forms is:

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