

Appendix 2

Councillors Allowance

Scheme 2025/2027

[Approved x]

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Councillors Allowance Scheme

1. Introduction

The Council's Scheme provides for payment of:

A Basic Allowance (BA), a flat rate payable to each Councillor;

- A Special Responsibility Allowance (SRA) for councillors undertaking special responsibilities as defined by the Council;
- A Carer's Allowance (CA) to reimburse expenditure incurred by councillors (a) in providing child care arrangements and (b) on professional care for elderly, sick or dependent relatives to enable them to undertake approved duties; and
- Travel Allowances and Subsistence Allowances for councillors undertaking approved duties.

GENERAL POINTS

The term councillor in these notes means an East Devon District Council Councillor.

Councillors have the option of not claiming all or part of an allowance. The Director of Finance must be notified in writing if a councillor wishes to pursue this option.

Where the councillor's term of office or appointment to a post qualifying for SRA begins or ends during the financial year, they are entitled to the appropriate proportion of the annual payment.

In the case of a Council election year, all positions/posts held by councillors on the Council (including posts qualifying for SRA) remain valid until the day of the Annual Meeting of the Council (the first meeting of the new Council following the election) and therefore councillors holding those posts will continue to receive allowances. This is until a replacement is appointed unless the post holder ceases to be a Councillor in which case any appointment is invalid from that point and any associated allowance payment will cease.

All enquiries relating to councillors allowances should be made to the Democratic Services Team by emailing democraticservices@eastdevon.gov.uk

2. The Local Authorities (Councillors' Allowances) (England) Regulations 2003 requires councils to establish and maintain an Independent Remuneration Panel which will broadly have the function of providing the authority with advice on its scheme of allowances and the amounts to be paid. Local authorities must have regard to this advice.

3. Basic Allowance (BA)

A BA of £5,391.50 per annum has been approved for 2024/2025 and will be paid to all councillors in monthly instalments.

Definition of BA: BA recompenses councillors for time devoted to their work as a councillor, and is intended to cover:

- Constituency and community duties, including the use of the councillors home;
- Dealing with correspondence – single councillor duties
- Attendance at single party/political meetings
- Attendance at formal meetings of the Council (including travelling time to and from meetings)
- Attendance at seminars, conferences and training sessions
- Attendance on outside bodies as a Council representative; and
- Other incidental costs, for which no other specific provision is made.

The annual sum for 2024/2025 is based on comparator data from comparable district councils and the BA should increase each year on the 1st May in line with the average of the agreed National Joint Council Pay Award for staff. This index should be reviewed every 4 years.

4. Special Responsibility Allowances (SRA)

SRA is:

- Paid to councillors who are elected or appointed to positions of special responsibility on the Council;
- Allocated on the basis of degree of responsibility and upon a perceived call on councillors time as agreed by the Council;
- Paid in addition to the BA which the councillor continues to receive; and
- Paid in monthly instalments for as long as the councillor has the responsibility.

5. SRA's are paid effective 1st of June following the annual May meeting, SRA should increase each year on 1st June in line with the average of the agreed National Joint Council Pay Award for staff. This index should be reviewed every 4 years.

6. Where a Councillor, with the agreement of the Leader of the Council, is acting in a capacity of a cabinet or portfolio holder for a significant period due to the incumbent being absent through sickness or extended leave of absence, that individual should, if not in receipt of a SRA, be paid the full agreed amount of the incumbent SRA. If they are already in receipt of an SRA and continue to receive it, they should receive 50% of the SRA for that new post/responsibility.

SRA payments cover:

- Individual and collective decision making and service responsibilities of Cabinet Councillors;
- Policy review and development activity;
- Meetings with officers;
- Attendance at Blackdown House and other Council premises to undertake official council business;
- Meetings with fellow Chairs or decision makers and other single party meetings;
- Dealing with correspondence;
- Visits directly connected to the performance of an SRA duty e.g. official openings, familiarisation/fact finding visits;
- Press meetings; and
- Any other official council business carried out by the councillor in the role.

A full list of the posts approved for SRA is attached at Appendix 1. This Appendix sets out the payments for 2024/2025.

The maximum number of Cabinet Councillors who can receive an SRA is 10 – in accordance with the legislation which prescribes a maximum of 10 Councillors for a local authority executive/cabinet.

7. The Chair of the Strategic Planning Committee does not attract a special responsibility allowance because the position is undertaken by the Portfolio Holder for Strategic Planning, which already is in receipt of a special responsibility allowance.

8. Co-optees

Co-opted Councillors to East Devon District Council committees are entitled to be paid an allowance and reasonable expenses see table above.

The co-optees allowance should increase each year on the 1st May in line with the average of the agreed National Joint Council Pay Award for staff. This index should be reviewed every 4 years.

All co-opted Councillors may claim travel and subsistence for approved duties at the same rate as elected councillors, as may non-elected representatives appointed to outside bodies by the Council.

A Financial Loss allowance (FLA) may be paid to co-opted Councillors (and to non-elected representatives appointed to outside bodies) for loss of earnings and expenses incurred by them in the performance of any approved duty. Such loss of earnings would normally be supported by a certificate supplied by the employer or such other evidence as to enable the loss of earnings to be determined.

9. Housing Review Board - Two independent representatives and five tenant representatives who are entitled to an allowance plus expenses.
10. Standards Committee - Four co-optees and two independent persons entitled to an allowance plus expenses.
11. Independent Remuneration Panel - Five independent persons entitled to an allowance plus expenses.
12. Arts and Culture Forum - Councillors of joint body are entitled to claim expenses only.
13. Audit and Governance Committee – Two independent persons entitled to an allowance plus expenses.

14. Travelling Allowances (TA):

Can only be claimed for an approved duty, or for any duty covered by a special responsibility payment and for normal allowable journeys.

Is claimed monthly on the councillors claim form and receipts, including fuel VAT receipts, should be submitted to support expenditure.

Is payable at the rates shown in Appendix 2.

Definition of normal allowable journey

The normal allowable journey (for which mileage can be reimbursed) is from a councillor's home to council offices and then back again. Council offices will normally be Blackdown House but could relate to any building where a Councillor is undertaking an approved duty under the Scheme, including for example, attending a parish meeting.

The mileage that Councillors can claim for is the actual additional mileage as a result of council business that the councillor incurs on any journey. The maximum the councillor can claim for is the normal allowable journey mileage.

TA – further information:

Train fares are reimbursed at 2nd class rate.

NB – Councillors who are aged over 60 and who regularly use the train for Council business may reclaim the costs of Senior Rail Card.

The car mileage rate may be claimed for any journey, providing the following criteria can both be met:

- Travel by car represented the best option in order to undertake the approved duty.
- Travel car could be justified on cost grounds.
- In all other cases, payment will be made at the public transport rate.

A cycle allowance is payable to councillors who use a bicycle to attend an approved duty.

It is essential that councillors minimise the need for travel wherever possible by combining trips, sharing transport, undertaking business by phone, Teams or by email.

A councillor who is claiming mileage should always bear in mind the need to be able to demonstrate that the journey was wholly and necessarily in relation to their role as a councillor.

Additional payments of 5p per person per mile are payable for passengers carried. This payment is only claimable for a passenger who would have been entitled to submit their own claim to the Council. It is not payable for passengers who are Councillors of the public or could make claims from another organisation.

Reimbursement of taxi fares may be made in exceptional circumstances. A receipt must be provided.

Reimbursement may be claimed for expenditure on tolls, ferries, parking fees etc. A receipt should be provided if available.

SUBSISTENCE ALLOWANCES (SA)

SA is:

Paid at the same rates as those paid for Officers;

Claimable for any approved duty exceeding 4 hours which spans the agreed times periods (specified in Appendix 3);

Claimable for the actual cost of the meal or the overnight expenses up to the maximum allowed;

Claimed monthly via the councillors claim form, receipts should be submitted to support expenditure;

Only claimable for meals or overnight expenses for approved duties/SRA duties undertaken outside of East Devon;

Not claimable if a meal is provided by a host free of charge;

Only claimable for a councillors own meal. There is no provision in the scheme for reimbursing claims for hospitality for other people; and

Reimbursed at the rates shown in Appendix 2.

NON-CLAIMABLE DUTIES

- For the avoidance of doubt, the following duties are not approved for the purpose of claiming Travel Allowances and Subsistence Allowances:
- Single councillor duties except where the Scheme provides otherwise.
- Attendance at single party meetings e.g. groups meetings, except where the Scheme provides otherwise.
- Constituency meetings and duties.
- Duties relating to outside organisations that are not committee, subcommittee or working group meetings e.g. book launches, openings etc.
- Attendance at party political conferences.

- Social functions including religious meetings/church services.
- Acting as governors of primary or secondary schools.
- Where an outside body to which the councillor has been appointed itself pays councillors expenses.
- Where the councillor attends an outside body but in circumstances where they have not been appointed as an official representative of the Council, i.e. appointed either by the Council or the Leader of Council.

15. Duties qualifying for the payment of travelling allowances for Councillors of the Council. The rules for Councillors claiming travelling expenses are summarised as being under three main headings. Below is a summary of the types of allowable claims under each heading:

Attending meetings which are called by the Council:

- a) Attendance at Committees and Sub Committees – these are deemed to include Working Groups and Panels, Steering Groups, Consultative Committees, Task and Finish Groups etc.
- b) Meetings between Councillor(s) and Officers – formally arranged by the appropriate Director or Assistant Director.
- c) In connection with the purpose or discharge of the Council functions.

Carrying out duties on behalf of the Council:

- a) Site visits and public meetings – attendance at site visits and formal meetings with the public or developers with other Councillors and Officers of the Council to which the Councillor has been invited by the appropriate Director or Assistant Director.
- b) Opening ceremonies, presentation of certificates, awards, or other similar ceremonies for the purposes of carrying out the presentations etc, presentation of certificates and awards.
- c) Attendance at Planning or Other Local Inquiry – where a Councillor has been specifically requested in writing by the Chief Executive or other Chief Officer to give evidence (or prepare) on behalf of the Council.
- d) Official tours, civic days, etc. – attendance at official tours, civic or similar occasions subject to prior approval of appropriate Committee or appropriate Director or Assistant Director.
- e) Chairs and Vice Chairs – attendance by the Chairs or Vice Chairs of the Council (and the local Ward Councillor) at civic ceremonies or functions, etc.
- f) Opening of tenders – attendance at the opening of tenders when specifically requested to attend by the appropriate Councillor or the Senior Management Team.

Attending meetings of other bodies at which Councillors are representing the Council:

- a) Joint meetings between the Council, other local authorities and other bodies subject to such meetings being approved in advance by Committee or the appropriate Director or Assistant Director.
 - b) Conferences, seminars, etc. – attendance at seminars, courses, “teach-ins”, or similar occasions subject to the approval of the appropriate Committee or appropriate Director or Assistant Director in consultation with the Chair of the Committee.
 - c) Outside bodies – attendance at formal meetings of outside bodies as an elected representative of the Council, the subject of which has received Council Approval as being further to the interests on the functions of the Council or local government generally.
 - d) Other – in those circumstances where a is satisfied that had time permitted the Council would have authorised the attendance of a Councillor at a meeting or a function, the purpose of which is related to a function or duty of the Council, provided such approval is given in advance of duty being undertaken.
17. For all other meetings and duties, for example, meetings with constituents, attending Parish Council meetings as elected Councillors of wards, no travelling expenses may be claimed.
18. Councillors **can** claim for attending Parish Council meetings in their Ward if they are not Councillors of that Parish Council.
22. Where travel by air is the only effective means of travel or produces sufficient savings in time and/or other allowances, the rate shall not exceed the cheapest fare available.

23. Parental Leave and Carers Allowance

Parental Leave

Parental Leave refers to the period of absence taken by an elected Councillor following the birth or adoption of a child.

- a) Councillors are entitled to up to 52 weeks Maternity/Adoption leave and must notify their intention and the date on which the leave will commence in the same way as paid employees.
- b) The Council will ensure that Councillors on Parental Leave are aware of the requirements under section 85 of the Local Government Act 1972 to attend at least one meeting in any six month period, and are aware of which

meetings are qualifying meetings and the process by which they may apply for dispensation, following which the Council may exercise its right to waive expulsion if non presence relates to Parental Leave being a reason approved by the authority before the expiry of the six month period.

- c) Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.
- d) During Parental Leave councillors will continue to receive the Basic Allowance without deduction but any Special Responsibility Allowance will be reduced over time, as follows:
 - i. For the first 6 weeks; 90% of the normal SRA will be paid.
 - ii. For weeks 7 to 18, 50%.
 - iii. For weeks 19 to 52, 0%
- e) Where Councillors have made Shared Parental Leave arrangements, the Council will make every effort to replicate such arrangements in terms of leave from the Council.
- f) The Council will facilitate any arrangements made by relevant councillors which allow for the case work of a councillor on Parental Leave to be completed by a ward colleague or another Councillor of the relevant council group.
- g) The Council will ensure that councillors have access to adequate IT provision to allow them to work from home whilst on Parental Leave and upon returning to their role, and will explain, at the start of the Parental Leave, the staying in touch arrangements put in place for that councillor.
- h) The Council will facilitate any arrangements made by relevant councillors which allow for the case work of a councillor on Parental Leave to be completed by a ward colleague or another Councillor of the relevant Council Group.

24. Where another Councillor takes on the Special Responsibilities of a councillor on Parental Leave, that councillor will receive the SRA in accordance with the Council's usual policies.

25. Councillors shall be entitled to take 2 weeks Paternity Leave if they are the biological father or nominated carer of their partner/spouse.

26. **Carers' Allowance**

The Scheme provides for the payment (by way of reimbursement) of expenditure incurred by councillors:

In arranging child care; and

On professional care for elderly, sick or dependent relatives to enable them to undertake approved duties. (Please note that these payments are not covered by

any special exemptions for taxation purposes. They are treated as emoluments (remuneration) of the office and are taxed accordingly).

Expenditure on child care is reimbursed in accordance with the following requirements:

Payments are restricted to registered childminders (other than a close relative) and other statutory approved child care providers who are not related to the councillor;

Payments are restricted to the care of children up to their 14th birthday who normally reside with the councillor; and

No payments are made in respect of the care of children of compulsory school age during school hours except where the child is absent from school due to illness.

Care of dependents

The reimbursement of expenditure on professional care for an elderly, sick or disabled dependant, including children with complex needs (of any age), normally residing with the councillor, to undertake approved duties, is subject to payment being restricted to agencies or persons qualified to provide the care, other than close relations.

General Conditions

The following conditions apply to both child care and care of dependents:

Payments are made on the basis of the reimbursement of actual expenditure incurred up to a maximum of three times the prevailing national wage hourly rate for someone aged 25 or over;

Councillors must support their claims with receipts showing they have incurred expenditure in accordance with the scheme;

Qualifying meetings be restricted to those defined as an approved duty as set out in the Scheme of Councillors' Allowances; and

That neither the councillor nor the person being cared for receives any allowance for car from any other source.

27. A child care and dependant carer's allowance scheme was introduced on 1 April 2003. The child care and dependant carer's allowance is set at the National Living Wage, with a maximum amount of 5 hours able to be claimed in any one day. It may only be claimed in the circumstances set out in the Local Authorities (Councillors Allowances) (England) Regulations 2003 which is essentially when a carer for a dependant has been engaged to enable a Councillor of the Council to carry out an approved duty. A carer will be any responsible person who does not normally live with the Councillor as part of that Councillor's family.

28. Payment of Allowances

Basic Allowance and Special Responsibility Allowance are paid automatically after completion of initial details.

Carer's Allowance, Subsistence Allowance and Travel Allowance must be claimed on the Councillor Electronic Claim Form for allowances.

Claims must be submitted monthly to Payroll by 10th of the month to meet payroll deadlines.

All claims and fixed entitlements are paid together on the 25th working day of that month.

Late claims will result in late payments unless notification is given in advance. Claims older than 2 months will be referred for approval to pay to the Finance Director, in consultation with the Leader and appropriate Cabinet Councillor, and payment may be delayed or refused unless there is good cause for the lateness. Claims older than 3 months will not be reimbursed.

A master copy of the councillors electronic claim forms can be obtained from the Democratic Services Team by phoning or emailing democraticservices@eastdevon.gov.uk

Allowance must not be claimed where the Councillor is entitled to receive payments from another body.

To cater for changes in circumstances that occur during the year and to ensure that no individual cases of exceptional hardship are experienced, the Director, in consultation with the appropriate Cabinet Councillor, can temporarily agree SRA's for individual councillors as considered necessary. Any claim over 3 months old will be rejected.

Payment of Claims

Payments are made through the council's computerised salaries and wages system to assist with the deduction of income tax and national insurance.

An advice slip is provided giving details of allowances paid; an email address must be provided to enable this to be sent electronically.

Payment will be made direct to a bank or building society account.

Tax and National Insurance

BA's, SRA's and CA are taxable and are subject to national insurance.

Councillors should complete the Tax Details declaration on the Council's Personal Information form which will be completed to enable payroll records to be set up. Alternatively, a recent P45 if available can be supplied. Once the payroll record is set up, HMRC will provide the Council with tax code changes automatically.

Details of meals paid for are given to HMRC who may adjust individual personal tax codes as a result.

Mileage rates are in accordance with limits set within the HMRC's Fixed Profit Scheme.

The Council's Payroll team will automatically cease the deduction of employees NI, if a councillor is of State Pension Age.

Married women, who have remained in the same marriage, who opted into the reduced rate NI scheme prior to April 1977 may be entitled to pay reduced rate NI. The exemption card should be provided to the Council.

For further information please contact the Democratic Services Team email: democraticservices@eastdevon.gov.uk

Councillors Allowances and Benefits

Councillors who receive Universal Credits or any other benefits should note that the allowances received for their role as a Councillor are likely to be taken into account when calculating any benefits due. Councillors are advised to contact the relevant Benefits office.

29. Statutory Sick Pay

Councillors who are unwell and unable to attend scheduled meetings should advise Democratic Services of the first and last day of their sickness. This will be notified to Payroll. If the absence exceeds 3 days, and earnings have met the required National Insurance threshold, Statutory Sick Pay will be paid. Please note that councillors who receive a monthly allowance will not receive Statutory Sick Pay on top of this allowance, instead it will be offset against the normal payment.

30. Any Councillor who claims Councillors' allowances will be treated as employed by the Council for the sole purposes of this Act (but not otherwise) and can claim sick pay from the Council. There are several conditions that allow for the payment of statutory sick pay. You must have earnings that exceed the lower earnings limit and have been off sick for more than 4 continuous days on Council business.
31. To comply with this scheme, a Councillor must notify illness on the first day, but in any event not later than the fourth day and on the eighth day produce a doctor's note. Sick payments will be made by the Council for a period of 28 weeks, thereafter by the Department of Work and Pensions.
32. Further advice concerning the payment of statutory sick pay is available from Payroll Services.

33. **Maternity Pay and Leave**

Statutory Maternity Pay (SMP), Maternity Allowance, Paternity Pay (PP), Adoption Pay and Shared Parental Pay (SPP) and Leave Entitlements

Councillors are entitled to claim statutory payments for family absence if they meet the required statutory criteria. Time off will also apply. Councillor not entitled to SMP may be entitled to maternity allowance. This is a benefit and is claimed via MA1 Claim form that can be found on the .GOV website. Councillors wishing to claim statutory payments and leave for maternity, paternity or shared parental absence should advise Democratic Services who will ensure that the Payroll Team notify the councillor of their entitlements and the requirements of the allowance being claimed.

It should be noted it is a legal requirement that you do not go longer than 6 months without attending a meeting of the Council (or any of its committees or sub-committees) from the date of the last meeting you attended. If you are not going to be able to attend a meeting for over 6 months, then you will need to obtain the approval of the Proper Officer prior to the 6-month period elapsing. A failure to do so will mean that you cease to be a Councillor of the Council.

34. **Backdating of Allowances**

Where there is an amendment made to the Scheme of Allowances, that amendment may be applied retrospectively by the Council to the beginning of the financial year.

Where a councillor takes on duties entitling them to a different level of allowances, the new entitlement may be applied retrospectively to the date the changes were effective from.

Appendix 1

Special Responsibility Allowances are as follows:

Councillor Role	Allowance £
Leader of Council	14,838.93
Deputy Leader of Council	5,051.20
Portfolio Holder Economy and Assets	7,082.75
Portfolio Holder Sustainable Homes and Communities	7,082.75
Portfolio Holder Tourism, Leisure, Sport and Culture	7,082.75
Portfolio Holder Democracy, Transparency and Communications	7,082.75
Portfolio Holder Environment - Operations	7,082.75
Portfolio Holder Place, Infrastructure & Strategic Planning	7,082.75
Portfolio Holder Council, Corporate Co-ordination & External Engagement	7,082.75
Portfolio Holder Environment – Nature & Climate	7,082.75
Portfolio Holder Finance	7,082.75
Assistant Portfolio Holder Tourism, Sport, Leisure & Culture	1,347.87
Assistant Portfolio Holder Sustainable Homes and Communities	1,347.87
Assistant Portfolio Holder Environment – Operations	1,347.87
Assistant Portfolio Holder Environment – Nature & Climate	
Leader of the Opposition	5,051.20
Deputy Leader of the Opposition	1,945.45
Chair of Council	9,814.38
Vice Chair of Council	3,776.10
Chair of Audit and Governance Committee	2,524.56

Chair of Licensing and Enforcement Committee	3,508.56
Vice Chair of Licensing and Enforcement Committee	1,754.28
Chair of Planning Committee	7,767.45
Vice Chair of Planning Committee	3,891.93
Chair of Housing Review Board	3,891.93
Chair of Overview Committee	3,891.93
Chair of Scrutiny Committee	3,891.93
Councillor Champions	808.73
Housing Review Board	550.00
Standards Committee	400.00
Independent Remuneration Panel	400.00
Audit & Governance Committee	400.00

Appendix 2

LIST OF APPROVED DUTIES

Attendance

At formal meetings of the Council including Committees, the Cabinet, Committees and Sub Committees, and any other authorised meeting of these bodies or organised by these bodies.

At ad-hoc formally constituted Working Groups/Panels (e.g. scrutiny task and finish groups) where named councillors of the body or formally invited to participate.

At Blackdown House or other Council premises for a meeting with either a councillor in receipt of an SRA or an Officer for the purpose of discussing matters relating to Council business in which it is reasonable to expect the councillor to have an interest

As the Council's named representatives on bodies to which the Council makes appointments except where the body itself pays allowances to the Council's representatives. The approval relates to meetings of the body itself, its standing committees/sub committees but not to other activities of the body.

At a meeting of any body that the Council is required to, or has agreed to, provide Council attendance at, acting as the Council's nominee or representative.

At local briefing meetings at the invitation of an officer of the council provided that the Councillors of at least two political groups have been invited.

At a formal meeting of a Town or Parish Council where not a Councillor of that Council, where formally invited to attend or where the councillor has a specific interest in any/all of the business on the agenda.

At conferences where the Council has agreed to meet the conference fees or where the councillor agrees to meet the conference fees.

At councillor induction, learning and development events/sessions organised by the Council.

At up to 12 single party officer briefing/training events per year.

Attendance at any civic or ceremonial event at the specific invitation of the Chair of Council.

Appendix 3

SUMMARY OF RATES OF ALLOWANCES FOR COUNCILLORS

Travelling Allowance

Mileage rate up to 10,000 miles 0.45p

Mileage rate over 10,000 miles 0.25p

Passenger supplement (5p per person per mile)

Motorcycle 0.24p

Bicycle Allowance 0.20p

Subsistence Allowances

Breakfast allowance (more than 4 hours away from the normal place of residence before 11am) – up to a maximum of £6.75 for breakfast (£8.29 in London)

Lunch allowance (more than 4 hours away from the normal place of residence including the lunchtime period between 12 noon and 2pm) £9.43 for lunch (£11.82 in London)

Evening meal allowance (more than 4 hours away from the normal place of residence, ending after 7pm) £11.56 for an evening meal (£15.36 in London); provided that, for meetings such as Council or Committee meetings, meals or refreshments may be provided by the Council, including on occasions where the absence from the residence may not exceed 4 hours.

These payments only apply to duties undertaken outside of East Devon. Subsistence cannot be claimed for duties undertaken in East Devon.

Overnight absence In the case of an absence overnight from the usual place of residence, £95.00, or, for such an absence overnight in London or an annual conference of the Local Government Association or such other association of bodies as the Secretary of State may designate, £125.00. The cost for overnight accommodation above these limits will not be reimbursed but the Councillor is entitled to pay the difference.

All claims should be backed up with receipts.