

# Members Allowance Scheme

The Wigan Borough Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby amends its Members Allowance Scheme.

1. This Scheme shall take effect from 1 April 2022
2. In this Scheme:-
  - (a) "Member" means an Elected Member of Wigan Council, an Independent Member of the Council's Audit, Governance and Standards Committee or a Co-opted Member of a Scrutiny Committee.
  - (b) "Year" means the twelve-month period ending on the date of the Annual Council Meeting.
  - (c) "Suspended" means suspended in accordance with Part III of the Local Government Act 2000 or Regulations made thereafter.
3. Basic Allowance
  - (a) For each year a basic allowance of £14,460 shall be paid to each Elected Member.
  - (b) The Basic Allowance shall be uplifted annually by the same rate as the National Joint Committee annual local government pay percentage as agreed each April, to be implemented the following May at the Council AGM.
  - (c) The calculation of any basic allowance shall be subject to paragraph 9.
4. Special Responsibility Allowances
  - (a) For each year a Special Responsibility Allowance shall be paid to those Members who hold the special responsibilities in relation to the Council that are specified in Part A of Schedule 1 to this Scheme.
  - (b) The amounts specified in Part A of Schedule I shall be uplifted annually by the same rate as the National Joint Committee annual local government pay percentage as agreed each April, to be implemented the following May at the Council AGM.
  - (c) The calculation of any special responsibility allowance shall be subject to paragraph 9.
  - (d) Subject to (e) below a Member who holds more than one special responsibility for which a special responsibility allowance is payable shall be paid one special responsibility allowance only and that shall be the highest of the relevant special responsibility allowances to which the Member is entitled. For the purposes of this calculation the allowance for Mayoral (or Deputy) expenses shall be ignored.
  - (e) Above shall not be included in the calculation of whether a Members receives more than one special responsibility allowance, i.e. where Members are appointed to the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester Committee (TfGMC).

- (f) The SRA payable to the Leader under the amended GMCA Order was reset at £10,634 and implemented on 1 April 2017 subject to any indexation applied from 1 April 2017 for the next 4 years.
- (g) If there are two Main Opposition Groups of equal size, then each Main Opposition Group Leader will receive an Opposition SRA based on the current formula subject to any indexation applied.
- (h) The provision for an SRA for the Deputy Leader of the Main Opposition Group is based on the Group having a minimum of 15 Members.
- (i) Smaller opposition Group Leaders do not receive an allowance.

5. Co-optees Allowances

- (a) Each year a Co-optees Allowance shall be paid to those Co-opted Members that are specified in Part B of Schedule 1 to this Scheme.
- (b) The amount specified in Part B of Schedule 1 shall be uplifted annually by the same rate as the annual National Joint Committee local government pay percentage as agreed each April, to be implemented the following May at the Council AGM.
- (c) The calculation of any Co-optees Allowance shall be subject to paragraph 9.

6. Dependants Care Allowance

- (a) The Council shall pay a Carers Allowance as follows:-
 

Childcare	maximum rate, claimable at the National Living Wage.
Other care	maximum rate claimable at the rate charged by the Council for the employment of a personal assistant for care for elderly or for person with disabilities.
- (b) The Allowance shall only be paid when the Member is undertaking the duties specified in Regulation 7 of the Local Authorities (Members' Allowances) (England) Regulations 2003.
- (c) No Allowance shall be paid where the care is undertaken by a member of the Member's own household. A Member cannot claim for multiple carers for multiple dependents within the same category of care.

7. Travelling and Subsistence Allowance

- (a) Mileage and Subsistence allowance are only payable to Members when attending approved duties outside of Wigan borough.
- (b) The conditions by which the allowance can be claimed, will be based, and indexed to, the same rates that apply to Officers.
- (c) Mileage and subsistence allowances shall only be paid when the Member is undertaking the duties specified in Regulation 8 of the Local Authorities (Members Allowances) (England) Regulations 2003.
- (d) The Subsistence Allowance shall be uplifted annually in line with the Subsistence Rates paid to Council Officers.
- (e) When a Member is claiming for outwith mileage, whilst driving a hybrid/electric vehicle, then the same rate of (49p per mile) for

claims when driving a petrol or diesel vehicle is also applicable. This is subject to the uplift at (3) above.

8. Renunciation, Repayment and Withholding of Allowances
  - (a) A Member may by notice in writing given to the Director – Finance and Legal elect to forego any part of his/her entitlement to an allowance under this Scheme.
  - (b) Where a Member is suspended from a function, duty or responsibility for which a Special Responsibility Allowance is payable the Special Responsibility Allowance shall not be payable for the period of the suspension. If the Special Responsibility Allowance has been paid the Member shall reimburse the Council in full.
  - (c) Where a Member is suspended from a right, function, duty or responsibility not attracting a Special Responsibility Allowance then the Council's Audit, Governance and Standards Committee shall recommend whether and if so what proportion of the Basic Allowance shall not be payable for the period of the suspension. The proportion of the Basic Allowance shall cease to be payable on the date of the recommendation of the Audit, Governance and Standards Committee and if such proportion has been paid the Member shall reimburse the Council in full.
  
9. Part Year Entitlements
  - (a) Where a Member is appointed to a role/roles part way through a municipal year any entitlement to allowances shall commence on the date that the Member's appointment took effect.
  - (b) Where a Member leaves part way through a municipal year any entitlement to allowances shall cease from the date the Member left.
  - (c) If a Member changes their role/or ceases to be a Member, in the course of a municipal year any changes to their entitlement to allowances shall commence on the date the changes took effect.
  - (d) If an amendment to this Scheme changes the amount to which a Member is entitled the Council may determine that the change shall be backdated or set to take place at a future date. If not the entitlements shall be amended from the date the decision was taken. Any claims for mileage, subsistence or dependent carers allowance shall be payable at the rate which was applicable on the actual date for which the claim was made, not the date the claim was made.
  
10. Claims
  - (a) Any claims for subsistence or dependent carers allowances shall specify the Council duties in respect of which the claim was submitted and shall be accompanied by a receipt for the expenditure incurred.
  - (b) Any claim for mileage shall specify the Council duties in respect of which the claim was submitted.
  
11. Payments
  - (a) Payments shall be made monthly and shall be subject to taxation and national insurance deductions;

- (b) Payments under this scheme shall be by way of cashless transfer;
- (c) The Director - Finance and Legal may authorise the payment of advances in such manner and at such times as he considers appropriate.

12. Backdating

- (a) If a Member undertakes duties or responsibilities entitling him or her to a Special Responsibility Allowance the allowance may be backdated to the date the duties were assumed.
- (b) When this scheme is amended then the Council may apply the amendment retrospectively to the beginning of the financial year in which the amendment is made.

### Schedule 1 – Part A

Post	Maximum No of SRAs Recommended	Basic Allowance	Special Responsibility Allowance	Total per Member	SRA Totals
<b>Basic Allowance</b>					
All Members (75)		£14,460		£14,460	
<b>SRAs</b>					
<b>Band One</b>					
Leader	1	£14,460	£54,783	£69,243	£54,783
<b>Band Two</b>					
Deputy Leader	1	£14,460	£28,200	£42,660	£28,200
<b>Band Three</b>					
Other Executive Members	6	£14,460	£19,548	£34,008	£117,288
Lead Members	7	£14,460	£6,451	£20,911	£45,157
<b>Band Four</b>					
Chair of Licensing & Regulation Committees	1	£14,460	£16,092	£30,552	£16,092
<b>Band Five</b>					
Chair of Planning Committee	0	£14,460	£13,029	£27,489	£13,029
<b>Band Six</b>					
Chairs of Overview & Scrutiny Committees	4	£14,460	£8,688	£23,148	£34,752
<b>Band Seven</b>					
The Standards Committee merged with the Audit Committee from 24 May 2017	-	-	-	-	-
<b>Band Eight</b>					
Chair of Audit, Governance & Standards Committee	1	£14,460	£8,688	£23,148	£8,688
<b>Band Nine</b>					
Vice Chair of Licensing & Regulation Committees	1	£14,460	£4,022	£18,482	£4,022
<b>Band Ten</b>					
Vice Chair of Planning	1	£14,460	£3,391	£17,851	£3,391
<b>Opposition SRAs</b>					
Opposition Group Leader	2	£14,460	£4,279	£18,739	£8,558
Element £2172.03					
Per Member £526.78					
Opposition Deputy Leader	-	-	-	-	-
Per Member £50.00 if there are a minimum of 15 Members.					
<b>Sub Totals</b>	<b>25</b>	<b>£1,084,500</b>			<b>£333,960</b>
<b>TOTAL</b>					<b>£1,418,460</b>
<b>Schedule B</b>					
Audit, Governance & Improvement Review Committee	2	£1,303			£2,606
Parish Members	2	£59 per half day and £118 per day			N/A

## Schedule 1 – Part B

Post	No	Recommended Allowance	SRA Totals
Audit, Governance and Standards Committee Independent Co-optee	1	£1,303	£2,606
Audit, Governance and Standards Committee Parish Councillor Co-optee	1	£59 per half day (must be claimed)	N/A
Chairing a Standards Hearing	1	£127 per meeting	N/A

## Schedule 2

### **Duties for which a Dependent Carers Allowance and Travelling and Subsistence Allowance may be paid by virtue of the Local Authorities (Members' Allowances) (England) Regulations 2003 Regulations 7 and 8**

1. The attendance at a meeting of the Authority or of any Committee or Sub-Committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
2. The attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authority or a joint Committee of the Authority and at least one other local authority within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a joint Committee, provided that:-
  - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
  - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
3. The attendance at a meeting of any association of authorities of which the authority is a Member;
4. The attendance at a meeting of the Executive or a meeting of any of its Committees, where the authority is operating Executive Arrangements;
5. The performance of any duty in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
6. The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
7. The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of Section 342 of the Education Act 1996 (approval of non-maintained special schools) ; and
8. The carrying out of any other duty approved by the authority or any duty of a class so approved, for the purpose of, or in connection with the discharge of the functions of the authority or any of its Committees or Sub-Committees

## Travelling and Subsistence Allowances 2017/18

### HMRC Rates

Vehicle Type	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and Vans	45p	25p
Motorcycles	24p	24p
Bicycles	20p	20p
Passenger supplement rate	5p per passenger	5p per passenger

#### 1. Use of Own Vehicle

Members are allowed to use their own vehicles for approved journeys, subject to this guidance.

#### 2. Mileage Claims – Approved Duties

Members using their own vehicles must register this use with the Councillors Support Officer, Resources Directorate by submission of copies of their full driving license and an up to date copy of the Insurance certificate for the relevant vehicle. The insurance policy must approve the use of the vehicle in connection with Council business.

Existing Members will be asked to produce this information every three years.

Exceptionally, when a Member has temporary or permanent mobility problems and is unable to drive they may claim equivalent mileage rate with the prior approval of the Director - Finance and Legal and on production of insurance documents for the vehicle used in connection with Council business.

#### 3. Long Distance Journeys

Members would not normally be expected to use their own vehicles for long distance journeys (conferences, business trips etc.) unless it can be demonstrated that the cost to the Council would be less than travel by train, e.g. where a number of Members are going to the same destination and will be travelling in the same car.

There may be cases where it would be more practical to use a Members own vehicle. In these cases and subject to prior agreement with the Director Finance and Legal or Assistant Director – Legal, Governance and Elections a claim may be equivalent to the rail fare, which would have otherwise been incurred.

#### 4. Passenger Supplement (This section has been deleted)

#### 5. Parking

Drivers may also claim for essential parking fees and tolls (receipts must be supplied).

## 6. Public Transport

Cost of fare(s) incurred outside of the borough will be reimbursed. Tickets(s) or other receipts should be attached to the claim form.

## 7. Taxis

Taxis should only be used in case of emergency, where use of public transport is not practical or where a Member has a medical condition which results in impaired mobility. The cost of fare(s) incurred outside of the borough will be reimbursed. A receipt must be obtained which should be submitted with the claim form.

## 8. Travel by Train/Aircraft (Conferences, Council Business Trips etc.)

In normal circumstances, tickets must be pre-booked by the Councillors Support Officer, Resources Directorate. The only exception will be where notice of less than 24 hours is given to a Member to travel on behalf of the Council and urgent arrangements have to be made for tickets. If a Member has to make her/his own arrangements, receipts must be provided before reimbursement can be made.

For the purpose of calculating claims a Members normal place of residence (his/her home) is regarded as his or her normal place of work.

## SUBSISTENCE ALLOWANCE

Allowance	Rates(£)	Condition
Breakfast	£4.92	Of more than 4 hours, or where the authority permits, a lesser period, before 11am
Lunch	£6.77	Of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2pm
Tea	£2.67	Of more than 4 hours, or where the authority permits, a lesser period, including the period between 3pm to 6pm
Dinner	£8.38	Of more than 4 hours, or where the authority permits, a lesser period, ending after 7pm

Subsistence allowance is only payable to Members when attending approved duties outside of Wigan borough.

In the case of an absence overnight from the usual place of residence £79.82 is payable for hotel accommodation and for such an absence overnight in London, or for the purposes of attendance at an annual conference of the Local Government Association or such other association of bodies as the Secretaries of State, £91.04 is payable.

1. Subsistence may be claimed for breakfast, lunch, tea and dinner, the maximum amounts claimable will be the same as the rates payable to employees. Reimbursement cannot be claimed for meals which have been provided free of charge.
2. The times include not just the duration of the meeting but also travelling time to and from the meeting.



3. All claims must be supported by a receipt. 4. Aroll-up of allowances will be allowed if the circumstances did not make it reasonable or practical to take up some of the entitlements, provided that:
  - The total of all claims does not exceed the combined allowances for,
  - All the meals claimed,
  - All claims relate to the same day, and
  - The food was not otherwise provided for any of the meals claimed.

For example, a Member returning from a conference after 3.00pm and arriving home after 7.00pm could combine the tea and evening meal allowances towards the cost of an evening meal. They would not however, be permitted to include the lunch allowance if this had been provided at the conference.
5. Overclaims on one meal may be offset by underclaims on another provided that the total of all claims does not exceed the combined allowances for all the meals claimed.

Overclaims will be considered on individual meals in exceptional circumstances where it can be shown that there is no reasonable alternative. For example, this might apply if a member was staying at a hotel, which did not include breakfast in its overnight rate and the breakfast provided cost in excess of the standard allowance. Additional costs would not be allowed if they related to alcoholic drinks or other items, which would not normally be considered appropriate.
6. Claims will not be allowed where a meal is provided at an event which a Member is attending but the Member chooses to buy food elsewhere. Such expenditure would be considered an unnecessary cost to the council.
7. Hotel accommodation required by Members for conferences, seminars, Council business trips etc., should be pre-booked by the Councillor Support Officer, Resources Directorate. In exceptional circumstances Members will be reimbursed where this is not possible due to the urgency of the situation.

### **Advancement of Subsistence Allowances**

1. Should a Member require an advancement of allowance prior notification needs to be given to allow the arrangement of appropriate authorisation.
2. Authorisation of allowances is required by the Director - Finance and Legal or Assistant Director – Legal, Governance and Elections.
3. In each case where an advance of allowance is made all relevant receipts and confirmation of attendance should be produced. If receipts are not produced then the Member will be liable to pay tax on the allowance.

Last updated on 24 March 2022 and changes will apply from 25 May 2022.  
All Indices will be applied to the remuneration and allowances paid to Members of the Council from 25 May 2022 for the full length of time permitted, namely four years which is up to the AGM of the Council in May 2026.