



## Report of the Head of Democratic Services

Democratic Services Committee - 6 November 2018

### Review of Councillors Handbook

<b>Purpose:</b>	To review Section A “Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)” of the Councillors Handbook.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The amendments suggested by the Head of Democratic Services be considered by the Committee; 2) Section A of the amended Councillors Handbook be recommended to Council for adoption.
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 The Councillors Handbook provides information to Councillors / Co-opted Members. Section A of the Councillors Handbook was last reviewed by the Democratic Services Committee on 7 November 2017 with Council adopting the proposed changes at its meeting on 14 December 2017.
- 1.2 The Head of Democratic Services has undertaken a further review of Section A of the Councillors Handbook in order to ensure that it is in line with the determinations of the Independent Remuneration for Wales (IRPW), workable with the Councillors Self Service (Oracle) system and avoids duplication of content with the Members’ Schedule of Remuneration.
- 1.3 The Members’ Schedule of Remuneration, sets out the regulations and payments made to Councillors and Co-opted Members as determined by the IRPW and the Authority has a duty to publish it.

**2. Section A “Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)”**

2.1 **Appendix A** below sets out a tracked changes version of the changes proposed by the Head of Democratic Services to Section A “Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)”.

2.2 The entire Councillors Handbook may be viewed at [www.swansea.gov.uk/cllrshandbook](http://www.swansea.gov.uk/cllrshandbook)

**3. Equality and Engagement Implications**

3.1 There are no equality or engagement implications associated with this report.

**4. Financial Implications**

4.1 There are no financial implications associated with this report.

**5. Legal Implications**

5.1 There are no specific legal implications associated with this report.

**Background Papers:** None.

**Appendices:**

<b>Appendix A</b>	Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses).
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### Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)

#### 1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) determines the remuneration of Councillors on an annual basis. Whilst Councillors & Co-opted Members are not employees, the treatment of their remuneration for most purposes is the same as if they were employees.
- 1.2 This document provides Councillors and Co-opted Members with practical information relating to Salaries, Allowances and Expenses. For further information, please contact the Head of Democratic Services, Cabinet Office, Democratic Services or Payroll.
- 1.3 Additional information and guidance may be found at:

- i) [Members' Schedule of Remuneration;](#)
- ii) [www.swansea.gov.uk/travelandexpenses;](http://www.swansea.gov.uk/travelandexpenses)
- iii) [Independent Remuneration Panel for Wales \(IRPW\) Annual Report.](#)

#### 2. Councillors Salaries, Allowances and Expenses

- 2.1 The ~~Members' Schedule of Remuneration Council Constitution (Part 6 "Members Allowances Scheme")~~, sets out the ~~payments made to Councillors and Co-opted Members as determined by the Independent Remuneration Panel for Wales (IRPW). Salaries, and Expenses set by the IRPW.~~
- 2.2 ~~The Councillors' ICT Allowances - May 2017 & Beyond Policy (Hyperlink) sets out and the Allowances set by the Council aimed at supporting the work of Councillors and Co-opted Members.~~
- 2.3 ~~Councillor Salary payments are paid automatically on a monthly basis.~~
- 2.4 ~~Councillor / Co-opted Member Allowance claims must be made by completing the appropriate forms:~~
  - ~~ICT Allowance;~~
  - ~~Reimbursement of Costs of Care.~~
- 2.4 ~~Claims for the following allowances must be made by providing the Cabinet Office / Democratic Services Team with evidence of the bill including your address and telephone number on an annual basis:~~
  - ~~Broadband & Telephone Allowance;~~
  - ~~Mobile Phone Allowance.~~

2.3 Councillor Expenses claims must be made via the Authority's Oracle system. Co-opted Members should submit their claims in writing via Democratic Services. [www.swansea.gov.uk/staffnet/mileageandexpenses](http://www.swansea.gov.uk/staffnet/mileageandexpenses)

2.4 Councillors / Co-opted Members may claim for travel expenses incurred when undertaking an Approved Duty / Official Business (See Members' Schedule of Remuneration for definition)~~Defined below~~).

2.5 Attendance at Meetings. Councillors must sign the Attendance Book and should check the published minutes to ensure that their presence was recorded. If the minute is incorrect the Councillor should inform Democratic Services before the next meeting. For ease of reference, Councillors are required to print their name along with their signature.

2.6 Representation on Outside Bodies. Councillors may not claim for meetings of 'Outside Bodies' unless they are the named representative or the named substitute. When claiming for attendance at Outside Bodies the onus is on the Councillor to be able to provide adequate evidence of attendance at the meetings claimed.

2.7 Examples where meetings would NOT constitute an approved duty:

- Political, Political Group, Private Matters / Personal Meetings;
- Electoral Division Meetings where Officers are not present;
- An Invitation to a function;
- School Governors meetings (Unless you are the Local Authority (LA) Representative. You may be able to claim from the school.

~~2.7 Further information relating to Councillors / Co-opted Members' Salaries, Allowances and Expenses are set out in:~~

- ~~Published Schedule of Remuneration;~~
- ~~Constitutional Matters Report;~~
- ~~IRPW Annual Report.~~

### **3. Reimbursement of Costs of Care**

~~3.1 Information relating to the Reimbursement of Costs of Care may be viewed at Members' Schedule of Remuneration. The Independent Remuneration Panel for Wales (IRPW) have determined that all Authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs to a set maximum per month.~~

~~3.2 Further information relating to the Reimbursement of Costs of Care may be viewed at [IRPW Annual Report Publication Page](#).~~

3.2 For Councillor / Co-opted Member reimbursement they must complete the Reimbursement of Costs of Care Claim form which must be accompanied by a receipt from the carer. These documents are available [here](#).

## ~~4. Foregoing of Salary and / or Allowance~~

~~4.1 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the Authority's Proper Officer to forego all or any element of the payment. It is fundamental that there is transparency in this process so that any possible suggestion that Members are put under pressure to forego some of the salaries is avoided.~~

## ~~5. Approved Duties / Official Business~~

~~5.1 Official Business is defined in Section 142 (10) of the Local Government (Wales) Measure 2011.~~

~~5.2 The list of approved duties is laid out in each Independent Remuneration Panel for Wales Annual Report which may be viewed at the [IRPW Annual Report Publication Page](#).~~

~~5.3 **Attendance at Meetings.** Councillors must sign the Attendance Book and should check the published minutes to ensure that their presence was recorded; otherwise, they will be deemed not to have attended the meeting. For ease of reference, Councillors are required to print their name along with their signature.~~

~~5.4 **Representation on Outside Bodies.** Councillors may not claim for meetings of 'Outside Bodies' unless they are the named representative or the named substitute. When claiming for attendance at [Outside Bodies](#) the onus is on the Councillor to be able to provide adequate evidence of attendance at the meetings claimed.~~

~~5.5 Examples where meetings would **NOT** constitute an approved duty:~~

- ~~• Political, Political Group, Private Matters / Personal Meetings;~~
- ~~• Electoral Division Meetings where Officers are not present;~~
- ~~• An Invitation to a function;~~
- ~~• School Governors meetings (Unless you are the Local Authority (LA) Representative. You may be able to claim from the school.~~

## **4. Travel**

4.1 Councillors and Co-opted Members must always be mindful of choosing the most cost effective method of travel. This means that Economy Class Travel will be the norm for Rail, Road, Air or any other method of travel. The Chief Executive in consultation with the Section 151 Officer may allow an alternative class of travel in exceptional circumstances only.

- 4.2 Should a Councillor or Co-opted Member wish to pay to upgrade to a higher class of travel, they may do so, providing them pay for the total difference from Economy Class.

## **5. Travel by Rail**

- 5.1 Councillors may not use First Class Rail Travel unless they have outlined a genuine business case in writing (preferably e-mail) to the Head of Democratic Services. The Head of Democratic Services shall review the request in consultation with the Section 151 Officer and decide accordingly.
- 5.2 Authorisation from the Budget Holder / Head of Service who will be paying for Rail Travel will be required in writing (preferably e-mail) prior to any bookings being made by the relevant Officers.
- 5.3 The Cabinet Office or Democratic Services Team should make all rail bookings for journeys beyond Cardiff on behalf of Councillors / Co-opted Members. Where possible, costs shall be paid by the use of the Authority's Corporate Purchasing Card. If the purchase card method is not possible, the council standard ordering and payment processes should be applied.
- 5.4 Should the event which led to the need for Rail Travel be cancelled or the Councillor can no longer attend then the cost incurred by the Authority will still be attributed to that Councillor and reported to Council via the annual "Councillors Allowances and Expenses" report.
- 5.5 **Rail Cards** may be purchased for Councillors who travel on Council business, if it reduces the cost to the Council. The Councillor must provide all necessary documentation for the railcard to the DS Team / Cabinet Office who will obtain the railcard on the Councillors behalf. Privately purchased rail cards may be reimbursed providing it is deemed to be of benefit to the Authority. Should a Councillor lose their Authority purchased Railcard, the Councillor will have to pay the charge for a replacement.
- 5.6 An Oyster Card has been purchased for Councillors to use for tube travel in London instead of having to purchase daily Travel Cards for this purpose. The Oyster Card can be "topped up" as and when necessary by the DS Team / Cabinet Office. Should a Councillor lose the Authority purchased Oyster Card they will have to pay the remaining balance currently on the card in order for a new card to be purchased.
- 5.7 Should a Councillor wish to repay any monies owed to the Authority in relation to travel, i.e. cancelled tickets, upgrading to first class travel or paying for a lost Railcard or Oyster Card then the payment **MUST** be by cheque or cash made payable to the City & County of Swansea (Salary deduction is not permitted).

## 6. Travel by Private Car

- 6.1 Councillors must consider what is the most cost effective and efficient form of travel prior to using their own car. They should seek the optimum match between the efficient use of time, a fair reimbursement of costs and the economical use of public resources. Distances will be calculated using the RAC Route Planner website. <http://route.rac.co.uk/>
- 6.2 Councillors shall personally cover the cost of their travel:
- For direct journeys between their home and private place of work;
  - When attending any venue in a private capacity;
  - When undertaking their Electoral Ward duties.
- 6.3 The Authority will hold a list of the distances relating to the most frequent or routine journeys undertaken by each Councillor (usually home to Civic Centre and return). This list will be reviewed and updated at the First Annual Meeting of Council following an election. For all mileage claims checked using the RAC Route Planner, distances will be rounded up or down to the nearest mile.
- 6.4 Mileage Claims from a Councillors Private Place of Work (excluding qualifying address)**
- 6.5 The maximum allowance for journeys from a Councillor's workplace to the location of approved duty will be for the amount the Councillor would have claimed if they were travelling from their home.
- 6.6 Site Visits** - Councillors are expected to use the transport provided to attend Site Visits. Where the distance to the Guildhall would be in excess of the mileage to the Site Visit itself a car can be used and mileage claimed for that shorter journey. This must be made clear on the claim form. Councillors should travel together wherever possible. **Note: Mileage cannot be claimed if transport is provided, unless agreed in advance and in writing by the Head of Democratic Services.**
- 6.7 Authorised **journeys** are reimbursed at the approved mileage rates as set by the IRPW.
- 6.8 **For journeys over 150 miles in total** (from a starting point of the Guildhall, Swansea, SA1 4PE) then the Councillor should **consider the most financially viable and economic form of transport available**. If that Councillor chooses to use their own vehicle they would only receive the cost of the most financially viable and economic form of transport for that journey. If travelling outside of the Swansea & Neath Port Talbot areas, please check travelling arrangements with the DS Team / Cabinet Office in advance of the journey as train travel may be cheaper.

- 6.9 **Incidental costs** (e.g. fuel, tolls, ferries and parking fees) will be reimbursed subject to production of receipts and the completion of Oracle / claim form. Relevant VAT receipts for fuel are required to be kept by Councillors / Co-opted Members for a period of 7 years for all mileage claims for potential inspection by HMRC. Dates on receipts must reflect the period of the claim.
- 6.10 If using a private vehicle whilst on Council business, Councillors should ensure that they have comprehensive vehicle insurance specifically including business and commuting use. The Authority will be unable to financially support Councillors in the event of an accident without comprehensive cover.

## 7. Travel by Hired / Pool Car

- 7.1 Councillors and Officers may hire a B Class vehicle (currently Ford Focus style of car). A larger style car may be booked depending on distance travelled and number of passengers in the car. Authorisation to hire a larger car must be obtained in advance in writing (e-mail) from the Head of Democratic Services. Information regarding Pool Cars is available on StaffNet [here](#).

## 8. Travel by Taxi

- 8.1 Travel by Taxi claims for journeys taken **within** the City and County of Swansea shall only be allowed with the production of a relevant receipt and with prior authorisation in writing (e-mail) from the Head of Democratic Services in consultation with the Section 151 Officer.
- 8.2 Travel by Taxi claims for journeys taken **outside** of the City and County of Swansea shall only be allowed with the production of a relevant receipt and if it is a reasonable journey to have made i.e. from event to Train Station.

## 9. Travel by Air

- 9.1 Flights will be arranged via the DS Team / Cabinet Office. Councillors and Officers will travel Standard Class. Permission to fly must be obtained in advance and in writing (e-mail) from the relevant Head of Service. The relevant Service Unit shall fund the Airfare costs. **Note:** Foreign travel must be approved by the Chief Executive in advance and in writing (e-mail).

## 10. Travel by Bicycle

- 10.1 A cycling allowance is available as outlined by the Independent Remuneration Panel for Wales.

## 11. Travel by Bus

- 11.1 Bus fares will be reimbursed subject to the production of the appropriate tickets.

## **12 Subsistence**

12.1 Councillors are able to claim for subsistence expenses incurred when undertaking an Approved Duty. Subsistence is paid in addition to the Basic, Civic and Senior Salaries **and are subject to the following rules:**

12.2 Subsistence within the Authority's area will not be paid.

12.3 Subsistence for approved duties outside the Authority's area are payable up to a maximum and in line with the IRPW determinations. **Claims without a valid receipt will not be authorised.**

### **12.4. Overnight Costs**

12.5 Where an approved duty involves an overnight stay the accommodation should be organised via the Cabinet Office / Democratic Services.

12.6 The Head of Democratic Services has discretion in this area but the decision is mainly based on:

- Where the round trip is more than 250 miles and the relevant meeting / duty starts before 12.00 noon (for the night before) and / or where the relevant meeting / duty finishes after 4.00 pm (for the night after);
- Where the round trip is more than 500 miles and the relevant meeting / duty starts before 1.00pm and / or finishes after 3.00pm.

12.7 Councillors should obtain prior written authorisation (e-mail) from the relevant Head of Service in relation to overnight expenditure.

### **12.8 Accommodation**

12.9 Accommodation should be booked in advance by the Cabinet Office / Democratic Services Team.

## **13. Overseas (Foreign) Travel, Foreign Currency and Council Related Business Communication**

13.1 Councillors **MUST** gain written (e-mail) authority from the Chief Executive prior to travelling abroad. A detailed itinerary of the trip giving the names of all people travelling, modes of transport between venues and specifying items of expenditure which have been paid in advance by the Authority or likely to be paid by the Authority or provided by an outside body must also be provided to the Chief Executive. In any cases of urgency, approval must be obtained under the Chief Executive's delegated powers, exercised after consultation with the Leader of the Council.

- 13.2 **Foreign Currency.** To obtain foreign currency a Councillor can obtain a cash advance from Cashiers and arrange to have the money converted into the appropriate currency themselves. The expenditure receipt(s) should be retained for submission with the Oracle expense claim. Any surplus money left over from an overseas visit need not be returned to the Authority as the cash advance amount has already been deducted from the Councillors salary and reimbursed to Cashiers.
- 13.3 **Council related business communication.** The Head of Democratic Services will consider all reasonable requests for other valid business costs relating to the trip providing relevant receipts are attached.

## 14. Claiming

- 14.1 Councillor Expenses claims must be made via the Authority's Oracle system. Co-opted Members should submit their claims in writing via Democratic Services. [www.swansea.gov.uk/staffnet/mileageandexpenses](http://www.swansea.gov.uk/staffnet/mileageandexpenses)
- 14.2 The responsibility lies with the Councillor / Co-opted Member for the accuracy of the claim. Councillors need to keep an accurate record of expenses claimed to avoid duplication of claims. They should ensure that they actually attended the events that they are claiming for otherwise it could be deemed as a fraudulent claim.
- ~~14.3 The Head of Democratic Services in consultation with the Section 151 Officer may waive any of the rules on claiming in exceptional circumstances by giving authorisation in writing (e-mail).~~
- ~~16.3 When attending more than one meeting a day and claiming more than one journey, the times and place of 'commencement' and 'completion' of duties must be inserted for every journey.~~
- ~~16.4 If the period between meetings spent is less than 1 hour then Councillors will only be entitled to claim one return journey.~~
- ~~16.5 Councillors must therefore judge whether it would be constructive whenever possible to remain within the area if meetings are within a reasonable period of one another. This also applies to rota visits. Councillors are requested where possible to visit establishments in the same vicinity at the same time.~~
- 14.4 No payment shall be made without a valid receipt.
- 14.5 Co-opted Member claims should be submitted no later than **5<sup>th</sup> of the month for payment on the 25<sup>th</sup> of the month** (or the previous working day if falling on a Saturday, Sunday or Bank Holiday). Councillor claims should be made via Oracle.

14.6 Claims must be submitted within 3 months of the meeting claimed for save for any exceptional circumstances which will be considered by the Head of Democratic Services in conjunction with the Section 151 Officer. Ideally Councillors should submit their claim forms on a monthly basis.

14.7 If a Councillor attempts to claim more mileage than set by Council, the mileage will be amended to the maximum level approved by Council.

#### **14.8 Checking of Travelling and Subsistence Allowances**

14.9 The Cabinet Office / Democratic Services Team will carry out a random 10% audit check of submitted claims. However, the duty remains on the person submitting the claim that it is a valid claim. They will check:

- Accurate Mileage;
- The claim matches the correct name of the Meeting;
- The Date of the Meeting;
- The Councillor / Co-opted Member actually attended;
- ~~Attendance Records at Outside Bodies and Officer meetings;~~
- Other checks as necessary to clarify any ~~on other~~ unclear claim entries.

#### **14.10 Cash Advances**

14.11 Cash advances of Travelling and Subsistence Allowances ~~can only be obtained if the amount is £56 or over and~~ must be authorised by the Section 151 Officer (normally £56 is the minimum, however the Head of Democratic Services may consider each case on merit). The cash advance can then be made via the Cashiers Office.

14.12 Any unused monies from a cash advance must **not** be returned to the Authority (Cashiers) but kept by the Councillor as the original advance amount has already been deducted from their salary and reimbursed to Cashiers.

### **15. Car Parking Permits**

15.1 As a result of a scheme introduced by Cabinet in January 2011, Councillors will have to apply for a permit to enable them to park in Council car parks, whilst on Council duties.

15.2 Councillors are entitled to reclaim the cost incurred for their car parking permit by using the reclaim. If Councillors re-claim this charge it will be included on the Councillors Annual Allowances & Expenses spreadsheet which is presented to Council and published on the City & County of Swansea website. All applications for car parking permits and any amendments or cancellations should be made via [the self-service option in Oracle](#).

15.3 There is a charge to be paid by Councillors to replace a lost car parking permit.

## **16. Interests, Gifts and Hospitality of Councillors**

- 16.1 Information on Interests, Gifts and Hospitality of Councillors is laid out within the Council Constitution under Council Procedure Rules and within the [Councillors Code of Conduct](#).

## **17. Income Tax**

- 17.1 Basic Salaries, Civic Salaries, Senior Salaries, Broadband and Telephone Allowance, Mobile Phone Allowance, ICT Allowance and the Reimbursement of Costs of Care are all taxable. Councillors will be automatically taxed under the normal Pay as you Earn (PAYE) system. The tax code applied will depend on the statement ticked on the Councillor Personal Information Sheet at the time of starting. Any changes to the initial code operated would be on instruction from HMRC.
- 17.2 Additionally, Councillors should contact the Payroll section of the Service Centre if they are aware they should be taxed at a rate higher than the basic rate.
- 17.3 Currently there is no "profit" element on Mileage due to the fact that the Council pays the rate determined by the IRPW. As it is deemed there is no profit, no end of year report (P11D) is submitted.

## **18. National Insurance Contributions**

- 18.1 Since the current levels of Councillors Allowances exceeds the current lower earnings limit for all Councillors under 65 years of age (Sliding scale from Age 60 for women depending on Date of Birth), there is a liability for Class 1 National Insurance contributions at the standard rate. Any Councillor over 65 years of age (Sliding scale from Age 60 for women depending on Date of Birth) will need to provide a copy of their passport or birth certificate for exemption from National Insurance.
- 18.2 Married women and certain widows who have exercised their right not to pay the full rate will need to produce their reduced liability certificate.
- 18.3 Each employment is considered separately for contribution purposes and no account is taken of the fact that a Councillor may have another job or be self-employed.
- 18.4 However, there is an annual maximum for contribution liability and in certain instances a Councillor may be entitled to a refund. Information regarding this can be obtained from the DWP.

## **19. Social Security Benefits**

- 19.1 Social Security benefits is an area of growing complexity and detailed specialist advice must be obtained from the local office of the relevant Benefits Agency.
- 19.2 Councillors must notify the Department of Social Security Office from which they receive the benefits that they are an elected Councillor.
- 19.3 If a Councillor is minded to renounce his / her Basic Salary, Civic Salary or Senior Salary, because of the potential impact on benefit entitlement, s/he should consult the Benefits Agency before doing so. In most cases it is the amount to which a Councillor is entitled, not the amount actually claimed, which will be taken into account in calculating benefit.
- 19.4 The treatment of Councillor's Allowances varies from benefit to benefit. For some benefits, the very fact that they are undertaking Council duties (whether or not they get paid for them) can affect their rights to claim. In other cases, it is the level of income from the Allowance that affects entitlement.

## **20. Insurance**

- 20.1 Brief details of the 'Personal Accident & Travel Policy' are as follows:

Under the Personal Accident section, this insurance provides cover to the Insured for accidental bodily injury to an insured person, which results in death, a permanent disability or temporary disability within 24 months of an accident. Under the Travel section, this insurance provides cover to the Insured for medical and emergency travel expenses, medical repatriation, political and natural disaster evacuation expenses, personal liability, loss of or damage to personal property, business equipment or money, cancellation, curtailment, alteration expenses and hijack, kidnap and ransom costs for an insured person. There are also sections providing cover for legal expenses, crisis containment expenses and vehicle rental expenses.

- 20.2 For full details of the policy and a copy of the Lifeline Plus Travel Pack to use on business trips away from the office and abroad contact:

**Principal Insurance Officer**

Insurance Team, Financial Services & The Service Centre, Civic Centre,  
Swansea, SA1 3SN

01792 63 6741

**Huw Evans**  
**Head of Democratic Services**