

**MEMBERS' ALLOWANCES - REVIEW OF TRAVELLING EXPENSES**

Accountable Officer: John Moffoot (Head of Corporate Administration)

Author: Simon Heap (Members' Services Manager) - MK252567

**1. Purpose**

1.1 To review Members' entitlement to claim travelling expenses when undertaking duties as a Councillor.

**2. Summary**

2.1 The Council is allowed to pay Members' travelling expenses when carrying out a duty approved by the Council, in accordance with Section 174 of the Local Government Act 1972.

2.2 What constitutes an 'approved duty' is very much at the discretion of the Council.

2.3 The Council last reviewed its definition of 'approved duty' when approving the scheme of Members' Allowances for 1996. Since that time, the Council has become a unitary authority with the resulting increase in the number of meetings, complexity of issues to be considered by Members, a greater number of issues on which Members need to represent their constituents and the ever increasing role of the Scrutiny Commission, to summon Members to give evidence on particular services.

**3. Recommendations**

3.1 That consideration of a revised definition of 'approved duty' as far as it relates to the payment of travelling allowances, be deferred pending the restructuring of the Council's decision making arrangements in line with forthcoming legislation.

#### 4. **Background**

- 4.1 Section 174 of the Local Government Act 1972, allows Councils to pay travelling expenses for 'approved duties'.
- 4.2 The definition of an 'approved duty' is very much at the discretion of the individual authority. The Council last reviewed its definition in 1996, when the following definition was adopted as part of the Council's Members Allowances Scheme:
- (a) meetings of the Council, Committees, Sub-Committees or any other body to which the Council makes appointments or nominations;
  - (b) meetings of the Working Groups, panels and other meetings of Councillors, specified in the Schedule to this Scheme, as amended from time to time by prior decisions of the Council, a Committee or a Sub-Committee;
  - (c) Any other meetings convened by the Council (but not by an officer), provided that it is a meeting which Members of at least two political groups have been invited;
  - (d) meetings of any associations of authorities of which the Council is a member;
  - (e) attendance by a Member at the opening of tenders where this is required by the Council's Standing Orders; and
  - (f) attendance at site visits where the Authority is required or enable to inspect premises.
- 4.3 Officers have always exercised some discretion in the payment of travelling allowances, which is strictly outside the remit of the current definition, meeting the costs of Members invited to meetings by senior officers for the purpose of briefing, particularly Chairs in advance of Committee meetings and attendance at conferences.
- 4.4 The current definition is becoming increasingly unsound and failing to meet the ever increasing demands on Members as the number and types of meetings increase. This may be forcing Members to incur unreasonable costs in undertaking their duties as a Councillor and in the longer term, this could discourage persons from standing for election.

#### 5. **Issues and Choices**

- 5.1 The Council's definition of 'approved duty' has not been reviewed since the Council abolished the payment of Attendance Allowances, and, therefore the definition currently used does not adequately reflect:
- (a) the increasing complexity of issues now being considered by Members;
  - (b) the increased need for Members to carry out their representational role through attendance at Committees of the Council;

- (c) the increasing role of the Scrutiny Commission and the ability to request the attendance of Members to 'give evidence';
  - (d) the need for Members to attend conferences and training sessions to help them fulfil their role more effectively; and
  - (e) generally, the increasing number of different meetings Members are expected to attend.
- 5.2 Also, there is a need to regularise the situation when officers are using their discretion to pay Members' travelling expenses when attending briefings, in connection with forthcoming Committee meetings.
- 5.3 The choices available to the Sub-Committee are considered to be as follows:
- (a) leave the current arrangements in place;
  - (b) defer consideration of this matter pending the restructuring of the Council's decision making arrangements, in line with forthcoming legislation;
  - (c) recommend the Policy and Resources Committee to revise specific elements of the current definition of 'approved duty', for example, inclusion of attendance at Committee briefings; or
  - (d) recommend that the Policy and Resources Committee adopt the following revised definition of an 'approved duty':
    - (i) Any meeting of the Council, its subordinate bodies (i.e. Committees, Sub-Committees, Panels or Working Groups) whether in the capacity of a member of that body, a Member attending to present a Ward or Members' Item or a Member invited to attend to give evidence/make comments on a particular service.
    - (ii) Any other meetings convened by the Council or an officer, to which at least two political groups have been invited (including site visits, where the Authority is required or enabled to inspect premises).
    - (iii) Any meeting called by officers for the purpose of briefing or seeking the views of Members.
    - (iv) Any meeting of an outside organisation/body/association to which the Member is either appointed by, or is representing the Council, where the Council is a member of that organisation (except when expenses are paid by that organisation).
    - (v) Attendance by a Member at the opening of tenders where this is required by the Council's Standing Orders, Financial Regulations or Contracts Framework.

- (vi) Attendance at a conference or training course in connection with a Members' role.

5.4 Clearly, any change to the current arrangement which enabled Members to claim additional travelling allowances, would increase pressures on an already tight budget. Any change would need to be supported by a supplementary estimate or could be phased in from the next Council year, which would allow the Policy and Resources Committee to make provision in the 2000/01 budget.

## 6. **Implications**

### 6.1 Environmental

If the Council was to increase the range of meetings for which it was to meet Members' travelling expenses, it could have the affect of encouraging more Members to attend more meetings than at present, therefore, marginally increasing traffic and associated pollution. However, any detrimental effects must be balanced against Members' increased ability to be involved in the work of the Council and the increased representational role Members will be able to play on behalf of their constituents.

### 6.2 Equalities

An enhanced scheme for travelling allowances will help all Members participate in the business of the Council better and fulfil their representational roles irrespective of means, ensuring that members of the community received similarly enhanced level of representation

### 6.3 Financial

The approved budget in 1999/200 for Members' Subsistence and Travelling Allowances is £17,470.00, of which £4,534.23 has been spent already. The budget of £17,470 in 1998/99 was overspent by £6,839.19.

Therefore, if the Council was to approve payment of travelling expenses for additional meetings, the overspend would increase.

### 6.4 Legal

The Council has power under Section 174 of the Local Government Act 1972, to pay Members' Travelling Allowances for 'approved duties'.

### 6.5 Staff and Accommodation

Staff currently have some difficulty in interpreting what is an 'approved duty' and should attract travelling allowances. This can result in some inconsistency as to whether Members are paid. This, and Members themselves not always understanding what they are entitled to receive by way of allowances, can result in officers being put in confrontational situations with Members. A revised scheme, while perhaps increasing the number of claims, should clarify Members' entitlements and make administration easier.

## 7. **Conclusions**

- 7.1 While an enhanced scheme for the payment of travelling allowances is desirable, the financial considerations at the present time, probably outweigh any arguments in favour.
- 7.2 Therefore, to defer consideration of this issue until the revised roles of Members, under the reorganisation of the Council's decision making machinery, is known, would seem the most practical way forward.

Background Papers: None