

**REPORT OF THE INDEPENDENT REMUNERATION PANEL  
ON THE REVIEW OF ALLOWANCES FOR MEMBERS OF ELMBRIDGE  
BOROUGH COUNCIL  
NOVEMBER 2005**

➤ ***BACKGROUND***

The Local Authorities (Members' Allowances) (England) Regulations 2003 and the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations came into force in May 2003.

As with previous regulations, the Members' Allowance Regulations provide for the payment of a Basic Allowance and Special Responsibility Allowances, Dependants' Carers' Allowance and Travelling and Subsistence Allowance. There is also provision for a Co-optees' Allowance.

The Pension regulations provide that:-

- Members are deemed to be employees for the purposes of the local government pension scheme,
- Each individual Member will have to positively elect to become a member of the scheme,
- Pension benefits will be based upon "career average" pay rather than "final salary" and
- Retirement age for a Member will be 70.

➤ ***MEMBERSHIP OF AND MEETINGS OF THE INDEPENDENT  
REMUNERATION PANEL***

The membership of the Independent Remuneration Panel is John Marsh, (Chairman), (Associate Consultant for South East Employers), Nicholas Lawson (Chartered Accountant) and Brian Tonkinson MBE (Lecturer). Nicholas Lawson and Brian Tonkinson are both residents of the Borough whilst John Marsh is a former resident. All the Panel members, therefore, have an intimate knowledge of the geography and characteristics of the Borough.

We last reported in October 2004 and our recommendations were accepted at the meeting of Full Council in December 2004.

We met again on 26<sup>th</sup> October 2005 and were helped by Andrew Cooper, Finance Manager, Robin Barnes, Principal Environmental Health Officer, Councillor T. S. Stewart, Chairman of the Licensing Committee, Councillor, N. C. Cooper, Vice-Chairman of the Licensing Committee, Councillor D. J. Archer, Member of the Licensing Committee, Councillor W. M. Burgess, Member of the Licensing Committee and Councillor J. Bartlett, Cabinet Portfolio Holder – Regulatory Affairs.

We were assisted, throughout, by Tracey Clarke and Lucy Bird, from the Council's Committee and Members' Services section. We wish to thank them for the hard work they have undertaken in servicing the panel.

### ➤ ***SPECIAL RESPONSIBILITY ALLOWANCES***

At this review, we have given special consideration to only one issue, namely the new legislation relating to licensing.

Amongst our October 2004 recommendations we suggested that only the Chairmen of the Licensing Sub-Committees should receive Special Responsibility Allowances and that this should be at the same level as those for Vice-Chairmen of Planning Sub-Committees (£615). We understand that no Member has claimed this allowance.

Members of the Licensing Sub-Committees are all drawn from the main Licensing Committee. This originally comprised twelve members although three further members have now been recruited. Sub-Committees comprise three members with a substitute member should, for any reason, a member be unable to participate.

We interviewed Robin Barnes, Principal Environmental Health Officer, who advised us about the current situation regarding the new regime on licensing.

Whilst applications were slow to arrive after the first appointed day, resulting in a peak in August and September, we gather that, overall, the workload has not been so great as had been originally anticipated.

The overall number of hearings was restricted because officers have been very successful in negotiations between applicants and objectors. There was a lot of praise, from the Members we interviewed, for the help, support and hard work of the officers involved.

All this resulted in eleven sessions of the Licensing Sub-Committees, each one dealing with two or three premises applications.

The meetings were well structured and the proceedings have been recognised as fair by participants. In about half the cases, applicants were represented by solicitors or barristers. Cross examination, by applicants and objectors or their representatives, was not allowed.

Not surprisingly, some Members have had greater involvement than others, although we understand that, contrary to original expectations, there has been a fairly even rotation of chairmen.

We understand that the Chairman of the Licensing Committee has taken an overview and that both he and the vice-chairman have also been actively involved in the work of the sub-committees.

There has been a large volume of paperwork associated with each application and members have had to study this prior to hearings. Chairmen have been elected by each Sub-Committee and, of necessity, all members, including the substitute member, have been involved in the same level of preparation for hearings.

Whilst the chairmen of licensing sub-committees have the responsibility of running the hearings, all three members of the panel share responsibility for decisions. In addition, hearings have been conducted during normal working hours.

In making our recommendation last year, we based it on a comparison with the work of the Planning Sub-Committees. It has been acknowledged, by all Members we interviewed, that the work of Licensing Sub-Committees has, generally, been less onerous than the work of Planning Sub-Committees, which meet on a three weekly cycle. Against this, however, we were informed that Planning Sub-Committees receive officer recommendations. There are no such recommendations for Licensing Sub-Committees.

Additionally, we were informed that, in the event of appeals, members of Licensing Sub-Committees will be expected to appear in magistrates' courts to justify their decisions.

Last year, we pointed out that we had some difficulty in making recommendations for the Licensing Sub-Committees which, with a membership of three, made it iniquitous if the Chairman and Vice-

Chairman received Special Responsibility Allowances with the third member being the only one to receive nothing. The choice, therefore, was to recommend either no allowance for the members other than the Chairman or to recommend allowances for all.

That situation has now clarified and we believe that all members of Licensing Sub-Committees who do not currently receive an allowance for licensing work should be entitled to a Special Responsibility Allowance in this first year.

There is, however, still uncertainty as to how the work of Licensing Sub-Committees will develop in the future. The overall opinion appears to be that the bulk of the work is probably now over.

This being the case, we do not wish to recommend a continuing Special Responsibility Allowance for Members of Licensing Sub-Committees, rather we prefer to recommend a one off Special Responsibility Allowance for the current year, to reflect the volume of work undertaken, with a review at our next meeting in the autumn of 2006.

The Allowance Regulations state that, when a Scheme of Allowances is amended, an authority may choose to apply the amendment retrospectively to the beginning of the financial year in which the amendment is made.

***Accordingly, we wish to recommend that the 2005/6 Scheme of Members' Allowances be amended to include a Special Responsibility Allowance of £250 for each member of Licensing Sub-Committees who does not currently receive a Special Responsibility Allowance for licensing work, effective from the beginning of the financial year. This should replace the current Special Responsibility Allowance for Chairmen of Licensing Sub-Committees and, at this stage, no allowance is recommended for 2006/7 onwards.***

➤ ***THANKS***

We would like to thank all those Members and officers who have assisted us.

Nicholas Lawson

John Marsh  
November 2005

Brian Tonkinson

**ANNEXE C**

**ELMBRIDGE BOROUGH COUNCIL**

**DRAFT REVISED MEMBERS' ALLOWANCES SCHEME – 2005/06**

Elmbridge Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991 (as amended by the Local Government Act 2000), hereby makes the following scheme.

**1. Introduction**

This scheme may be cited as the Elmbridge Borough Council Members' Allowances Scheme

**2. Interpretation**

In this scheme, 'councillor' means a member of Elmbridge Borough Council who is a councillor; and 'year' means the 12 months ending with 31st March.

**3. Basic Allowance**

A basic allowance in accordance with the sum in Schedule 1 shall be paid to each councillor.

**4. Special Responsibility Allowance**

A special responsibility allowance shall be paid to those councillors who have the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.

The amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

**5. Attendance Allowances**

No attendance allowances are paid, either for Council, committee or sub-committee attendance or for attendance at conferences.

**6. Renunciation**

A councillor may by notice in writing given to the Payroll Officer elect to forego any part of his entitlement to an allowance under this scheme. The renunciation can be withdrawn or amended at any time, but not retrospectively.

**7. Part-year Entitlements**

**Entitlements under the scheme are the appropriate proportion of the full year entitlement. This applies where, in the course of a year:**

- the scheme is amended
- the term of office is not for the full scheme year, or
- permanent changes are made in respect of special responsibilities.

In the event of any of these circumstances arising, the relevant apportionment will be determined by the Chief Accountant.

## **8. Travelling and Subsistence Expenses**

Councillors are entitled to receive payments for travelling and subsistence for the purpose of performing approved duties. The list of approved duties is attached at Schedule 2. The current rates are shown at Schedule 3.

Payment will be at the rate payable to council officers as agreed by the National Joint Council for Local Government Services.

Travel and subsistence costs include train, boat, air and bus tickets, taxi fares, petrol costs, parking, meals, refreshments, hotels and hotel meals.

Councillors are not entitled to subsistence expenses unless more than three miles from their usual place of residence.

The mileage to be claimed is a return trip to the venue of the approved duty from the Councillor's home unless, in a particular case, the actual mileage is lower.

Travelling and subsistence expenses are payable in respect of approved duties for the meetings listed in the schedule only when the Councillor is either:-

- a Member appointed to the Cabinet, Committee, Sub-Committee, group or other body;
- a Member who is an officially nominated substitute to the Committee, Sub-Committee, group or other body.

## **9. Childcare and Dependent Carers**

An allowance is payable to councillors to assist with the care of children, elderly, disabled or sick relatives of up to £5.39p per hour on the production of invoices. This allowance is not payable in respect of carers who are parents, children, spouses, cohabitants or members of the same household as the Councillor. The maximum amount payable to a councillor in respect of this allowance in any year is capped at 25% of the basic allowance applicable in that year.

## **10. Claims and Payments**

Claims for travelling, subsistence, childcare and dependent carers allowances should be submitted to the Chief Accountant within two months of the date of the duty performed. Payment will not be made for late claims.

All claims must be signed to confirm that no other claim has been or will be made in respect of the duty.

The Chief Accountant will maintain the required record of payments.

## **11. Pensions**

A councillor may elect to take membership of the Local Government Pension Scheme within the Surrey Pension Fund (administered by Surrey County Council), subject to eligibility in accordance with Government regulations and payment of the required level of contributions. Pensionable allowances are restricted to payments made in respect of basic and special responsibility allowances. Basic and special responsibility allowances for this purpose are those defined as such within this scheme of allowances

## **12. Review**

The scheme will be reviewed in accordance with statutory guidance.

**SCHEDULE 1 - ALLOWANCES****BASIC ALLOWANCE**

The basic allowance for each Councillor shall be £3,500.

**SPECIAL RESPONSIBILITY ALLOWANCE**

The table below shows the special responsibilities in respect of which additional allowances are payable, and the relevant amounts.

<b><u>Special Responsibility</u></b>	<b>£</b>
Leader of the Council	7,980
Other Cabinet Members	4,270
Chairman of Corporate Affairs Overview and Scrutiny Committee	4,270
Vice Chairman of Corporate Affairs Overview and Scrutiny Committee	972
Chairman of Community Affairs Overview and Scrutiny Committee	4,270
Vice Chairman of Community Affairs Overview and Scrutiny Committee	972
Chairman of Environmental Affairs Overview and Scrutiny Committee	4,270
Vice Chairman of Environmental Affairs Overview and Scrutiny Committee	972
Chairman of Planning Committee	3,730
Vice Chairman of Planning Committee	850
Chairman of East Area Planning Sub-Committee	2,675
Vice Chairman of East Area Planning Sub-Committee	615
Chairman of West Area Planning Sub-Committee	2,675
Vice Chairman of West Area Planning Sub-Committee	615
Chairman of North Area Planning Sub-Committee	2,675
Vice Chairman of North Area Planning Sub-Committee	615
Chairman of Licensing Committee	3,730
Vice Chairman of Licensing Committee	850
Licensing Sub-Committee – per member *	250
Leader of Residents Association – per member	16
Leader of Liberal Democrats – per member	16
Leader of Conservatives – per member	16
Leader of Labour – per member	16
Leader of Hinchley Wood – per member	16

Note: Acting chairmen and vice chairmen do not receive an allowance.

\* This allowance relates to members of a Licensing Sub-Committee who do not receive another special responsibility allowance for Licensing work (ie this does not apply to either the Chairman or Vice Chairman of the Licensing Committee).



## **SCHEDULE 2 - APPROVED DUTIES**

Attendance at meetings of the Council and as an **appointed member** of the Cabinet, a Committee, Sub Committee, Working Group, etc. at any of the meetings listed below represents an **approved duty** for the purpose of payment of travelling and subsistence allowances:-

Council  
Cabinet  
Planning Committee  
Licensing Committee  
Corporate Affairs Overview and Scrutiny Committee  
Community Affairs Overview and Scrutiny Committee  
Environmental Affairs Overview and Scrutiny Committee  
Standards Committee  
Joint Staff Consultative Committee  
East Area Planning Sub-Committee  
West Area Planning Sub-Committee  
North Area Planning Sub-Committee  
Joint Consultative Advisory Group for Industrial and Commercial Ratepayers  
Licensing Sub Committee  
Members Resources Sub-Committee  
Age Concern Elmbridge Advisory Body  
Allotments Consultative Group  
Countryside Consultative Group  
Benefits Review Board  
Elmbridge Housing and Community Care Planning Forum  
Leisure Strategy Working Group  
Housing Strategy Working Group  
Project Boards (Best Value Reviews)  
Walton Town Centre Advisory Group  
Elmbridge Sports Council  
Twinning Committee (UK only)  
Partnership Committees (and sub-groups)  
Surrey County Council Local Committee  
Elmbridge Business Partnership (and sub-groups)  
Appointments Sub-Committee

Travelling and subsistence expenses are payable only where a Councillor is either:

- a Councillor appointed to membership of that committee, sub-committee, working group, etc; or
- an official substitute; or
- present by specific invitation (eg a portfolio holder has been requested to attend by an Overview and Scrutiny Committee).

In addition, travelling and subsistence allowances will be payable in respect of any other duty which a Councillor **is tasked** to undertake by the Council or by the Cabinet, a Committee or Sub-Committee of the Council. This includes Member training/workshops/seminars organised by the Council or which the Member concerned is attending on behalf of the Council.

Travelling and subsistence allowances will also be payable in respect of attendance as the Council's representative at meetings of either the Local Government Association (LGA) or the Surrey Local Government Association (SLGA), and at meetings of a body on which a Councillor is a nominated representative of either the LGA or SLGA.

Travelling and subsistence allowances are not payable in any other circumstances.

**SCHEDULE 3 - RATES FOR TRAVEL AND SUBSISTENCE ALLOWANCE**

The following travel and subsistence rates apply where an approved duty is performed and the amounts of the allowances are:

TRAVEL	RATE			NOTE
Public Transport – Rail	2nd class or any available cheap rate			Note (a)  Warrants available from Payroll Officer
Public Transport – Bus	Ordinary fare or any available cheap rate			
Other Transport – Ship	1st class			Note (a)
Other Transport – Plane	Ordinary fare or any available cheap rate			Note (b)
Cycle Allowance	25 pence			Rate per mile
Motor Cycle	<151cc	151cc-500cc	>500cc	
	8 pence	11 pence	14.5 pence	Rate per mile      Note (c)
Own Motor Vehicle	<1000cc	1000cc-1199cc	>1199cc	
	38.7 pence	42.0 pence	52.7 pence	Rate per mile      Note (c)
Taxi-cab	Actual fare and any reasonable gratuity			Emergency / no public transport      Note (d)
Hired Motor Vehicle	Not exceeding own vehicle rate unless body approve rate to an amount not exceeding actual cost of hiring			Excludes taxi cab
SUBSISTENCE				
>4 hours before 11am	Breakfast allowance £5.88			Notes (e), (f)
>4 hours including 12 noon to 2pm	Lunch allowance £8.13			Notes (e), (f)
>4 hours including 3pm to 6pm	Tea allowance £3.21			Note (e)
>4 hours ending after 7pm	Evening meal allowance £9.80			Notes (e), (f)
Overnight absence	Out of Pocket expenses £4.54 per night			Note (g)

## NOTES:

- (a) The rate may be increased by supplementary allowances not exceeding expenditure actually incurred for:
  - (i) on Pullman Car or similar supplements, reservation of seats and deposit or portage of luggage; and
  - (ii) on sleeping accommodation engaged by the Member for an overnight journey, subject, however, to reduction by one-third of any subsistence allowance payable for that night.
- (b) Not to exceed rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance.
- (c) The rate may be increased by not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging. This equates to rates agreed by the National Joint Council for Local Government Services.
- (d) Where not a case of urgency or public transport exists, the amount of the fare for travel by appropriate public transport.
- (e) All subsistence rates shall be reduced by an appropriate amount in respect of any meal provided free of charge. This equates to rates agreed by the National Joint Council for Local Government Services.
- (f) Where main meals are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full as an alternative, subject to the time limits shown above.
- (g) Cost of overnight accommodation will be paid directly by the Council.

The rates shown are those set for 2005/06, and will be amended should notification be received of variations made to officers' rates.

**ANNEXE D**

**ELMBRIDGE BOROUGH COUNCIL**

**DRAFT MEMBERS' ALLOWANCES SCHEME – 2006/07**

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The amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

**5. Attendance Allowances**

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**6. Renunciation**

A councillor may by notice in writing given to the Payroll Officer elect to forego any part of his entitlement to an allowance under this scheme. The renunciation can be withdrawn or amended at any time, but not retrospectively.

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Entitlements under the scheme are the appropriate proportion of the full year entitlement. This applies where, in the course of a year:

- the scheme is amended
- the term of office is not for the full scheme year, or
- permanent changes are made in respect of special responsibilities.

In the event of any of these circumstances arising, the relevant apportionment will be determined by the Chief Accountant.

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- a Member appointed to the Cabinet, Committee, Sub-Committee, group or other body;
- a Member who is an officially nominated substitute to the Committee, Sub-Committee, group or other body.

## **9. Childcare and Dependent Carers**

An allowance is payable to councillors to assist with the care of children, elderly, disabled or sick relatives of up to £5.55p per hour on the production of invoices. This allowance is not payable in respect of carers who are parents, children, spouses, cohabitees or members of the same household as the Councillor. The maximum amount payable to a councillor in respect of this allowance in any year is capped at 25% of the basic allowance applicable in that year.

## **10. Claims and Payments**

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All claims must be signed to confirm that no other claim has been or will be made in respect of the duty.

The Chief Accountant will maintain the required record of payments.

## **12. Pensions**

A councillor may elect to take membership of the Local Government Pension Scheme within the Surrey Pension Fund (administered by Surrey County Council), subject to eligibility in accordance with Government regulations and payment of the required level of contributions. Pensionable allowances are restricted to payments made in respect of basic and special responsibility allowances. Basic and special responsibility allowances for this purpose are those defined as such within this scheme of allowances

## **12. Review**

The scheme will be reviewed in accordance with statutory guidance.

**SCHEDULE 1 - ALLOWANCES****BASIC ALLOWANCE**

The basic allowance for each Councillor shall be £4,000.

**SPECIAL RESPONSIBILITY ALLOWANCE**

The table below shows the special responsibilities in respect of which additional allowances are payable, and the relevant amounts.

<b><u>Special Responsibility</u></b>	<b>£</b>
Leader of the Council	8,215
Other Cabinet Members	4,400
Chairman of Corporate Affairs Overview and Scrutiny Committee	4,400
Vice Chairman of Corporate Affairs Overview and Scrutiny Committee	1,000
Chairman of Community Affairs Overview and Scrutiny Committee	4,400
Vice Chairman of Community Affairs Overview and Scrutiny Committee	1,000
Chairman of Environmental Affairs Overview and Scrutiny Committee	4,400
Vice Chairman of Environmental Affairs Overview and Scrutiny Committee	1,000
Chairman of Planning Committee	3,840
Vice Chairman of Planning Committee	875
Chairman of East Area Planning Sub-Committee	2,755
Vice Chairman of East Area Planning Sub-Committee	630
Chairman of West Area Planning Sub-Committee	2,755
Vice Chairman of West Area Planning Sub-Committee	630
Chairman of North Area Planning Sub-Committee	2,755
Vice Chairman of North Area Planning Sub-Committee	630
Chairman of Licensing Committee	3,840
Vice Chairman of Licensing Committee	875
Leader of Residents Association – per member	16
Leader of Liberal Democrats – per member	16
Leader of Conservatives – per member	16
Leader of Labour – per member	16
Leader of Hinchley Wood – per member	16

Note: Acting chairmen and vice chairmen do not receive an allowance.



## **SCHEDULE 2 - APPROVED DUTIES**

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Members Resources Sub-Committee  
Age Concern Elmbridge Advisory Body  
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Motor Cycle	<251cc	251cc-500cc	>500cc	
	27 pence	35.5 pence	39.2 pence	Rate per mile      Note (c)
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## NOTES:

- (f) The rate may be increased by supplementary allowances not exceeding expenditure actually incurred for:
  - (i) on Pullman Car or similar supplements, reservation of seats and deposit or portage of luggage; and
  - (ii) on sleeping accommodation engaged by the Member for an overnight journey, subject, however, to reduction by one-third of any subsistence allowance payable for that night.
- (g) Not to exceed rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance.
- (h) The rate may be increased by not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging. This equates to rates agreed by the National Joint Council for Local Government Services.
- (i) Where not a case of urgency or public transport exists, the amount of the fare for travel by appropriate public transport.
- (j) All subsistence rates shall be reduced by an appropriate amount in respect of any meal provided free of charge. This equates to rates agreed by the National Joint Council for Local Government Services.
- (h) Where main meals are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full as an alternative, subject to the time limits shown above.
- (i) Cost of overnight accommodation will be paid directly by the Council.

The rates shown are those set for 2005/06, and will be amended should notification be received of variations made to officers' rates.