

GARFF SHEADING
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GARFF COMMISSIONERS

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Members Allowance Scheme Policy and Guidance

Drafted: January 2021
Review: January 2022

Effective from:	Replaces:	Originator:	Page X of Y
March 2021	New	Deputy Clerk	1 of 10
Management Team Approval:		02.03.21	
Board Ratification:			
History or Most Recent Policy Changes – MUST BE COMPLETED			
Version:	Date:	Change:	

Garff Commissioners Members’ Allowance Scheme

1. **Introduction**

- 1.1 Under the Local Government Act 1985 Schedule 2 (copy attached as Appendix A), Members of the Authority are entitled to payment of an allowance for each session during which they undertake an “approved duty”.
- 1.2 The amount of the allowance is fixed by the Department of Infrastructure (Local Government Unit), and is subject to an annual limit. The Order of the Department specifying these amounts is attached at Appendix B.

2. **Approved Duty**

- 2.1 While entitlement for Members’ attendance at Board and Committee Meetings is very clear, the entitlement for attendance at other meetings and for spending time on Authority business in other ways, is less clear.
- 2.2 The definition in the Local Government Act 1985 helps to some extent, but it does not cover specifically all the possible duties that Members may undertake, and without specific authority the allowance cannot be paid. It has become apparent that over the years since the 1985 Act was passed, the nature of Members’ duties has evolved and become wider than the attendance at meetings on which the Act focuses.
- 2.3 The definition does however enable Authority itself to approve functions/ meetings for which the Allowance should be payable. Therefore, so that both Members and administrative staff are fully aware of what duties qualify, the revised list of approved duties is attached at Appendix C.

3. **Renunciation**

A Commissioner or an Independent Person may by notice in writing given to the Chief Executive/Clerk elect to forego any part of his/her entitlement to an allowance under this scheme.

4. **Claims**

Claims for payment of attendance and travel allowances should be made on the official forms provided (copy to be attached as Appendix D), as soon as possible after the dates on which the meetings took place.

These forms are available from the Finance Department.

5. **Updating**

Members will be informed at any time when the allowances are amended or updated.

APPENDIX A (To Members' Allowance Scheme)

LOCAL GOVERNMENT ACT 1985
SCHEDULE 2

ATTENDANCE AND TRAVELLING ALLOWANCES

1.

[Para 1 repealed by Local Government Act 2006 s 14 and Sch 4.]

2. (1) Subject to the following provisions of this paragraph, a local authority shall pay to each member of the authority an attendance allowance of the prescribed amount for each session during which the member undertakes an approved duty.

(2) Not more than one attendance allowance shall be paid to any person in respect of any one session.

(3) The aggregate of the attendance allowances paid to any one person by any one local authority in a financial year shall not exceed the prescribed amount.

(4) A member of a local authority may, by notice in writing to the clerk of the authority, elect not to accept any attendance allowances in respect of a financial year.

(5) Allowances under this paragraph shall be treated as allowances in respect of expenses and disbursements in the performance of the recipient's duties.

3. (1) A local authority shall pay to each member of the authority who makes a claim in accordance with sub-paragraph (2) a travelling allowance at the prescribed rate for each approved duty which he undertakes.

(2) A member of a local authority who wishes to claim an allowance under this paragraph shall submit his claim in writing, in such form as may be approved by the Department, to the clerk of the authority.

[Subpara (2) amended by GC192/86.]

4. (1) The Department may by order prescribe:

- (a) the amount of an attendance allowance payable under paragraph 2(1);
- (b) the maximum allowances payable by virtue of paragraph 2(3); and
- (c) the rate at which travelling allowances shall be payable under paragraph 3(1).

[Subpara (1) amended by GC192/86.]

(2) An order under sub-paragraph (1) shall not have effect unless it is approved by Tynwald, but may provide for its operation from such date (which may be before or after the making of the order) as may be specified therein.

5. Any sum payable under this Schedule shall be exempt from income tax and shall not be brought into account by the Assessor of Income Tax as part of the income of the recipient.
6. (1) Every local authority shall publish a report in respect of each financial year, which shall state:
 - (a) the number of meetings of the authority;
 - (b) the number of meetings of each committee or sub-committee of the authority;
 - (c) the number of attendances of each member of the authority at meetings of the authority and each committee and sub-committee of the authority; and
 - (d) the total sums paid to each member under this Schedule;during the financial year in question.

[Subpara (1) amended by Local Government Act 2006 s 14 and Sch 4.]

(2) The authority shall send a copy of the report published under sub-paragraph (1) to the Department, together with a certificate of the auditor appointed to audit the accounts of the authority that the information contained in the report is correct.

[Subpara (2) amended by GC192/86.]

7. In this Schedule:

'approved duty', in relation to a member of a local authority, means:

- (a) attendance at a meeting of the authority, or of a committee or sub-committee of the authority;
- (b) the doing of any other thing approved by the authority, or any thing of a class so approved, for the purpose of, or in connection with, the performance of function of the authority or of any committee or sub-committee of the authority; or
- (c) the doing of any thing as a member of a designated body for the purpose of, or in connection with, the performance of any function of that body;

'designated body', in relation to a member of a local authority, means a body (other than a joint board) designated by order of the Department for the purposes of this Schedule, of which the member has been appointed a member by or on the nomination of the authority;

[Definition of 'designated body' amended by GC192/86 and by Local Government Act 2006 s 14.]

'prescribed' means prescribed by order under paragraph

4; **'session'** means a period of 4 hours in any day.

APPENDIX A1 (To Members' Allowance Scheme)

Local Government Act 1985

LOCAL GOVERNMENT (MEMBERS' ATTENDANCE ALLOWANCES) ORDER 2013

Approved by Tynwald: 19 November 2013

Coming into Operation: 1 April 2014

The Department of Infrastructure makes the following Order under paragraph 4(1)(a) and (b) of Schedule 2 of the Local Government Act 1985.

1 Title

This Order is the Local Government (Members' Attendance Allowances) Order 2013.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 April 2014.

3 Interpretation

In this Order

"**Act**" means the Local Government Act 1985;

"**daytime**" means any 4 hour period between 8.00am and 1.00pm or 1.00pm and 6.00pm; and

"**evening**" means any 4 hour period between 6.00pm and midnight.

4 Attendance Allowances

(1) The amount of attendance allowance payable under paragraph 2(1) of Schedule 2 to the Act is —

- (a) £7.50 per hour or part thereof for an evening session up to a maximum of £30.00 per session; or
- (b) £12.50 per hour or part thereof for a daytime session up to a maximum of £50.00 per session

(2) The maximum allowances payable by virtue of paragraph 2(3) of Schedule 2 of the Act within a financial year is —

- (a) £3,600 for attendance only at evening sessions; or
- (b) £6,000 for attendance only at daytime sessions or at both daytime and evening sessions.

5 Revocation

The Local Authority Members (Attendance Allowances) Order 2006 is revoked.

MADE: 25TH OCTOBER 2013

D C CRETNEY
Minister for Infrastructure

APPENDIX B (To Members' Allowance Scheme)**LOCAL GOVERNMENT ACT 1985****PAYMENT OF MEMBERS' ATTENDANCE ALLOWANCES**

The following are "Approved Duties" in respect of which Members' Attendance Allowances may be paid.

DUTY	COMMENT
Attendance at meeting of Authority or Committee.	S7, Subsection (a)
Travelling time and preparation for any "Approved Duty" within this schedule. Up to a maximum of two hours per event and payable in addition to any allowance in respect of the event itself although the total payable for any event shall not exceed the sessional maximum.	S7, Subsection (b)
Attendance at any site visit, informative meeting or presentation arranged on behalf of the Authority, a Committee; or Sub-Committee but not convened as a formal meeting.	S7, Subsection (b)
Attendance at meeting of Working Group appointed by the Authority or a Committee.	S7, Subsection (b)
Attendance at Commissioners' offices to open tenders or for consultation. (Such request to be in writing or by e-mail).	S7, Subsection (b)
Attendance at a Conference, Seminar or Exhibition authorised by a Committee.	S7, Subsection (b)
Attendance at a meeting of Members arranged outwith the normal Authority and Committee structure (provided a record of the attendance, business and duration of the meeting is made available to the Clerk).	S7, Subsection (b)
Attendance at training sessions relating to the Authority's business, where approved by the Clerk or Chairman.	S7, Subsection (b)
Attendance at meetings of any Body to which the Member has been appointed or nominated by the Authority. (Except in such case as may be subject to a separate allowance paid by the external body).	S7, Subsection (b)
Attendance at any press briefing or similar event arranged by Clerk or Chairman.	S7, Subsection (b)

