

# **DARTFORD**

## **BOROUGH COUNCIL**

CONSTITUTION OF THE COUNCIL

**PART 8 MEMBERS' ALLOWANCES, INDEMNITIES**

## **Introduction to Part 8 – Members' Allowances, Indemnities**

Part 8 of the Constitution sets out the Members' Allowance Scheme and the Deed of Indemnities for Members and Officers.

The Members' Allowance Scheme is made under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the 2003 Regulations) and any other regulations which may come into force from time to time.

The Deed of Indemnities for Members and Officers is in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.

## Contents

PART 8 MEMBERS' ALLOWANCES, INDEMNITIES .....	1
PART 8.1 - MEMBERS' ALLOWANCE SCHEME .....	4
1. Introduction.....	4
2. Role allowances.....	4
3. Travel and food Travel and Subsistence Allowances .....	5
4. Parents and Carers .....	7
5. Independent Persons and Remuneration Panel .....	8
6. Terms and conditions .....	8
7. Version Information .....	11
8. Public Notices .....	11
PART 8.2 - DEED OF INDEMNITY FOR MEMBERS AND OFFICERS.....	12
1. SCOPE .....	12
2. DEFINITIONS .....	12
3. COSTS, CLAIMS AND EXPENSES .....	13
4. RESTRICTIONS.....	14
5. INSURANCE.....	16

## **8.1 - MEMBERS' ALLOWANCE SCHEME**

### **1. Introduction**

This Members' Allowances Scheme is made under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the 2003 Regulations) and any other regulations which may come into force from time to time.

In making this Scheme, the Council has had regard to the recommendations contained in the Report of the Independent Remuneration Panel considered by the Meeting of the General Assembly of the Council on 11 December 2023.

This Scheme shall have effect on 01 April 2024 and shall have effect thereafter. The Council has agreed that allowances can be increased by the same rate as increases in Council staff pay.

Such an index shall be relied on for a period not exceeding four years whereupon a further recommendation of the Independent Remuneration Panel shall be sought in respect of the Council's application of an index to its scheme.

This Scheme may be amended at any time (having regard to the recommendation(s) of the Independent Remuneration Panel) but may only be revoked with effect from the beginning of the year. Where this Scheme is revoked, the Council shall, before the revocation takes effect, make a further scheme.

In this Scheme:

- 'Councillor' means a member of Dartford Borough Council who is a Councillor;
- 'Year' means the 12 months ending 31 March.

### **2. Role allowances**

#### **Basic Allowance**

Each Councillor will be paid a basic allowance of £6,177 per year.

#### **Special Responsibility Allowances**

Group Leaders will be entitled to the Group Leader Allowance (for each member of their group) plus one other Special Responsibility Allowance. All other Members are entitled to receive only one Special Responsibility Allowance.

## Leadership allowances

Role	Allowance
Leader	£38,710
Deputy Leader	£20,439
Cabinet Member	£10,219
Lead Member / Cabinet Delivery Team Leader	£2,555
Shadow Leader	£10,219
Deputy Shadow Leader	£6,132
Leader of any other group that has five members or makes up 10 per cent of the Council (whichever is greater).	£5,110
Deputy Leader of any other group that has five members or makes up 10 per cent of the Council (whichever is greater)	£3,066

## Chairs

Role	Allowance
Chair Development Control Board	£6,132
Vice Chair Development Control Board	£2,023
Shadow Chair Development Control Board	£2,023
Audit Board	£2,555
Overview and Scrutiny Committee	£2,555

## Group Members

Role	Allowance
Group Member. Paid to the Leader of any other Group that consists of five members, or 10 per cent of the Council, whichever is greater.	£290 per Group Member, excluding the Leader of the Group.

### 3. Travel and food Travel and Subsistence Allowances

## Approved duties

Subject to the provisions set out below, Travel and Subsistence Allowances will be paid to those Councillors and Co-opted Members attending meetings in respect of the following duties (the Approved Duties):

- A meeting of the Cabinet or any Committee of the Cabinet;
- A meeting of the Council or a Committee, Sub-committee or other body of the Council (for which proper notice is given);
- A meeting held under joint arrangements with another authority (for which proper notice is given);
- External Seminars, Conferences and Training (authorised by the Chief Officer and Director of Corporate Services);
- Site meetings and inspections for which proper notice is given;
- Formal meetings of Outside Bodies as a nominee of the Council to which an appointment has been made either by the Cabinet or the Council;
- Any other duty which may from time to time be agreed by the Chief Officer and Director of Corporate Services.

## Subsistence Allowance

For Approved Duties **outside the Borough**, the following rates shall apply where a Councillor or a Co-Opted Member is prevented by official duties from eating at home and thereby incurs additional expenditure.

Please note these rates are the **maximum** allowances payable and only **actual costs** will be paid, if lower.

The allowance covers tea or an evening meal. Not both.

### Subsistence allowance

Meal	Cost
Breakfast	Up to £9
Lunch	Up to £14
Tea	Up to £5
Dinner	Up to £17 (only after 8.30pm)

No subsistence allowance will be paid for Approved Duties within the Borough.

## Travelling Expenses

No travel expenses will be paid for journeys within the Borough. The following rates shall apply for journeys **outside the Borough**.

## Mileage Allowances

Type of vehicle/travel	Rate
Car/van (all engine sizes)	45p per mile for the first 10,000 miles. 25p per mile over 10,000 miles
Motorcycle	24p per mile
Bicycle	20p per mile
Taxi	Actual cost is reimbursed
Train	Second class rail fare is reimbursed

All claims for travelling and subsistence expenses must be accompanied by a receipt(s) and the completion of a claim form obtainable from Financial Services.

## 4. Parents and Carers

### Carer's Allowance

A carer's allowance shall be paid where a Councillor has necessarily incurred expenditure for the care of children (up to the age of 15 years) or a dependent relative whilst undertaking the duties of the Council.

- Care of Dependent Relatives and Disabled Children £21.40 per hour
- Childcare £16.50 per hour

### Parental Leave

#### Basic Allowance

All Councillors shall continue to receive their Basic Allowance in full, for a period up to six months, in the case of absence from their Councillor duties due to absence related to maternity, adoption or shared parental leave.

Where, for reasons connected with maternity, adoption, or shared parental leave a Councillor is unable to attend meetings of the Council for a period of more than six consecutive months (from the date of their last attendance), a dispensation by the General Assembly of the Council must be sought in accordance with Section 85 of the Local Government Act 1972, within six months of the last attendance. This dispensation should be granted, so that the absence is no more than one year in total.

### Special Responsibility Allowance

Reasonable and adequate arrangements shall be put in place to provide cover during any period of absence (by reason of maternity, adoption or shared parental leave) of a Councillor in receipt of a special responsibility allowance. Where a replacement (generally a deputy, lead member or vice chair) covers the period of absence, that person shall be remunerated in accordance with the deputy or vice chairman's Special Responsibility Allowance referred to in the Scheme, where applicable.

The original responsibility holder shall continue to receive the full Special Responsibility Allowance, but should the period of absence exceed six months, the General Assembly of the Council shall consider whether such arrangements should continue.

If a Councillor stands down, or an election is held during the period when a Councillor is absent due to maternity, adoption or shared parental leave and the Councillor is not re-elected, their Basic Allowance and any Special Responsibility Allowance shall cease from the date on which they retire (i.e. on the fourth day after the ordinary day of election).

## **5. Independent Persons and Remuneration Panel**

### **Independent Persons**

- The Council's Independent Person will receive the following allowance:  
£340 per year (includes attendance at training sessions).

### **Independent Remuneration Panel**

Panel members will receive the following allowances:

- £333 per year, per member (includes attendance at training sessions).
- £16.55 hourly rate.

## **6. Terms and conditions**

### **Other duties**

A Councillor who is also a member of another authority (for example, Kent County Council), shall not be entitled to the receipt of allowances from both authorities in respect of the same duties.

### **Not claiming an allowance**

Any Councillor or Co-opted Member can choose not to claim any part of their allowance. They can do so by writing to the Chief Officer and Director of Corporate Services.



## Part year entitlements

If an amendment to this Scheme during any year changes the amount of basic allowance or special responsibility allowance to which a Councillor is entitled, the entitlement of the Councillor to such allowance is in respect of the following periods:-

1. beginning with 1 April and ending with the day before the first or only amendment during that year takes effect;
2. beginning with the day an amendment takes effect and ending with the day before the next amendment during that year takes effect; or
3. beginning with the day an amendment takes effect and ending with the 31 March; will be to payment of the proportion which the number of days in period (a), (b) or (c) bears to the number of days in that year.
2. Where the term of the Councillor begins or ends during the course of a year, his/her entitlement to a basic allowance will be to the payment of the proportion which the number of days which he/she held office during that year bears to the number of days in that year.
3. Where an amendment to the Scheme during any year changes the amount of basic allowance to which a Councillor is entitled and the Councillor does not hold office in that year throughout the period beginning with the 1 April and ending with the day before the amendment takes effect ("the Payment Period"), his/her entitlement to a basic allowance in respect of the Payment Period will be to payment of the proportion which the number of days in which he/she has held office during the Payment Period bears to the number of days in the Payment Period.
4. Where a Councillor has during only part of a year a special responsibility entitling him/her to a special responsibility allowance, his/her entitlement to a special responsibility allowance shall be to payment of the proportion which the number of days during which he/she has had such special responsibility bears to the number of days in that year.
5. Where an amendment to the Scheme during any year changes the amount of special responsibility allowance to which a Councillor is entitled, and that Councillor has had a special responsibility entitling him/her to a special responsibility allowance during only part of the year beginning on the 1 April and ending with the day before the amendment takes effect ("the Allowance Period"), his/her entitlement to special responsibility allowance will be to payment of the proportion which the number of days in which he/she has had the special responsibility during the Allowance Period bears to the number of days in the Allowance Period.
6. Where a Councillor becomes or ceases to be a member of the Council, or accepts or relinquishes any special responsibility for which an allowance is paid, allowances will be paid pro-rata to the number of days during the year which he/she was a Councillor or held the special responsibility.

## Payments and Claims

The Council shall make payments in respect of basic, special responsibility and travel allowances, in instalments of 1/12th (of the year's total, per month) of the amounts specified in this Scheme on the 15th day of the month in respect of which the

Councillor's entitlement arose (or on the last working day before the 15th of the month if the day falls on a Saturday, Sunday or Bank Holiday).

Any claim for payment of carers (dependents and childcare) and travel and subsistence allowances under this Scheme shall be made within two months of the date of the duty to which the allowance relates. Claims shall not be paid unless supported by a receipt confirming that the expenditure has been incurred. The Council may make a payment where the allowance is not claimed within the period specified.

#### Backdating

Any amendments made during the year to the amounts payable under this Scheme may be backdated to the beginning of the year.

#### Repayment of Allowances

A special responsibility allowance is payable in monthly instalments to those Members who hold the positions of special responsibility listed in para. 2 above. Members are elected/appointed to and removed from positions of special responsibility as follows:

1. Leader of the Council – elected and removed from office by the GAC in accordance with Standing Orders 4 & 4A;
  2. Deputy Leader – appointed and removed from office by the Leader of the Council on notice to the Proper Officer for report to the GAC (Standing Order 4B);
  3. Cabinet members/Lead member – appointed and removed from office by the Leader of the Council on notice to the Proper Officer for report to the GAC (Standing Order 4D);
  4. Shadow Leader & Deputy Shadow Leader – appointed and removed from office by the largest party in opposition on the Council on notice to the Proper Officer for report to the GAC (Standing Order 5);
  5. Other Group Leader & Deputy Group Leader – appointed and removed from office by members of the Group on notice to the Proper Office for report to the GAC;
  6. Chairman/Vice – chairman & Shadow Chairman of the committees listed in paragraph 2 above – appointments to and removal from office in accordance with the wishes of the Group Leaders, on notice to the Proper Officer for report to the GAC.
2. The basic allowance is claimable by all Members in monthly instalments.
  3. Where payment of an allowance has already been made in respect of any period during which the Member concerned:
    1. ceases to be a member of the Council; or
    2. is in any way not entitled to receive the allowance in respect of that period,
    3. the Council may require that such part of the allowance as relates to any such period shall be repaid to the Council.

## Publicity

1. As soon as reasonably practicable after determining a scheme of allowances, the Chief Officer and Director of Corporate Services will ensure that a copy of the Scheme is available for inspection and publicised in accordance with the 2003 Regulations.
2. As soon as practicable after 1 April each year the Chief Officer and Director of Corporate Services shall make arrangements for the publication of the total paid to each Member in each category of allowance specified in this Scheme, in the preceding year.

## 7. Version Information

This page was created in June 2025 as an accessible version of the draft approved by Annual Council on 7 May 2025.

## 8. Public Notices

Members' Allowance Scheme:

The Council, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 has produced a Scheme of Allowances.

The Scheme provides for a fixed basic allowance to be paid in equal amounts to every Member of the Council. Further sums are available to those Members holding positions of Special Responsibility as specified in the Scheme.

[Members' Allowances Public Notice 2019-20](#)

[Members' Allowances Public Notice 2020-21](#)

[Members' Allowances Public Notice 2021-22](#)

[Members Allowances Public Notice 2022-23](#)

[Members Allowances Public Notice 2023-24](#)

## **8.2 - DEED OF INDEMNITY FOR MEMBERS AND OFFICERS**

### **1. SCOPE**

- (1) In accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004, Dartford Borough Council (the Council) indemnifies each Member and Officer of the Council against any costs, claims and expenses set out in section 3, subject to the restrictions set out in section 4 and on the terms set out in section 5 of this Deed of Indemnity.
- (2) Notwithstanding any limitation on the powers of the Council, the indemnity is effective to the extent that the Member or Officer reasonably believed at the time at which they acted:
  - (a) that the action, or failure to act, in question was within the powers of the Council, or
  - (b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the Council or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true.

### **2. DEFINITIONS**

In this Deed of Indemnity:

**Co-opted Member**- has the meaning in section 27(4) of the Localism Act 2011.

**Independent Member** – means a person who is not a councillor, appointed to a committee for their particular experience or expertise.

**Independent Person** – has the meaning in section 28(7) of the Localism Act 2011.

**LA Proceedings** means any investigation, report, reference, or any other proceeding pursuant to section 27(6) of the Localism Act 2011.<sup>1</sup>

**Member** means an elected and Co-opted Member and for the purposes of this Deed of Indemnity, include Independent Members and Independent Persons.

**Officer** means any person employed by the Council.

**Outside Bodies** include trusts, companies, charities, school governing bodies, industrial and provident societies and community associations to which Members or Officers are appointed by the Council to serve on the Outside Body as a director, trustee, governor or member (with or without voting powers).

---

<sup>1</sup> A relevant authority other than a parish council must have in place - (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made

13 December 2021 GAC Min.No.53

Member and Officer Indemnities/Indemnity Policy

### 3. COSTS, CLAIMS AND EXPENSES

Subject to the restrictions in section 4 of this Deed of Indemnity, the costs, claims and expenses are those, which arise from, or in connection with, any action of, or failure, to act by, the Member or Officer, which:-

- (a) is or has been authorised by the Council; or
- (b) forms part of, or arises from, any powers conferred, or duties placed, upon that Member or Officer, as a consequence of any function being exercised by them (whether or not when exercising that function they do so in their capacity as a Member or Officer);
  - (i) at the request of, or with the approval of the Council, or

- (ii) for the purposes of the Council.
- (2) The costs, claims and expenses' implications of any proposed indemnity will be considered at the outset of proceedings or action and an initial ceiling on the level of indemnity agreed with the Chief Officer & Director of Corporate Services or nominee. Any further funding will require a decision by the Chief Officer & Director of Corporate Services or nominee who will consider whether any special circumstances apply to a request for further funding. A proposal to refuse further funding will be at the Chief Officer & Director of Corporate Services or nominee's discretion, whose decision will be final.
- (3) The indemnity will apply retrospectively to any act or failure to act which may have occurred before the date of the adoption of this Deed of Indemnity or earlier indemnities but that are the subject of proceedings or action in progress at the date this Deed of Indemnity is adopted by the Council or commencing after that date and will continue to apply after the Member or Officer has ceased membership or employment of the Council as well as during his/her membership or employment of the Council.
- (4) Where a Member or Officer requests an indemnity, they will provide the Chief Officer & Director of Corporate Services or nominee with such information as may be reasonably required and the likely costs for which the Member or Officer may claim reimbursement under this Deed of Indemnity.

#### 4. RESTRICTIONS

- (1) No indemnity is provided in relation to any action by, or failure to act by, any Member or Officer which:
  - (i) constitutes a criminal offence; or
  - (ii) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that Member or Officer.
- (2) Notwithstanding section (4)(1)(i), the indemnity may be provided in relation to:
  - (i) (subject to section 5 below) the defence of any criminal proceedings brought against the Member or Officer; and
  - (ii) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.
- (3) This indemnity will apply to the *defence* by a Member or Officer of any allegation of defamation made against him/her, but does not extend to the making/initiating by a Member or Officer of any claim in relation to an alleged defamation of that Member or Officer.

## TERMS OF INDEMNITY OR INSURANCE

- (1) Subject to section (2) below, the terms of the indemnity (including any insurance secured for the Member or Officer) has effect in relation to the defence of:
  - (a) criminal proceedings;
  - (b) LA Proceedings;
  - (c) employee code of conduct proceedings.
- (2) The indemnity is provided and any insurance secured, on the terms that in circumstances where (a), (b) or (c) below apply, the Member or Officer will reimburse the Council or the insurer (as the case may be) for any sums expended by the Council or insurer pursuant to the indemnity or insurance. Any sums expended will be recoverable by the Council or the insurer as a civil debt.
  - (a) in the case of **criminal proceedings**, if the Member or Officer is convicted of a criminal offence and that conviction is not overturned following any appeal.
  - (b) in the case of **LA Proceedings**:
    - (i) if a finding is made that the Member has failed to comply with the [Member] Code of Conduct and that finding is not overturned following any appeal, or
    - (ii) if the Member admits that they have failed to comply with the Code.
  - (c) in the case of **employee code of conduct proceedings**:
    - (i) if a finding is made that the Officer has failed to comply with the Code and that finding is not overturned following any appeal; or
    - (ii) the Officer admits that they have failed to comply with the Code.
- (3) The indemnity will only extend to cover actual loss and expense incurred and evidenced by the Member or Officer to the satisfaction of the Chief Officer & Director of Corporate Services or nominee.
- (4) The indemnity will not cover any loss or expense in respect of which the Member or Officer can obtain reimbursement from any other source, including any policy of insurance whether taken out by the Council or the Member or Officer or by any other person.
- (5) This Deed of Indemnity will not apply if a Member or Officer, without the express permission of the Council or of the Chief Officer & Director of Corporate Services or nominee, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity in circumstances which may give rise to liability on the part of the Council.

## 5. INSURANCE

In addition to providing the indemnity, the Council may secure the insurance of its Members and Officers. The following provisos are to be noted:

- (a) insurance cover does not apply to an error committed by a Member independently of Officer advice;
- (b) an insurance claim must be capable of being made against the Council itself. There is therefore no cover where an activity amounts to Members or Officers acting in capacities other than as Members or Officers;
- (c) where the Council arranges insurance to cover its liability under this Deed of Indemnity, the requirement to reimburse the Council in section 5(2) above, will apply as if references to the Council were references to the insurer.

## 6. OUTSIDE BODIES AND JOINT COMMITTEES

- (1) The Council will provide an indemnity where a Member or Officer:
  - (a) acts solely on behalf of the Council, within the terms of reference laid down by the Council and solely in pursuance of the Council's statutory powers;
  - (b) acts solely in an advisory capacity in connection with the Council's functions;
  - (c) occupies an observational role on the board or committee of an Outside Body, representing the Council's interests (excluding in a decision-making capacity);
  - (d) acts on behalf of a joint committee established by two or more local authorities.
- (2) In circumstances where a Member or Officer has been nominated to and is clearly representing or acting solely on behalf of the Outside Body, such nomination is subject to the requirement that the Outside Body must satisfy the Council that appropriate insurance cover is maintained, so as to protect the Member or Officer against personal liability.



