

Members' Allowances Scheme 2017/18

Sandwell Metropolitan Borough Council

MEMBERS' ALLOWANCES SCHEME

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1. Introduction

- 1.1 This Members' Allowances Scheme is in accordance with the statutory provisions in the Local Government and Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Council has had regard to the recommendations of the Independent Panel on Members' Remuneration of May 2012. The Panel is the independent remuneration panel required to be established by the Regulations.

The scheme is reviewed annually.

1.2 Definitions

"Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003 and any Regulations which may from time to time replace, amend or revoke them.

"Standing Body" means in accordance with the Council's constitution, committees, sub-committee boards or panels comprising members of the Council or other persons established to deal with functions which are neither reserved to the Council nor are executive functions.

- 1.3 Sections 2 to 18 of this Scheme describe the types of allowances which may be paid to members and the arrangements for administering the Scheme.
- 1.4 Section 19 contains a Schedule of Allowances approved by the Council. The Schedule will be re-issued annually and at any time when the Scheme is amended.

1.5 Approved Duties

The following duties which are for the purpose of or in connection with the discharge of the functions of the Council will be regarded as approved duties for the payment of allowances in accordance with the legal definitions as specified in the Regulations.

- A. Attendance at a meeting of the Council or of any Standing Body of the Council.

- B. Attendance at a Joint Committee established by the Council and one or more other authorities or standing body or working group established by such a Joint Committee.
- C. Attendance at meetings of working groups established by the Council.
- D. Attendance at meetings to which the Council or a standing body of the Council makes appointments or nominations, or of any sub-committee or working group established by such a body.
- E. Attendance at meetings of any association of authorities of which the Council is a member or of any standing body or working group established by such an association.
- F. Attendance at any body within the Council's Constitution where a Member has been invited to attend by the Proper Officer.
- G. Attendance at meetings of Single Party Working Groups provided that:-
 - (i) such groups have been formally established by the Council or a standing body of the Council for the purpose of considering only Council business; and
 - (ii) that the opportunity to establish such groups is offered to all political groups represented on the Council.
- H. Attendance at meetings outside the Sandwell Council House, Oldbury by a Councillor in connection with the role for which a Special Responsibility Allowance is paid and who have elected to be a member of the Council's Transport Protocol. (see paragraph 5.3)
- I. Attendance at site visits or visits to Council or other establishments provided that the visit has been authorised in advance by the Council or a standing body of the Council.
- J. Attendance at a meeting of any outside body to which the Council makes appointments or nominations or of any standing body of such a body.
- K. Attendance at meetings of statutory bodies or fora to which members are appointed or nominated by the Council or a decision making body of the Council, standing body or other Fora of the Council

- L. Attendance at seminars organised by the Council provided that the event is authorised in advance by the Council or a decision making body of the Council, standing body or other Fora of the Council.
- M. Attendance at training sessions organised by the Council for members.
- N Attendance at public consultation meetings provided that such a meeting has been authorised in advance by the Council or a decision making body of the Council, standing body or other Fora of the Council.
- O. Attendance as a representative of the Council at ceremonies where either the Council, or a service area of the Council, or the Borough is nominated for an award.
- P. Attendance as a representative of the Council or as a member of a Council delegation at meetings with or receptions for representatives of Government Departments or Statutory Bodies or visitors from abroad.
- Q. Attendance at meetings held at the request of the Local Government Ombudsman.
- R. Attendance as a witness on behalf of the Council at an Employment Tribunal or at any judicial proceedings.
- S. The Director - Governance Services, following consultation with the Leader, be authorised to determine those other duties which are to be regarded as “approved duties”, in connection with the provision of transport outside the West Midlands Conurbation area and the payment of Carers’ and Subsistence Allowances, provided that approval is given before the duty is performed.

Duties which are not “approved duties”

The following duties will NOT be regarded as “approved duties” for the payment of allowances:-

- A. Attendance at Agenda meetings.
- B. Attendance at other meetings with Directors or other Senior Officers to discuss Council business.
- C. Attendance by Cabinet Members, Chairs and Vice-Chairs at Council service areas for which they have responsibility, save those allowed for in paragraph 1.5 (H).
- D. Attendance at political group meetings

- E. Attendance at meetings of School Governing Bodies.
- F. Attendance at Ward Surgeries.
- G. Attendance at meetings of any body within the Council's Constitution at which they are not a member or have not been invited to attend by the Proper Officer.
- H. Attendance at consultative meetings for wards/local areas.
- I. Attendance at meetings which are not listed as approved duties and in respect of which prior approval has not been given by the Council.

2. Basic Allowance

- 2.1 This is a basic, flat rate allowance payable to all Members of the Council. The allowance is the same for each Member and is paid in monthly instalments, in arrears, throughout the year.
- 2.2 Where the term of office of a member begins or ends otherwise than at the beginning or end of the Municipal Year, beginning with the Annual Meeting of the Council, his/her entitlement to payment shall be pro rata to the number of days served.
- 2.3 Basic allowance is intended to recognise the time commitment of all members, including such inevitable calls on their times as meetings with officers and constituents and attendance at standing bodies of the Council. It is also intended to cover the cost of travel and subsistence within the West Midlands Conurbation area (i.e. within the boundaries of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton). The basic allowance is also intended to cover fixed telephone rental and calls and other incidental costs such as the use of their homes. All members are entitled to an allowance of £15 per month to cover broadband provision for internet connection.
- 2.4 To assist in the introduction of the Council's paperless agenda, each Councillor will receive a monthly allowance to offset the increased costs to them of procuring, insuring and using tablet technology to further the paperless agenda.

3. Special Responsibility Allowance

- 3.1 Special Responsibility Allowances (SRAs) may be paid to those members who have significant responsibilities. The Regulations prescribe the categories of responsibility for which SRAs may be paid.
- 3.2 The Council has determined that SRAs be paid to members holding the posts detailed in the attached Appendix.
- 3.3 Where a member undertakes duties which could entitle him/her to more than one SRA under this Scheme then he/she shall receive only the higher allowance.
- 3.4 Where a member does not have, throughout the whole of a year, any such responsibilities as entitle him/her to a SRA, his/her entitlement shall be to payment pro rata to the length of time he/she holds the special responsibility.

4. Dependants' Carers' Allowance

- 4.1 A dependants' Carers' Allowance is payable to those elected members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 1.5 of this Scheme.
- 4.2 The amount of the dependants' carers' allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

5. Travelling and Subsistence Allowance

- 5.1 Travel and subsistence is payable in connection with undertaking duties specified by the Council. The duties specified are those set out in paragraph 1.5 of this Scheme.
- 5.2 No separate amount will be payable for travel and subsistence within the West Midlands Conurbation Area. The basic allowance will be deemed to include an element for travel and subsistence.
- 5.3 The Leader, Cabinet, Mayor and Deputy Mayor (or their nominated representatives) in their roles as ambassadors and representatives for Sandwell MBC will be entitled to the provision of transport without charge.

5.4 Travel and subsistence outside the West Midlands Conurbation area

Members required to travel outside the West Midlands Conurbation area to undertake the duties specified in paragraph 1.5 of this Scheme are encouraged to travel by public transport. The costs of such travel if incurred by members will be reimbursed. Alternatively the Council will obtain and pay for travel warrants or tickets for use by members.

Where it is not practicable to use public transport, mileage rates applicable to members will be reimbursed.

Where members are unable to take main meals i.e. breakfast, lunch and dinner, in their normal place, they may claim a Subsistence Allowance, not exceeding the prescribed rates which are available via Members Services.

6. Mobile Telephones

6.1 The Council will provide mobile telephones and reimburse expenses related to their use in order to assist Councillors in the discharge of their statutory and policy making functions:

- The Council through its Members Services Unit will issue mobile telephones for Councillors to conduct Council business.
- All elected members are eligible to be issued with a mobile telephone.
- Upon issue of a mobile telephone, the user must comply with all legislation covering the safe and effective use of mobile telephones.
- All mobile telephones are purchased on behalf of the Council, shall be acquired through Members' Services and remain the property of the Council unless Members have contributed to the cost of the device.
- Any upgrades relating to handsets authorised will not alter the ownership arrangements as detailed above.
- Members' Services will be responsible for all costs associated with the initial purchase of mobile telephones (within the stated framework) as well as the ongoing funding associated with maintenance.
- Cabinet Members supplied with smart phones for the purposes of undertaking their portfolio responsibilities will not have to contribute to the cost of the devices.

- It is the responsibility of the Members' Services Manager to maintain adequate control of the supply and costs associated with mobile telephones.
- The Members' Services Unit will maintain and update records of all supplied mobile phones including the names and locations of registered users.
- All Members will abide by the agreed protocols and procedures in relation to mobile telephones.

7. Conferences and Seminars

7.1 Sandwell MBC will provide support to enable all elected members to attend two external conferences/ seminars per Municipal Year in connection with Council business, in addition to events organised by the West Midlands Local Government Association.

7.2 All elected members will submit an application form (Conference 1) providing full details of the Conference/Seminar and proposed method of travel, to the Members Services Unit. Elected members will be asked to detail the perceived benefits of attending the conference/seminar.

A condition of approval being granted will be the consent of elected members to complete an Evaluation Form upon their return.

7.3 Approval in each instance is to be provided by the Director – Monitoring Officer, in consultation with the appropriate Senior Member.

7.4 All of the costs associated with attendance at conferences and seminars will be funded from the Members Services budget for non-portfolio specific events.

- 7.5 The conference or seminar fee for portfolio specific events is to be met by Service Areas on the agreement of the appropriate Service Director. All other costs associated with the event are to be met by Members Services.
- 7.6 Any requests by a member to attend more than two external conferences/seminars in one Municipal Year and any disputes over whether an event is “in connection with Council business” will be referred to the Director – Monitoring Officer in consultation with the Leader of the Council.
- 7.7 Elected members will travel by the most appropriate class of travel having regards to cost and suitability.

8. Co-optees Allowance

- 8.1 The Council has decided not to pay any allowance to co-opted members of the Council (i.e. a person who, not being an elected Member of the Council, has been appointed to membership of a standing body of the Council) in respect of attendance at meetings.
- 8.2 Co-opted members of standing bodies will be entitled to claim travel and subsistence costs.
- 8.3 Co-opted members of standing bodies may claim Dependant Carer’s Allowance up to a total annual cost of 10% of the elected Members’ basic allowance.

9. Foregoing of Allowances

- 9.1 A member may forego all or part of any allowances to which they are entitled under this Scheme. Notice, in writing, must be given to the Members Service Manager.

10. Amendments to the Scheme

- 10.1 The Members' Allowances Scheme will be reviewed annually. If the scheme is amended and any amendment is made which affects an allowance payable for the year in which the amendment is made then entitlement to such allowance as amended may apply (if the Council so determines) with effect from the beginning of the Municipal Year in which the amendment is made or any other date in that year as is determined by the Council.

11. Annual Adjustment of Allowance levels

- 11.1 Basic and Special Responsibility Allowances will be varied with effect from 1st April each year in line with the National Joint Council for Local Government Services pay award (as negotiated between the National Joint Employers and National Joint Trade Unions) unless the Council determines that allowances should be frozen, withdrawn or otherwise not paid for any reason.

12. Tax and National Insurance treatment of Members' Allowances

- 12.1 In respect of income tax and national insurance purposes members (councillors and non councillors) will be treated in the same way as any other individual who holds an office or is an employee. Guidance received by the Council will be made available to members who should contact their assigned tax office for advice as necessary.

13. Amendments and Revocation of the Scheme

- 13.1 Each year the Council will review the scheme as required by the Regulations for the payment of allowances in respect of the year.
- 13.2 The Scheme may be amended at any time, but may only be revoked with effect from the beginning of a year.

14. Claims and Payment Timescales

- 14.1 Claims for dependants' carers' allowance, travelling and subsistence outside the West Midlands Conurbation allowance must be claimed within one month of the date on which entitlement to the allowance arose.

14.2 Any claims received later than one month following the date on which the entitlement arose will be considered by the Service Manager - Governance.

14.3 Unless otherwise agreed, payment of the basic allowance and SRAs will be made monthly in arrears.

14.4 Members can request the Director – Monitoring Officer to backdate a claim but for no longer than a six month period from the date on which the request is made.

15. Records of Allowances

15.1 The Council will keep a record of payments made by it in accordance with the Scheme. The record will contain the information required by the Regulations.

15.2 As soon as reasonably practicable after the end of a year to which the Scheme related the Council will publish details in accordance with the Regulations of allowances paid.

16. Publicity

16.1 The Council will, as soon as reasonably practicable after making the Scheme or any amendment thereto, make arrangements for publication as required by the Regulations.

17. Schedule of Allowances (see over)