

# **Members' Allowances Scheme**

# **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 August 2017. 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 Sandwell Council House, Oldbury, by a Councillor in connection with the role for which a Special Responsibility Allowance is paid.
- I. Attendance at site visits or visits to Councils 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, 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 – Monitoring Officer, following consultation with the Leader, be authorised to determine those other duties which are to be regarded as “approved duties”, relating to the provision of transport outside the West Midlands Conurbation area and the payment of 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.

### **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 children, for whom they are the primary carers, whilst undertaking approved duties as set out in paragraph 1.5 of this Scheme, with the proviso that this is only applicable to meetings held at Sandwell Council House and for use of the Sandwell Council House Workplace Nursery. Members are to give as much notice as possible, as this provision is subject to available places in the Workplace Nursery.
- 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 relating to 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. In the first instance, Member Services Unit will obtain and pay for travel warrants or tickets for use by members. Alternatively, the costs of such travel if incurred by members will be reimbursed.

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

Members may claim a Subsistence Allowance, not exceeding the prescribed rates which are available via Member Services.

5.5 **Car Parking Permits**

All Members that wish to use the car parks including the Members Car Park in Church Street will need to purchase a parking permit (excluding blue badge holders) there are three options available:

- 1) Members Car Park Permit – £5.00 per month. This is valid only for Members using the car park in Church Street. It can be used on any day, for any duration.
- 2) Annual Sandwell Car Park Permit - £240.00 per year. This permit is valid every day on all long stay council car parks across the borough and also for the Members Car Park in Church Street.



3) Annual 3-Day Sandwell Car Park Permit - £144.00 per year. This permit is valid for 3 days a week (which you must specify at the time of purchase) on all long stay council car parks across the borough and also for the Members Car Park in Church Street.

By paying for permits through a deduction from pay, Members have the option to pay through a 'salary sacrifice' scheme. This scheme is tax efficient and saves, on average, 20% on the above costs for individuals.

## **6. Mobile Telephones**

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

6.2 The Council through its Member Services Unit (MSU) will issue mobile telephones for Councillors.

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 users will contribute £7 per month towards the cost of their monthly tariff charge. This contribution will be reviewed in the event of new tariffs being introduced. MSU will contribute £3 towards a handset's insurance. Anything over this amount will be charged to the user.

The tariffs include inclusive calls (some calls may be chargeable, for example, premium rate numbers), inclusive texts, inclusive data and 4G in the U.K. and EU Member countries. (A full list is available from MSU)

6.3 Some services are not included in our inclusive tariff, these include, but are not limited to;

Picture messages, (However, third party apps can be used to send pictures and videos etc.). premium rate numbers, international premium rate numbers, any in app charges (games, media etc.) or texts to make charitable donations. These will be charged to the number.

6.4 Inclusive data is subject to a fair usage policy. Members are encouraged to manage data use responsibly, for example, using Wi Fi when available.

- 6.5 Travelling abroad - Cabinet Members need to consider their portfolio responsibilities before travelling abroad and advise MSU 7 days prior to travel if they require access to data. To avoid excessive data charges a data bundle may be added that should be adequate for business purposes.

Other Members travelling abroad can request data bundles, if they wish, but must meet the costs of non-U.K. and Non- E.U. voice, data use and the bundle.

- 6.6 It is the responsibility of Member Services to monitor adequate control of the supply and costs associated with mobile telephones.

The Member Services Unit will maintain and update records of all supplied mobile phones.

Upon issue of a Council mobile telephone all users will be required to complete a Registration Form and be recorded as the registered user.

Once a mobile telephone is issued the registered user is required to keep the handset for a minimum period of 2 years in line with the current Council Contract or buy out the remainder of the contract.

- 6.7 The Council will contribute £150 towards the cost of the handset. If Members wish to purchase more expensive handsets, they must meet the additional costs.

If Members contribute the remaining cost of the handset, they will be entitled to keep it at the end of the contract period.

The remaining cost of the handset can be spread across a maximum of two years, or the remaining duration of a member's term, if they are standing down. All other handsets must be returned to Member Services.

- 6.8 Members requesting new phones have entered into a firm commitment. As there is no “cooling off” period for Corporate Contracts. If MSU is unable to allocate the phone to another user, Members will be liable for the full cost of the handset (including the £150 met by the Council) if they change their minds after the phone has been ordered.
- 6.9 It is recognised that the working requirements of Cabinet Members are such that they will invariably require enhanced functionality. The Council will meet the full cost of these handsets, which will remain the property of the Council at the end of the contract period, if no contribution is made.
- 6.10 If Members choose to upgrade to a higher specification and value handset, they must meet any additional costs incurred which will be deducted from their Allowances.
- 6.11 The terms for the agreement will apply from when the member enters it. e.g. a Member who becomes a Cabinet Member will still pay any contributions to a handset they ordered when they were not on Cabinet. A Cabinet Member who leaves the Cabinet, will not be charged for any contribution for a handset they ordered when they were on it. If a member loses their seat, whilst money is still owed, the remaining amount will be deducted from the last payment of allowances if possible, and if not, the member will arrange to pay the balance.
- 6.12 If an elected member that has not contributed to the cost of their handset stands down or loses their seat, then the phone **must** be returned to the Member Services Unit. Member Services have the authority to transfer the use of a mobile telephone to another user. Mobile phones provided before November 2015, remain the property of the council. Arrangements can be made for members to retain their number when no longer on the MSU contract. This must be done through Member Services. If a member stands down, resigns or loses their seat, they will have three working days to make arrangements for a new phone. After this, bars will be put in place to prevent use of the connection. If a member wants to keep the number, these bars will not affect the PAC (Porting Authorisation Code).

## **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 Member 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 Member 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 Member 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 Applications to attend political or non-council related conferences will not be administered by Sandwell MBC.

## **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. (Only applicable for approved meetings at Sandwell Council House. When using the Council Workplace Nursery)

## **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 Member Services 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 1<sup>st</sup> 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 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.
- 13.3 If the Mayor will be unavailable for a period of 4 weeks or more, the Deputy Mayor will receive the Mayoral Allowance pro rata.

### **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 Director – Monitoring Officer.
- 14.3 Unless otherwise agreed, payment of the basic allowance and SRAs (Special Responsibility Allowances) 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)**

**Members' Allowance Scheme**  
**Schedule of Allowances 2023-24** (payable from 23 May)

<u>Title</u>	<u>£</u>
Leader	28,584
Deputy Leader (75% of LA)	21,438
Cabinet Member (60% of LA)	17,151
Budget and Corporate Scrutiny Management Board Chair (33.3% of LA)	9,519
Scrutiny Board Chair (33.3% of LA)	9,519
Scrutiny Board Vice Chair (20% of LA)	5,716
Chair of Planning Committee (40% of LA)	11,434
Vice Chair of Planning Committee (20% of Chair of Planning's Allowance)	5,716
Chair of Licensing Committee (40% of LA)	11,434
Vice Chair of Licensing Committee (20% of LA)	5,716
Chair of General Purposes and Arbitration Committee (20% of LA)	5,716
Vice Chair of General Purposes and Arbitration Committee (10% of LA)	2,858
Chair of Audit and Risk Assurance Committee (33.3% of LA)	9,519
Town Chair Member (33.3% of LA)	9,519
Deputy Town Chair Member (20% of LA)	5,716
Chair of Ethical Standards and Member Development Committee (33.3% of LA)	9,519
Vice Chair of Ethical Standards and Member Development Committee (10% of LA)	2,858
Performance Champion (33.3% of LA)	9,519



Leader of Main Opposition Party (Variable)	% of size of controlling group	Rate £
	5 (min)	1,390
	10	2,782
	15	4,173
	20	5,564
	25	6,964
	30	8,346
	35 (max)	9,736
Shadow Cabinet Member (10% of LA)	% of size of controlling group required	Rate £
	15 (i.e 11 people minimum)	2858
Ceremonial Mayor	21,754	
Ceremonial Deputy Mayor	8,701	

Basic Allowance

£11,552

(LA = Leader's Allowance)