



# **Birmingham City Council**

## **Members Allowances Scheme**

**[Scheme March 2020]**

**Contact for further advice or guidance**

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# **BIRMINGHAM CITY COUNCIL**

## **MEMBERS ALLOWANCES SCHEME**

The City Council's Members Allowances Scheme, made under Section 18 of the Local Government and Housing Act 1989 and as amended on 30th April 2001, was agreed by the City Council at the meeting on 15 September 2020.

### **1. INTRODUCTION**

- 1.1** This Scheme may be cited as the Birmingham City Council Members Allowances Scheme.
- 1.2** In this Scheme, "Councillor" means an elected member of Birmingham City Council.
- 1.3** In this Scheme, "Co-opted Member" means a member appointed by the City Council to serve on a Committee or a Sub-Committee.

### **2. BASIC ALLOWANCE**

#### **2.1 Allowance Rate**

A Basic Allowance will be paid to each Councillor and will comprise two elements:

A time element based on 156 days per annum less a Public Services Discount of 25% resulting in a net value of 117 days per annum.

An additional expenses element to meet the cost of telephone rental and calls and office expenses such as postage, stationery and other consumables.

The current rates for these elements of the Basic Allowance are shown in the Appendix to the Scheme.

#### **2.2 Payment Dates**

The payment date for the allowance shall be

- a)** For a Councillor elected to office following an annual Local Government Election, from the fourth day after the date of the election or the date of making the Declaration of Acceptance of Office, whichever is the later?
- b)** For a Councillor elected to office at any other time, from the date of making the Declaration of Acceptance of Office.

#### **2.3 Renunciation**

A Councillor may by notice in writing given to the Chief Executive [or nominated representative] elect to forego the whole or part of an entitlement to a Basic Allowance under this Scheme.

Where such a declaration is made, it remains in force until a further notice in writing to the Chief Executive [or nominated representative] withdraws it.

## **2.4 Payment Arrangements**

Payment will be made in instalments of one-twelfth of the annual amount due and will be paid via a payroll system on the same date as that applicable to employee salaries.

## **2.5 Partial Entitlement**

Where a Councillor holds the office of Councillor for less than a full calendar month, the Basic Allowance due will be calculated on a pro rata basis by reference to the number of days entitlement to the allowance to the total number of days in that particular month.

## **2.6 Overpayment**

Where the payment of a monthly instalment of Basic Allowance results in a Councillor receiving more than the amount entitled, the over payment will be recovered subsequently through a deduction from other allowances due to that Councillor or through the issue of an official invoice.

## **3. SPECIAL RESPONSIBILITY ALLOWANCES [SRA's]**

### **3.1 Offices and Roles**

A Special Responsibility Allowance will continue to be paid to a Councillor in respect of the following roles:

Leader and Deputy Leader of the Council  
Cabinet Member with Portfolio  
Chairman of the Planning Committee  
Chairman of the Licensing & Public Protection Committee  
Chairman of a Licensing Sub-Committee  
Chairman of an Overview & Scrutiny Committee  
Chairman of the Audit Committee  
Chairman of the Trust & Charities Committee  
Leader and Deputy Leader of Largest Qualifying Opposition Groups \*  
Lead Opposition Spokesperson ('Shadow' Cabinet Member)  
Leader and Deputy Leader of other Qualified Opposition Group\* Political Group  
Secretaries

**[\* A Qualifying Opposition Group is one with a minimum of 6 Councillors]**

### **3.2 Receipt of Special Responsibility Allowance**

No Councillor can receive more than one Special Responsibility Allowance.

### **3.3 Level of Responsibility and Time Commitment**

Two components will continue to be taken into account in arriving at a value for individual Special Responsibility Allowances as follows:

The comparative level of responsibility of the role.  
The comparative time commitment of the role.

### **3.4 Allowance Rate**

The rate is revised each year.

The current rates are shown in the Appendix to the Scheme.

### **3.5 Entitlement to Receive Special Responsibility Allowance**

A Councillor will be entitled to receive a Special Responsibility Allowance in the following circumstances:

For the Leader of the Council, from election at a meeting of the City Council.

For the Deputy Leader of the Council and a Cabinet Member, from appointment by the Leader of the City Council.

For a Chairman of an Overview and Scrutiny Committee, from appointment at a meeting of the City Council.

For a Chairman of the Planning, Licensing & Public Protection, Licensing Sub-Committees, Audit, Trusts & Charities Committees, from appointment at a meeting of the City Council.

For a Leader of the largest Qualifying Opposition Group \*, from receipt by the Chief Executive [or nominated representative] of a notification signed by a majority of members of that Group.

For a Deputy Leader of the Largest Qualifying Opposition Group \*, from receipt by the Chief Executive [or nominated representative] of a notification signed by the Leader of that Group.

For Lead Opposition Spokespersons from receipt by the Chief Executive [or nominated representative] of a notification signed by the Leader of the Group.

For Political Group Secretaries from receipt by the Chief Executive [or nominated representative] of a notification signed by the Leader of the Group

***[\* A Qualifying Opposition Group is one with a minimum of 6 Councillors]***

### **3.6 Renunciation**

A Councillor may by notice in writing given to the Chief Executive [or nominated representative] elect to forego the whole or part of an entitlement to a Special Responsibility Allowance under this Scheme.

Where such a declaration is made, it remains in force until a further notice in writing to the Chief Executive [or nominated representative] withdraws it.

### **3.7 Payment Arrangements**

Payment will be made in arrears in instalments of the annual amount due and will be paid via a payroll system on the same date as that applicable to employee salaries. This is currently the 28th day of each month.

### **3.8 Partial Entitlement**

In the event of a Councillor holding an office or undertaking a role for less than a full payment year, the Special Responsibility Allowance due for their final month will be calculated on a pro rata basis by reference to the number of days entitlement to the allowance to the total number of days in that particular month.

### **3.9 Overpayment**

Where the payment of a monthly instalment of Special Responsibility Allowance results in a Councillor receiving more than the amount entitled, the over payment will be recovered subsequently through a deduction from other allowances due to that Councillor or through the issue of an official invoice.

## **4. CARERS' ALLOWANCE**

### **4.1 Authorised Duties**

A Carers' Allowance can be claimed where Councillors necessarily incur expenditure in arranging care of their children or dependents when undertaking the same range of duties for which travel allowances and expenses can be claimed [Section 7].

### **4.2 Allowance Rate**

The rate that can be claimed will depend on the nature of the care involved:

For independent care the maximum hourly rate that can be claimed will be the living wage.

For professional qualified carer with supporting documentation, the maximum hourly rate that can be claimed will be set at the Council's Care Assistant rate.

The current maximum hourly rates are shown in the Appendix.

### **4.3 Annual Review**

The maximum hourly rates will be revised each year in line with the changes in the living wage and the Council's own hourly rate for a Home Care Assistant.

### **4.4 Making a Claim**

Claims for Carers' Allowances must be made within 3 months of the duty being undertaken. For example, a claim for duties undertaken in 1<sup>st</sup> January must be made by 1st April and so on.

Payment outside that period can only be made if there are identified acceptable exceptional circumstances that prevented the claim being submitted within the required time limit.

Supporting information you will require:-

- Full details of the approved duty undertaken see Section 6.4.
- Provide name and age [If children under 14] for whom the care was provided.

- Name of the person providing care. No claim can be made for care provided by a member of the immediate family or household.
- Receipts needed to support claim for professional care.

#### **4.5 Payment Arrangements**

Payment of claims submitted will be made upon submission of a fully completed claim form supported by appropriate receipts. Claims will be paid via a payroll system on the same date as for Basic and Special Responsibility Allowances.

#### **4.6 Overpayment**

Where the verification process identifies that a Councillor has been paid more than the amount entitled, the over payment will be recovered subsequently through a deduction from any other allowances due to that Councillor or through the issue of an official invoice.

### **5. CO-OPTEE ALLOWANCE**

#### **5.1 Roles**

A Co-opted Allowance will be paid to a Co-opted Member serving in the following roles.

- a) Member of an Overview & Scrutiny Committee or the Standards Committee.
- b) Chairperson of the Standards Committee.

#### **5.2 Allowance Rate**

The rate is revised each year.

The current rates are shown in the Appendix to the Scheme.

#### **5.3 Payment Date**

The effective payment date for the Co-opted Allowance shall be from the date appointed by the City Council to serve on the Committee or to act as Chairperson of the Standards Committee.

#### **5.4 Renunciation**

A Co-opted Member may, by notice in writing given to the Chief Executive, [or nominated representative] elect to forego the whole or part of an entitlement to a Co-opted Allowance under this Scheme.

Where such a declaration is made, it remains in force until a further notice in writing to the Chief Executive [or nominated representative] withdraws it.

#### **5.5 Payment Arrangements**

Payment will be made in arrears in instalments of one-quarter of the annual amount due and will be paid via a payroll system on the same date as that applicable to employee salaries.

## 5.6 Partial Entitlement

Where a Co-opted Member holds the office of Co-opted Member for less than a full calendar month, the Co-opted Allowance due will be calculated on a pro rata basis.

## 5.7 Overpayment

Where the payment of a quarterly instalment of Co-opted Allowance results in a Co-opted Member receiving more than the amount entitled, the over payment will be recovered subsequently through a deduction from other allowances due to that Co-opted Member or through the issue of an official invoice.

# 6. TRAVEL ALLOWANCES AND EXPENSES

## 6.1 Basis for Payment

Councillors and Co-opted Members can claim for reasonable travel expenses that have been necessarily and exclusively incurred in undertaking a range of approved duties.

Payment can only be made for the additional expense incurred in undertaking the duty. In specific terms if a duty is part of an overall journey to or from work [or holiday] then the amount claimable is the difference between the actual cost and the value of the travel that would have been incurred ordinarily.

*Where a member is travelling from home to a \* permanent workplace, a journey is a qualifying journey (non-taxable) providing it is for approved duties and the member's home is situated in the area of the authority or no more than 20 miles outside the boundary of the authority.*

\* The Council House may be a permanent workplace if that is where the members goes on a regular basis. Other places they visit on a regular basis e.g. surgeries in town centres could be permanent workplaces too.

## 6.2 Travel Allowances and Expenses

The following allowances and expenses may be claimed.

**Car Mileage, Motorcycle and Bicycle Allowances.** The rates per mile are those that are paid to officers of the authority. The current rates are shown in the Appendix to the Scheme.

Where a vehicle is used outside the West Midlands, the payment will be the lesser of the value of the actual mileage claimed or the peak time standard rail fare.

**Standard Rail Fare.**

**Actual cost of taxi fares [including reasonable gratuity], tube fares, bus fares, car parking and toll charges.**

## 6.3 Annual Review

The rates per mile of Car Mileage, Motorcycle and Bicycle Allowances will be revised each year from 1st April in line with the rates paid to officers of the authority.

## 6.4 Approved Duties

The following duties have been designated as approved duties for which travel expenses can be claimed.

### Council and Committee Role

- Attendance at meetings of the City Council, the Executive, Committees, Sub Committees or authorised working groups.
- Committee visits that have been authorised in advance.
- Ward Chairmen and Vice Chairmen with the respective Cabinet Member.
- Certain collective meetings related to governance arrangements such as Executive Management Team.

### Ward Role

- Attendance at Ward and or Strategic Partnership meetings and Ward Advisory Boards.
- Attendance at publicly advertised advice bureaux up to a maximum of 4 dates per calendar month.
- Ward Chairmen can claim one pre-agenda meeting per scheduled Ward meeting.
- Visits to Local Institutions such as Schools, Community Associations in the Members District/Ward. A brief description of the visit must be given on the claim form.
- Site visits to meet constituents in accordance with Members Community Leadership Role. A brief description of the visit must be given on the claim form.

### Representation on Outside Bodies

- Attendance at meetings of a Joint Committee or Body of which the Council is a member.
- Attendance at meetings of a local authority association of which the Council is a member.
- Attendance as the appointed representative of the City Council, the Executive, Committees or Sub Committees at meetings of other outside bodies that are **held outside the Council House**.

### Regulatory and Quasi-Judicial Functions

- Attendance at Fostering or Adoption Panels.
- Rota visits to Social Services establishments.
- Attendance at Housing Local Management or Consultative Boards.
- Attendance at Appeals Panels, Hearings or Tribunals on behalf of the Council.
- Attendance at the School Organisation Committee.

### Special Responsibility Role

- Attendance at meetings held outside the Council House by a Councillor in connection with the role for which a Special Responsibility Allowance is paid.



## **Other Duties**

- Attendance as an authorised representative at a conference or seminar.
- Attendance at Members training and Development briefings organised by the City Council.

### **6.5 Submission of Claims**

Claims for Travel Allowances and Expenses must be made within 3 months of the duty being undertaken. For example, a claim for duties undertaken on 1st January must be made by 1st April and so on.

Payment outside that period can only be made if there are identified acceptable exceptional circumstances that prevented the claim being submitted within the required time limit.

### **6.6 Payment Arrangements**

Payment of claims submitted will be made upon submission of a fully completed claim form supported by appropriate receipts. Claims will be paid via a payroll system on the same date as for Basic and Special Responsibility Allowances.

### **6.7 Verification**

As far as possible a pre-payment verification check will be undertaken and appropriate adjustments made at that point in time. A final verification will be undertaken subsequent to payment of the claim.

This will include a cross-reference against any transport provided direct [Section 6.9] for attendance at an advice bureau where there is an upper limit of 4 per calendar month on such duties.

### **6.8 Overpayment**

Where the verification process identifies that a Councillor or Co-opted Member has been paid more than the amount entitled, the over payment will be recovered subsequently through a deduction from any other allowances due to that Councillor or Co-opted Member or through the issue of an official invoice.

### **6.9 Access to Transport Services**

Councillors and Co-opted Members will have the following access to transport services that are provided direct by the Council.

**Rail Warrant.** Will be at standard class unless exceptional circumstances justify first class travel.

**Taxi.** Will only be provided for duties for which a claim for Travel Allowance or Expenses could be made [Section 6.4]. Where a taxi is provided for attendance at an advice bureau this will count towards the upper limit of 4 per calendar month on such duties.

**Air Travel.** This will be justified if there is a significant saving in time and the cost involved is reasonable compared to the cost of alternative travel plus any saving in subsistence expenses.

**Travel Pass.** This facility will be provided on the following basis.

- For use when undertaking approved duties provided that the recipient makes a contribution of 40% towards the total cost met by the Council.
- The recipient does not claim for Travel Allowances or Expenses for duties undertaken in the area covered by the pass unless the relevant travel service was not available.
- The recipient does not make use of transport services provided direct by the Council unless the relevant travel service was not available.
- On the grounds of safety, to allow councillors who normally travel by public transport and who also have a subsidised bus pass, to travel to and from approved duties by taxi in the evenings, when there is very limited public transport.

## **7. SUBSISTENCE ALLOWANCES AND EXPENSES**

### **7.1 Basis for Payment**

Councillors and Co-opted Members can claim for reasonable subsistence expenses that have been necessarily and exclusively incurred in attending as an authorised representative of the Council **at a meeting, conference or seminar that is undertaken outside the Birmingham authority area.**

**No Subsistence Allowance or Expenses can be claimed for any duty that is undertaken within the Birmingham authority area.**

### **7.2 Subsistence Expenses**

The following expenses may be claimed.

**Subsistence** - The reasonable cost of meals taken will be reimbursed subject to the provision of supporting receipts. The validity of the claim will be based on where the meal was taken, the total time spent on the duty and the value of meal allowances for officers. The current rates for officer meal allowances are shown in the Appendix to the Scheme.

### **7.3 Annual Review**

The rates for Subsistence Allowances will be revised each year, in line with the rates paid to officers in the authority or the inflation factor in the council's budget.

### **7.4 Submission of Claims**

Claims for Subsistence Expenses must be made within 3 months of the duty being undertaken. For example, a claim for duties undertaken on 1st January must be made by 1st April and so on.

Payment outside that period can only be made if there are identified acceptable exceptional circumstances that prevented the claim being submitted within the required time limit.

## **7.5 Payment Arrangements**

Payment of claims submitted will be made upon submission of a fully completed claim form supported by appropriate receipts. Claims will be paid via a payroll system on the same date as for Basic and Special Responsibility Allowances.

## **7.6 Verification**

As far as possible a pre-payment verification check will be undertaken and appropriate adjustments made at that point in time. A final verification will be undertaken subsequent to payment of the claim.

## **7.7 Overpayment**

Where the verification process identifies that a Councillor or Co-opted Member has been paid more than the amount entitled, the over payment will be recovered subsequently through a deduction from any other allowances due to that Councillor or Co-opted Member or through the issue of an official invoice.

# **8. MATERNITY, PATERNITY AND ADOPTION PAY**

## **8.1 Basic Allowance**

All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave for six months subject to review, with a presumption that this will be extended for another six months if requested. Each case must be brought to CBM for the necessary dispensation.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.

## **8.2 Special Responsibility Allowance**

Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and adoption leave in the same way that the Council's employees enjoy such benefits; i.e.:

Maternity Leave:

Members on maternity would be entitled to 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £151.20 (current rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

Paternity Leave:

A Member is entitled to take two weeks ordinary paternity leave if they are the biological father or nominated carer of their partner following the birth or adoption of their child(ren), is married to or is the partner or civil partner of the mother or co-adopter; and they have the main responsibility for the child's upbringing during the period of leave. During ordinary paternity leave the Member will continue to receive a full basic allowance and any relevant SRA.

## Adoptive Parents Leave:

Members who are **newly** matched with a child by an adoption agency are entitled to leave. The nominated adopter is entitled to adoptive parents' pay: 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £151.20 (current rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

## Shared Parental Leave:

Shared Parental Leave (SPL) enables eligible parents (including same sex) to choose how to share the care of their child during the first year following birth or placement for adoption. It applies to parents of babies due to be born/children placed for adoption via an adoption agency, on or after 5 April 2015.

SPL can only be used by up to two people in relation to each child:

- The mother/adopter of the child and
- One of the following:
  - the biological father of the child or
  - the person who, at the time of the birth, is married to, or the civil partner or partner (including a same sex partner) of the mother. A partner is defined as a person who lives with the mother and the child in an enduring family relationship but is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

BCC does not provide an occupational shared parental pay scheme for employees; any statutory pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year. Therefore, members who are eligible for shared parental leave will receive the statutory amount (which as of April 2020 is £151.20 per week for statutory maternity and paternity pay), or at 90% of the SRA, if this figure is lower than the Government's set weekly rate, for the 39 weeks statutory maternity leave available. The remaining 13 weeks of shared parental leave are unpaid.

## Summary

Each case must be brought to a private session of CBM for the necessary dispensation. Prior to this, eligibility for parental leave and/or allowances will be verified with Member Services. The scheme shall be updated in lines with any changes to the employee scheme.

If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of party group position, the party group) the replacement will be entitled to receive an SRA.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.

## Appendix 1: Members' Allowances Rates (May 2020)

### **BASIC ALLOWANCE** (per annum unless otherwise stated)

	<b>£</b>
Baseline per Day Rate	147.34
Basic Allowance	17,954.00
Time Element	17,238.78
Additional Expenses Element	715.00

### **SPECIAL RESPONSIBILITY ALLOWANCE** (per annum unless otherwise stated)

Baseline per week (£1,228.23 discounted by 15%)	1044.00
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### **STRATEGIC LEADERSHIP**

Leader of the Council (rounded up)	54,288.00
Deputy Leader of the Council	43,430.00

### **STRATEGIC SHARED RESPONSIBILITY**

Cabinet Member	27,144.00
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### **RESPONSIBILITY FOR CHAIRING KEY REGULATORY, OVERVIEW & SCRUTINY COMMITTEES**

Chair of the Planning Committee	16,286.00
Chair of Licensing & Public Protection Committee	16,286.00
Leader of the Largest Qualifying Opposition Group	16,286.00
Chair of an Overview & Scrutiny Committee	13,572.00

### **OTHER ROLES WITH SPECIAL RESPONSIBILITY**

Deputy Leader of the Largest Qualifying Group	9,229.00
Chair of the Audit Committee	5,429.00
Chair of the Trust and Charities Committee	5,429.00
Chairs of the Licensing Sub Committees	5,429.00
Leader of Other Qualifying Opposition Groups	7,600.00
Deputy Leader of Other Qualifying Opposition Groups	3,800.00
Lead Opposition Spokesperson (Shadow Cabinet)	5,429.00
Political Group Secretaries	3,800.00

*(A Qualifying Opposition Group is one with a minimum of 6 Members)*

### **CO-OPTEE ALLOWANCES** (per annum)

Chair of the Standards Committee	1,061.00
Member of an Overview & Scrutiny Committee	882.00
Member of the Standards Committee	590.00

### **CARERS' ALLOWANCES**

Independent care – hourly rate	9.30
Professional care with supporting documentation – hourly rate	9.87

## **TRAVEL EXPENSES AND SUBSISTENCE ALLOWANCES**

Car, Motorcycle and Bicycle Allowance Rates are set in line with those paid to officers of the authority.

Subsistence Allowances are set in line with those paid to officers of the authority or the inflation factor in the council's budget.

### ***Car Mileage Rates***

First 10,000 business miles in tax year	45p per mile
Each business mile over 10,000 in tax year	25p per mile
Supplement for official passenger	5p per mile

If car mileage is claimed for travel outside the West Midlands area, the payment will be the lesser of the value of the actual mileage claimed or the peak time standard rail fare.

### ***Motorcycle Mileage Rates***

24p per mile

### ***Bicycle Mileage Rates***

20p per mile

### ***Other Travel Expenses***

Rail Travel (supporting receipt required)	Standard Class Fare
Taxi, Tube and Bus Fares, Car Parking, Toll Charges (supporting receipts if possible)	Actual Cost

If a travel pass is provided by the Council the recipient must make a contribution of 40% towards the total cost met by the Council. The recipient also forgoes the right to claim for travel allowances or expenses for duties undertaken in the area covered by the pass or to make use of transport services provided directly by the Council, unless the relevant travel service is not available, or there are health and safety reasons.

### ***Subsistence (excluding VAT)***

£

(With effect from 1 July 2017 - only payable after 24 hours)

Breakfast	4.48
Lunch	6.17
Tea	2.43
Evening Meal	7.64