Birmingham City Council
Members Allowances Scheme

[Scheme from 22 May 2012]

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 12 June 2012.

The Scheme was agreed after consideration of the recommendations contained in the Supplementary Report received from an Independent Remuneration Panel established in accordance with The Local Authorities (Members' Allowances) Regulations 2003.

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.

2.7 Withholding of Allowance

Subject to a resolution of the Standards Committee or a decision of the Adjudication Panel for England, Basic Allowance may be withheld in whole or in part where a Councillor is suspended or partially suspended in accordance with Part III of the Local Government Act 2000.

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

Executive Member for Local Services (Chairman of a District Committee)

Chairman of an Overview & Scrutiny Committee.

Chairman of the Planning Committee

Chairman of the Licensing & Public Protection Committee

Chairman of the Employment & HR 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 from 1st April.

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 the Chairman of a District Committee, from appointment at the first meeting of the District Committee.

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, Employment & HR Committee, 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.

3.10 Withholding of Allowance

Subject to a resolution of the Standards Committee or a decision of the Adjudication Panel for England, Special Responsibility Allowance may be withheld in whole or in part where a Councillor is suspended or partially suspended in accordance with Part III of the Local Government Act 2000.

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 dependants 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 minimum 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 as from 1 April in line with the changes in the minimum 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 January must be made by the end of 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 7.4.
- 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. PENSIONS

5.1 Access

All Councillors will have the option to join the Local Government Pension Scheme.

5.2 Eligible Remuneration

Basic and Special Responsibility Allowances will qualify as eligible remuneration for the purpose of pension contributions.

6 CO-OPTEE ALLOWANCE

6.1 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.

6.2 Allowance Rate

The rate is revised each year from 1st April.

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

6.3 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.

6.4 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.

6.5 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.

6.6 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.

6.7 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.

6.8 Withholding of Allowance

Subject to a resolution of the Standards Committee or a decision of the Adjudication Panel for England, Co-opted Allowance may be withheld in whole or in part where a Co-opted Member is suspended or partially suspended in accordance with Part III of the Local Government Act 2000.

7. TRAVEL ALLOWANCES AND EXPENSES

7.1 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.

7.2 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.

7.3 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.

7.4. 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
- District and Ward Committee Chairmen and Vice Chairmen with the respective Cabinet Member.
- Certain collective meetings related to governance arrangements such as Executive Management Team.

District and Ward Role

- Attendance at District and Ward committee 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.
- District and Ward Committee Chairmen can claim one pre-agenda meeting per scheduled District or Ward Committee 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.

7.5 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 in January must be made by the end of 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.

7.6 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
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7.7 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 7.9] for attendance at an advice bureau where there is an upper limit of 4 per calendar month on such duties.

7.8 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.

7.9 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 7.4]. 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.

Executive Car Service.
An Executive Car Service is available upon request, to Executive Members in connection with their approved 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 [other than the standard Chauffeur Service] 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.

7.9 Withholding of Allowances and/or Access to Transport

Subject to a resolution of the Standards Committee or a decision of the Adjudication Panel for England, entitlement to claim Travel Allowances or Expenses or to have access to transport services provided direct by the Council may be withheld in whole or in part where a Councillor or Co-opted Member is suspended or partially suspended in accordance with Part III of the Local Government Act 2000.

8. SUBSISTENCE ALLOWANCES AND EXPENSES

8.1 Basis for Payment

Councillors and Co-opted Members can claim for reasonable day or overnight 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.

8.2 Subsistence Expenses

The following expenses may be claimed.

Day 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.

Overnight Subsistence - The reasonable cost of overnight accommodation and minor associated out of pocket expenses will be reimbursed subject to the provision of supporting receipts. The validity of the claim will be based on the location of the stay and benchmark overnight subsistence allowances previously approved by the Secretary of State. The current rates for these benchmark overnight subsistence allowances are shown in the Appendix to the Scheme.

8.3 Annual Review

The rates for Day and Overnight Subsistence Allowances will be revised each year from 1st April.

For Day Subsistence Allowances in line with the rates paid to officers in the authority or the inflation factor in the council's budget.

8.4 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 in January must be made by the end of 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.

8.5 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

8.6 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.

8.7 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.

8.8 Withholding of Allowances

Subject to a resolution of the Standards Committee or a decision of the Adjudication Panel for England, entitlement to claim Subsistence Expenses may be withheld in whole or in part where a Councillor or Co-opted Member is suspended or partially suspended in accordance with Part III of the Local Government Act 2000.

APPENDIX

MEMBERS ALLOWANCE RATES [from 22 May 2012]

BASIC ALLOWANCE [per annum unless otherwise stated]

	£
Baseline per Day Rate	**132.93**
Basic Allowance	**16,267.00**
Time Element	15,552.00
Additional Expenses Element	715.00

SPECIAL RESPONSIBILITY ALLOWANCE [per annum unless otherwise stated]

	£
Baseline per Week Rate	**968.32**

The Executive [Leader and Cabinet]

Leader of the Council	50,352.00
Deputy Leader of the Council	37,764.00
Cabinet Member	28,197.00

Local Executive

Executive Member for Local Services [Chairman of a District Committee]	10,574.00

Overview and Scrutiny Committees

Chairman of an Overview & Scrutiny Committee	12,689.00

Regulatory Committees

Chairman of the Planning Committee	14,803.00
Chairman of the Licensing & Public Protection Committee	14,803.00

Other Committees

Chairman of the Employment & HR Committee	14,803.00
Chairman of the Audit Committee	5,659.00
Chairman of the Trusts and Charities Committee	5,659.00

Opposition Groups

Leader of the Largest Qualifying Opposition Group *	12,689.00
Deputy Leader of the Largest Qualifying Opposition Group *	6,545.00
Lead Opposition Spokespersons (Shadow Cabinet Member)	2,618.00
Leader of Other Qualifying Opposition Group *	5,287.00
Deputy Leader of Other Qualifying Opposition Group *	2,115.00

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

Group Secretaries

Political Group Secretaries	2,179.00

CO-OPTEE ALLOWANCE [per annum]

	£
Chair of the Standards Committee	1,000.00
Member of an Overview & Scrutiny Committee	831.00
Member of the Standards Committee	557.00

CARERS' ALLOWANCES

	£
Independent care - hourly rate of	6.19
Professional care with supporting documentation - hourly rate of	7.62

TRAVEL ALLOWANCES AND SUBSISTENCE EXPENSES

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

The benchmark rates for Day and Overnight Subsistence Allowances are in line with those paid to officers of the authority or the inflation factor in the council's budget.

TRAVEL ALLOWANCES AND EXPENSES

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, 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 direct by the Council [other than the standard Chauffeur Service] unless the relevant travel service is not available.

SUBSISTENCE ALLOWANCES AND EXPENSES **[supporting receipts required]**

Benchmark Day Subsistence [excluding VAT]	**£**
Breakfast	4.48
Lunch	6.17
Tea	2.43
Evening Meal	7.64

Benchmark Overnight Subsistence [excluding VAT]	**£**
In London	97.09
Other than in London	85.13

The reasonable cost of meals taken, overnight accommodation and minor associated out of pocket expenses will be reimbursed subject to the provision of supporting receipts. The validity of claims made will be judged against where the meal was taken or where the stay occurred, the total time spent on the duty and the relevant benchmark subsistence value.