

**Councillor Allowances Scheme (updated for 2018/19)**

**1. Introduction**

- 1.1 This Councillors' Allowances Scheme was made by the Council on 31 January 2018, 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 Guidance on Consolidated Regulations for Local Authority Allowances issued by the Office of the Deputy Prime Minister and the Inland Revenue in July 2003.

In January 2018, the Council established its own Independent Remuneration Panel under the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Council has had regard to the recommendations of the Panel in approving the levels of allowances set out in this scheme.

- 1.2 A copy of the Panel's report is available from Democratic Services, Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH. Telephone: 01902 550320 and on the Council's website.

1.3 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.

"Regulatory or other Committee" means, in accordance with the Council's Constitution, Committees, Sub-Committee or Panels comprising Councillors or other persons established to deal with functions which are neither reserved to the Council nor are Cabinet functions.

- 1.4 Sections 2 to 16 of this Scheme describe the types of allowances which may be paid to Councillors and the arrangements for administering the Scheme.
- 1.5 Section 17 contains a Schedule of Allowances approved by the Council for 2014/15. The Schedule will be re-issued annually when the annual adjustment has been made and at any time when the Scheme is amended.

**2. Basic Allowance**

- 2.1 This is a basic, flat rate allowance payable to all Councillors. The allowance is the same for each Councillor and is paid in instalments through the year.
- 2.2 Where the term of office of a Councillor begins or ends otherwise than at the beginning (1 April) or end of a year (i.e. 31 March), his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the

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same proportion as the number of days during which his/her term of office as Councillor bears to the number of days in that year.

- 2.3 Basic allowance is intended to recognise the time commitment of all Councillors, including such inevitable calls on their time as meetings with employees and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the cost of telephone rental and calls and home office expenses such as postage, stationary and the use of their homes.

### **3. Special Responsibility Allowance**

- 3.1 Special Responsibility Allowances (SRAs) may be paid to those Councillors 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 Councillors holding the following posts:-

- Leader
- Deputy Leader
- Leader of the Main Opposition Group
- Deputy Leader of the Main Opposition Group
- Cabinet Member
- Chair – Scrutiny Board
- Chair – Scrutiny Panel
- Chair – Planning Committee
- Chair – Licensing Committee
- Chair – Pensions Committee
- Chair – Audit Committee

- Vice-Chair – Scrutiny Board and Panels
- Vice-Chair – Planning Committee
- Vice-Chair – Licensing Committee
- Vice-Chair – Pensions Committee
- Vice-Chair – Audit Committee

- Leader of a Minority Opposition Group \*
- Councillor Champions

“Special Responsibility Allowance for the Leader of a Minority Opposition Group to be paid only if a Minority Opposition Group comprises five or more Councillors”

- 3.3 Where a Councillor undertakes duties which would entitle him/her to more than one Special Responsibility Allowance under this Scheme then he/she shall receive only the higher allowance.
- 3.4 Where a Councillor 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 of such part of the SRA as bears to the whole the same proportion

as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

**4. Dependants' Carers' Allowance**

- 4.1 A dependants' carers' allowance is payable to those Councillors who incur expenditure for the care of their children or other dependants whilst undertaking particular duties. These duties are specified in the Regulations and are as follows:
- a. attendance at a meeting of the Cabinet or of a Committee of the Cabinet (i.e. the Cabinet or a Cabinet Panel)
  - b. attendance at a meeting of the Full Council or any Regulatory or other Committee (i.e. a Committee or Sub-Committee or Panel of the Council)
  - c. attendance at a meeting of some other body to which the Council make appointments or nominations, including attendance at a meeting of a Committee or Sub-Committee of the body and for the avoidance of doubt shall include attendance at a meeting of the West Midlands Combined Authority
  - d. attendance at a meeting which has both been authorised by the Council, or a Regulatory or other Committee of the Council or a Joint Committee of the Council and one or more other authorities, or a Sub-Committee of a Joint Committee and to which representatives of more than one political group have been invited
  - e. attendance at a meeting of a local authority association of which the Council is a member
  - f. duties undertaken on behalf of the Council in pursuance of any standing order (Contracts Procedure Rules) requiring a Councillor or Councillors to be present while tender documents are opened
  - g. duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises
  - h. duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)
  - i. any other duty approved by the Council in connection with discharging the duties of the Council or its Regulatory or other Committees (i.e. Committees or Sub-Committees).

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- 4.2 The amount of the dependants' carers' allowances payable in respect of the duties listed above will be the reasonable actual costs incurred up to a total annual maximum amount of 10% of the basic allowance.

### **5. Travelling and Subsistence Allowance**

- 5.1 Travel and subsistence allowance is payable in connection with undertaking duties specified by the Council. The duties specified are those set out in section 4.1 of this Scheme.

- 5.2 Travel and subsistence within the West Midlands County area

No separate amount will be payable for travel and subsistence. The basic allowance will be deemed to include an element for travel and subsistence.

- 5.3 Travel and subsistence outside the West Midlands County area

Councillors required to travel outside the West Midlands County area in connection with the duties specified in section 4.1 of this Scheme are encouraged to travel by public transport. The costs of such travel if incurred directly by the Councillor will be reimbursed. Alternatively, the Council will obtain and pay for travel warrants or tickets etc. for use by the Councillor.

Where it is not possible to use public transport, mileage rates applicable to Council employees, equivalent to the cost of standard class rail fare, will be reimbursed. All claims for mileage should be accompanied by a VAT receipt.

Where Councillors are unable to take main meals i.e. breakfast, lunch and dinner, in their normal place then the reasonable costs of purchasing a meal and beverage or appropriate refreshment will be reimbursed.

Councillors must obtain receipts when paying for transport and meals/refreshments. In the case of alcoholic drinks, only expenditure for reasonable refreshment or business purposes will be reimbursed.

- 5.4 Councillors who are required to return to Wolverhampton to attend Council meetings or attend to other Council business while away from home on personal business or in connection with their employment will not normally be reimbursed any travel or subsistence costs by the Council. In exceptional personal, compassionate or other mitigating circumstances, the reimbursement of such travel costs will be considered by the Director of Governance and Section 151 Officer following consultation with the Political Group Leaders.

### **6. Co-opted Members and Independent Person's Allowance**

- 6.1 The Council has determined not to pay any allowance to co-opted Members or Independent Persons (i.e. a person who, not being an elected Councillor, has been appointed to membership of a Regulatory or other Committee of the Council) or persons or representatives of external organisations (i.e. a person

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who, not being a Councillor, has been invited to attend a Regulatory or other Committee of the Council) in respect of attendance at meetings.

- 6.2 Co-optees and persons or representatives of external organisations will be entitled to travel and subsistence allowance.
- 6.3 Travel and subsistence within the West Midlands County area – co-optees and persons or representatives of external organisations will be paid on the same basis as that applying immediately before the coming into operation of this Scheme.
- 6.4 Travel and subsistence outside the West Midlands County area – co-optees and persons or representatives of external organisations will be paid allowances on the same basis as Councillors as set out in section 5.3 of this Scheme.

### **7. Withholding Allowances**

- 7.1 If a Councillor has been suspended from membership of the Council then his/her basic allowance, any SRA and all travel and subsistence allowances will be withheld during the period of suspension. If a Councillor has been partially suspended e.g. prevented from exercising particular functions or having particular responsibilities, then his/her basic allowance will not be withheld but travel and subsistence allowances and any SRA related to the suspended duties and responsibilities will be withheld.
- 7.2 Where payment of any allowance has already been made in respect of any period during which the Councillor concerned has been suspended or ceased to be a Councillor or is in any other way not entitled to receive the allowance in respect of that period, then any such allowances will be repaid by the Councillor.

**Note:** References to suspension and partial suspension refer to the provisions of Part III of the Local Government Act 2000 and any Regulations made thereunder.

### **8. Forgoing of Allowances**

- 8.1 A Councillor may forgo all or any part of any allowances to which he/she is entitled under this Scheme. Notice in writing must be given by the Councillor to the Monitoring Officer.

### **9. Backdating of Allowances**

- 9.1 If this Scheme is amended and any amendment is made which affects an allowance payable for the year in which the amendment is made then the entitlement to such allowance as amended may apply (if the Council so determines) with effect from the beginning of the year in which the amendment is made.

**10. Annual Adjustments of Allowance Levels**

- 10.1 Basic and Special Responsibility Allowances for the municipal year commencing 4 June 2014 will be paid as set out in the Schedule to this Scheme.

**11. Tax and National Insurance Treatment of Councillors' Allowances**

- 11.1 For tax and national insurance purposes Councillors and non-Councillors are 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 Councillors who should also contact their tax office for advice as necessary.

**12. Amendments and Revocation of the Scheme**

- 12.1 Before the beginning of each year the Council will make a Scheme as required by the Regulations for the payment of allowances in respect of the year.
- 12.2 The Scheme may be amended at any time but may only be revoked with effect from the beginning of a year.

**13. Claims and Payment**

- 13.1 Claims for dependants' carers' allowance, travelling and subsistence allowances must be claimed within one month of the date on which entitlement to the allowance arose.
- 13.2 Unless otherwise agreed payment of basic allowance and SRA's will be made monthly in advance.

**14. Records of Allowances**

- 14.1 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.
- 14.2 As soon as reasonably practicable after the end of a year to which the Scheme relates the Council will publish details in accordance with the Regulations of allowances paid.

**15. Publicity**

- 15.1 The Council will as soon as reasonably practicable after the making of this Scheme or any amendment thereto make arrangements for publication as required by the Regulations.

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### 16. Schedule of Basic and Special Responsibility Allowances

Basic Allowance (All Councillors) – £9793.00

Description	From 07.05.18
<b>Special Responsibility Allowance (SRA)</b>	
Leader	25,000
Deputy Leader	20,000
Leader of the Main Opposition Group	15,000
Deputy Leader of the Main Opposition Group	2,500
Cabinet Member	15,000
Chair – Scrutiny Board	15,000
Chair – Scrutiny Panel	10,000
Chair – Planning Committee	15,000
Chair – Licensing Committee	15,000
Chair – Audit Committee	10,000
Chair – Pensions Committee	10,000
Vice-Chair – Scrutiny Board and Panels	2,500
Vice-Chair – Planning Committee	5,000
Vice-Chair – Licensing Committee	5,000
Vice-Chair – Audit Committee	2,500
Vice-Chair – Pensions Committee	2,500
Councillor Champion	2,500
Ceremonial Mayor (inclusive of £2,500 clothing allowance)	20,000
Ceremonial Deputy Mayor (inclusive of £1,250 clothing allowance)	5,000

(Note: Where a Councillor undertakes duties, which entitle him/her to more than one SRA under the Scheme, he/she will receive only the higher allowance. However, he/she will still be entitled to the mayoral clothing allowance if they qualify for the Ceremonial Mayor or Deputy Mayor SRA.)