

# **PART 6**

## **MEMBERS' ALLOWANCES SCHEME**

## **Members' Allowances Scheme**

The Walsall Metropolitan Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 made under the Local Government and Housing Act 1989 and the Local Government Act 2000 hereby make this Scheme:

- 1.1 This scheme may be cited as "The Walsall Metropolitan Borough Council Members' Allowances Scheme" and shall have effect from 11th April 2017.
- 1.2 The existing Members' Allowances Scheme is revoked upon the coming into effect of this scheme.
- 1.3 This scheme may be amended at any time but may only be revoked with effect from the beginning of a year.

### **2. In this Scheme:**

"Councillor" means a Member of the Walsall Metropolitan Borough Council;

"Year" means the 12 months ending 31st March;

"Yearly Allowance" is the allowance due for the year within which the term of office of the Councillor falls.

### **3. Basic Allowance**

Subject to the provisions of this scheme, for each year a basic allowance as detailed in Schedule 1 shall be paid to each Councillor, this allowance includes the cost of telephones and travel and subsistence in the borough of Walsall.

### **4. Special Responsibility Allowances**

- 4.1 For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this Scheme.
- 4.2 Subject to the provisions of this scheme, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
- 4.3 When a Councillor takes on special responsibilities which would entitle that Councillor to the payment of more than one special responsibility allowance from the Council, the Councillor will be entitled to receive only one special responsibility allowance per year. The Councillor will be entitled to receive the higher allowance for which he/she qualifies.

## **5. Carers' Allowance**

- 5.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, allowances shall be paid in respect of such expenses of arranging for the care of members' children or dependants as are necessarily incurred in the attendance at any meeting of a type specified in the Regulations and set out in Schedule 2 to this Scheme or the Performance of any duty specified in the Regulations and set out in Schedule 2 to this Scheme.
- 5.2 That where any elected Member is required to pay a carer in order to attend official Council business, the reasonable actual costs of that care should be reimbursed up to a total annual maximum amount of £1100.
- 5.3 Payments can be made for the care of dependants including children, elderly persons or those with some form of disability.
- 5.4 Councillors may claim for care provided by relatives and others provided they do not live in the family home.

## **6. Travelling and Subsistence Allowance**

### **6.1 Travelling and subsistence within the West Midlands County Area.**

The cost of travel and subsistence within the West Midlands County area on official Council business shall be deemed to be included within the Basic Allowance and no further allowance shall be payable.

### **6.2 Travel and subsistence outside West Midlands County Area**

- (i) That for all travel members should be encouraged to travel by public transport, the costs of which should be reimbursed or paid directly.
- (ii) That where public transport is not available or possible, the mileage rates applicable for travel by officers should be used.
- (iii) That where members are unable to take main meals in their normal place, the subsistence rates applicable for officers should be used.

## **7. Telephone Allowance**

The cost of any charges related to the provision of a telephone by a Councillor, including call charges, incurred on Council related business shall be deemed to be included in the basic allowance. The cost of broadband connection can only be recoverable as an expense if it is a standalone expense and not a collateral contract forming a "free" additional package.

## **8. Co-optees' Allowances**

No allowances shall be paid to co-optees on any of the Council's committees other than reimbursement of travel and subsistence expenses.

## **9. Renunciation**

A Councillor may by giving notice in writing to the Chief Executive elect to forego any part of his/her entitlement to an allowance under this Scheme.

## **10. Part-year entitlement**

10.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to the basic or special responsibility allowance where, in the course of a year, this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

### **10.2 Amendment of amount of allowances**

If any amendment to this scheme changes the amount to which a Councillor is entitled, during the year, by way of basic an/or special responsibility allowance then the amount of the amended allowance each Councillor shall be entitled to, shall be in direct proportion to the number of days remaining in the year and the amended yearly allowance. Such entitlement commencing upon the date of the amendment coming into effect. Entitlement to allowances due prior to the amendment is in direct proportion to the number of days from the beginning of the year, in which the scheme was amended, up to the date immediately prior to the amendment coming into effect and the amount payable for that year to amendment.

### **10.3 Amendment to special responsibilities eligible for allowance**

If an amendment to this scheme changes the duties specified as eligible for special allowance which are approved from time to time for payment of an allowance; then the entitlement to allowance shall commence when the duty is carried out. The amount to which each Councillor is entitled is in direct proportion to the number of days remaining in the year, commencing upon the date when the duty is first carried out and the amended yearly allowance.

### **10.4 Amendment to term of office – basic allowance**

Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of the year, the entitlement of that Councillor to a basic allowance shall be in direct proportion either to the number of days from the beginning of the year, to the date when the Councillor's term of office ends, or from the date when the term of office began to the end of the year; and the yearly allowance.

## **10.5 Changes in period of special responsibility**

Where a Councillor has special responsibilities during part of but, not throughout a year that entitles him/her to a special responsibility allowance, then that Councillor's entitlement shall be limited to payment of such part of that allowance in direct proportion as to the number of days during which the Councillor has such responsibility bears to the number of days in that year. Where a Councillor's special responsibility straddles two different rates of allowance the Councillor's entitlement shall be in direct proportion to the number of days the special responsibility was/is performed and the allowance to that period of the year.

## **11. Payments**

Payment of allowances shall be made in instalments of one-twelfth of the amount specified in the Scheme on the 28th day of each month or the nearest preceding working day. Payment will be by the Bacs system to the Councillor's nominated account. Where a payment of one-twelfth of the amount specified in this scheme would result in a Councillor receiving more than the amount to which he or she is entitled by virtue of paragraphs 3 and 4, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

## **12. Record of allowances**

12.1 A record of all payments made in accordance with this scheme will be maintained by the Head of Payroll and Pension.

12.2 The record will:-

- (a) specify the name of the recipient of the payment and the amount and nature of each payment;
- (b) be available at all reasonable times for inspection free of charge by any local government elector for the area of the Borough Council;
- (c) be supplied in copy to any person who requests such a copy and who pays to the Council such reasonable fee as it may determine.

## **13. Inflation increases**

The criterion for the annual updating of members' allowances should be the NJC officers award, except when Council staff agree to a lower percentage rise, freeze or reduction, in which case that figure should be applied equally to members allowances.

## **14. Membership of more than one authority**

Where a Councillor is also a member of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.

**15. Parental Leave Policy**

Council approved a Parental Leave Policy which is set out in Schedule 3.

## SCHEDULE 1

(a)	<b>Basic Allowance</b>	£13,128
(b)	<b>Special Responsibility Allowances:</b>	
	Leader of the Council	£36,647
	Deputy Leader of the Council:	£22,269
	*Other Group Leaders:	£12,270
	Cabinet members	£18,461
	<b>Regulatory Committees Chairs:</b>	
	Audit Committee	£9,404
	Personnel Committee	£5,882
	Planning Committee	£11,651
	Employment Appeals Subs	£5,662
	Licensing & Safety Committee	£11,092
	Taxi Licensing Sub-Committees	£5,882
	Standards Committee	£5,882
	Health and Wellbeing Board	£5,882
	Corporate Parenting Board	£5,882
	<b>Scrutiny Committee Chairs</b>	<b>£11,899</b>

\* The Group must hold a minimum of 6 seats or 10% whichever is greater of the Council membership.

## **SCHEDULE 2**

### **CARERS' ALLOWANCE**

- (a) The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of a committee or sub-committee of such a body;
- (b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of Section 270(1) of the Local Government Act 1972 or a sub-committee of such a joint committee, provided that members of at least two political groups have been invited;
- (c) The attendance at a meeting of any association of authorities of which the authority is a member;
- (d) The attendance at a meeting of the Cabinet or of any of its committees;
- (e) The performance of any duty in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purpose of Section 342 of the Education Act 1996 (approval of non-maintained Special Schools) and
- (h) The carrying out of any other duty approved by the authority, or any duty of a class so approved for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.



## **SCHEDULE 3**

### **Parental Leave Policy for Councillors**

#### **1. Aim of the Policy**

- 1.1 The objectives of this policy are:
- a. to ensure a supportive and non-discriminatory environment for councillors who have or are planning to have parental responsibilities;
  - b. to improve and retain a diversity of experience, age and background of councillors; and
  - c. to make public office more accessible to individuals who might otherwise feel excluded from it.
- 1.2 This policy sets out councillors' entitlements to Parental Leave (covering maternity, paternity, shared parental and adoption leave) and relevant allowances.
- 1.3 This policy has cross party support from all councillors.

#### **2. Leave entitlement**

- 2.1 Councillors, who are the designated carer, are entitled to up to 6 months parental leave from the due date, with the option to extend up to 52 weeks by agreement if required (see para 2.8).
- 2.2 A Councillor who adopts a child through an approved adoption agency shall be entitled to take up to 6months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required. For the purposes of this policy, surrogacy will fall under the definition of adoption and the Policy shall be applicable if a Councillor has applied for or be intending to apply for a Parental Order in relation to the child, in which case they shall be entitled to take up to 6-months leave with the option to extend up to 52 weeks by agreement if required.
- 2.3 In addition, where the birth is premature, the councillor is entitled to take leave during the period between the date of the birth and the due date. This is in addition to the 6 months' period as referred to in paragraph 2.1. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 2.4 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement (see para 2.6), and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 2.5 A councillor who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council. In circumstances where no Shared Parental Leave arrangements are available the Council will consider an alternative pattern of leave.

- 2.6 Where both parents are councillors leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 52 weeks. Special and/or? exceptional arrangements may be made in cases of prematurity.
- 2.7 Any councillor who takes parental leave is still subject to the legal duty under the Local s85 Government Act 1972 to attend a meeting of the Council within a six month period unless there is agreement by Council to an extended leave of absence prior to the expiration of that six month period. In addition any councillor on leave is still subject to the provisions of the Councillor Code of Conduct.
- 2.8 Any councillor intending to take parental leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 2.9 Any councillor taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
- 2.10 Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.
- 2.11 If a Councillor wishes to have a keeping in touch day or attend a meeting (KIT day) then they should notify their Group Leader, although this will not affect any calculation of the leave periods or be taken into account for an extended leave period.

### **3. Basic Allowance and Special Responsibility Allowances (SRAs) During Parental Leave**

- 3.1 All councillors shall continue to receive their Basic Allowance in full whilst on parental leave.
- 3.2 Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full whilst on parental leave.
- 3.3 If a councillor holds a position that attracts a SRA it may be necessary to appoint a replacement. Where a replacement is appointed to cover the period of absence that replacement person shall receive a SRA on a pro rata basis for the period of the temporary appointment.
- 3.4 The payment of SRA, whether to the primary holder or the replacement, during a period of parental leave shall continue for a period of;
- a: six months; or
  - b: until the date of the next Annual Meeting of the Council; or
  - c: the Leader's decision on Cabinet appointments; or

d: until the date when the councillor taking leave is up for election whichever is soonest.

At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

- 3.5 Should a councillor appointed to cover for a councillor on parental leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply.
- 3.6 Unless the councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or by the Leader's removing them from their Cabinet appointment, or if the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

#### **4. Resigning from office and elections**

- 4.1 If a councillor decides not to return at the end of their parental leave they must notify the council at the earliest opportunity. If they resign they must notify the proper officer of the council in writing of their resignation. All allowances will cease from the effective date of resignation.
- 4.2. If an election is held during the Councillor's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their allowances will cease from the 4th day after the ordinary day of election when they would legally vacate office.

#### **5. Ward Duties**

- 5.1 Councillors who take parental leave will be able to nominate another councillor to deal with local issues in their Ward, in consultation where applicable with the relevant Group Leader. It will be the responsibility of the councillor and Group Leader to hold discussions with their preferred nomination to arrange this.
- 5.2 Where a councillor has limited alternatives to nominate due to low political representation, the Leader will decide with the member the most appropriate way in which their ward duties can be covered.
- 5.3 Councillors are responsible for putting an out of office message redirecting queries to a designated councillor. However, if they still wish to respond to emails/correspondence whilst taking parental leave, they are at liberty to undertake this activity.
- 5.4 Democratic Services will provide help and advice where appropriate and arrange for officers in service areas to respond to enquiries.

## **6. Parental Bereavement Leave (miscarriage or still birth)**

- 6.1 The council's policy for employees is extended to councillors.
- 6.2 Parental bereavement leave will be granted to parents or primary carers following the death of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. Primary carers include adopters, foster parents and guardians as well as close relatives or family friends who have taken responsibility for the child's care in the absence of parents.
- 6.3 Parents or primary carers will be entitled to two weeks' leave.
- 6.4 Leave can either be taken in one block of two weeks or in two separate blocks of one week (but not as individual days), and can be taken within a 56 week period from the date of the child's death.
- 6.5 Leave can be taken without prior notice in the initial period (within 56 days of the child's death). Where leave is to be taken after the initial 8 week period, a minimum of one weeks' notice should be given to the relevant Group Leader, where possible. There is no requirement to provide the council with a copy of the death certificate.