



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

To: All Members of the Council
and Chief Officers

ANNUAL COUNCIL MEETING

YOU ARE HEREBY SUMMONED to attend an Annual meeting of **NORTH DEVON COUNCIL** to be held in the Crematorium Meeting Room - North Devon Crematorium on **WEDNESDAY, 6TH APRIL, 2022 at 7.00 pm (approximately, immediately following the ordinary meeting of Council).**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. From the 7 May 2021, the law requires all councils to hold formal meetings in person. The council is also ensuring that all venues used are Covid secure and that all appropriate measures are put in place. There are a limited number of spaces available for members of the public to attend. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting [Taking part in meetings \(northdevon.gov.uk\)](https://www.northdevon.gov.uk))

A handwritten signature in black ink, appearing to read 'K. Miles', is written over a light blue horizontal line.

Chief Executive

AGENDA

1. Election of Chair of Council for 2022/23

The Chair will then take the Declaration of Acceptance of Office.

(NOTE: Article 5.8 of the Constitution states that "Neither the Chair of the Council nor the Vice-Chair shall be a Member of the Strategy and Resources Committee".)

2. Election of Vice-Chair of Council for 2022/23

The Vice-Chair will then take the Declaration of Acceptance of Office.

(NOTE: Article 5.8 of the Constitution states that "Neither the Chair of the Council nor the Vice-Chair shall be a Member of the Strategy and Resources Committee".)

3. Apologies for absence
4. Declarations of Interest
(NB. Members only need to re-declare any interests previously declared at Committee and Sub-Committee meetings if the item is discussed at Council).
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART A

6. **Appointment of Leader of the Council for 2022/23**
To consider the appointment of Leader of the Council for the 2022/23 municipal year.
7. **Appointment of Deputy Leader of the Council for 2022/23**
To consider the appointment of Deputy Leader of the Council for the 2022/23 municipal year.
8. **Appointment of Committees** (Pages 11 - 22)
Report by Chief Executive (attached).

It is RECOMMENDED:

- (a) Appointment of Committees and Joint Committees
“That the Council appoints Committees and Joint Committees each with the total number of voting Members and Group allocations as shown in Tables 1 and 2 for the 2022/23 municipal year with the terms of reference set out in the Council’s constitution.”
- (b) Appointment of Councillors to Committees and Joint Committees
“That, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees and Joint Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined at (a) above, as set out for the time being in Table 3 circulated at the meeting.”
- (c) Appointment of Chairs and Vice-Chairs to Committees and Joint Committees
“That the Council appoints Chairs and Vice-Chairs to the Committees and Joint Committees as set out in Table 4 circulated at the meeting for the 2022/23 municipal year.”

- (d) Appointments to the Local Government Association and South West Regional Chamber

“That the Council appoints Members to the Local Government Association and South West Regional Chamber for the period 2022/23 as set out in Table 5 circulated at the meeting and that these appointments be approved duties.”

- (e) Appointments of Members to the Appointments Committee

“That alternative arrangements be made for the appointment of Members to the Appointments Committee in accordance with the powers set out in 3 Section 17 of the Local Government and Housing Act 1989 and the provisions of the Local Government (Committees and Political Groups) Regulations 1990 and that the alternative arrangements provide that the membership of the Appointments Committee be not politically balanced”.

- (f) Appointment of Members to the Joint Planning Policy Committee

“That alternative arrangements be made for the appointment of Members to the Joint Planning Policy Committee in accordance with the powers set out in 3 Section 17 of the Local Government and Housing Act 1989 and the provisions of the Local Government (Committees and Political Groups) Regulations 1990 and that the alternative arrangements provide that the membership of the Joint Planning Policy Committee be not politically balanced”.

9. **Scheme of Members Allowances 2022/23** (Pages 23 - 44)

Report by the Chief Executive (attached).

10. **Outside Bodies appointment - North Devon Against Domestic Abuse**

To consider appointing one Member to North Devon Against Domestic Abuse for the life of Council, following the resignation of Councillor Orange in June 2021.

11. **To determine the Scheme of Delegations for Full Council functions for the year 2022/23**

It is RECOMMENDED that the Scheme of Delegations (as amended) for the discharge of functions for the year 2022/23 as set out in Part 3 of the Constitution be DEFERRED for review by Governance Committee on 14 June 2022 before returning for ratification by full Council.

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

29.03.22

GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL

Part 4, Council Procedure Rules of the Constitution

The basics

At a meeting of Full Council, Members shall stand when speaking unless unable to do so and shall address the Chair.

While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

Unless notice of motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Speeches must be directed to the question under discussion or to be personal explanation or point of order.

A speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.

Speeches by other Members may not exceed 3 minutes without the consent of the Chair, unless when the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.

The rules of Question Time

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please sign in using the Track and Trace App and follow the signage and instructions in order to access the Meeting Rooms. Alternatively, dial 8253 for Corporate and Community Services if you have any problems.



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North Devon Council

Report to: Annual Council

Report Date: 6 April 2022

Topic: Appointment of Committees for 2022/23

Report by: Chief Executive

1. Each year annual Council is required to review the allocation of seats to political groups. This is a statutory requirement under the requirements of the Local Government (Committees and Political Groups) Regulations 1990 and the Local Government and Housing Act 1989.
2. Discussions have taken place between Group Leaders and the below Table 1 reflects an agreement reached as to how political balance should operate for the forthcoming year. This also complies as closely as possible with the principles set out in the above legislation.
3. It should be noted that the below also reflects an agreement between the Group Leaders that the Liberal Democrat group would drop a seat on the Planning Committee with the recommendation being that this seat is allocated to the Independent Group. This reflects the fact that the Liberal Democrat Group is not able to fill the seat itself.
4. A table showing the individual Councillors to serve on each Committee will be tabled at Full Council.



Table 1 - Politically Balanced Committees

	Number of Cllrs	Liberal Democrat	Conservative	Independent	Green Group	N D Independents
Building Control Joint Committee	2	1	1			
Governance Committee (see note below)	9	5	2	1		1
Harbour Board	4	2	1	1		
Licensing and Community Safety Committee	15	7	3	3	1	1
North Devon Crematorium Joint Committee	7	4	2	1		
Planning Committee	15	6	3	4	1	1
Policy Development Committee (see note below)	10	5	2	2		1
Strategy and Resources Committee (see note below)	11	5	2	2	1	1
Total	73	36	16	13	3	5

Notes on Table 1:

Seats have been allocated to political groups in accordance with the rules laid down in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

Governance Committee

- Cannot include Strategy and Resources Committee Members.

Strategy and Resources Committee:

- The Chair of this Committee shall be the Leader of the Council and membership will include all Group Leaders where political balance allows.

Policy Development Committee

- The Chair of the Committee may not be a Member of the Strategy and Resources Committee.

-
3. In addition 9 appointments are required to a Reserve List of members from which any substitutes required to sit on the Planning Committee shall be



drawn, provided that Council will ensure so far as is practicable that the composition of the Reserve List reflects the political balance on Full Council.

TABLE 2
Reserve list for Planning Committee substitutions

	Number of Cllrs	Liberal Democrat	Conservative	Independent	Green Group	N. D Independents
Planning	9	4	2	1	1	1

Table 3
Group Nominations
to Committees:

	Liberal Democrat	Conservative	Independent	Green Group	N D Independents
Building Control Joint Committee	<input type="radio"/>	<input type="radio"/>			
Governance Committee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>			
	<input type="radio"/>				
	<input type="radio"/>				
Harbour Board	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>				

Licensing and Community Safety Committee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>				
	<input type="radio"/>				
	<input type="radio"/>				
	<input type="radio"/>				

North Devon Crematorium Joint Committee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>	<input type="radio"/>			
	<input type="radio"/>				
	<input type="radio"/>				

Planning Committee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>		<input type="radio"/>		
	<input type="radio"/>				
	<input type="radio"/>				

Policy Development Committee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>				
	<input type="radio"/>				
	<input type="radio"/>				

Strategy and Resources Committee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	<input type="radio"/>				
	<input type="radio"/>				
	<input type="radio"/>				

Planning Committee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reserve List for substitutions	<input type="radio"/>	<input type="radio"/>			
	<input type="radio"/>				
	<input type="radio"/>				

4. Council must also appoint the following Chairs and Vice Chairs.

Table 4	Chair	Vice-Chair
Committee:		
Governance Committee		
Harbour Board		
Licensing and Community Safety Committee		
Planning Committee		
Policy Development Committee (see note below)		
Strategy and Resources Committee (see note below)		

Notes on Table 4:

Policy Development Committee

- The Chair of the Committee may not be a member of the Strategy and Resources Committee.

Strategy and Resources Committee

- The Chair shall be the Leader of the Council.

Building Control Joint Committee and North Devon Crematorium Joint Committee

- As these are Joint Committees with other Local Authorities, appointment of Chair and Vice Chair will be made at the first meeting of the Joint Committee.

5. Council can also appoint to the Local Government Association for 2022/23

Table 5	
Local Government Association:	
General Assembly (1 Councillor)	
South West Branch (1 Councillor)	
Coastal Issues Group (2 Councillors)	
District Council's Network Assembly (1 Councillor + Chief Executive)	Cllr and Substitute Councillor and Chief Executive

- 6. EQUALITIES ASSESSMENT
 - 6.1 There are not any equalities implications anticipated as a result of this report.
- 7. ENVIRONMENTAL ASSESSMENT
 - 7.1 There are no environmental implications arising from this report.
- 8. CORPORATE PRIORITIES
 - 8.1 What impact, positive or negative, does the subject of this report have on:
 - 8.1.1 The commercialisation agenda: None
 - 8.1.2 Improving customer focus and/or : None
 - 8.1.3 Regeneration or economic development: None



9. CONSTITUTIONAL CONTEXT

- 9.1 Part 2, Article 4, paragraph 4.5.6
- 9.2 Council power.

10. STATEMENT OF CONFIDENTIALITY

- 10.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

Author: Ken Miles/Bev Triggs

Date: 23 March 2022

Reference: T:\NEW Committee\Reports\Council\2022.04.06\2022.04.06 Appointments to Committees.docx

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North Devon Council

Report To: Annual Council

Report Date: 6 April 2022

Topic: Scheme of Members Allowances

Report by: Chief Executive

1. INTRODUCTION

- 1.1. Each year all local authorities are required to set a scheme of allowances for Councillors.
- 1.2. In accordance with the Local Authorities (Member Allowances) Regulations 2003, the Independent Remuneration Panel consisting of independent people has met and made recommendations on the scheme of allowances for Councillors.
- 1.3. This report recommends the adoption of a Scheme of Members Allowances for 2022/23.

2. RECOMMENDATIONS

- 2.1. That Council considers the adoption of the Scheme of Members Allowances for 2022/23 as shown in Appendix B and C
- 2.2. That following the approval of the 2022/23 pay award which will take place during 2022/23 between the Employers and Unions that the allowances agreed in paragraph 2.1 above be uplifted by the same agreed percentage and backdated to 1 April 2022.
- 2.3. That the Councillors Maternity, Paternity, Shared Parental and Adoption Leave Policy as shown in Appendix D be adopted.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To set Councillor allowances for 2022/23.
- 3.2. To agree a Maternity, Paternity, Shared Parental and Adoption Leave Policy for Councillors.

4. REPORT

- 4.1. The Local Authorities (Member Allowances) Regulations require an annual scheme of Councillors' allowances to be adopted that takes into account the advice of a panel of independent people (known as the Independent Remuneration Panel).
- 4.2. The Scheme of Allowances is required to be subject to a fundamental review every four years and the Panel is already planning to start this review in the Autumn of 2022 for recommendations to take effect from 2023/24.



- 4.3. In the years between a fundamental review, the Panel, if satisfied that the Scheme remains relevant and current, may undertake an annual “light touch” review.
- 4.4. The Panel has therefore undertaken an “light touch” review and considered:
 - 4.4.1. Whether they were still satisfied that the measure for inflationary uplift remained appropriate;
 - 4.4.2. A request from the Council to consider the introduction of a Parental Leave policy
- 4.5. Therefore, the Independent Remuneration Panel has met virtually on 8 March 2022 and a copy of the Panel’s report is attached as Appendix A. In accordance with the Local Authorities (Member Allowances) Regulations requires Council to take into account the advice of the panel.
- 4.6. Just prior to the Covid pandemic, one newly elected Councillor asked whether the Council had a Paternity Leave policy in place for Councillors. The Council does not currently have such a policy in place for Councillors, but has a policy in place for its employees. A number of Councils in the South West have now introduced or are planning to introduce Parental Leave policies. These include Devon County Council, Exeter City Council and Mid Devon District Council.
- 4.7. The Panel supported the introduction of a Parental Leave policy which they believe will help encourage democratic engagement. The Panel were keen to ensure there was no democratic deficit in any such policy and that the interests of constituents and the electorate were represented. The Panel has recommended a “Maternity, Paternity, Shared Parental and Adoption Leave Policy” which is contained in Appendix D of the report which follows the Policy introduced by Devon County Council.
- 4.8. The Panel is recommending the following:
 - 4.8.1. The Basic Allowance should be uprated annually on the basis of any headline percentage increase agreed by the National Joint Council (NJC) for Local Government as the pay award for staff on the national pay scale (Green Book).
 - 4.8.2. The Council introduces the Parental Leave Policy set out in Appendix D.
- 4.9. The pay offer to local authority staff for 2021/22 has now been agreed at 1.75% and Members allowances have been increased in line with the Panel’s recommendation (backdated to April 2021) and have been updated to reflect this increase as detailed in Appendix B. However, the pay offer to local authority staff for 2022/23 is yet to be determined and will be negotiated between the Employers and Unions during the year.



- 4.10. Appendix B details the Scheme of Allowances for 2022/23 and incorporates all recommendations of the Independent Remuneration Panel and includes the 1.75% increase incorporated for 2021/22.
- 4.11. Appendix C details the Councillors' Expenses Policy which forms part of the Scheme of Members Allowances. Only one minor change has been made to this policy regarding the deadline of the receipt of expenses claim forms.
5. RESOURCE IMPLICATIONS
 - 5.1. The impact on the revenue budget from the 2021-22 uprating of 1.75% on members allowances is a cost increase of £3,940.
 - 5.2. As outlined within the report, the 2022-23 uplift is dependent on the pay award negotiations which will take place in the new financial year, the Council has budgeted for a 2% estimated award within the overall budget. A 2% uprating on allowances for 2022-23 would result in a further cost increase of £5,190, however the actual impact will be dependent on the outcome of the pay award negotiations.
 - 5.3. The additional cost impacts within 5.1 and 5.2 can be contained within the current budgetary framework for 2021-22 and 2022-23 years.
6. EQUALITIES ASSESSMENT
 - 6.1. There are no equalities implications anticipated as a result of this report.
7. ENVIRONMENTAL ASSESSMENT
 - 7.1. There are no environmental implications arising from this report.
8. CORPORATE PRIORITIES
 - 8.1. What impact, positive or negative, does the subject of this report have on:
 - 8.1.1. The commercialisation agenda: None
 - 8.1.2. Improving customer focus and/or : None
 - 8.1.3. Regeneration or economic development: None
9. CONSTITUTIONAL CONTEXT
 - 9.1. Part 2, Article 4, Paragraph 4.5.8 of the Constitution
 - 9.2. Council function.
10. STATEMENT OF CONFIDENTIALITY
 - 10.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.
11. BACKGROUND PAPERS
 - 11.1. No reports that aren't in the public domain were used in the preparation of this report.



12. STATEMENT OF INTERNAL ADVICE

- 12.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Chief Executive, Director of Resources, Monitoring Officer, Accountancy Services Manager, Head of Governance and Head of Organisational Development.

NORTH DEVON COUNCIL: INDEPENDENT REMUNERATION PANEL

REPORT ON MEMBERS' ALLOWANCES 2022/23

Introduction

1. The Local Government Act 2000 requires local authorities to make a Scheme of Allowances over which they can exercise local discretion as to the amounts being paid. Local authorities must also establish and maintain an independent Panel to make recommendations. The composition of the Panel is:
 - Jeremy Filmer-Bennet: former Chief Executive, Devon & Cornwall Business Council
 - Bryony Houlden (Chair): Chief Executive of South West Councils
 - Graham Russell: former Head of Democratic Services with Bath and North East Somerset Council.

[Jeremy Filmer-Bennett and Bryony Houlden were agreed for reappointment to the Panel by the Council on 12th January 2022 and Graham Russell on 29th September 2021]
2. The Scheme of Allowances is required to be subject to a fundamental review every four years and the Panel is already planning to start this in the Autumn of 2022 for recommendations to take effect from 2023/24. In the years between fundamental review the Panel, if satisfied that the Scheme remains relevant and current, may undertake an annual 'light touch' review and this has taken place for the recommendations in this report.
3. The Panel met virtually on 8th March 2022 and subsequently agreed this Report via email. The Panel was once again grateful to Bev Triggs, Senior Corporate and Community Services Officer, for her support. The Panel was provided with the most recent 'light touch' Panel report and the full Report from 2019/20.
4. In this 'light touch' review the Panel considered:
 - i. Whether they were still satisfied that the measure for inflationary uplift remained appropriate;
 - ii. A request from the Council to consider the introduction of a Parental Leave policy
 - i. **Inflationary Uplift**
5. In the 2019 Report the Panel recommended: *in future years the Allowance should continue to be tied to any percentage increase agreed for NJC Local Government Staff.* The Panel confirmed that they remained of the view that this was appropriate in the 'light touch' review for Allowances in 2021/22 when they also clarified that this meant the award for Green Book staff.

6. The Panel is of the view that this remains the most appropriate inflationary uplift measure, giving parity between the increase for staff and Councillor which is seen as particularly important at a time of severe budgetary pressures.

RECOMMENDATION 1: The Basic Allowance should be updated annually on the basis of any headline percentage increase agreed by the National Joint Council (NJC) for Local Government as the pay award for staff on the national pay scale (Green Book).

ii. Parental Leave

7. The Panel were invited to consider the introduction of a Parental Leave policy for the Council. A number of Councils in the South West have now introduced or are planning to introduce Parental Leave policies. These include Devon County Council, Exeter City Council and Mid Devon Council.
8. In developing a policy there has been work and advice from the Local Government Association (LGA) Labour Women's Taskforce in drafting a model policy and in 2019 Councils were sent a letter from the Right Hon. Brandon Lewis MP (then Chair of the Conservative Party) encouraging them to introduce parental leave for elected members.
9. The Panel supported the introduction of a Parental Leave policy which they believe will help encourage democratic engagement. The Panel were keen to ensure there was no democratic deficit in any such policy and that the interests of constituents and the electorate were represented. This is therefore reflected in the Policy. The Policy at Appendix 1 follows the Policy introduced by Devon County Council.

RECOMMENDATION 2: The Council introduces the Parental Leave Policy set out in Appendix 1.

FUNDAMENTAL REVIEW

10. The Panel is proposing to start a Fundamental Review of the Allowances Scheme in the autumn of 2022. They would welcome thoughts from Members about any issues that they wish to be considered. The Panel is likely to issue a questionnaire and invite some Members for interview so that they can understand the issues in depth. The Panel is already of the view that they would wish to consider:
 - How the Allowances scheme is working in relation to the structure of the Council which was changed at the time of the last fundamental review;
 - The Parental Leave policy which is being proposed for introduction now but the Panel would like to seek views early on as to whether it meets the needs of Members.

March 2022

Maternity, Paternity, Shared Parental and Adoption Leave

This Policy sets out Member's entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances. It refers to the period of absence taken following the birth or adoption of a child. Individual political groups can make arrangements to cover Member's roles to ensure no democratic deficit to the electorate and constituents. Its objective is to enable Members to take appropriate leave and that reasonable arrangements are in place to provide necessary cover.

Improved provision will contribute towards increasing the diversity of experience, age and background of its Elected Members as well as retaining experienced, and particularly female, Councillors, making public office more accessible.

There is currently no legal right to parental leave for Elected Members, but this policy conforms with current legal requirements.

1. Requirements

1.1 Members are required to comply with S85 of the Local Government Act 1972 (attend at least one meeting of the authority in any six month period). The Council will provide information on qualifying meetings and dispensations.

1.2 The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.

1.3 Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).

2. Leave Periods

2.1 Members giving birth / adopting through an approved adoption agency shall be entitled to take up to six months maternity / adoption leave from the due or placement date, with the option to extend up to 52 weeks by agreement.

2.2 Where a birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

2.3 Members are entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

2.4 A Member who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.

2.5 Where both parents are Members, 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 50 weeks.

2.6 Any Member taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.

3. Basic Allowance during Maternity, Paternity, Shared Parental or Adoption Leave

3.1 All Members will receive their Basic Allowance in full throughout the agreed period of leave.

4. Special Responsibility Allowances (SRA's) during Maternity, Paternity, Shared Parental or Adoption Leave

4.1 Members entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full.

4.2 Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment.

4.3 The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, or until the date of the next Annual Council Meeting, or the date when the Member is up for election (the soonest). At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.

4.4 Should a Member appointed to replace the Member on leave already hold an SRA position, the ordinary rules relating to one SRA payment shall apply.

4.5 Unless the Member taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.

5. Resigning from Office and Elections

5.1 If a Member decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date).

5.2 If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the basic allowance (and any SRA) will cease from the Monday after the election date when they would technically leave office.

6. Support / Other

6.1 The Council will ensure Members have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.

Agenda Item 9

Appendix A

6.2 The Council will periodically review its Member Allowance Scheme to ensure adequate provisions relating to Parental Leave and Carers' Allowance. Members will be provided with information on the allowances available and the process for claiming.¹

6.3 Members shall use reasonable efforts to ensure arrangements are in place to cover roles and / or workload. The Council can help to facilitate such arrangements.

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NORTH DEVON COUNCIL

Scheme of Member Allowances and Expenses Policy 2022/23

(NOTE: STILL TO BE UPDATED BY 2022/23 PAY AWARD YET TO BE DETERMINED)

1. A **Basic Allowance** in the sum of £4,970.22 will be payable to all Members of the Council.
2. **Special Responsibility Allowances** will be payable to the following Council positions (Note: Members are only eligible to claim one Special Responsibility Allowance):

Position	Multiplier of Basic Allowance	Amount per annum
Single person positions		
Leader	2.5	£12,425.55
Deputy Leader	1	£4,970.22
Chair of Planning Committee	1	£4,970.22
Chair of Licensing and Community Safety Committee	1	£4,970.22
Chair of Harbour Board	0.5	£2,485.11
Chair of Governance Committee	0.5	£2,485.11
Chair of Policy Development Committee	1	£4,970.22
Chair of Strategy and Resources Committee	0	0
Chair of Appointments Committee	0	0
Multiple person positions		
Lead Members (maximum of 6)	0.5	£2,485.11
Group Leader (there are 3)		£222 per group member with a minimum of £500
Parish Council co-optees to Governance Committee	2	0
Independent Member (for consultation on complaints)		£200
Co-opted Board Members (there are 4)		£200

3. **Carer's Allowance**

- (a) When a carer for a dependent has been engaged to allow a member to carry out an approved duty an allowance may be claimed that is equivalent

to the national living wage relevant to the carer's age or national minimum wage if under the age of 25;

(b) A carer will be any responsible adult who does not normally live with the member as part of his/her family;

(c) An allowance will be payable if the dependent being cared for:

(i) is a child under the age of 14; or

(ii) is an elderly person; or

(iii) has a recognised physical or mental disability who normally lives with the member as part of that member's family and should not be left unsupervised

4. **Travelling Allowance** for approved duties

(a) For car travel (including fully electric cars) the single rate of 45 pence per mile will apply to all engine sizes (this is the HMRC approved mileage rate).

(b) If passengers are carried to whom a travelling allowance would otherwise be payable, an additional 5 pence per mile will be paid.

(c) The motorcycle mileage rate is 24 pence per mile (this is the HMRC approved mileage rate).

(d) The cycle mileage rate is 20 pence per mile (this is the HMRC approved mileage rate).

(e) In any other case, the amount of the fare for travel by appropriate public transport.

(f) In cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity will be paid.

5. **Subsistence Allowances** for approved duties will not exceed:

(a) In case of an absence, not involving an absence overnight, from the Councillor's usual place of residence:

i. Breakfast Allowance of £6.61 if more than 4 hours away from normal place of residence before 11.00 am

ii. Lunch Allowance of £9.12 if more than 4 hours away from normal place of residence, including the lunchtime between 12 noon and 2.00 pm

iii. Tea Allowance of £3.57 if more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm

iv. Evening Meal Allowance of £11.30 if more than 4 hours away from the normal place of residence ending after 7.00 pm

(b) Out of pocket allowances for residential courses

i. £5.04 per night, or

ii. £20.24 per week

(c) Absence overnight from the Councillor's usual place of residence will lead to reimbursement of reasonable receipted expenditure.

6. Payment of Allowances to Suspended Members

The payment of any Basic Allowance or Special Responsibility Allowance to any Member shall be withheld should that Member be suspended from attending meetings of the Council or any of its Committees as a result of a ruling of a breach of the Members Code of Conduct.

7. Approved duties for which travelling and subsistence allowance will be paid:

- Formal meetings, Locality Forums and Member Briefings.
- Lead Member task groups.
- Chairman of Committee duties, including Chairman's agenda meetings.
- Leader of Council duties.
- Members' Training and other Member events arranged by the Council, including conferences.
- Meetings authorised by the Chief Executive, attendance at which is to discharge Council functions.
- Joint meetings with other Local Authorities.
- Attendance at meetings of outside bodies identified as approved duties for the purpose of payment of travelling and subsistence.
- Town or Parish Council meetings within the Member's Ward.
- The opening of tenders where a Member's attendance is required by the Constitution.

8. Indexation

The levels of the basic allowance and special responsibility allowances listed in paragraphs 1 and 2 of this Scheme can be varied with effect from the beginning of the year in accordance with the percentage change in the levels of the Council's staff's remuneration for that year.

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COUNCILLORS' EXPENSES POLICY

1 POLICY OBJECTIVES

- 1.1 This policy sets out the Council's arrangements for the control, accountability for, and reimbursement of, expenses incurred during the course of Council business.
- 1.2 The Council will reimburse actual expenses incurred in relation to approved duties in accordance with the terms of this Policy.
- 1.3 All expenses are subject to the Council's normal checking and signatory procedures before reimbursement is made.

2 COUNCILLOR'S RESPONSIBILITIES

- 2.1 It is a Councillor's responsibility to ensure that s/he is familiar with the content of this Policy.
- 2.2 Before committing to a journey or other expenditure a Councillor must ensure that it relates to an approved duty.
- 2.3 A Councillor must always:
 - Select the most appropriate option to meet their requirements in order to keep overall costs to the Council taxpayer to a minimum
 - Only submit legitimate expense claims, and supply VAT receipts or invoices in order to validate their claims
 - Claim any expenses incurred within the financial year in which they are incurred
 - Sign the claim form and pass it to the Corporate and Community Services Team
- 2.4 It is worth noting that claims made by the end of a month will be paid by the 25th of the following month, although this is likely to differ in December.

3 THE CORPORATE AND COMMUNITY SERVICES TEAM'S RESPONSIBILITIES

- 3.1 It is the Team's responsibility to ensure that they are familiar with the content of this Policy and the Constitution's Financial Procedure Rules. In addition they will:
 - provide Councillors with details of the applicable expenses rates
 - arrange any bookings
 - provide verbal and written advice to Councillors on this Policy. This includes explaining why a claim might not be payable
 - encourage Councillors to arrange journeys so as to minimise expenses such as mileage
- 3.2 The Team will only authorise legitimate and compliant claims. They will check that:
 - the expense relates to an approved duty
 - the expense claim is accurate
 - all invoices or receipts are attached to it

4 AUDIT TRAIL

- 4.1 HMRC require a VAT invoice to evidence, as a minimum, that sufficient fuel was purchased to cover the journey being reimbursed. It should be for fuel purchased on or before the journey being claimed. It is accepted that not all claims will have a

VAT receipt where, through low usage, a tax receipt may cover more than one claim.

- 4.2 In general, appropriate VAT receipts must be obtained for all expenses incurred. Where it is impossible to obtain an appropriate receipt, the claim form must include the reasons. Reimbursement of the VAT element, or the entire sum may be withheld in cases where there is no receipt. Approval to pay such a claim must be approved by the Chief Executive or their nominated representatives.
- 4.3 Council resources including cash can only be spent within certain limits of authority and amount. Councillors are expected only to claim for expenses legitimately incurred on approved duties, and only up to approved limits. Any allegation that a Councillor's claim was fraudulent or broke the rules governing such claims will be investigated and, may be referred to the Governance Committee. If a criminal offence is suspected the Council will also report the allegation to the police. Depending on the circumstances the Council's internal fraud procedures may be invoked.

5 EXPENSES

5.1 Mileage

Mileage rates will be paid at the rate shown in the Scheme of Members' Allowances, which is agreed annually.

For each journey the expenses form should detail the Councillor's:

- Vehicle registration number
- The mileage and route taken (including all places visited)

Please note in order to make a legitimate claim for mileage, vehicles must have an up to date MOT and be taxed and insured (see the note below).

A note on motor insurance:

Failure to buy the correct type of motor insurance can mean you will be unable to make business trips, but more importantly in the event of an accident your insurers are quite entitled not to pay out on a claim. It could also harm your future renewals if they consider that you have given wrong information.

The most basic cover (social domestic and pleasure with commuting) may not cover you for any form of business activities or travelling during the day. Instead, you will need at least class one business use (this may be referred to in your policy documents as "in connection with your employers business" or similar). If business use of a vehicle is very occasional (once or twice a year), you are advised to speak with your insurer to determine if occasional business use can be included, rather than taking out class one cover.

Class one business use will cover your vehicle in connection with your approved duties, such as driving to different sites.

In all cases you are advised to double check with any potential or current insurer the precise terms of cover your policy holds. This includes if you are a named driver and/or the policy is in the name of your partner/spouse. Remember, at first glance the lowest price for your insurance may not be the best for you.

5.2 Car Parking

If a Councillor travelling on an approved duty uses public car parks (that their Council car parking permit does not include) they must buy a ticket. This cost can be claimed back. The ticket should be attached to the claim form whenever possible. The Council will not cancel any excess charges, or reimburse a Councillor for them.

5.3 Rail Travel

Tickets should be purchased through the Corporate and Community Services Team. Doing this as far in advance as possible enables significantly cheaper tickets to be purchased to minimise costs. All tickets will be standard class, and Councillors should use any discounts available to them.

The procedure for doing this is as follows:

1. The Councillor should contact the Corporate and Community Services Team with their travel request details.
2. The Councillor should provide as much notice as possible. The minimum amount of time being seven working days. This is to allow time for the tickets to arrive.
3. When the ticket arrives the Corporate and Community Services Team will contact the Councillor to arrange collection.

If tickets cannot be purchased in this way at least seven days in advance, Councillors might have to purchase the ticket themselves. They may then claim the cost back from the Council as long as they can demonstrate that they had purchased the cheapest ticket available at that time.

5.4 Subsistence

Subsistence is reimbursement from the Council to a Councillor in respect of actual food and drink costs they have incurred during their approved duty. Expenses will not be paid where a suitable meal is provided as part of the event (e.g. at a course or conference).

The maximum amount payable will be same as paid to Officers, and as shown in the annually agreed Scheme of Members' Allowances.

In exceptional circumstances, if a Councillor must stay away from home overnight on an approved duty, then dinner, bed and breakfast (at a reasonably priced rate with full supporting receipts) may be claimed.

5.5 Hotel accommodation

Where hotel accommodation is essential it will be in a reasonably priced hotel (e.g. Travel Inn or 3 star hotel), and will normally be booked in advance by the Corporate and Community Services Team.

Where possible, arrangements should be made for the account to be sent directly to the Corporate and Community Services Team.

Where a Councillor pays the hotel bill and seek reimbursement for the accommodation costs, such claims will need to be supported by a receipt.

5.6 Air travel

This must be specifically agreed by the Corporate and Community Services Team before booking because of tight budgetary constraints.

5.7 Taxis

In rare cases of urgency, for example a medical emergency, or where no public transport is reasonably available the amount of the actual fare and any reasonable gratuity will be paid.

In any other case, the amount of the fare for travel by appropriate public transport will be paid.

COUNCILLORS MATERNITY, PATERNITY, SHARED PARENTAL AND ADOPTION LEAVE POLICY

This Policy sets out Member's entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances. It refers to the period of absence taken following the birth or adoption of a child. Individual political groups can make arrangements to cover Member's roles to ensure no democratic deficit to the electorate and constituents. Its objective is to enable Members to take appropriate leave and that reasonable arrangements are in place to provide necessary cover.

Improved provision will contribute towards increasing the diversity of experience, age and background of its Elected Members as well as retaining experienced, and particularly female, Councillors, making public office more accessible.

There is currently no legal right to parental leave for Elected Members, but this policy conforms with current legal requirements.

1. Requirements

1.1 Members are required to comply with S85 of the Local Government Act 1972 (attend at least one meeting of the authority in any six month period). The Council will provide information on qualifying meetings and dispensations.

1.2 The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.

1.3 Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).

2. Leave Periods

2.1 Members giving birth / adopting through an approved adoption agency shall be entitled to take up to six months maternity / adoption leave from the due or placement date, with the option to extend up to 52 weeks by agreement.

2.2 Where a birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

2.3 Members are entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

2.4 A Member who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.

2.5 Where both parents are Members, 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 50 weeks.

2.6 Any Member taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.

3. Basic Allowance during Maternity, Paternity, Shared Parental or Adoption Leave

3.1 All Members will receive their Basic Allowance in full throughout the agreed period of leave.

4. Special Responsibility Allowances (SRA's) during Maternity, Paternity, Shared Parental or Adoption Leave

4.1 Members entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full.

4.2 Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment.

4.3 The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, or until the date of the next Annual Council Meeting, or the date when the Member is up for election (the soonest). At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.

4.4 Should a Member appointed to replace the Member on leave already hold an SRA position, the ordinary rules relating to one SRA payment shall apply.

4.5 Unless the Member taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.

5. Resigning from Office and Elections

5.1 If a Member decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date).

5.2 If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the basic allowance (and any SRA) will cease from the Monday after the election date when they would technically leave office.

6. Support / Other

6.1 The Council will ensure Members have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.

6.2 The Council will periodically review its Member Allowance Scheme to ensure adequate provisions relating to Parental Leave and Carers' Allowance. Members will be provided with information on the allowances available and the process for claiming.¹

Agenda Item 9

Appendix D

6.3 Members shall use reasonable efforts to ensure arrangements are in place to cover roles and / or workload. The Council can help to facilitate such arrangements.

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