

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.

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.