

Name of meeting: Council

Date: Wednesday 13 December 2017

Title of report: Amendment to the Councillors' Allowances Scheme

Purpose of report

To consider the recommendations set out below in relation to Maternity, Adoption and Paternity Leave for Councillors

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Debbie Hogg, Service Director – Finance, IT and Transactional Services
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft, Service Director – Legal, Governance & Commissioning
Cabinet member portfolio	Cllr Graham Turner, Corporate (Place, Environment and Customer Contact Services)

Electoral wards affected: None

Ward councillors consulted: None

Public or private: Public

1. Summary

The Local Authorities (Members' Allowances) (England) Regulations 2003 are silent on Maternity/Paternity/Adoption Leave and the Kirklees Council Councillors' Allowances Scheme does not make any provision for it within the current scheme.

In light of the above work has taken place to address this issue with a view to revising the Councillors' Allowances Scheme. A copy of the revised scheme, incorporating the proposed changes, is attached at Appendix 1 to this report. The changes can be found at paragraph 7 in Appendix 1.

2. Information required to take a decision

In developing the proposals set out in this report the practice of other local authorities have been considered, as has the views of the Leaders of all political groups on the Council. The Kirklees Council staff Maternity Policy has been used as a basis for developing a local agreement for inclusion within the Councillors' Allowances Scheme. This local agreement would be as follows:

Maternity and Adoption Leave/Pay

Councillors would be entitled to:

Leave

- 52 weeks leave.

Pay

- 6 weeks at 90% of the Basic Allowance and any Special Responsibility Allowance payable.
- 33 weeks at half pay plus the equivalent weekly amount paid to staff in receipt of Statutory Maternity/Adoption Pay.

A replacement to cover the period of absence shall be appointed, by Council, Committee or the Leader (dependent of the role being vacated) and the replacement will be paid the appropriate Special Responsibility Allowance subject to any applicable abatement.

Paternity Leave

Leave

- Councillors can take up to two weeks' Paternity Leave.

If an election is held during the Councillor's Maternity, Adoption or Paternity leave and they are not re-elected, or decide not to stand for re-election, their Basic Allowance and SRA (if appropriate) will cease from the Monday after the election date when they would technically leave office and payments under this agreement would cease at that point.

3. Implications for the Council

3.1 **Early Intervention and Prevention (EIP)**

There will be no impact

3.2 **Economic Resilience (ER)**

There will be no impact

3.3 **Improving Outcomes for Children**

There will be no impact

3.4 **Reducing demand of services**

There will be no impact

3.5 **Other (eg Legal/Financial or Human Resources)**

Council should note that any such changes would be paid from the existing Councillors' Allowances budget.

The proposed approach set out in this paper should also be considered in the context of the findings of the [Democracy Commission](#). Refining the scheme in such a way removes another potential barrier to becoming and continuing to be a councillor.

4. **Consultees and their opinions**

Members of the Councillors' Allowances Independent Review Panel have been consulted and are fully in agreement with the approach set out in this report.

Leaders of all political groups have been consulted and are in agreement with the approach set out in this report.

Corporate Governance & Audit Committee gave consideration to the report at the meeting on Friday 17 November 2017 where it was agreed that the report be submitted to Council with a recommendation of approval.

5. **Next steps**

Subject to the approval of Council the proposed changes to the Allowances Scheme will be implemented with immediate effect.

6. **Officer recommendations and reasons**

That Council agree to the proposed changes to the Councillors' Allowances Scheme as set out at Appendix 1 to this report.

7. **Cabinet portfolio holder's recommendations**

That Council agrees the officer recommendation

8. **Contact officer**

Carl Whistlecraft, Head of Democracy

Carl.whistlecraft@kirklees.gov.uk

9. **Background Papers and History of Decisions**

Report to Chief Executive's Leading Members Meeting – Wednesday 1 November 2017

Report to Corporate Governance & Audit Committee – Friday 17 November 2017

10. **Service Director responsible**

Julie Muscroft, Service Director – Legal, Governance & Commissioning

julie.muscroft@kirklees.gov.uk

Appendix 1

Kirklees Council Members' Allowances Scheme 2017-2018

This Members' Allowances Scheme is made under the Local Authorities (Members' Allowances) (England) Regulations 2003, and the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003. In making this scheme the Council had regard to the recommendations of its Members' Allowances Independent Review Panel, which met on 18 November 2016.

1. The Members' Allowances Scheme will apply from 1 April 2017 to 31 March 2018.

2. Basic allowances for ward duties

2.1 The amount allocated per annum to each elected councillor for ward duties is £13,099.

2.2 The role of councillor is dynamic and the expectations and responsibilities associated with the role are constantly changing. This is an ongoing consideration in determining the basic allowance which recognises the level of responsibility, time devoted and expenses incurred in dealing with their constituents, political group and cross party discussions on a ward basis.

No additional payment will therefore be made for travel and subsistence costs for duties within the Kirklees district.

2.3 Basic allowances will be paid calendar monthly in arrears to each elected councillor in equal monthly instalments.

2.4 Where the term of office of a councillor begins or ends otherwise than on the 1 April 2017 or 31 March 2018 his/her entitlement to the allowance will be pro-rata.

3. Special responsibility allowances

3.1 The amounts allocated per annum to councillors of specific duties, which are additional to the basic allowance are:-

	£ per year
Leader	25,155
Deputy leader	18,866
Band A	
Cabinet member	12,274
Band A1	
Chair of Overview and Scrutiny	11,047
Group Leader (30+ councillors)	11,047

Band B	
Group Leader (7-29 councillors)	9,820
Business Manager (30+ councillors)	9,820
Band B1	8,592
Band C	
Business Manager (20-29 councillors)	7,365
Band C1	
Chairs of Planning Committees	6,138
Lead Members of Scrutiny Panels	6,138
Band C2	
Police and Crime Panel Members	6,000
Band D	
Business Manager (7-19 councillors)	4,911
Chair of Licensing and Safety Committee	4,911
Band D1	
Group Leader (2-6 councillors)	3,684
Deputy Group Leader (12+ councillors)	3,684
Chair of Appeals panel	3,684
Band E	
Chair of Corporate Governance and Audit committee	2,454
Band E1	
Adoption Panel member	1,227
Fostering Panel member	1,227

Chairs of Overview and Scrutiny Ad-Hoc Panels will receive £38.37 day split into half day sessions (2 x 4 hours) to commence at the start of formal meetings to their conclusion. The Overview and Scrutiny Management Committee will place a time allocation on the work of the ad-hoc panel.

- 3.2 The special responsibility allowance recognises the additional time and expenses incurred by those councillors effectively performing additional special responsibilities.
- 3.3 Special responsibility allowances will be paid calendar monthly in arrears to the appropriate councillor in equal monthly instalments.
- 3.4 Where the term of office entitling a councillor to a special responsibility allowance begins or ends otherwise than on the 1 April 2017 or 31 March 2018 his/her entitlement to the allowance will be pro-rata.
- 3.5 No councillor shall receive more than one special responsibility allowance.

4. Renunciation of allowances

- 4.1 A councillor may, by giving notice in writing to the Service Director – Legal, Governance and Commissioning, elect to forego any part of his/her entitlement to an allowance payable under this scheme.

5. Travel and subsistence outside the district

- 5.1 Travel and subsistence allowances for approved duties outside the district can be paid only:

- * approved duties are those as described in paragraph 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003.
- * any other duty approved by the body, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body, or of any of its committees or sub-committees
- * for approved duties previously authorised by the appropriate body (Cabinet or Overview and Scrutiny Management Committee) and Service Director – Legal, Governance and Commissioning. The approval must precede the performance of the duty and not be given retrospectively.

Claims for expenses must be made and received by the Service Director – Legal, Governance and Commissioning within two months of the expense being incurred.

- 5.2 Attendance at conferences: The Head of Democracy has delegated powers to determine councillor attendance at conferences etc.
- 5.3 Attendance at training and development events: The council will reimburse a councillor for travel and subsistence costs, at the approved rates, for training and development events. The appropriate Business Manager will approve councillor attendance.
- 5.4 The council will book accommodation on behalf of councillors to a maximum of the rates given in Appendix 1, subject to availability. Councillors requiring overnight accommodation may claim daytime meal allowance(s) in the usual way.
- 5.5 The authority will pay car mileage at HMRC rates and daytime subsistence allowances at the same rates determined for officers by the National Joint Council for Local Government Officers. The allowance rates are given at Appendix 1.
- 5.6 The rate of travel by public transport shall not exceed the amount of an ordinary fare or any available cheap fare and wherever possible should be arranged through Councillor Support to maximise available discounts and concessions.

Tickets or receipts must always accompany travel and subsistence claims for over £8.

- 5.7 Councillors' use of private motor vehicles should demonstrate either a substantial saving of the councillors' time, or being in the best interests of the council.
- 5.8 The rate of travel by taxicab will not normally exceed the fare for travel by appropriate public transport. In cases of urgency or where no public transport is reasonably available, the council will reimburse the amount of the actual fare and any reasonable gratuity. Taxi receipts more than £8 must support the claim.
- 5.9 Travel by any other hired vehicle is limited to the rate applicable had the vehicle belonged to the member who hired it unless prior approval to the actual cost of hiring.
- 5.10 The rate for travel by air should not exceed the rate applicable to travel by any appropriate alternative means of transport together with the equivalent saving in subsistence allowance.

Where the saving in time is so substantial as to justify payment of the fare for air travel the amount paid will not exceed:-

- (i) the ordinary fare or any cheap fare, or
- (ii) where no such service is available or in case of urgency the fare actually paid by the councillor.

6. Pensions

With effect from 1 April 2014, any Councillor who is not an active member of the Councillors pension scheme will no longer have access to the pension scheme. Councillors who are currently contributing to the pension scheme will only be allowed to remain in it, until the end of their current term in office. Councillors elected after April 2014 will not be entitled to access the pension scheme.

7. Maternity/Adoption/Paternity

Maternity and Adoption

Councillors would be entitled to:

Leave

- 52 weeks leave.

Pay

- 6 weeks at 90% of the Basic Allowance and any Special Responsibility Allowance payable.
- 33 weeks at half pay plus the equivalent weekly amount paid to staff in receipt of Statutory Maternity/Adoption Pay.

A replacement to cover the period of absence shall be appointed, by Council, Committee or the Leader (dependent of the role being vacated) and the replacement will be paid the appropriate Special Responsibility Allowance subject to any applicable abatement.

Paternity

- Councillors can take up to two weeks' Paternity Leave.

If an election is held during the Councillor's Maternity, Adoption or Paternity leave and they are not re-elected, or decide not to stand for re-election, their Basic Allowance and SRA (if appropriate) will cease from the Monday after the election date when they would technically leave office and payments under this agreement would cease at that point. If they otherwise stand down from the post or otherwise lose the position, their Basic Allowance and SRA (if appropriate) will cease from the date which would be the position if the member stepped down or otherwise lost their position.

8. Dependants' carers' allowance

Councillors who need to engage carers to look after dependants whilst undertaking duties specified in regulation 7 of the Local Authorities (Members Allowances) (England) Regulations 2003 may receive a carers' allowance. The criteria are given at Appendix 2.

9. Support for a councillor with a disability

Even though local councillors are not explicitly covered by the Disability Discrimination Act Part II (employment provisions), it is an expectation on councils that they will make every reasonable effort to meet the individual needs of disabled councillors. The council will provide support for disabled councillors, where appropriate, by actively discussing an individual's needs and putting in place the necessary support mechanisms wherever practicable.

10. Information technology

Each councillor is offered a PC or laptop to be used in their homes through a broadband link and/or a smart device to assist them in the discharge of their functions as a councillor. Use of a smart device abroad is restricted to Council business only and councillors are encouraged to connect to wifi wherever possible.

11. Publicity

- 11.1 The regulations place certain duties on local authorities in connection with publicising the recommendations made by their independent remuneration panel, their scheme of allowances and the actual allowances paid to councillors in any given year:

The regulations require, as soon as reasonably practicable after the end of a year to which the scheme relates, that local authorities must make arrangements for the publication in their area of the total sum paid by it to each recipient, in respect of each of the following:

- Basic allowance
- Special responsibility allowance
- Dependants' carers' allowance
- Travelling and subsistence allowance

12. Sickness and holiday

The scheme recognises the right of councillors to holiday and entitlement to sickness absence.

An entitlement is made for 28 days of holiday. During periods of sickness a councillor is not expected to make up any hours lost as a result of that illness.

13. Suspension of Allowance

Where a Member, since election has been convicted of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, the Council shall suspend any part of any allowance payable from the date of sentence. Such suspension shall remain in force until such time as section 80 of the Local Government Act 1972 (disqualification for election and holding office as member of a local authority) takes effect.

14. Education appeals panel members

Members of Education Appeals Panels (who are not elected councillors of Kirklees Council), will receive an allowance of £114 for a full day meeting and £65 for meetings less than four hours. Periods of adjournment will not be included in the allowance payment.

APPENDIX 1

Travel and subsistence rates from 1 April 2017 (for approved duties performed outside Kirklees only)

1. Motor mileage rates

Car

First 10,000 business miles in the tax year: 45p per mile
Each business mile over 10,000 in the tax year: 25p per mile

Bicycle or other non-motorised forms of transport: 20p per mile

Motor cycle (for journeys less than 10,000 miles per year): 24p per mile

Passenger supplements: The supplement remains unchanged; an increase in the above rates by 5p per person per mile not exceeding four passengers.

(Subject to change by HMRC)

Members of the council shall be entitled to an official parking permit for use when undertaking official council duties and otherwise used in accordance with the rules relating to their use, and specifically to take account of the contribution to parking permits in line with any residents charge as agreed by Council on 19 February 2014.

2. Day subsistence

Breakfast allowance £6.06
(more than 3 hours away from normal place of residence before 11.00 a.m.)

Lunch allowance £8.37
(more than 3 hours away from normal place of residence to include the period 12.00 noon - 2.00 p.m.)

Tea allowance £3.29
(more than 3 hours away from normal place of residence to include the period 3.00 p.m. - 6.00 p.m.)

Evening meal allowance £10.35
(more than 3 hours away from normal place of residence ending after 7.00 p.m.)

3. Overnight accommodation costs up to:

London/LGA annual conference £105.00
Outside London £90.00
(maximum room/bed-breakfast rates per person per night, but subject to availability)

4. Meals on trains

Where **main meals (i.e. breakfast, lunch or dinner) are taken on trains** during a period for which there is an entitlement for a day subsistence allowance, the reasonable cost of meals (including VAT) may be reimbursed in full. This reimbursement would replace the entitlement to the day subsistence allowance for the appropriate meal period. Councillors are asked to submit receipts for meals when claiming.

Kirklees Council

COUNCILLORS' ALLOWANCES

Criteria for dependants' carers' allowance

1. Councillors who care for children or dependants can claim a carer's allowance paid at the rate of the national minimum wage for age 21 and above (currently £7.05 per hour), subject to paragraph 3 below.
2. Payment is claimable in respect of children aged 14 years or under. In respect of dependant relatives, payment is claimable subject to written medical or social work evidence.
3. The Corporate Governance and Audit Committee will determine any application by a councillor on the grounds of special circumstances for payment of dependants' carers' allowance at a higher rate than that of the national minimum wage for age 21 and above.
4. The carer must not be a member of the same household.
5. Councillors should submit their claims, using a claim form and supported by receipts and, if applicable, declare any other care payment received from another agency, to the Councillors' Allowances section each calendar month in arrears.
6. Councillors can only claim for the carers' allowance in respect of expenses of arranging for care of their children or dependants necessarily incurred for attendance at meetings and performance of duties specified in the regulations, and any other duties approved by the Council including training sessions held within the induction period following an election. **Approved duties do not include meetings with officers and constituents and attendance at political group meetings.**
7. Any allegations of abuse of the scheme will be investigated through the Council's Standards process.
8. The dependants' carers' allowance is subject to annual review.