

Name of meeting: Corporate Governance and Audit Committee

Date: Friday 9 August 2019

Title of report: Report of the Members Allowances Independent Review Panel (MAIRP)

Purpose of report

To receive the report of the Members Allowances Independent Review Panel following its meeting on 5 July 2019.

To recommend that Council approve the SRA paid to the Place Partnerships Lead Councillor Role and the adoption of a Parental Leave Policy for Elected Members as set out in the attached report.

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?)	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall – Yes – 26 July 2019
Is it also signed off by the Service Director (Finance)?	Eamon Croston – Yes
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – Yes
Cabinet member portfolio	Cabinet Member responsible for the Corporate Portfolio, namely Councillor Graham Turner

Electoral wards affected: All

Ward councillors consulted: Not applicable

Public or private: Public

Have you considered GDPR? Yes. There is no personal data within the report.

1. Summary

The Members Allowances Independent Review Panel meets to consider and recommend the Members Allowances Scheme to Council having regard to evidence received and associated developments that will affect the Scheme.

The Panel met on 5 July 2019. This report captures the outcomes of that meeting and the consequential recommended changes to the scheme that arise as a result.

2. Information required to take a decision

A meeting of the MAIRP has taken place to consider the adoption of a Parental Leave Policy for Elected Members and the SRA paid to the Place Partnerships Lead Councillor Role. Both issues were referred to the Panel following a decision by Council on 16 January 2019 and 22 May 2019 respectively. The report of the Panel is attached at Appendix 1 and puts forward recommendations that:

Place Partnership Lead Councillor Role

- (i) The Special Responsibility Allowance for the Place Partnerships Lead Councillor Role is paid at Band D (£5,009). This to be backdated to the date of Annual Council, 22 May 2019, when the Lead Members were appointed.

NOTE: That in making the above mentioned recommendation the Panel made the following points:

- (a) Following its evidence-led method of working the Panel would like to hear from the Place Partnerships Lead Councillors when the Panel meets in November 2019 to get a clearer idea of what work is involved and hear about what has (and has not) been achieved so far. They will consider reviewing the allowance at this time, alternatively the Panel will look at the allowance again when they meet in November 2020.
- (b) The Panel would like to see evidence of the impact of the role and also positive outcomes relating to the pilot theme, Mental Health, Domestic Abuse.
- (c) The Panel would also like to understand more about the relationship between the Place Partnerships Lead Councillors Role and the Cabinet Lead Member and also with the Councillors within their locality. They would like to know what the impact is, and how it has been achieved.

Parental Leave Policy

- (ii) That the Parental Leave Policy is adopted.

NOTE: That in making the above mentioned recommendation The Panel believes the Council ought to consider that its provisions are equitable when compared with those of the Kirklees Council staff maternity policy.

3. Implications for the Council

- 3.1 **Working with People** Our developing approach to place-based working, is predicated on working outwards from communities with a strong focus on genuine engagement and dialogue. The Place Partnerships Lead Councillor Role should be seen within this context.
- 3.2 **Working with Partners** – Place based working is being developed in a way that recognises the need for certain issues to be discussed and addressed on a larger geographical footprint than the Ward. For example the proposed work looking at mental health will demand wider partnership dialogue, co-production and solutions. Partnership working will be at the heart of our developing approach and the role of the Place Partnerships Lead Councillor Role is essential to facilitate councillor leadership in securing a partnership approach that best meets the needs of specific areas.
- 3.3 **Place Based Working** – This proposal is an important part of our developing approach to place based working.
- 3.4 **Improving outcomes for children** – Place based working will inevitably incorporate the consideration, discussion and progression of issues that will improve outcomes for children within those seven areas.
- 3.5 **Other (eg Legal/Financial or Human Resources)** – Implementing the recommendations set out at section 6 below will result in £35,063 increase to the Councillors' Allowances Budget.

4. Consultees and their opinions

The Members Allowances Panel have been consulted on the contents of the report attached at Appendix 1 and have signed it off as a correct record.

5. Next steps and timelines

Following consideration by the Corporate Governance and Audit Committee, this report will be referred for consideration by Full Council at its meeting on 18 September 2019.

6. **Officer recommendations and reasons**

That Corporate Governance and Audit Committee:

- (i) Notes the report and recommendations of the Members Allowances Independent Review Panel (as set out at Appendix 1);
- (ii) Recommends that Council approves and adopts the proposed changes to the Allowances Scheme in respect of the Place Partnerships Lead Councillor Role and the Parental Leave Policy.

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

That Corporate Governance and Audit Committee agrees the officer recommendation.

8. **Contact officer**

Deborah Nicholson
Democracy Manager (Councillor Support & Liaison)
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9. **Background Papers and History of Decisions**

Appendix 1, Report of Members Allowances Independent Review Panel, 5 July 2019;
Appendix A, Place Partnership Lead Councillor Role Profile;
Appendix B, Extract from 2019/20 Councillors' Allowances Scheme;
Appendix B, Parental Leave Motion Approved by Council on 16 January 2019

10. **Service Director responsible**

Julie Muscroft, Service Director – Legal, Governance and Commissioning

Report of The

**Kirklees Council
Members' Allowances
Independent Review
Panel**

5 July 2019

Deborah Nicholson
Councillor Support & Liaison Manager
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1 Panel Membership

The Members of the Independent Review Panel are as follows:

Andrew Taylor (Chair)
Ian Brown
Chris West
Fiona Weston
Lynn Knowles
Stephen Thornton (Apologies received)

The meeting of the Members' Allowances Independent Review Panel took place on 5 July 2019.

The following officers attended the Panel meeting:

Deborah Nicholson, Councillor Support & Liaison Manager
Richard Farnhill, Councillor Business Manager
Georgina Barraclough, Corporate & Executive Team Project Manager

2 Terms of Reference

The Panel's Terms of Reference are:

- (a) To advise the Council on what would be the appropriate level of remuneration for Councillors having regard to the:
 - Roles Councillors are expected to fulfil
 - Varying roles of different Councillors
 - Practice elsewhere and other Local Authorities.
- (b) To consider schemes of Members Allowances for Town and Parish Councils as and when required.
- (c) To make recommendations and provide advice to the Council on any other issues referred to the Panel by regulation or by the Council.
- (d) The Council retains its power to remove a discredited Panel Member.
- (e) The Panel can appoint its Chair from amongst its Members.

3 Place Partnerships Lead Councillor Role

Following reference from Annual Council on 22nd May 2019, Richard Farnhill, Council Business Manager and Georgina Barraclough, Corporate & Executive Team Project Manager, attended the Panel to make a presentation on Place Based Working and to provide information and context relating to the the Place Partnerships Lead Councillor Role. This included details of the following:

- The principles underpinning the developing approach to Place Based Working in Kirklees;

- The importance of placing councilors at the heart of Place Based Working, as part of a changing relationship with citizens and communities, based on local identity and intelligence and insight;
- The thinking behind the development of the Place Partnerships Lead Councillor Role in this context which has a focus on delivering greater outcomes at geographical level than are possible at the Ward level.

Richard explained that the Place Partnerships Lead Councillor Role was designed to undertake the following:

- Gather and assemble intelligence from the Council and Partners relevant to their “place”;
- Work with Councillors within their place to validate and add to that intelligence using local insight;
- Co-ordinate activity to address identified needs, ensuring all communities have a voice and are adequately engaged;
- Work with Councillors to identify gaps in community capacity and opportunities to fill them;
- Broker solutions with Councillors, based on intelligence and insight, that tackles priorities across the entire footprint;
- Monitor progress, evaluate activity, communicate progress and develop responses to issues.

The Panel noted and considered the role profile which had been produced (attached at Appendix A).

In noting the presentation made by Richard Farnhill, the Panel made reference to following:

- The prominence attached to the considerations and implications of balancing and brokering different political views;
- The ways in which competing demands would be addressed and met;
- The basis upon which the 7 areas have been identified;
- The amount of time that a Place Partnerships Lead Councillor Role will be expected to dedicate to this role.

The Panel further noted that:

- That this is a major innovation in governance and applaud Kirklees for what they are doing;
- Cross party negotiation will be critical to the success of this role as is persuading members of the public and partners to engage with the process;
- If after 4/5 years, policy has become geographically differentiated and is being handled differently, then the Place Partnerships Lead Councillor Role has worked;
- This role is about the Place Partnerships Lead Councillor Role in a co-ordinating and networking role;

The Panel thanked Richard and Georgina for their attendance.

The Panel recommends:

- (j) That the Special Responsibility Allowance for the Place Partnerships Lead Councillor Role is paid at Band D (£5,009). This to be backdated to the date of Annual Council, 22 May 2019, when the Lead Members were appointed.
- (d) Following its evidence-led method of working the Panel would like to hear from the Place Partnerships Lead Councillor Role when the Panel meets in November 2019 to get a clearer idea of what work is involved and hear about what has (and has not) been achieved so far. They will consider reviewing the allowance at this time, alternatively the Panel will look at the allowance again when they meet in November 2020.
- (e) The Panel would like to see evidence of the impact of the role and also positive outcomes relating to the pilot theme, Mental Health, Domestic Abuse.
- (f) The Panel would also like to understand more about the relationship between the Place Partnerships Lead Councillor Role and the Cabinet Lead Member and also with the Councillors within their locality. They would like to know what the impact is, and how it has been achieved.

4 Parental Leave Policy

Following reference from Council on 16th January 2019, the Panel considered the Motion submitted to Council to adopt a Parental Leave Policy for Elected Members.

The Panel considered the Parental Leave Policy approved by Council (attached at Appendix B) alongside the current Councillors' Allowances Scheme (attached at Appendix C) which incorporates terms and conditions derived from the Council staff maternity policy. The Panel recognised that there is a valuable principle of equity between Councillor and Officer schemes and therefore:

The Panel recommends:

- (i) That the Parental Leave Policy is adopted.

NOTE: That in making the above mentioned recommendation The Panel believes the Council ought to consider that its provisions are equitable when compared with those of the Kirklees Council staff maternity policy.

Report produced on behalf of the Members Allowances Independent Review Panel by Deborah Nicholson, Democracy Manager - Councillor Support & Liaison, July 2019.

Place Partnership Lead Councillor

Leading, Representing and Working Together

A Kirklees Place Partnership Lead Councillor will work with the designated Cabinet Lead Member to develop and implement Place Based Working within a geographical area using a topic or theme based approach. They will:

- Provide leadership at a locality level to facilitate the involvement of communities, councillors, officers and partners;
- Commission intelligence and insight to facilitate the identification of topics that are a priority for the respective locality in the context of the 7 shared outcomes:
 - Best start;
 - Well;
 - Independent;
 - Aspire and achieve;
 - Sustainable economy;
 - Safe and cohesive;
 - Clean and green
- Identify, support and build community capacity;
- Refine existing, and develop new, approaches to citizen engagement;
- Ensure that locality stakeholders, community organisations are involved in such engagement;
- Develop and maintain effective working relationships with partners;
- Facilitate partnership working with other agencies (e.g. health, police etc) in the context of citizen engagement activity and responding to the outcomes of such work;
- Oversee service delivery;
- Monitor progress against agreed actions and evaluate success and impact;
- Communicate and promote the work carried out in the place.

Place Partnership Lead Councillor

Governance and Decision Making

A Kirklees Place Partnership Lead Councillor will:

- Have responsibility for, and provide a lead on, the initiation and development of the approach within each place.
- Ensure that the work in the place for which they are responsible is reported into the relevant council and partnership governance structures;
- Consider and have regard to professional officer advice when taking decisions.
- Work proactively and constructively with ward councillors within the respective place.
- Attend Overview and Scrutiny Committee and Scrutiny Panels to discuss the work for which they are responsible (as appropriate)

Appendix B

Parental Leave Policy

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis. Discussions are ongoing about changing the law to enable compulsory provision.

Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the 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. 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.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be 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).

1.5 A Member 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.

1.6 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. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or adoption 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.

1.10 Any member 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. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member 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.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless 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 Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption 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.

Appendix C

Extract from 2019/20 Councillors' Allowances Scheme (relating to Maternity/Adoption/Paternity)

7. Maternity/Adoption/Paternity

Maternity and Adoption

Councillors are 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.