



**Name of meeting:** Corporate Governance and Audit Committee

**Date:** Friday 6 March 2020

**Title of report:** Report of the Members' Allowances Independent Review Panel (MAIRP) 2020/21

**Purpose of report:**

To recommend Council to approve the Members' Allowances Scheme for 2020/21, that takes account of recommendations proposed by the Members' Allowances Independent Review Panel regarding certain allowances.

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 – 30.01.20
Is it also signed off by the Service Director for Finance?	Yes -29.01.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Yes – 30.01.20
Cabinet member <a href="#">portfolio</a>	Councillor Graham Turner (Corporate) Yes – 10.02.20

**Electoral wards affected:** All

**Ward councillors consulted:** Not applicable

**Public or private:** Public

**Has GDPR been considered?** Yes, there is no personal data within the report.

## 1. Summary

The Members' Allowances Independent Review Panel meets annually 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 10 January 2020. This report captures the outcomes of that meeting and the consequential changes to the Scheme as a result.

## 2. Information required to take a decision

A meeting of the MAIRP has taken place to consider the Members' Allowances Scheme and make recommendations to the Council on certain allowances within the Scheme. The report of the MAIRP is attached at Appendix A and puts forward the recommendations that:

- (i) The current Basic Allowance be increased in line with the amount awarded to Kirklees Council officers (% yet to be agreed as national negotiations are ongoing) with effect from 1 April 2020.
- (ii) All Special Responsibility Allowances (SRAs) be increased in line with the amount awarded to Kirklees Council officers (% yet to be agreed as national negotiations are ongoing) with effect from 1 April 2020.
- (iii) Should the amount awarded to Kirklees Council officers not be agreed by 1 April 2020, any increase should be backdated to this date.

The draft Members' Allowances Scheme for 2020/21 which takes account of the recommendations of the MAIRP, is attached at Appendix B.

Given the amount awarded to Kirklees Council officers is not yet known, we are unable to report on the additional cost to the overall Scheme should the above mentioned recommendation be agreed and implemented.

## 3. Implications for the Council

- **Working with People**  
Not applicable.
- **Working with Partners**  
Not applicable.
- **Place Based Working**  
Not applicable.
- **Climate Change and Air Quality**  
Not applicable.
- **Improving outcomes for children**  
Not applicable.
- **Other (eg Legal/Financial or Human Resources)**  
None in addition to those detailed above.

**Do you need an Integrated Impact Assessment (IIA)?**

Not required.

**4. Consultees and their opinions**

The Allowances panel have been consulted on the contents of this report and agree that it accurately reflects the outcomes of their discussion.

**5. Next steps and timelines**

Following consideration by Corporate Governance and Audit Committee, this report will be referred for consideration and approval by Council at its meeting on 18 March 2020.

**6. Officer recommendations and reasons**

That Corporate Governance and Audit Committee:

- (i) Notes the recommendations of the Members' Allowances Independent Review Panel (as set out at Appendix A);
- (ii) Recommends that Council approves and adopts the Members' Allowances Scheme for 2020/21 (as set out at Appendix B) with effect from 1 April 2020.

**7. Cabinet Portfolio Holder's recommendations**

That Corporate Governance and Audit Committee recommends that Council approves and adopts the Members' Allowances Scheme for 2020/21 (as set out at Appendix B) with effect from 1 April 2020.

**8. Contact officer**

Carl Whistlecraft  
Head of Democracy and Place Based Working  
[carl.whistlecraft@kirklees.gov.uk](mailto:carl.whistlecraft@kirklees.gov.uk)  
Tel: 01484 221000

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

Report of Members' Allowances Independent Review Panel, January 2020.

**10. Service Director responsible**

Julie Muscroft  
Service Director, Legal Governance and Commissioning

Report of The

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

10 January 2020

Carl Whistlecraft  
Head of Democracy  
Civic Centre 3,  
Huddersfield, HD1 2TG  
01484 221000

## **1 Panel Membership**

The Members of the Independent Review Panel are as follows:

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

The meeting of the Independent Review Panel took place on 10 January 2020.

The following officers attended the Panel meeting:

Carl Whistlecraft, Head of Democracy  
Deborah Nicholson, Councillor Support & Liaison 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 Constitutional Issues**

### **(a) Term of Office**

It was agreed that the current Panel membership be retained and that all relevant terms of office be renewed until December 2020.

### **(b) Election of Chair of Independent Review Panel**

Andrew Taylor was re-elected Chair of the Independent Review Panel.

#### **4 Place Partnership Lead Councillor**

At the Members' Allowances Independent Review Panel Meeting in July 2019, the Panel made the following recommendation:

(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.

At its meeting on 10 January 2020 the Panel had the opportunity to meet with five of the Place Partnership Lead Members to discuss and explore the above mentioned points. In particular the Panel were keen to ensure that there was sufficient evidence of progress and more importantly to affirm that the role had been assigned the correct band within the overall scheme. In light of the evidence received the Panel made the following observations:

- That despite initial delays the role was now beginning to make real progress, with all Place Partnerships being able to evidence activity in line with the framework that had been co-produced by them;
- That this is an exciting and evolving initiative that will need time to develop properly and thereafter become embedded. This will take time, particularly in terms of being able to evidence impact and positive outcomes;
- That the current Band recommended by the Panel has been fixed at the correct level based on the evidence received;
- That the Panel will continue to revisit the role at future meetings to ensure that it is remunerated appropriately;
- That thought should be given to the ways in which engagement with Place Partnerships is included as part of the developing role profile for the Ward Councillor.

#### **5 Representations from Group Leaders**

The Panel received written representations from Cllr David Hall, Leader of the Conservative Group and Cllr Charles Greaves Leader of the Independent Group.

The Panel considered comments made relating to the Basic Allowance and Special Responsibility Allowance paid to Councillors and concluded that the Allowances Scheme as a whole would benefit from a full review with a view to recommending revision of the Scheme.

This review will take place in Summer 2020 and will have regard to the issues raised by of the written submissions as well as by other developments.

#### **6 SRA paid to the Chair of Standards Committee**

At the Members' Allowances Independent Review Panel Meeting in November 2018, the Panel considered evidence from Julie Muscroft, Service Director for Legal, Governance and

Commissioning, in respect of the Chair of Standards role in the context of the wider allowances scheme. The Panel made recommendation that this be subject to review in 12 months.

The Panel considered evidence from Julie Muscroft, Service Director for Legal, Governance and Commissioning and Councillor Paul Davies, Chair of Standards, in respect of the Chair of Standards role in the context of the wider allowances scheme.

In light of the evidence received the Panel made the following observations:

- The Chair of Standards role has not diminished and indeed some additional levels of complexity have emerged. For example there have been a number of significant issues over the last 12 months, with one particular matter receiving 50 complaints, 30 of which went through the Standards process;
- Noted that the Committee on Standards in Public Life have published the outcomes of a consultation, some of the recommendations by CSPL were already in place in Kirklees or have been introduced since the report;
- The role is seen as extremely important in governance and key to giving the public confidence in terms of the accountability and oversight arrangements in place;
- An acknowledgement that there is a growing need for the work in this area to be proactive, addressing issues before they enter formal procedure and resolving them by employing techniques such as conflict resolution.

In considering the evidence the Panel recommends that the Chair of Standards continues to be paid at Band E. The role will be revisited as part of the full review of the Scheme in the Summer of 2020.

## **7 Councillor Role Profile**

The Panel received a draft of the new Councillor Role Profile and noted and welcomed the breadth of consultation which had gone into it. This had included dialogue with citizens, officers and councillors.

The Panel recommended that the finalised Councillor Role Profile be brought back for consideration when the review of the Allowances Scheme takes place in Summer 2020. This final Role Profile will, as in the past, form the foundation of the Panel's review of the Scheme.

## **8 Agree the rate for the Basic Allowance and Special Responsibility Allowance for 2020/21**

The Panel considered changes to the Members allowance scheme for 2020/21.

In particular the Panel considered the following:

- (a) The Basic Allowance;
- (b) Special Responsibility Allowances (SRAs);

### **The Panel recommends that:**

- (i) The current basic allowance be increased in line with the amount awarded to Kirklees Council officers (% yet to be agreed as national negotiations are ongoing) with effect from 1 April 2020.

- (ii) The increase of all special responsibility allowances (SRAs) in line with the amount awarded to Kirklees Council officers (% yet to be agreed as national negotiations are ongoing) with effect from 1 April 2020.
- (iii) Should the amount awarded to Kirklees Council officers not be agreed by 1 April 2020, any increase will be backdated to this date.

## **9 Consequential changes to the Scheme**

There are no consequential changes to be made to the scheme.

Report produced on behalf of the Members Allowances Independent Review Panel by Carl Whistlecraft, Head of Democracy, January 2020.



# Appendix B

## Kirklees Council Members' Allowances Scheme 2020-2021

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 10 January 2020.

**\* Amounts to be amended in line with the % amount awarded to Kirklees Council officers once national negotiations are complete.**

1. The Members' Allowances Scheme will apply from 1 April 2020 to 31 March 2021.

### 2. Basic allowances for ward duties\*

2.1 The amount allocated per annum to each elected councillor for ward duties is £13,627 (plus agreed %)

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 2020 or 31 March 2021 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 (plus agreed %)
Leader	25,658
Deputy leader	19,243
<b>Band A</b>	
Cabinet member	12,519
<b>Band A1</b>	
Chair of Overview and Scrutiny	11,267
Group Leader (30+ councillors)	11,267
<b>Band B</b>	
Group Leader (7-29 councillors)	10,016

Business Manager (30+ councillors)	10,016
<b>Band B1</b>	8,763
<b>Band C</b>	
Business Manager (20-29 councillors)	7,512
<b>Band C1</b>	
Chairs of Planning Committees	6,260
Lead Members of Scrutiny Panels	6,260
<b>Band C2</b>	
Police and Crime Panel Members	6,120
<b>Band D</b>	
Business Manager (7-19 councillors)	5,009
Chair of Licensing and Safety Committee	5,009
Place Partnership Lead Councillor	5,009
<b>Band D1</b>	
Group Leader (2-6 councillors)	3,757
Deputy Group Leader (12+ councillors)	3,757
Chair of Appeals panel	3,757
<b>Band E</b>	
Chair of Corporate Governance and Audit committee	2,503
Chair of Standards Committee	2,503
Business Manager (3-6 councillors)	2,503
<b>Band E1</b>	
Adoption Panel member	1,251
<b>Day Rate</b>	
Fostering Panel member	116

Chairs of Overview and Scrutiny Ad-Hoc Panels will receive £39.14 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 2020 or 31 March 2021 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 duty 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. Parental Leave Policy**

The Policy is set out at Appendix 2.

## **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 3.

## **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 £116 (plus agreed %) for a full day meeting and £66 (plus agreed %) 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 2020 (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.

## **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 52 weeks maternity leave.

1.2 Where the birth is premature the leave will commence the day after the birth takes place. The Member is entitled to take up to 52 weeks maternity leave.

1.3 If your baby is born prematurely and you have already started your maternity leave, there is the option for you to request extended leave at the end of the maternity leave.

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 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 up to 52 weeks adoption leave.

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 will receive:

- 6 weeks at 90% of the Basic Allowance.
- 33 weeks at half the Basic Allowance plus the equivalent weekly amount paid of Statutory Maternity/Adoption pay.

## **3. Special Responsibility Allowances**

3.1 Members entitled to a Special Responsibility Allowance whilst on Maternity, Paternity, Shared Parental or Adoption Leave will receive:

- 6 weeks at 90% of the Special Responsibility Allowance.
- 33 weeks at half the Special Responsibility Allowance.

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 39 weeks, 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).

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. If a Member decides not to return or does not return for 33 weeks, The Council is entitled to claim back the 33 weeks allowance paid at 50%. If a Member fails to return for a full 33 weeks a proportion of the allowance will be claimed back.



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 see point 4.1.

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 £8.20 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.