



Name of meeting: Council

Date: Wednesday 17 March 2021

Title of report: Report of the Members' Allowances Independent Review Panel (MAIRP) 2021/22

Purpose of report: To receive a report and recommendations which were considered by Corporate Governance and Audit Committee on 9 March 2021.

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 <u>Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall 09.03.21
Is it also signed off by the Service Director for Finance?	Eamon Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft
Cabinet member <u>portfolio</u>	Councillor Graham Turner (Corporate)

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

This report sets out the recommendations of Corporate Governance and Audit Committee following their consideration of the report of the Members' Allowances Independent Review Panel. Any changes agreed will be effective from 1 April 2021.

2. Information required to take a decision

The Corporate Governance and Audit Committee, at its meeting on 9 March 2021, considered the attached report of the Members' Allowances Independent Review Panel which has put forward recommendations in respect of the Members' Allowances Scheme as set out below:

A meeting of the Members' Allowances Independent Review Panel 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 Panel 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) with effect from 1 April 2021.
- (ii) Special Responsibility Allowances (SRAs) to remain at the 2020 rate pending a root and branch review of the Members' Allowances Scheme due to take place in summer 2021. Any increase to SRAs as an outcome of the review will be backdated to 1 April 2021.
- (iii) Should the amount awarded to Kirklees Council officers not be agreed by 1 April 2021, any increase to the Basic Allowance will be backdated to 1 April 2021.

The draft Members' Allowances Scheme for 2021/22 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.

At the meeting of Corporate Governance and Audit Committee on 9 March 2021, there was cross party agreement not to apply an increase to the Members Basic Allowance for the 2021/22 municipal year and that the recommendations set out at item 6 below be recommended to Council.

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.

None applicable to this report as there have been no changes as a result of consideration by Corporate Governance and Audit Committee.

5. Next steps and timelines

Following approval by Council there will be no changes to the current Scheme which will continue in effect from 1 April 2021.

6. Officer recommendations and reasons

- That Council conveys thanks to the Members Allowances Independent Review Panel for their work and notes the outcomes of the Panel, as attached at Appendix A of the report.
- That Council resolve not to apply an increase to the Members Basic Allowance for the 2021/2022 municipal year.
- That it be noted that, should changes subsequently be applied to Special Responsibility Allowances, following the review of Members Allowances Scheme scheduled to take place in summer 2021, the Panel had recommended that any such adjustments to payments be backdated if applicable.
- That it be noted that the outcome of the review of the Members Allowances Scheme, scheduled to take place in summer 2021, will be considered by Corporate Governance and Audit Committee before any further recommendations are made to Council regarding any proposed changes to Member Special Responsibility Allowances.

7. Cabinet Portfolio Holder's recommendations

Not applicable to this report.

8. Contact officer

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Head of Governance

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9. Background Papers and History of Decisions

Report of Members' Allowances Independent Review Panel on 21 December 2020.

Report and recommendation of Corporate Governance and Audit Committee on 9 March 2021.

10. Service Director responsible

Julie Muscroft

Service Director, Legal Governance and Commissioning

Report of The

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

21 December 2020

Carl Whistlecraft
Head of Democracy and Place Based Working
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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

Due to Covid 19 restrictions, the Independent Review Panel have considered the Members Allowances Scheme for 2021/22 virtually.

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 2021.

(b) Election of Chair of Independent Review Panel

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

4 Agree the rate for the Basic Allowance and Special Responsibility Allowance for 2021/22.

The Panel considered changes to the Members allowance scheme for 2021/22.

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) with effect from 1 April 2021.
- (ii) Special responsibility allowances (SRAs) to remain at the 2020 rate pending a root and branch review of the Members' Allowances Scheme due to take place in summer 2021. Any increase to SRAs as an outcome of the review will be backdated to 1 April 2021.
- (iii) Should the amount awarded to Kirklees Council officers not be agreed by 1 April 2021, any increase to the basic allowance will be backdated to 1 April 2021.

The reasons for this are:

- 1. In common with many public servants, Councillors have been faced with substantial change in their working environment as a result of Covid 19;
- 2. There will be a root and branch review of the Members' Allowances Scheme, including SRAs, this summer. Whilst not increasing the SRAs may introduce an element of imbalance, this will be addressed in the forthcoming review;
- 3. The Chancellor's recent statement on public sector pay has not yet been implemented and it seems unreasonable the panel anticipate a decision not yet taken;
- 4. The panel's recommendations are recommendations and are for full Council to accept, reject, or amend.

The Panel's recommendation is a majority opinion and the Panel thinks it only fair and accurate that the Panel's report reflects the minority view.

A minority held that no increase in either the Basic Allowance or the SRAs should be recommended at this time. This recommendation could be revisited in the summer review by which time the implications of Covid 19 for public sector spending would be clearer.

The Panel's recommendation is for Council to accept or reject and no doubt Council will wish to consider a broad range of factors when taking its decision on the Panel's report.

5 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 and Place Based Working, December 2020.

Kirklees Council Members' Allowances Scheme 2021-2022

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 due to Covid 19 restrictions, corresponded via e-mail in December 2020.

1. The Members' Allowances Scheme will apply from 1 April 2021 to 31 March 2022.

2. Basic allowances for ward duties

- 2.1 The amount allocated per annum to each elected councillor for ward duties is £14,002.
- 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 2021 or 31 March 2022 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	26,364
Deputy leader	19,772
Band A	
Cabinet member	12,863
Band A1	
Chair of Overview and Scrutiny	11,577
Group Leader (30+ councillors)	11,577

Band B

Group Leader (7-29 councillors)	10,291
Business Manager (30+ councillors)	10,291
Band B1	9,004
Band C	
Business Manager (20-29 councillors)	7,719
Band C1	
Chairs of Planning Committees	6,432
Lead Members of Scrutiny Panels	6,432
Band C2	
Police and Crime Panel Members	6,288
Band D	
Business Manager (7-19 councillors)	5,147
Chair of Licensing and Safety Committee	5,147
Place Partnership Lead Members	5,147
Band D1	
Group Leader (2-6 councillors)	3,860
Deputy Group Leader (12+ councillors)	3,860
Chair of Appeals panel	3,860
Band E	
Chair of Corporate Governance and Audit committee	2,572
Chair of Standards Committee	2,572
Business Manager (3-6 councillors)	2,572
Band E1	
Adoption Panel member	1,285
Day Rate	
Fostering Panel member	119

Chairs of Overview and Scrutiny Ad-Hoc Panels will receive £40.22 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 2021 or 31 March 2022 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 £119 for a full day meeting and £68 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 2021 (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 £8.36 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.