

Report of The

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

10 November 2017

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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

The meeting of the Independent Review Panel took place on 10 November 2017.

The following officers attended the Panel meeting:

Carl Whistlecraft, Head of Democracy
Deborah Nicholson, Interim Councillor Support & Development Manager

2 Terms of Reference

The Panel's Terms of Reference are:

- (a) To advise 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) 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 2018.

(b) Election of Chair of Independent Review Panel

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

4 The Kirklees Democracy Commission

The Head of Democracy delivered a presentation to the Panel on the work and recommendations of the Kirklees Democracy Commission, with a particular focus on the findings that may have implications for the Panel's future deliberations. The Panel acknowledged that a number of the Panel's recommendations, should they be agreed, would require more detailed consideration in the context of the wider Members Allowances Scheme. These include:

- Changing councillor roles;
- The rate of allowances and the mechanisms for determining such rates;
- The wider legislation covering Members Allowances;
- The support provided to councillors in carrying out their varying roles.

In conclusion, the Panel agreed that they would wish to make a positive impact in contributing to the Panel's future work and would welcome the opportunity to facilitate and support the development of the Scheme. This would be dependent on the outcome of the discussion planned to take place at Council on 15 November 2017.

5 Members Allowances Scheme 2018-19

The Panel considered changes to the Members allowance scheme for 2018/19.

In particular the Panel considered the following:

- (a) The Basic Allowance;
- (b) Special Responsibility Allowances (SRAs);
- (c) Arrangements and SRA for the Fostering Panel;

Having regards to some of the issues raised in the Democracy Commission report in respect of Overview and Scrutiny the Panel explicitly requested that a number of issues were placed on record. The Panel expressed disappointment that the Commission's report made reference to perceptions that "Scrutiny is not performing its role effectively". The Panel wishes to emphasise the important role played by Overview and Scrutiny, a factor that is reflected in the status placed on scrutiny roles in the Allowances Scheme.

The Panel considered evidence from Cllr Viv Kendrick, Foster Panel Member, regarding the current arrangements for the Fostering Panel. In considering current arrangements and consequential issues the Panel had regard to the following:

- The growing importance of the Fostering Panel;
- The increase in volumes of works and the expectations placed on Foster Panel members;
- The extent to which the current number of councillors involved is sufficient to meet demand and expectations;
- The ways in which the above mentioned issues are best addressed from an Allowances perspective.

Having weighed up a range of considerations the Panel felt that the most effective approach would be to replace the current SRA with a daily rate and widen the current pool of councillors to between 4 and 6 councillors. This would be based on an expectation that no more than 4 councillors serve in any one month. The Panel acknowledged that the final decision in terms of the size of the pool should be one for Group Business Managers.

The Panel recommends:

- (i) The current basic allowance be increased in line with the amount awarded to Kirklees Council officers with effect from 1 April 2018. To be backdated, if negotiations are still underway on 1 April 2018.
- (ii) The maintenance of all special responsibility allowances (SRAs) at their current level for 2018/19.
 - (a) That the SRA for a Foster Panel Member is changed to the day rate of £114 per day currently paid to Education Appeals Panel Members;
 - (b) That Group Business Managers determine the size of the pool of Councillors from which the Foster Panel should draw;

6 Consequential Changes to the Scheme

The Panel noted recommended changes to the Scheme relating to maternity/paternity leave and pay which they had been previously consulted on and supported.

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. 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.

Report produced on behalf of the Members Allowances Independent Review Panel
by Carl Whistlecraft, Head of Democracy, November 2017