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| Council | |
| Meeting Date | 31 March 2021 |
| Report Title | Addition to the members' allowances scheme: Parental and sickness leave |
| Cabinet Member | Cllr Roger Truelove – Council Leader |
| SMT Lead | David Clifford, as Monitoring Officer |
| Head of Service | |
| Lead Officer | |
| Key Decision | No |
| Classification | Open |
| Recommendations | Council is recommended to: 1. Agree the changes to the members' allowances scheme set out in paragraph 3.3 |

1 Purpose of Report and Executive Summary

- 1.1 This report recommends additional wording in the members' allowances scheme in order to provide for parental and sickness leave for councillors as recommended by the General Purposes Committee. This amendment is based on a recommendation by Swale's independent remuneration panel.

2 Background

- 2.1 The most recent report on members' allowances by the independent remuneration panel, which was considered by full council during the summer, included a recommendation that the allowances scheme should be amended to include provisions enabling councillors to continue to receive both their basic allowance and any special responsibility allowance (SRA) for up to six months when taking leave from councillor duties as a result of maternity, paternity, adoption or sickness.
- 2.2 A further recommendation was that any councillor covering a role attracting an SRA on an interim basis as a result of this provision should receive the same SRA on a pro-rata basis.
- 2.3 The report noted that there are currently no uniform national provisions to cover councillors for these life events, or any legal requirement for them to benefit from such provisions. However, the view of the panel was that the adoption of these provisions locally would support improvement in the diversity of councillors at Swale.

- 2.4 The council resolved in 2019 to encourage greater diversity among councillors. Improved provision for new parents is expected to contribute towards increasing the diversity of experience, age and background of councillors and those considering standing for office. 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.

3 Proposals

- 3.1 The independent remuneration panel did not propose any specific wording for the council to adopt, but did set out what provisions it thought would be appropriate for Swale. It also noted that the LGA had produced a model policy, and gave its reasons for wanting to see something simpler than this adopted in Swale.
- 3.2 Under current legislation, members are able not to attend council meetings for a period of up to six months without this affecting their position as councillors. However, this is clearly not the same as having a definite policy which expressly enables members to take appropriate leave from council duties in specific circumstances. Even if there is no substantive difference in the period of leave permitted, the proposed provisions would create a clear categorical difference between parental, adoption or sickness leave on the one hand and simply not attending meetings for six months on the other.
- 3.3 With this in mind, council is asked to agree to the inclusion of the following points as a new Section 4 in the members' allowances scheme:

4. Maternity, paternity, adoption and sickness leave

- 4.1. *All councillors shall continue to receive their basic allowance in full for a period up to six months in the case of absence from their councillor duties due to maternity, paternity, adoption or sickness absence. In the case of a premature birth, the length of this period will be extended to cover the period between the birth and the due date plus six months from the due date.*
- 4.2. *Councillors entitled to a special responsibility allowance shall continue to receive their allowance in full for a period of six months in the case of absence from their councillor duties due to maternity, paternity, adoption or sickness absence. In the case of a premature birth, the length of this period will be extended to cover the period between the birth and the due date plus six months from the due date.*
- 4.3. *If a replacement to cover the period of absence under these provisions is appointed by council or the leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a special responsibility allowance pro rata for the period over which the cover is provided.*
- 4.4. *Under s85 of the Local Government Act 1972, any councillor who fails to attend a meeting of the council for a period of six months will cease to be a*

member of the council unless the full council resolves to grant a dispensation. This policy neither removes this requirement nor fetters the council's discretion in the granting or withholding of dispensations, but will be a relevant factor in decisions about dispensations in cases in which the primary reason for absence has been and continues to be maternity, paternity, adoption or sickness.

4.5. *Any councillor who decides not to return at the end of their maternity, paternity, adoption or sickness leave must notify the council at the earliest possible opportunity. All allowances will cease from the effective resignation date. If an election is held during a councillor's maternity, paternity, adoption or sickness leave and they are not re-elected, or decide not to stand for re-election, all allowances will cease from the Monday after the election date when they would technically leave office.*

4 Alternative Options

4.1 The council could legitimately decide not to recommend any changes. However, this would not support the council's stated ambition of encouraging greater diversity within its own ranks, and would also fail to implement the recommendation of the independent remuneration panel. This option is therefore not recommended.

4.2 A further alternative option would be to adopt the LGA policy. This option was not favoured by the independent remuneration panel because it too closely resembled a policy aimed at employees based on employment legislation, which does not apply to councillors.

4.3 The panel was of the view that its own recommendations, which are the basis of the proposal in this report, more simply and adequately reflect the situation relating to councillors. Nonetheless, in response largely to points raised by PDRC (see below), some elements of the LGA policy have been incorporated into the proposed wording above. The option to adopt the LGA policy wholesale is therefore not recommended.

5 Consultation Undertaken or Proposed

5.1 A first draft of the proposed wording was considered by PDRC in November. The meeting expressed general support for the direction of travel, but highlighted some potential issues with the text as it stood and made some useful suggestions as to how it could be improved. Several of these have been incorporated into the wording proposed above, mostly drawing on the text of the LGA policy. However, the wording proposed above does maintain the greater simplicity preferred by the Independent Remuneration Panel over the LGA version.

6 Implications

| Issue | Implications |
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| Corporate Plan | Adopting these provisions will support Priority 4 of the corporate plan, “Renewing local democracy and making the council fit for the future”, and more specifically Objective 4.2, “Ensure that all elected members are appropriately supported to lead and improve the council’s engagement with its disparate geographic and demographic communities, and encourage especially the participation of underrepresented groups in the democratic process”. |
| Financial, Resource and Property | There is possible financial implication in the requirement for a member temporarily carrying out the duties of a member in receipt of an SRA while on leave also to receive an SRA on a pro-rata basis. This is not likely to be a frequent occurrence, and in essence only brings the arrangements in respect of members into line with the existing arrangements for covering periods of parental leave or long-term sickness absence for officers. |
| Legal, Statutory and Procurement | There is no legal requirement for councillors to be provided with parental or sickness leave, but there is also no prohibition on councils deciding to provide it. These provisions cannot override the six-month rule established in s85 of the Local Government Act, a point which is made clear in the proposed wording. |
| Crime and Disorder | No specific implications identified at this stage. |
| Environment and Climate/Ecological Emergency | No specific implications identified at this stage. |
| Health and Wellbeing | No specific implications identified at this stage. |
| Safeguarding of Children, Young People and Vulnerable Adults | No specific implications identified at this stage. |
| Risk Management and Health and Safety | No specific implications identified at this stage. |
| Equality and Diversity | As set out in the body of the report, it is anticipated that the removal of a potential barrier will make a positive contribution to the ambition of ensuring a diverse and representative range of people feel able to stand for office in Swale. |
| Privacy and Data Protection | No specific implications identified at this stage. |

7 Appendices

7.1 There are no appendices.

8 Background Papers

8.1 The 2020 report by the independent remuneration panel can be accessed [here](#).