



Agenda

Meeting: **Governance Working Group**
Date: **27 February 2020**
Time: **2.00 pm**
Place: **Hythe Room, Civic Centre**

To: Councillors Connor McConville, Ian Meyers, David Monk, Tim Prater and Lesley Whybrow

1. **Apologies for absence**

2. **Minutes of previous meeting**

3. **Goals for Change**

Members are asked to agree and note the attached summary provided by Andrew Campbell of the LGA.

4. **Summary of Member survey results**

Ian Parry of CfPS to present the headlines from the recent member survey.

5. **Best practice examples**

To receive a presentation.

6. **Overview and Scrutiny - forward look**

To receive a presentation from the Head of Paid Service and Chairman of the Overview and Scrutiny Committee.

7. **Report from the Independent Remuneration Panel**

At its meeting on 20 November 2019, Full Council considered the report of the Independent Remuneration Panel and resolved the following:

“To refer the report to the Governance Working Group and report back to Council”.

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The report to council, accompanied by the recommendations of the IRP are appended to this agenda.

Members are invited to give their views on each individual recommendation.

a) **Draft Parental Leave Policy**

At its meeting on 24 July 2019 Council considered Cllr McConville's motion which called on the Council to implement a parental leave policy for members.

The Council resolved:-

“To refer this parental leave policy to the IRP for consideration in their next review”

Subsequently, on 20 November 2019 Council received the 4th report of its Independent Remuneration Panel. One of the recommendations of the panel was:-

“Officers be asked to bring forward a parental leave scheme for consideration by the Council which would provide leave of absence for Councillors in cases of the birth or adoption of a child and that any such scheme, if approved by the Council, should be on the basis of no detrimental impact on an individual's basic allowance and the ICT allowance but that any SRA cease to be paid during the period when the special responsibilities are no longer being undertaken.”

The parental leave policy has been before the Overview and Scrutiny committee who supported the draft parental leave policy. The policy will be presented to the Governance Working Group and will then be presented to Full Council for approval.

Minutes

Governance Working Group

Held at:	Boulogne Room - Civic Centre Folkestone
Date	Monday, 25 November 2019
Present	Councillors Connor McConville, Ian Meyers, David Monk, Tim Prater and Lesley Whybrow
Officers Present:	Amandeep Khroud (Assistant Director), Susan Priest (Head of Paid Service) and Jemma West (Senior Committee Services Officer)
Others Present:	Andrew Campbell (Local Government Association) Ian Parry (Centre for Public Scrutiny) David Kitson (Bevan Brittan).

4. **Declarations of interest**

There were no declarations of interest at the meeting.

5. **Minutes**

The minutes of the meeting held on 5 November 2019 were approved as a correct record.

6. **Future Governance Arrangements - Options**

The Head of Paid Service introduced the item and invited Members to share their reflections following the all Member briefing held on Thursday 21 November.

The Working Group Members made points including the following:

- There was concern from Members about the potential loss of the Overview and Scrutiny function, and how the wider role of Scrutiny would be carried out in any changed arrangements.
- There was no firm view from Members with regard to future Scrutiny arrangements, but a recognition that current arrangements are not satisfactory. Timings of the meetings should be re-considered, alongside agenda planning for items to allow earlier opportunity to shape and advise during the development of proposals.

- There was flexibility on how a Scrutiny function could operate in future. There was a balance to be had in ensuring that items put forward were not slowing down decision-making or other committee business.
- With regard to putting items forward, there was concern that a technical barrier exists at present, in that there was set criteria which had to be met. However, it could work better if there was a higher threshold of members needed (i.e. 10-15) to support the item coming forward, with less of a 'technical barrier'. The same principles could be applied to the call-in process.
- It was important to have a mechanism so that the call-in process was not abused.

Andrew Campbell and Ian Parry responded to some of the comments, and made points including the following:

- With regard to inviting items for Scrutiny, a Committee System could include a similar provision, so that members of the public could submit topics for inclusion in the forward plan, and Councillors could approach a Committee Chairman to submit items. Committee's would also have the ability to set up Sub-Committee's for more in-depth topics.
- Scrutiny did not have the same purpose in a Committee system, and the function would operate differently.
- The call-in provision was designed to catch anything outside of the decision making process. It was not a Political venting system, but was often used inappropriately in that way by many councils.
- Looking at other authorities operating a Committee system, those with just one Committee tended to keep their O&S committee, whereas those with more than one tended not to have an O&S committee.
- Current Scrutiny arrangements could be made more effective. Pre-decision Scrutiny was a useful tool, and good Scrutiny can help shape policies via early discussions and the use of task groups.

Prior to the meeting, an Advisory Note, which responded to some of the questions raised at the Member Briefing on Thursday 21 November, had been circulated to Members of the Working Group. Andrew Campbell the introduced the paper, highlighting the main points to Members.

David Kitson added that Members needed to fully and carefully consider all potential options and the implications arising, and test proposed options clearly against the underlying reasons for wanting to change the current governance arrangements. Members agreed that their initial discussions and work of Andrew Campbell could usefully be summarised and captured as the underlying objectives for the work. In terms of the proposed timeline, a change in Governance arrangements should not be short-circuited nor rushed, and a realistic timeframe would more likely be around 18 months. There was an option to put in place interim changes, to give an opportunity for Members to try different options of amending current arrangements. These changed working practices may address the objectives of the working group.

Working Group Members then made the following additional points:

- The objective for change was that, although members were involved in discussions in their role in Scrutiny and Audit, they were not involved in the main decision making body. Cabinet presently only represents the views of 16 of 30 members of the Council. Larger, cross party committees would involve more Members and their views as part of decision-making.
- Pre-Scrutiny was not be effective when carried out one day before Cabinet were due to meet.
- Officers could be more closely held to account in a Cabinet Model via Portfolios.
- A review of the current Scrutiny arrangements was supported.
- Scrutiny was always supposed to be advisory, and to shape policy, and this has not widely nor effectively been utilised.
- There will always be some challenges around commercially sensitive information in terms of transparency in decision-making where projects have restrictions they need to rely on.
- Expanding the cabinet to include additional Members could be considered up to a maximum of the Leader +9.

Andrew Campbell, Ian Parry and David Kitson then added the following points:

- The percentage of officer decisions tended to be higher in a committee system.
- O&S could be made more influential, potentially drawing on the Kirklees example.
- Risks and costs increase significantly when there is less time to consider and change Governance arrangements.
- Some Councils have a standing agenda item on their Council agendas allowing the Chair of Overview and Scrutiny Committee to present, which in turn helps raise its profile.
- The risk with regard to commercially sensitive information could not be eradicated. Individual Councillors could be liable for, and pursued for, any losses to the Council.

The following was agreed:

- **The Advisory Note, drafted by Andrew Campbell in response to points raised by members at the briefing, be circulated to all Members of the Council, along with the presentation.**
- **That the objectives for any change be summarised for agreement at a future meeting.**
- **That the timing, role and function of OSC be considered so that improvements can be made.**
- **That the timescale to review Governance arrangements be extended to May 2021.**
- **That the next meeting of the Working Group be scheduled after the General Election, potentially in to the New Year.**

7. **Consultation**

Following discussions in the previous agenda item, this item was withdrawn from the agenda.

THE GOALS FOR A CHANGE IN GOVERNANCE

Based on a series of conversations with Group Leaders, previously summarised at the meeting of the Working Group on 5 November, and further comments at the Member Briefing on 21 November and the Working Group meeting of 25 November the following design principles have been identified for any change in governance, whether that be a modification of the Cabinet model or the adoption of a Committee system:

1. **Inclusiveness** – more Councillors should be involved in making decisions. Currently, 7 out of the 30 Councillors make decisions in Cabinet. The aim should be to increase the percentage of Councillors who have a role in making policy and service decisions.
2. **Representation** – currently, some communities in Folkestone and Hythe, represented by the Green, Labour and Liberal Democrat parties, have no representation in the main decision making processes of the Council. Change should ensure that more communities feel represented in the way decisions are made.
3. **Accountability** – the current system of portfolio holders gives clear accountability and responsibility for the decisions that are made. Any change should ensure that clear accountability remains.
4. **Effective Scrutiny** – strong scrutiny is to be encouraged. In particular, there should be more emphasis on pre-decision scrutiny to ensure that proposals are explored in detail before decisions are made. In a Committee system this can be achieved through ensuring that each Committee has a clear role in ensuring effective scrutiny. In a Cabinet system, the Overview and Scrutiny Committee can have a stronger and more influential role in decision making (eg the Kirklees model) and not just scrutinising decisions once they are made. A process for call in will remain necessary.
5. **Efficiency** – the current model is reasonably streamlined. Any change should not increase the overall number of meetings that are held in any year and should be mindful of the capacity of Members and officers alike to attend or service meetings. Any change should not lead to any significant increase in the costs of the Council's decision making.
6. **Transparency** – the forward programme of decisions and the reasons for decisions, once made, should be communicated clearly to all Councillors and to residents and businesses in the Borough. The number of meetings held in private or confidential papers should be minimal.

NOTE: Although 6 separate design principles have been identified, it will be evident that there are inter-linkages between these goals. For example, stronger pre-decision scrutiny also helps deliver greater inclusiveness and representation.

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**This report will be made
public 12 November
2019**

Report **A/19/19**

To: Council
Date: 20 November 2019
Status: Non executive decision
Head of Paid Service: Susan Priest

**SUBJECT: REPORT FROM THE INDEPENDENT REMUNERATION
PANEL ON MEMBERS' ALLOWANCES AND EXPENSES**

SUMMARY: This report recommends the consideration of the proposals of the Council's Independent Remuneration Panel that the members allowance scheme for elected members of Folkestone and Hythe District Council be amended.

RECOMMENDATIONS:

- 1. To receive and note report A/19/19.**
- 2. To consider the recommendations of the Panel as set out in paragraph 2.3 of this report and to decide whether the allowance scheme should be amended with immediate effect.**
- 3. To thank the Independent Remuneration Panel for undertaking the review.**

1. INTRODUCTION

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to appoint an Independent Remuneration Panel (IRP) to consider and advise on the scale of members' remuneration.
- 1.2 On 24 July 2019 Council considered report A/19/10 and resolved to appoint a new IRP as the existing members terms of office were coming to an end (minute 34). The Head of Paid Service thought it was appropriate to ask the existing panel to have one final look at the scheme in view of the changes in composition of the Council since the election.

2. THE PANEL'S REPORT

- 2.1 The Panel's report is appended in appendix 1. The profiles of the members of the Panel are in appendix 2.
- 2.2 Members are requested to consider the recommendations of the IRP and make decisions on whether to amend the allowance scheme in the light of the recommendations.
- 2.3 The changes recommended by the Panel are as follows:
 - The Leader of the Council Special Responsibility Allowance (SRA) be set at 400 points and protection arrangements be applied in accordance with existing provisions. Note; once the protection arrangements cease to apply this would mean the Leader's SRA would be set at £21,732 per annum
 - The definition of 'Leader of the Opposition' for the purposes of the special responsibility allowance be amended to remove reference to 'minority' when referring to groups. The revised definition to read; "The Leader of the Opposition is defined as the leader of the largest group not forming part of the administration and that in the event of a number of groups of the same size occurring (with no one group being the largest group not being part of the administration) then this SRA should be divided equally between those group leaders.
 - Where the 'Leader of the Opposition' SRA is to be shared equally between two or more group leaders in accordance with the provisions of the scheme then the SRA is to be increased by 50 points to 200 points prior to calculating the relevant share. Note the SRA in the circumstances described above would be set at £10,866 per annum
 - The Council make clear both the aims of the Dependents Carers Allowance scheme and the importance of Councillors being able to claim under the scheme when reporting on Councilor expenses.
 - Paragraph 6 of the Dependents Carers Allowance scheme be amended to read: "The allowance will be paid at either: (a) an hourly rate (or proportion thereof) equivalent to the adult national living wage applicable at the time and to a total of the costs reasonably incurred or (b) paid on the basis of actual invoiced cost from a registered provider approved for the purposes of this scheme by the Monitoring Officer."

- Where an employee benefit scheme adopted by the Council is suitable to be extended to Councillors at no additional cost then discretion should rest with the Head of Paid Service to include Councillors within such a scheme
 - The special responsibility allowance for tier 2 committee chairs be discontinued
- 2.4 The recommendations of the Panel are that these proposals be adopted with immediate effect.
- 2.5 In addition the panel recommended that:-
- “Officers be asked to bring forward a parental leave scheme for consideration by the Council which would provide leave of absence for Councillors in cases of the birth or adoption of a child and that any such scheme, if approved by the Council, should be on the basis of no detrimental impact on an individual’s basic allowance and the ICT allowance but that any SRA cease to be paid during the period when the special responsibilities are no longer being undertaken”.
- 2.6 A further report on this aspect be brought forward shortly for members to consider.
- 2.7 Furthermore the panel made the following recommendation, not strictly relating to the allowance scheme namely:-
- “The Council consider the merits of conducting a trial of daytime meetings with a view to reducing the workload and time commitments for Councillors”.*
- 2.8 The Head of Paid Service will discuss with group leaders this recommendation to ascertain whether there is any desire to change the Council’s current practice.
- 2.9 The Panel also recommended that:-
- “If changes to governance arrangements currently being considered are to proceed then it is recommended that the new Panel is convened to carry out a review at that time. Whether or not such changes proceed, it is recommended that the new Panel be reconvened to review the scheme in 2023 following the local elections”.*

3. LEGAL / FINANCIAL AND OTHER POLICY MATTERS

3.1 Legal officer’s comments (AK)

All relevant legal issues have been addressed in the report.

3.2 Finance officer’s comments (CS)

The cost of the proposed scheme can be contained within the existing budget.

3.3 Diversities and equalities implications (AK)

All relevant issues have been addressed in the report

4. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Amandeep Khroud
Assistant Director – Governance, Law and Regulatory Services
Telephone: 01303 853253
E-mail: Amandeep.khroud@folkestone-hythe.gov.uk

Background documents

None.

Appendices

Appendix 1 – The report from the Independent Remuneration Panel
Appendix – Profiles of Members of the Independent Remuneration Panel



**4th Report of the
Folkestone & Hythe District Council
Independent Remuneration Panel**

October 2019

Introduction

The Folkestone & Hythe District Council Independent Remuneration Panel (IRP) was formed to enable the Council to meet its obligations under the Local Authorities (Members' Allowances) (England) Regulations 2003.

The role of the Panel is to look objectively and independently at the allowances and expenses paid to Folkestone & Hythe District Councillors and co-optees, making recommendations relevant to the Folkestone & Hythe context. Under the regulations, it is a statutory requirement for the Council to have regard to those recommendations in determining allowances and expenses for both Councillors and co-optees.

The scheme of allowances and expenses recommended by the Panel in October 2015 was adopted by the Council on 13th January 2016 and implemented on the 25th May 2015. The operation of the scheme was reviewed by the Panel in its January 2017 report. This report is the final report of the current Panel following a further review carried out in September and October 2019.

The Panel would like to record its thanks to the Head of Paid Service, Monitoring Officer and staff of the Council and to the Councillors who have given their time to this process. A particular note of thanks also goes to Kate Clark for her practical and administrative support.

This report represents the collective view of the Panel and I would like to acknowledge the work of my fellow Panel members, David Ellerby, Michael George and Janet Waghorn.

Whilst the role of the Panel is to make recommendations, the final decisions on these matters rest with the elected members of Folkestone & Hythe District Council.

Chris Harman
Chair, Folkestone & Hythe Independent Remuneration Panel

1. Structure of Review

1.1 In carrying out this review, the approach adopted by the Panel was to:

- (a) Review documentation including the South East Employers' Members Allowances Survey 2018-19.
- (b) Interview the Head of Paid Service.
- (c) Interview a representative sample of 11 Councillors holding different roles
- (d) Solicit wider public input through use of the Council's website and social media feeds

1.2 All Councillors were given the opportunity to meet with the Panel and to make written submissions.

1.3 All Parish and Town Councils in the District were informed the Panel was sitting and asked if they would like the Panel to review their own arrangements for Member allowances as part of its work programme in its role as the Parish Remuneration Panel.

1.4 Areas considered by the Panel included:

- (a) The effectiveness of the scheme in practice taking into account the changing circumstances at the Council since its inception.
- (b) The operation of specific aspects of the scheme including provision for carers, the system of expenses and the arrangements related to the ICT allowance,
- (c) The degree to which the scheme effectively supported the democratic process and facilitated democratic participation.
- (d) The extent to which the differentials between different special responsibility allowances established by the scheme continued to be seen as appropriate in practice.
- (e) The appropriateness of the arrangements at Folkestone & Hythe with regard to the wider practices within Local Government and in particular within Kent.
- (f) The extent to which the scheme was successfully delivering a transparent and coherent framework for allowances.

2. Individuals and Roles

2.1 As with previous reviews, it was noted by several interviewees and accepted by the Panel that different individuals will bring a different level of involvement to the different roles. It is the view of the Panel that individual office holders have a degree of choice in the time commitment they give to a role and that variations in such choices should not impact on the assessment of the appropriate level of a special responsibility allowance (SRA).

2.2 This is consistent with the previously expressed view of the Panel that being a councillor is not a 'job' in the traditional sense and therefore Councillors' allowances are not 'pay'. Rather, the Panel viewed the role of a councillor as public service, carrying with it both privileges and responsibilities. Accordingly the Panel maintains the view that Councillors' allowances are primarily a means of compensating for both the time commitment and incidental financial costs of holding elected office. Having taken this view, it follows that allowances are not a 'reward' in pay strategy terms and that it would be inappropriate to allow the allowance scheme to be influenced by consideration of an individual's performance in a role, including how much time they give to it above and beyond what might reasonably be expected.

2.3 The Panel is conscious that such an approach does require an assessment of what might reasonably be expected in terms of time commitment and its conclusions on this, based on both local interviews and regional and national survey data, were detailed in previous reports. However the Panel accepts that such an approach is more difficult with unique roles, such as Leader of the Council, where the time commitment involved is heavily dependent on the individuals approach to the role.

3. Leader of the Council SRA

3.1 As part of this review the Panel again looked at the differentials between different SRAs and between those SRAs and the basic allowance. The Panel was satisfied that the basic allowance as well as the differentials were generally at the right levels other than the differential between the 'Leader of the Council' SRA and the 'Cabinet Members' SRA where a review of comparative data identified some concerns. It should be stressed however, that there was general consensus from the interviews conducted regarding the high demand of this role and the amount of work carried out by the current incumbent.

3.2 At the time of this Panel's last review this SRA was seen as being towards the higher end of acceptable values but not, in the circumstances of this Council, unreasonable. This reflects the conclusions of this Panel's 2015 review where this SRA was identified as being relatively high.

3.3 Revisiting relevant comparators suggests both in absolute and relative terms, that this SRA, set at 440 points, is now too high for the matter to remain unaddressed. Whilst it is clear to the Panel, from the interviews conducted, that the present incumbent of the role is perceived to carry significant responsibility and the role itself carries a high workload, the Panel is required to focus, not on the individual, but the allowance.

3.4 Having considered the comparators both across the South East and locally and taking into account local circumstances, the Panel is of the view that the differential between the 'Leader of the Council' and the 'Cabinet Member' SRA is set too high and should be reduced. The Panel has concluded that a point score of 400 points for the 'Leader of the Council' SRA would be appropriate. This would set the 'Leader of the Council' SRA at twice the level of the 'Cabinet Member' SRA.

3.5 Given that the recommendation involves a reduction in a current SRA, the protection arrangement, previously agreed by the Council, as detailed in the Panel's 2015 report, would apply. Under these arrangements there would be no detriment to the current incumbent as the allowance would be frozen at its current level.

3.6 In summary it is recommended that:

The Leader of the Council SRA be set at 400 points and protection arrangements be applied in accordance with existing provisions.

3.7 The Panel considered the 'Deputy Leader' SRA and also whether or not changes to the size of the Cabinet should impact the 'Cabinet Member' SRA. In both these areas the Panel reached the view that no changes be recommended. With respect to Cabinet size, the Panel accepted that this could increase workloads but concluded that this was a matter of political decision making and that the existing provisions with the scheme were adequate.

4. Leader of the Opposition SRA

4.1 The current scheme provides for an SRA set at 150 points for the role of Leader of the Opposition. This SRA is designed to support the democratic process and the Panel's reasoning has been detailed in previous reports. The scheme also provides that the Leader of the Opposition is defined as the leader of the largest minority group not forming part of the administration. Under the scheme, where there is more than one group of the same size occurring (with no one group being the largest minority group) then this SRA is divided equally between those group leaders.

4.2 The current situation at the Council has brought greater focus on this provision given that there is currently more than one minority group and two

are of the same size (with the consequence that the allowance is currently shared between those two group leaders).

4.3 The Panel appreciate that the current arrangement means there is no special responsibility allowance for leaders of smaller opposition groups not falling within the definition of 'leader of the opposition' as applied to this SRA. However, the Panel's view is that this SRA is not intended to recompense for the role of 'group leader' but to provide recompense for the democratically important role of 'leader of the opposition'. It is also the Panel's view that this role falls to the leader of the largest opposition group (or groups if more than one of equal size). Whilst leaders of groups not forming part of the administration may make political arrangements or come to political understandings which effectively share the responsibility for holding the administration to account, such arrangements being political in nature and discretionary are not matters for the Panel or that the Panel view as relevant to the distribution of SRAs. The Panel are also conscious of the importance of this SRA not becoming the equivalent of a 'group leader' SRA given that groups are essentially political creations, may or may not form part of the administration and that a 'group leader' type of SRA can have the unintended consequence of providing an incentive towards political fragmentation.

4.4 However, the panel are of the view that where the 'leader of the opposition' SRA is split between two or more group leaders in accordance with the current provisions of the scheme, then there is an argument that such responsibilities do not divide neatly and that the effect is to undervalue the additional responsibilities of each group leader. The Panel would therefore recommend that where the allowance is divided in these situations between two or more individuals, that there should be an uplift to the allowance of 50 points to 200 points prior to that division. The Panel is also of the view that the definition should refer to 'groups' not 'minority groups' given that it is possible for the largest group to become the opposition group in a Council comprising a number of groups. In summary it is recommended that:

The definition of 'Leader of the Opposition' for the purposes of the special responsibility allowance be amended to remove reference to 'minority' when referring to groups. The revised definition to read; "The Leader of the Opposition is defined as the leader of the largest group not forming part of the administration and that in the event of a number of groups of the same size occurring (with no one group being the largest group not being part of the administration) then this SRA should be divided equally between those group leaders.

Where the 'Leader of the Opposition' SRA is to be shared equally between two or more group leaders in accordance with the provisions of the scheme then the SRA is to be increased by 50 points to 200 points prior to calculating the relevant share.

5. Support for Carers

5.1 In relation to the Dependants' Carers' Allowance scheme, it continues to be the case that these provisions are not widely used. It was noted that there may be some reluctance for those eligible to make claims under the scheme because of adverse and hostile comments on social media and similar. The Panel see this as a regrettable situation which hinders democratic participation. The Panel noted that as the pool of Councillors becomes more diverse then the provisions of such a scheme increase in importance to facilitate democratic participation. In the light of this the Panel considered whether there were alternative means to deliver the objectives of the scheme which did not expose those utilising the scheme to hostile commentary. The Panel concluded that the interests of transparency and the need to effectively control the costs of the scheme make it difficult to find a viable alternative to a claims based provision. However, the Panel would recommend that:

The Council make clear both the aims of the Dependants' Carers' Allowance scheme and the importance of Councillors being able to claim under the scheme when reporting on Councillor expenses.

5.2 In reviewing the detail of the scheme the Panel noted that the requirement to base claims on the adult national living wage may be unnecessarily restrictive, particularly as the requirement for carers may lie outside normal working hours and attract premium rates of pay. The Panel therefore recommends that:

Paragraph 6 of the Dependants' Carers' Allowance scheme be amended to read: "The allowance will be paid at either: (a) an hourly rate (or proportion thereof) equivalent to the adult national living wage applicable at the time and to a total of the costs reasonably incurred or (b) paid on the basis of actual invoiced cost from a registered provider approved for the purposes of this scheme by the Monitoring Officer."

5.3 The Panel also considered whether there were appropriate further measures within its remit that could be taken to facilitate democratic participation particularly from those with carer responsibilities. The issue of parental leave was raised. Such a scheme would allow Councillors an approved leave of absence on the birth or adoption of a child. This could be with or without impact on that Councillors' remuneration. Whilst the Panel felt there was merit in the idea, it was also noted that there were practical difficulties given that the absence of a Councillor would inevitably impact on other Councillors at ward level and would also reduce the democratic representation of the electorate. However, the Panel noted that similar issues existed in relation to long term absence through ill-health and that Councillors had worked together at ward level to cover such absence. On this basis the Panel felt that the practical difficulties were not insurmountable. In considering such a scheme the Panel was conscious that there was a risk of treating the Councillor role as 'employment' but felt that such a risk was

balanced by the desirability of increased flexibility to remove barriers to democratic participation. However the Panel felt that the only aspect of such a scheme that fell within its statutory remit was whether or not such leave, if adopted by the Council, should be with or without impact on remuneration. The Panel took the view that for such a scheme to be effective any adverse economic impact on the individual should be minimised but that it was difficult to justify continuing to pay a special responsibility allowance when the associated role was no longer being performed. The Panel concluded that if such a scheme were introduced then the basic allowance and the ICT allowance should continue to be paid but that any special responsibility allowance should cease. It is the recommendation of the Panel that:

Officers be asked to bring forward a parental leave scheme for consideration by the Council which would provide leave of absence for Councillors in cases of the birth or adoption of a child and that any such scheme, if approved by the Council, should be on the basis of no detrimental impact on an individual's basic allowance and the ICT allowance but that any SRA cease to be paid during the period when the special responsibilities are no longer being undertaken.

5.4 A further issue that arose during this review was whether or not the current arrangements of primarily evening meetings was a disincentive to democratic participation and whether or not it unnecessarily added to the time commitments of all Councillors. The Panel noted that there were varying views on this and concluded that, whilst the practical matters of Council administration lay outside its formal remit, the impact on Councillor workloads, time commitment and on the application of the Dependents' Carers' Allowance scheme were relevant to remuneration. Given the differing views and the differential impact of such a change, the Panel felt that there may be some benefit to the Council in conducting a trial of daytime meetings in agreed areas to allow an assessment of the relative advantages and disadvantages and the overall impact on the Councillor role. The Panel therefore recommend that:

The Council consider the merits of conducting a trial of daytime meetings with a view to reducing the workload and time commitments for Councillors.

6. Benefit Schemes

6.1 It was brought to the Panel's attention that there might be other benefits, either proposed or existing, applicable to Council staff that could be extended to Councillors. Councillors are not employees and therefore the Panel felt that each proposal would need to be considered on its own merits. In relation to the particular case raised of an employee discount card scheme, the Panel was of the view that, if the extension of such a scheme incurred no additional cost, then it was reasonable to include Councillors within its purview provided there was no objection in principle

from the Head of Paid Service. Where there is a direct cost to the inclusion of Councillors in a scheme the Panel was of the view that the interests of transparency required such a proposal to be subject to a formal process and decision. The Panel therefore recommends that:

Where an employee benefit scheme adopted by the Council is suitable to be extended to Councillors at no additional cost then discretion should rest with the Head of Paid Service to include Councillors within such a scheme

7. Environmental Impact

7.1 The Panel's attention was also brought to the encouragement of environmentally sustainable travel through the application of the expenses scheme. The Panel took the view that this meant ensuring the scheme did not encourage unnecessary travel and positively encouraged reducing the carbon footprint of necessary travel. The Panel's view was that the current bicycle mileage allowance is set at a level sufficient to provide such encouragement and that travel by public transport is also adequately covered. The Panel considered whether the scheme should extend to the provision of interest free loans for the private purchase of bicycles but concluded that such a provision was more appropriate to employees where the processes for dealing with employee loans of various kinds are better developed and suitably robust. Given that Councillors are not employees it was felt inappropriate to recommend adoption of such a scheme. At a later date the Council may wish a future Panel to consider incentivising the use of fully electric vehicles for personal transport through the expenses scheme but the current Panel felt it was not a matter to be addressed at this time.

8. Committee Roles

8.1 It was noted that the Council is currently considering whether or not to move to new governance arrangement consisting of a committee system. The Panel's view is that this would constitute a significant change and would be a matter for the next Panel to consider.

8.2 In the meantime the Panel re-considered the unremunerated role of committee vice-chair and felt that no change was warranted to this arrangement. However should the Council move to different governance arrangements then this might be a matter for the next Panel to reconsider.

8.3 The Panel also considered the current categorisation of committees into 'tiers' for remuneration purposes. It was noted that the only remaining remunerated tier 2 committee chair role was for the chair of the Personnel Committee. It was also noted that this SRA has not been paid for some time under the rules related to the payment of only a single SRA. The Panel's view was that it was likely that this would continue to be the case and, in any event, whilst the committee dealt with substantive issues on the occasions it

did meet, the actual workload involved on a regular basis did not appear to warrant the continuation of this SRA. As this is the only tier 2 committee, removing this SRA would mean that SRA's would no longer be applicable for chairing a tier 2 committee. The Panel recommends that:

The special responsibility allowance for tier 2 committee chairs be discontinued

9. ICT Allowance

9.1 The Panel took the view that the ICT allowance is working effectively to cover the additional costs incurred by Councillors in fulfilling their responsibilities. However, there was a view expressed that the provision of a separate allowance, whilst required at the present time, may be something that has a limited lifespan. When such allowances were first introduced it was not uncommon for Councillors to have to purchase new technology, separate telephone lines, better broadband access and similar to fulfil their role. This is less often the case nowadays and the costs covered by the allowance tend to be related to consumables together with a contribution towards fixed costs. The Panel has some sympathy with this view and believes that, together with the Council issued tablet computers, the provision of a member 'business centre' in the form of a well equipped shared office facility with printing facilities might be a catalyst to phasing out the allowance. Whilst the Panel does not propose making any recommendations on this matter, the Panel believes that the continuation of this allowance should be kept under review as the Council's ICT support for Councillors develops.

10. Annual Increase

10.1 The Panel reviewed the annual up-rating provision in the scheme which currently uses CPI. This was seen as working effectively and avoided the inherent conflict of interest in using other measures such as the annual staff pay award which is itself determined by Councillors. It was noted that in the past Councillors allowances had fallen far below what was reasonable due to the lack of regular up-rating. Since the introduction of the current scheme the up-rating mechanism had prevented this re-occurring. It was also noted that during a period of fiscal restraint, the up-rating mechanism could lead to a relative increase in allowances at the Council when considered against comparator Councils where no up-rating, or a different up-rating mechanism is used. This was, in the Panel's view, an unavoidable consequence of the design of the scheme and less damaging to local democratic participation than the cumulative effect of failing to up-rate allowances over a number of years. It was also felt by the Panel that, over time, any anomalies created by different methods of up-rating between different Councils would have a tendency to even out.

11. Approved Duties for Travelling and Subsistence

11.1 It was noted that Councillors claims for travelling and subsistence for approved duties can attract negative publicity and that this can deter Councillors from making claims. It was also noted that a number of Councillors do not make claims under these provisions other than for exceptional items.

11.2 The Panel would reiterate its view that every individual's circumstances are different and that it is important the Councillors do not feel discouraged from making legitimate claims under these provisions. In this respect the Panel felt it incumbent upon the Council to make it clear in any publication of payments to Councillors in relation to travelling and subsistence claims both the legitimacy of those claims and the importance of the scheme to diversity in democratic participation.

11.3 Other than matters related to public perception, there appeared to be no substantive issues with the operation of this aspect of the scheme and no changes are recommended.

12. Conclusions of the Panel

12.1 Overall the Panel found that the scheme was functioning effectively with few negative criticisms being expressed by those interviewed, In addition no responses were received through the opportunity provided for public comment. A review of external comparator data showed that the scheme remained one of the most affordable within the region offering good value to the residents of the district whilst being perceived to offer adequate levels of compensation to Councillors. Where analysis of the comparative data has suggested amendments this is covered in the text of this report and recommendations below. Changes to the Council composition following the most recent elections have also tested the provision related to the 'leader of the opposition' SRA and an amendment to the operation of this SRA is included in the recommendations.

12.2 The Panel believe the scheme continues to operate in a transparent and coherent fashion and to support democratic participation. Some amendments are suggested to improve this aspect together with recommendations to the Council to consider issues such as parental leave and to trial daytime meetings. However, the provisions in the scheme to encourage a diversity of democratic representation can be undermined by ill-informed and unjustified negative public commentary on member expenses and allowances, particularly on the web and social media. Whilst transparency and accountability are essential in this area and public scrutiny is to be welcomed, the Panel believe it is important for the Council to be proactive in ensuring the public is properly informed about the work of Councillors and the role of the expenses and allowances scheme and to actively respond to ill-informed and unjustified public commentary on the subject.

13. Summary of Recommendations

13.1 The Leader of the Council SRA be set at 400 points and protection arrangements be applied in accordance with existing provisions.

13.2 The definition of 'Leader of the Opposition' for the purposes of the special responsibility allowance be amended to remove reference to 'minority' when referring to groups. The revised definition to read; "The Leader of the Opposition is defined as the leader of the largest group not forming part of the administration and that in the event of a number of groups of the same size occurring (with no one group being the largest group not being part of the administration) then this SRA should be divided equally between those group leaders.

13.3 Where the 'Leader of the Opposition' SRA is to be shared equally between two or more group leaders in accordance with the provisions of the scheme then the SRA is to be increased by 50 points to 200 points prior to calculating the relevant share.

13.4 The Council make clear both the aims of the Dependants' Carers' Allowance scheme and the importance of Councillors being able to claim under the scheme when reporting on Councillor expenses.

13.5 Paragraph 6 of the Dependants' Carers' Allowance scheme be amended to read: "The allowance will be paid at either: (a) an hourly rate (or proportion thereof) equivalent to the adult national living wage applicable at the time and to a total of the costs reasonably incurred or (b) paid on the basis of actual invoiced cost from a registered provider approved for the purposes of this scheme by the Monitoring Officer."

13.6 Officers be asked to bring forward a parental leave scheme for consideration by the Council which would provide leave of absence for Councillors in cases of the birth or adoption of a child and that any such scheme, if approved by the Council, should be on the basis of no detrimental impact on an individual's basic allowance and the ICT allowance but that any SRA cease to be paid during the period when the special responsibilities are no longer being undertaken.

13.7 The Council consider the merits of conducting a trial of daytime meetings with a view to reducing the workload and time commitments for Councillors.

13.8 Where an employee benefit scheme adopted by the Council is suitable to be extended to Councillors at no additional cost then discretion should rest with the Head of Paid Service to include Councillors within such a scheme

13.9 The special responsibility allowance for tier 2 committee chairs be discontinued

13.10 It is the Panel's view that the recommendations do not represent a 'package' and can therefore be considered individually. It is also the Panel's view that recommendation 13.2 falls within the existing provisions for updating and interpretation of the scheme and, together with 13.4, can be dealt with under officer delegated powers. Recommendation 13.7 is a suggestion to the Council and may not require a formal resolution to be passed.

14. Future Reviews

14.1 This will be the last review of the current Panel and any future review will be conducted by a new Panel. If changes to governance arrangements currently being considered are to proceed then it is recommended that the new Panel is convened to carry out a review at that time. Whether or not such changes proceed, it is recommended that the new Panel be reconvened to review the scheme in 2023 following the local elections.

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Profiles of the members of the Folkestone & Hythe Independent Remuneration Panel

DAVID ELLERBY

David moved to Hythe in 2006 when he retired as principal of a further education college in Essex. He has more than 18 years experience as a member of a district council members' independent remuneration panel. For twelve years, he was independent chairman of a large local strategic partnership, responsible for developing and overseeing an extensive community strategy. He was vice president of a local chamber of commerce, former Chair of the East Kent Bench and has held a number of chairmanship positions in the public sector. David lives in Hythe and is married with three children. He is a retired magistrate, a graduate in mathematics and a fellow of the Royal Statistical Society.

CHRIS HARMAN (CHAIR)

Chris has worked for county, district and unitary councils and in the private sector. Following his last local government role, serving as Chief Executive for a unitary authority, Chris retired to Folkestone. With a professional background in human resources he has experience with a wide range of pay and remuneration matters. A former governor of Staffordshire University, he is co-author of a number of professional books and articles on HR and Knowledge Management. Chris has worked with the United Nations, the OECD and the EU and currently sits on a scrutiny board for a large housing association. Chris holds a masters degree in management and is a Fellow of the Chartered Institute of Personnel and Development.

MICHAEL GEORGE

Michael has lived and worked in Folkestone for 38 years. After qualification as a solicitor, he worked for Shepway District Council before moving into private practice. Until retiring in 2011, Michael had spent 20 years as a Senior Crown Prosecutor, dealing with everything from motoring to murder. Married, and with two adult children, Michael has been a school governor, a member of St John Ambulance, and trustee of a local charity. He has worked with local schools sharing his experiences in the Law and military history (about which he has written two books). Keen to encourage interest in our local heritage, Michael has led guided walks and given many talks.

JANET WAGHORN

Janet retired following a successful career in the Police and Local Government, culminating in her role as executive director of East Kent Local Strategic Partnership. She holds a master degree in Management Studies and is an experienced strategic leader, working in complex organisations locally and nationally. Janet became a magistrate in 2009 and in recent years Janet has focused on 'Standards in Public Life' and is the appointed Independent Person for Dover District Council and Kent Fire and Rescue Authority

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This Report will be made
public on 10 February
2020

Report Number **OS/19/07**

To: Overview and Scrutiny Committee
Date: 18 February 2020
Status: Non executive decision
Responsible Officer: Susan Priest, Head of Paid Service

SUBJECT: MEMBERS' ALLOWANCES – DRAFT PARENTAL
LEAVE POLICY

SUMMARY: This report sets out the draft parental leave policy for the committee's consideration.

RECOMMENDATIONS:

1. To receive and note report OS/19/07.
2. The Committee's view are sought on the draft parental leave policy contained in appendix 1.

1. BACKGROUND

1.1 On 20th November 2019 Council received the fourth report of the Council's independent Remuneration Panel on members' allowances. The Council resolved (minute 66):-

- "1. To receive and note report A/19/19.*
- 2. To refer the report to the Governance Working Group and report back to Council.*
- 3. To thank the Independent Remuneration Panel for undertaking the Review."*

1.2 One of the recommendations of the panel was:-

"13.6 Officers be asked to bring forward a parental leave scheme for consideration by the Council which would provide leave of absence for Councillors in cases of the birth or adoption of a child and that any such scheme, if approved by the Council, should be on the basis of no detrimental impact on an individual's basic allowance and the ICT allowance but that any SRA cease to be paid during the period when the special responsibilities are no longer being undertaken."

1.3 This report appends (1) the draft report of officers that will be placed before the working group.

2. PROCESS FOR SEEKING COUNCIL'S DECISION ON THE PARENTAL LEAVE POLICY

2.1 Prior to the consideration by the working group this committee's views are sought on the proposed draft parental leave policy. The views of the committee will be reported to the working group. Attached is the draft report which appends the proposed parental leave policy.

2.2 Also attached (2) is the Local Government Association's Labour Women's Taskforce model parental leave policy on which the draft policy is based though it does differ with respect to special responsibility allowances

2.3 The Committee's views are therefore requested

3. RISK MANAGEMENT ISSUES

3.1 There is not a great deal of risk management involved in this issue.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (NE)

These are shown in the draft report at appendix 1.

4.2 Finance Officer's Comments (SP)

These are shown in the draft report at appendix 1.

4.3 Diversities and Equalities Implications (RB)

These are shown in the draft report at appendix 1.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting.

Jemma West, Committee Services Specialist

Telephone: 01303 853369

Email: Jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1: Draft Parental Leave Policy

Appendix 2: Local Government Association's Labour Women's Taskforce model parental leave policy

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DRAFT REPORT

Report Number **A/**

To: Council
Date: TBC
Status: Non – executive decision
Responsible Officer: Susan Priest, Head of Paid Service

SUBJECT: MEMBERS' ALLOWANCES – PARENTAL LEAVE POLICY

SUMMARY: This report sets out, for consideration by members a draft parental leave policy for the members' allowance scheme.

RECOMMENDATIONS:

1. To receive and note report A/
2. To consider the draft parental leave scheme attached and decide whether to adopt it, with or without amendments into the Council's allowance scheme for members.

1. BACKGROUND

- 1.1 At its meeting on 24 July 2019 Council considered Cllr McConville's motion which called on the Council to implement a parental leave policy for members. The Council resolved:-

"To refer this parental leave policy to the IRP for consideration in their next review" Minute 33.3

- 1.2 On 20 November 2019 Council received the 4th report of its Independent Remuneration Panel. One of the recommendations of the panel was:-

"13.6 Officers be asked to bring forward a parental leave scheme for consideration by the Council which would provide leave of absence for Councillors in cases of the birth or adoption of a child and that any such scheme, if approved by the Council, should be on the basis of no detrimental impact on an individual's basic allowance and the ICT allowance but that any SRA cease to be paid during the period when the special responsibilities are no longer being undertaken."

- 1.3 This report sets out a possible scheme.

2. CONSULTATION

- 2.1 Currently the Council does not have a formal parental leave scheme for Members, and has no recent experience of members who wished to take parental leave.

- 2.2 Section 85 Local Government Act 1972 provides that if a member fails to attend a Council meeting (or executive meeting if the member is a member of the Cabinet) for a period of six consecutive months, then unless before the expiry of that period the Council approves the non-attendance, then by law the member will cease to be a member at the end of that six months. This provision will continue, of course, to apply.

- 2.3 The Local Authorities (Members' Allowances) (England) Regulations 2003 provide that local authorities must make a scheme which provides for both a basic allowance payable to all councillors and for special responsibility allowances to be paid to members who have special responsibilities within the categories defined in the regulations. Once the Scheme is agreed, they also provide for the payment of dependant carers' allowance and travelling and subsistence allowance. Once agreed, allowances may only be made to members in accordance with the scheme. The scheme may be amended at any time.

- 2.4 Before a Council makes or amends a scheme of members' allowances, it must have regard to the recommendations made in relation to it by its independent remuneration panel.

- 2.5 Members are now asked to consider whether to introduce a provision for paid parental leave for councillors into its scheme of members' allowance. In doing so, they are reminded of the legal requirement to have regard to

APPENDIX 1

the recommendation of the Council's Independent Remuneration Panel. This is set out above in paragraph 1.2.

- 2.6 The Council's employee scheme for maternity, adoption and paternity are complex and exceeds the statutory requirements. In brief statutory maternity pay is paid for 39 weeks, the Council's scheme supplements this (depending on length of service) by paying a percentage of the employee's normal pay. This percentage reduces after 12 weeks
- 2.7 Those failing to return to work for less than 3 months after their maternity leave are required to repay a certain amount.
- 2.8 Adoption leave can also be for up to one year. The Council employee scheme for adoption leave and pay is the same as the maternity scheme.
- 2.9 The Council also has a Paternity Leave policy for those employees who take time off because their partner is having a baby or taking Adoption Leave. Paternity Leave is for one or two weeks. The leave must be taken in one go. Employees with one year's continuous service with the council are eligible for pay at 90% of their average weekly earnings while on Paternity Leave.

3. THE STATUS OF MEMBERS

- 3.1 By definition, any scheme for members' parental leave will differ from that applying to employees as there is a different legal framework applying to both. Members are not employees and replacement maternity cover for members who are in receipt only of basic allowance may not be obtained unless the member resigns and an election is held.
- 3.2 Fellow ward members may need to cover for ward based work in the absence of a member on parental leave (or if the ward is single member, a member from an adjoining ward) may cover the work) for example. Examples from elsewhere show that some councils have adopted schemes which mirror the employee scheme, whilst others have a more bespoke scheme.

4. DRAFT SCHEME

- 4.1 A draft scheme is appended (1). It draws on schemes from other councils and in particular from the model parental leave policy drawn up by the Local Government Association's Labour Women's Taskforce.
- 4.2 It does differ from the model scheme in specifying, in line with the IRP's recommendations that the SRA will no longer be paid when the special responsibilities are no longer being undertaken.

5. RISK MANAGEMENT ISSUES

- 5.1 There is not a great deal of risk management involved in this issue

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments (NE)

As set out in the report, Councillors are subject to s85 of the Local Government Act 1972 which states that any Councillor who fails to attend any meeting of the Council or of any committee, joint committee or sub-committee of which they are a member for more than six months, shall cease to be a member of the Council, unless the failure to attend was due to a reason approved by the Council. So, even if the Council introduces a parental leave scheme, it will still be necessary for any member on such leave to attend at least one Council meeting in any period of 6 consecutive months to avoid a causal vacancy arising, unless the Council before the expiry of that period approves the reason for the absence.

6.2 Finance Officer's Comments (SP)

Adoption of the proposed policy would result in a small financial implication for the Council should any Councillor be in a position to utilise the policy. It is anticipated that these implications would be small and could be contained within the overall budget envelope

6.3 Diversities and Equalities Implications (GE)

A parental leave policy it would be a positive contribution that helps meet the principles of the Public Sector Equality Duty and ensures that people with protected characteristics are not excluded from public life.

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Jemma West, Committee Services Specialist
Telephone: 01303 853369
Email: Jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices: Draft Parental Leave Policy

Members allowances – Parental Leave

1. Leave Periods

1.1 A Member giving birth is entitled to up to six months' parental leave from one month before the due date, with the option to extend to 52 weeks, by agreement of full Council in exceptional circumstances

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 6 month entitlement.

1.4 A member shall be entitled to take a minimum of two weeks paternity leave if they are the biological father or nominated carer of their partner or spouse following the birth of or adoption 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 the Council.

1.6 Where both parents are members of the Council, leave may be shared up to a maximum of 24 weeks for the first six months, up to a maximum of 50 weeks in exceptional circumstances and subject to the agreement of full Council. 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 6 months adoption leave from the date of placement with the option to extend up to 52 weeks in exceptional circumstances subject to the agreement of full Council.

1.8 Any Member who takes parental leave is still subject to their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take parental 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 parental 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 and ICT Allowance

APPENDIX 1

2.1 All Members shall continue to receive their Basic Allowance and ICT Allowance in full whilst on parental leave.

3. Special Responsibility Allowances

3.1 Special Responsibility Allowance shall cease to be paid when the special responsibilities are not being undertaken.

3.2 Unless the Member taking parental leave is removed from their post by the Council or leader (as the case may be) 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. This does not affect the legal right of the leader to remove a member from the Cabinet at any time or of the Council to remove a member from a post.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their parental 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 parental leave and they are not re-elected, or decide not to stand for re-election, basic allowances will cease from the Monday after the election date when they would technically leave office.

Parental Leave Policy for Councils

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, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

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.

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Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 18 February 2020
Present	Councillors Miss Susan Carey, Laura Davison, Peter Gane, Michelle Keutenius (Vice-Chair), Terence Mullard, Patricia Rolfe, Rebecca Shoob (Chairman) and John Wing
Apologies for Absence	Councillor Gary Fuller
Officers Present:	Kate Clark (Committee Services Case Officer), Cheryl Ireland (Lead Accountant), Amandeep Khroud (Assistant Director) and Charlotte Spendley (Director of Corporate Services)
Others Present:	Councillors David Monk and Connor McConville

The Chairman welcomed Councillor John Wing as a new member of the Committee. The Chairman also reminded members that the Annual Scrutiny Programme for 2020/21 is currently open and accepting topics for discussion for the forthcoming year.

54. **Declarations of Interest**

Councillors Patricia Rolfe and Terry Mullard declared a disclosable pecuniary interest as they are both Board members of Oportunitas Ltd, dispensations have been applied.

Councillors Peter Gane and Michelle Keutenius made voluntary announcements as they are members of Folkestone Town Council.

Councillor Patricia Rolfe made a voluntary announcement as she is a member of New Romney Town Council.

All announcements and interests referred to Agenda Item 5, General Fund Budget and Council Tax 2020/21. All members took part in discussions and voting on this item.

55. **Minutes**

The minutes of the meeting held on 21 January 2020 were approved and signed by the Chairman following the amendments noted below:

Minute 48 – Additional information as follows:

‘Some members raised concerns about the Accounts and some members were not aware that the District Council’s Chairman Councillor Mrs Ann Berry is a Trustee of the Step Short Charity, although this does not impact on the decision made by Cabinet.’

Minute 50 – Members asked about the Minimum Revenue Provision and its appropriateness, referring specifically to Paragraph 2 (iii) Appendix 3 of the report C/19/58.

Minute 51 – Amendment to resolution as follows:

‘To recommend to Cabinet that feedback is given to the *Overview & Scrutiny Committee* on the deployment of the Q3 underspend monies against corporate priorities.’

56. Members' Allowances - Draft Parental Leave Policy

Report OS/19/07 set out the draft parental leave policy for the Committee’s consideration.

Mrs Amandeep Khroud, Assistant Director, advised members that this report would be presented to the Governance Working Group and subsequently to Full Council for their consideration.

Generally members agreed this report showed a reasonable and fair approach to the subject in a non-discriminatory way.

Councillor Laura Davison questioned the removal of the Special Responsibility Allowance (SRA) if a councillor takes parental leave and special responsibilities are not undertaken. She believed this could cause financial difficulties and may be seen as indirect discrimination.

In comparing the proposed Parental Leave Policy, Mrs Khroud looked at other local authorities, the LGA guidance and the LGA’s Labour Women’s Taskforce, concluding that the SRA is paid to councillors who carry out special responsibilities. In this respect these would not be carried out if Parental Leave was taken and it would seem reasonable and legally correct for the SRA payment to cease.

Proposed by Councillor Laura Davison
Seconded by Councillor Michelle Keutenius and

RESOLVED:

To recommend to Council that the Special Responsibility Allowance remains intact when a Councillor, who receives it, takes Parental Leave.

(Voting: For 3; Against 5; Abstentions 0)

THIS MOTION FELL.

Further comments made included encouraging all members to accept their allowances, attracting a younger generation of potential councillors and pointing out that this policy is relevant to both sexes.

Proposed by Councillor Peter Gane
Seconded by Councillor Terry Mullard and

RESOLVED:

- 1. To receive and note report OS/19/07.**
- 2. That the Committee fully supports the Draft Parental Leave Policy.**

(Voting: For 8; Against 0; Abstentions 0)

57. General Fund Budget and Council Tax 2020/21

Report C/19/66 sets out the final General Fund budget and council tax requirement for 2020/21, including that part of the local tax covering district and parish services.

Members noted the following:

- Budgeting decisions relating to the Folkestone Parks and Pleasure Grounds Charity rests with the Trustees.
- Town and Parish Councils determine their own level of precept requirement which on average has increased.

It was also noted that the Budget consultation received little response, comments received were broken down as follows:

- 2% increase in Council Tax charges seemed reasonable for the District.
- Reviewing contracts to ensure value for money.
- Funds should be increased for graffiti removal making for a smarter district.
- Proposed overall increase too high with further comments received on a broad range of topics.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Peter Gane and

RESOLVED:

To receive and note report C/19/66.

(Voting: For 8; Against 0; Abstentions 0)

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