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To: All Members of the Council

Date: 8 July 2024

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Your Ref:

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Dear Councillor

COUNCIL - THURSDAY 11TH JULY, 2024

I refer to the agenda for the above meeting and now enclose the following report which was unavailable when the agenda was published.

Agenda No.

Item

- 13. Independent Remuneration Panel - Parental Leave Policy, Payment of Special Responsibility Allowances to Deputy Leaders and the Chair of the Planning Committee (Pages 3 - 14)**

Report of the Chief Legal and Democratic Officer

Yours faithfully,

P. Porter

Chief Executive

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Agenda Item 13

Report to:	Council	Date of Meeting:	11 July 2024
Subject:	Independent Remuneration Panel - Parental Leave Policy, Payment of Special Responsibility Allowances to Deputy Leaders and the Chair of the Planning Committee		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All
Cabinet Portfolio:	Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek the views of the Council on decisions of the Independent Remuneration Panel in relation to the adoption of a Parental Leave Policy for elected Members, the payment of special responsibility allowances (SRA) to Deputy Leaders of the Council, and to seek confirmation of the SRA for the Chair of the Planning Committee.

Recommendations: That

- (1) (A) the Parental leave Policy for elected members as set out in Appendix 1 to the report be approved; and
(B) the Audit and Governance Committee be authorised to determine any decisions on the application and interpretation of the policy;
- (2) the special responsibility allowance made to the Deputy Leader positions be 10% of the special responsibility allowance made to the Leader;
- (3) the position of Chair of the Planning Committee attract a special responsibility allowance of 100% of the basic allowance; and
- (4) the backdating of the allowances to the Deputy Leader positions and Chair of the Planning Committee to 16 May 2024 be approved.

Reason for Recommendation(s):

The Independent Remuneration Panel has made recommendations that require consideration by Council.

Alternative Options Considered and Rejected: (including any Risk Implications)

None. The Independent Remuneration Panel has made recommendations that require consideration by Council.

Agenda Item 13

What will it cost and how will it be financed?

- (A) Revenue Costs – With regard to the Parental Leave Policy, it is difficult to accurately predict the revenue costs of the implementation of the policy as this is dependent on the amount of parental leave taken in any year. Budgetary provision has already been made for the payment of basic and SRAs to all Members/Cabinet Members and Chairs of Committees. Additional costs would only be incurred where a replacement Member was appointed to cover the period of absence of a Member who received an SRA on a pro rata basis for the period of the temporary appointment.

With regard to the payment of SRAs, inflationary adjustments in respect of the Scheme of Members' Allowances are made annually and built into the revenue budget.

Following the previously approved changes to the cabinet, the proposals within this report will cost less than previous and can be contained within existing budget provision.

- (B) **Capital Costs** - None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): See revenue costs section above	
Legal Implications: The Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) require authorities to make a scheme for the payment of allowances for members and before it makes or amends a scheme, to have regard to the recommendations of an Independent Remuneration Panel.	
Equality Implications: 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.	
Impact on Children and Young People: To ensure that councillors with children and other caring commitments are supported as appropriate	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
There are no direct climate emergency implications arising from this report.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD7711/24/24) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer (LD5811/24/24) is the author of this report.

(B) External Consultations – Local Government Association; Liverpool City Region local authority websites

Implementation Date for the Decision

With immediate effect.

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Appendices:

The following appendix is attached to this report:

Appendix 1 – Parental Leave Policy

Background Papers:

There are no background papers available for inspection.

Agenda Item 13

1. Introduction/Background

- 1.1 The purpose of the report is to seek the views of the Council on decisions of the Independent Remuneration Panel in relation to the adoption of a Parental Leave Policy for elected Members, the payment of special responsibility allowances (SRA) to Deputy Leaders of the Council, and to seek confirmation of the SRA for the Chair of the Planning Committee. Information on each of these topics is set out below.

2. Parental Leave Policy

2.1 Council Motion

At a previous meeting in 2019 the Council considered and approved the following Motion:

To Adopt Parental Leave

This Council notes:

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017. Of the seats that were up for election in 2018, 38% went to women, up just 3 percentage points on 2014 when these seats were last contested;
- That across England, Labour has improved its representation since seats were last up for grabs, with 45% women compared with 40% in 2014, Liberal Democrat representation up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;
- As of summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;
- That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

This Council resolves:

- To adopt a parental leave policy, as per the attached indicative policy, to give all councillors an entitlement to parental leave after giving birth or adopting but noting the implementation of a policy will be subject to the Independent Remuneration Panel considering the implications and reporting back to Council;
- To ensure that councillors with children and other caring commitments are supported as appropriate; and
- To notify the LGA (Local Government Association) that this Council has passed a motion at Full Council to adopt a parental leave policy.

Statistics referred to in the above resolution relate to 2018. To provide updated information, the latest LGA published national census of local authority councillors 2022

indicates that 59 per cent of councillors were male, and 41 per cent female.

2.2. Parental Leave Policies in England and Wales

Contact has been made with the LGA to find out statistics on the numbers of English and Welsh local authorities who have introduced parental leave policies.

The LGA have advised that they have been notified that over 80 local authorities have adopted parental leave policies. However, the LGA anticipate that more Councils will have adopted the policy but that they have not yet notified the LGA.

2.3. Recent Update

On 21 March 2024, Simon Hoare MP, Minister for Local Government, wrote to all leaders of local authorities in England regarding accommodating councillors with need of maternity, paternity or neonatal care leave.

The purpose of the Minister's letter was to ensure that councils considered the provisions at Section 85 (1) of the Local Government Act 1972 as a means of providing flexibility to those councillors who may need to care for their children, including those who are receiving neonatal care.

Section 1.8 of the policy approved by Council complies with the wishes of the Minister's letter.

The Minister's letter generated correspondence between himself and Councillor Nesil Caliskan, Leader of the LGA Labour Group and Leader of Enfield Council. The correspondence was contained in the report to the Independent Remuneration Panel; and a copy of the report and correspondence can be accessed using the following link to the agenda:

<https://modgov.sefton.gov.uk/ieListDocuments.aspx?CId=206&MId=11625&Ver=4>

2.4 The Independent Remuneration Panel Meeting – 10 June 2024

The IRP considered the adoption of the Parental Leave policy at its meeting held on 10 June 2024. The IRP identified a typographical error in the wording of paragraph 1.4 of the proposed policy; and considered how and who would determine the application and "exceptional circumstances" referred to in various paragraphs of the proposed policy.

The IRP resolved (Minute No. 5) that Council be recommended to:

- (1) approve the Parental leave Policy for elected members subject to the word "of" in paragraph 1.4 being replaced with the word "or"; and
- (2) authorise the Audit and Governance Committee to determine any decisions on the application and interpretation of the policy.

A copy of the Parental Leave policy, which has been updated to comply with (1) above is attached as Appendix 1 to the report.

Agenda Item 13

3. Deputy Leaders of the Council – Payment of Special Responsibility Allowances

- 3.1 Following changes to the roles and composition of the cabinet, it was proposed that an SRA be payable to the two Deputy Leader positions.

An exercise was undertaken with Liverpool City Region local authorities (Halton, Knowsley, Liverpool St. Helens and Wirral) to find out if the positions of Deputy Leaders in those authorities attracted an SRA; and it was found that with the exception of Knowsley, Deputy Leader positions in Liverpool City Region local authorities did attract an SRA.

- 3.2 An initial meeting of the Independent Remuneration Panel was held on 10 June 2024 at which the panel considered an officer report which contained statistical information of SRA's made to Deputy Leaders of Liverpool City Region local authorities.

A copy of the report and minutes can be accessed using the following link:

<https://modgov.sefton.gov.uk/ieListDocuments.aspx?CId=206&MId=11625&Ver=4>

- 3.3 As reflected in that meeting the IRP indicated that it would have found it helpful if further information had been provided in support of the proposal for the allowance to be paid to both Deputy Leader positions. As a result, further information was provided to the Panel on 3 July 2024 with the Leader of the Council attending the meeting.

A copy of the agenda for the meeting can be accessed using the following link:

<https://modgov.sefton.gov.uk/ieListDocuments.aspx?CId=206&MId=11676&Ver=4>

- 3.5 Independent remuneration Panel Decision

The Panel resolved (Minute No. 10) that having heard the justification from Councillor Atkinson, the Panel understands the principles of the decision for two Deputy Leaders and accordingly:

- (1) Minute No. 6 (e) of the meeting held on 10 June 2024 be rescinded and the level of special responsibility allowance for the positions of the two Deputy Leaders of the Council be made such that 100% of the allowance be paid to each position as opposed to being split on a 50:50 basis; and
- (2) the backdating of the allowances to the Deputy Leader positions to 16 May 2024 be reaffirmed.

4. Special Responsibility Allowances for Chair of the Planning Committee

- 4.1 As referred to in the Revenue Costs section of the report above, the Leader of the Council has amended the roles and responsibilities of Cabinet Members and in doing so, has also reduced the number of Members on the Cabinet from 10 to 9.

As part of the reallocation of roles, the Leader has agreed that the duty performed by the former Cabinet Member – Planning and Building Control in chairing the Planning Committee be now undertaken by a newly appointed chair of that Committee. Councillor

Veidman, the former Cabinet Member – Planning and Building Control therefore chaired the Planning Committee from 2015/16 to 2023/24. In accordance with the Scheme of Members' Allowances only one Special Responsibility Allowance was paid and therefore no allowance was claimed for the responsibility of chairing the Planning Committee.

Prior to 2015/16, the SRA attached to the Chair of Planning Committee was 100% of the basic allowance.

4.2 The Independent Remuneration Panel Meeting – 10 June 2024

In order to formalise matters, and in accordance with past arrangements, it was recommended to the IRP that the position of Chair of the Planning Committee attract a SRA of 100% of the basic allowance.

The IRP resolved that the Council be recommended to approve that the position of Chair of the Planning Committee attract a special responsibility allowance of 100% of the basic allowance.

5. **Backdating of Allowances**

- 5.1 The issues associated with the payment of SRAs to the Deputy Leaders and the chair of the Planning Committee as referred to above were confirmed at the meeting of the Council held on 16 May 2024; and the Councillors appointed to the roles have been undertaking their additional roles and responsibilities since that date.

Where a Councillor takes on duties entitling them to a different level of allowances the new level of allowances may be applied retrospectively to the time at which the circumstances changed. The IRP may make recommendations, where relevant, as to whether the payments on which they have made a recommendation may be backdated.

5.2 The Independent Remuneration Panel Meeting – 10 June 2024

The IRP resolved that (Minute No. 6) the Council be recommended to approve the backdating of the allowances to the Deputy Leader positions and Chair of the Planning Committee to 16 May 2024.

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APPENDIX 1**PARENTAL LEAVE POLICY****Introduction**

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors - particularly women - and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis. Discussions are ongoing about changing the law to enable compulsory provision.

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 or 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.

Agenda Item 13

APPENDIX 1

- 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.

APPENDIX 1

- 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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