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Sefton Council 

MEETING: INDEPENDENT REMUNERATION PANEL

(PLEASE NOTE: THIS MEETING IS NOT OPEN TO THE PUBLIC TO ATTEND)

DATE: Monday 10th June, 2024

TIME: 10.30 am

VENUE: Birkdale Room, Town Hall, Southport

Member

Ed Davies
Joanne Hadley
Tony Hussey
Susan Lowe
Susan Murphy

COMMITTEE OFFICER: Paul Fraser
Senior Democratic Services Officer
Telephone: 0151 934 2068
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E-mail: paul.fraser@sefton.gov.uk

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AGENDA

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>
1.	Election of Chair To appoint the Chair of the Independent Remuneration Panel for 2024/25	
2.	Declarations of Interest Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda. Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation. Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.	
3.	Minutes Minutes of the meeting held on 30 June 2023	(Pages 5 - 8)
4.	Parental Leave Policy Report of the Chief Legal and Democratic Officer	All Wards (Pages 9 - 24)

5. **Deputy Leaders of the Council – Payment of Special Responsibility Allowances; and Chair of the Planning Committee**

All Wards

(Pages 25 - 32)

Report of the Chief Legal and Democratic Officer

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

INDEPENDENT REMUNERATION PANEL

**MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE
ON FRIDAY 30 JUNE 2023**

PRESENT: Mrs. S. Lowe (in the Chair)
Mr. E. Davies
Mr. T. Hussey
Mrs. I. Macdonald-Davies
Ms. S. Murphy

1. ELECTION OF CHAIR

RESOLVED:

That Mrs. Susan Lowe be appointed Chair of the Independent Remuneration Panel for the 2023/24 Municipal Year.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Joanne Hadley.

3. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interest were received.

4. MINUTES

RESOLVED:

That the Minutes of the meeting held on 30 May 2019 be confirmed as a correct record.

5. COUNCIL'S CURRENT FINANCIAL POSITION

The Panel received a presentation from Paul Reilly, Service Manager - Finance, on the Council's current financial position.

Mr. Reilly highlighted the following points:

Current context and Key Issues 2023/24

- Significant pressures were experienced in 2022/23 from Children's Social Care, energy, pay awards and general inflation so mitigating actions taken to meet this including use of General Balances and Earmarked Reserves, as well as recruitment freeze, cessation of non-essential expenditure, etc.
- The Council set a robust revenue budget for 2023/2024 in early March 2023.

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INDEPENDENT REMUNERATION PANEL - FRIDAY 30TH JUNE, 2023

- Substantial Investment in Children's Services (£21m).
- Savings of £8.6m need to be delivered during 2023/24 - £5.2m of these require business change.
- Percentage spend on social care has increased consistently in recent years so would now be considered a higher risk as per the Chartered Institute of Public Finance and Accountancy (CIPFA) resilience index.
- Reserves held by the Council are lower than neighbouring authorities/nearest neighbours as per Local Government (LGA)/CIPFA work and do not offer a solution to in-year pressure or increased demand - budget must be delivered with the funding in place.

Key Issues for 2024/25 to 2026/27

- 2024/25 represents last year of three-year spending review.
- The Council has an informed position on the funding it will receive for 2024/25 but not beyond.
- Critical that Council does not overspend this year as there are no one-off resources to fund pressure and this would therefore need right-sizing in 2024/25 if any utilised.
- Sefton is not in a unique position, but the financial environment is extremely challenging.
- Whilst the position for 2025/26 and 2026/27 is very uncertain the Council will have to start planning for delivering further savings.
- There is an estimated Budget shortfall of £10m p.a. for 2024/25 and 2025/26 per the budget report – Medium Term Financial Plan (MTFP) currently being worked on with update expected for September's Cabinet meeting.
- The Council aims to extend, develop and learn from previous Framework for Change programmes. New Programme now in place for 2023 to 2026 with a number of individual workstreams agreed. Will develop a range of budget savings proposals and options from this Programme.
- Financial sustainability will need to be at the heart of the next three-year budget.

RESOLVED:

That Mr. Reilly be thanked for his informative presentation.

6. MEMBERS' ALLOWANCE SCHEME 2023/24 TO 2026/27

The Panel considered the report of the Chief Legal and Democratic Officer that sought the views of the Independent Remuneration Panel on a Scheme of Members' Allowances for 2023/24 to 2026/27.

The report sought the views of the Panel on:

- (1) (a) whether an increase in Members' allowance should be

recommended to Council and that if so;

- (b) should the increase be linked to one of the indexation options referred to in paragraph 4 of the report and that if so;
 - (c) how long should the annual adjustments in accordance with the indexation continue (up to a maximum of four years);
- (2) the Special Responsibility Allowances paid to Chairs of committees as referred to in paragraph 6 of the report; and
 - (3) the payment of Special Responsibility Allowances to Party Group Leaders as referred to in paragraph 7 of the report.

The following appendices were attached to the report to aid the Panel in their deliberations:

Appendix 1 – Current Scheme of Members’ Allowances

Appendix 2 - Liverpool City Region Local Authorities – Comparison of Members’ Allowances

Appendix 3 - Financial Impact of the Potential Indices

Appendix 4 – HMRC Employment Income Manual – Local Government Councillors and civic dignitaries in England: ODPM guidance: Part One: Members’ Allowances

Appendix 5 – Guidance Note for Councillors on the Scheme of Members’ Allowances

The Chief Legal and Democratic Services Officer presented the report and answered questions thereon.

RESOLVED:

That having taken Sefton Council’s current economic circumstances into account, the Panel recommends to Council that:

- (1) an increase in Members allowances, linked to indexation option (i), the Local Government Pay Settlement, referred to in paragraph 4, which has yet to be agreed, be implemented for 2023/24;
- (2) annual adjustments in accordance with the indexation option (i), the Local Government Pay Settlement, continue up to and including the 2026/27 municipal year;
- (3) the Special Responsibility Allowances paid to Chairs of committees, as referred to in paragraph 6 of the report, be continued
- (4) the payment of Special Responsibility Allowances to Party Group Leaders, as referred to in paragraph 7, of the report be continued.

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INDEPENDENT REMUNERATION PANEL - FRIDAY 30TH JUNE, 2023

Agenda Item 4

Report to:	Independent Remuneration Panel	Date of Meeting:	10 June 2024
Subject:	Parental Leave Policy		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All
Cabinet Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek the views of the Independent Remuneration Panel on the adoption of a Parental Leave Policy for elected Members.

Recommendation(s):

That the Panel give consideration to the submission of views to Council on the approval of a Parental Leave Policy for elected Members.

Reason for Recommendation(s):

The Independent Remuneration Panel's views must be sought on the approval of any policy impacting on the allowances made to elected Members.

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

None. The Independent Remuneration Panel is requested to either approve or not approve the policy.

What will it cost and how will it be financed?

(A) Revenue Costs – 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 special responsibility allowances (SRA) 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.

(B) Capital Costs - None

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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

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The Executive Director of Corporate Resources and Customer Services (FD7670/24/24) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer (LD5770/24) is the author of this report.

(B) External Consultations – Local Government Association

Implementation Date for the Decision

With immediate effect. The decision of the Independent Remuneration Panel will however be submitted to Council for consideration and approval.

Contact Officer:	Paul Fraser
Telephone Number:	0151 934 2068
Email Address:	paul.fraser@sefton.gov.uk

Appendices:

The following appendix is attached to this report:

Appendix 1 – Parental Leave Policy

Appendix 2 – Letter from Simon Hoare MP, Minister for Local Government to all leaders of local authorities in England

Appendix 3 - response to the Minister's letter from Councillor Nesil Caliskan, Leader of the LGA Labour Group and Leader of Enfield Council

Appendix 4 - Minister's response to Councillor Nesil Caliskan, Leader of the LGA Labour Group and Leader of Enfield Council

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1.1 At its meeting held on 18 July 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,

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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.

1.2 A copy of the indicative policy referred to above is attached as an appendix to this report.

1.3 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. Delay in Submission of Report to the Independent Remuneration Panel

2.1 Panel Members will note that consideration is sought of a decision taken by Council in 2019. A meeting of the Panel was arranged to take place on 23 September 2019 to consider this matter but, unfortunately, a Panel member resigned shortly before the meeting leaving the Panel with only 2 members. Regulations state that the IRP must consist of at least three members and therefore the meeting had to be cancelled.

2.2 A recruitment process therefore commenced for additional Panel members, but this was hindered by the Covid-19 pandemic. Four additional members were eventually appointed by Council on 15 July 2021.

2.3 Unfortunately, due to the time between the cancellation of the meeting in September 2019 and the appointment of new members in July 2021, the arrangement of the Panel to consider this matter was overlooked.

3. Parental Leave Policies in England and Wales

3.1 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.

3.2 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.

4. Recent Update

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- 4.1 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. A copy of the letter is attached as Appendix 2.
- 4.2 The purpose of the Minister's letter was to ensure that councils consider 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.
- 4.3 Section 1.8 of the policy approved by Council complies with the wishes of the Minister's letter.

5. Response of LGA Labour Group to Minister's Letter

- 5.1 The Chief Legal and Democratic Officer has been made aware of a response to the Minister's letter from Councillor Nesil Caliskan, Leader of the LGA Labour Group and Leader of Enfield Council. A copy of the letter is attached as Appendix 3 and a copy of the Minister's response is attached as Appendix 4.
- 5.2 As can be seen from the letter, Councillor Caliskan sought clarification on a number of issues. These issues are highlighted in A to C below and the Minister's responses are set out immediately below:

A. Payment of Special Responsibility Allowances

Clarity is sought around cover arrangements – for example, when a cabinet member takes leave and cover is appointed, can the councillor covering the cabinet role receive an SRA for the work they are doing in the interim?

A clear decision on this matter would be helpful as Section 3.2 of the policy approved by Council allows such an allowance to be made.

Minister's response

In your letter you raised a query about whether Members would be able to continue to receive Special Responsibility Allowances whilst on parental leave, and whether those covering their position are entitled to these allowances. Councils are required by Part 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel – it is for such Panels to make recommendations to the authority about the level of these allowances and to whom they should be paid.

B. Number of payable Special Responsibility Allowances

Section 9.5 of Chapter 2 (Executive Arrangements) of the Local Government Act 2000 limits the number of executive SRAs to no more than ten.

Clarity is sought on whether paying a SRA to a member covering a cabinet position can be made or would such a payment breach the limit.

As above, a clear decision on this matter would be helpful as Section 3.2 of the

Agenda Item 4

policy approved by Council allows such an allowance to be made.

Minister's response – none directly received

This issue has not been specifically addressed in the Minister's response. The Minister does mention (as set out above) the role Independent Remuneration Panels can play in determining allowances, but it is not considered that Panels could change the Executive Arrangements limiting the number of executive SRAs to no more than ten.

However, Sefton currently has 9 Cabinet Members who receive an executive SRA. There is therefore some flexibility locally for the payment of an additional SRA to a Member covering a Cabinet position if the need arises.

C. Waiving the six-month rule

At present, a vote of full council should take place to waive the need for a councillor to attend a council meeting once in a six-month period. Clarity is sought around the process to make it work in the interests of the councillor on leave so they are not made to feel uncomfortable doing so.

This has implications in respect of Section 1.8 of the policy approved by Council.

Minister's response

I also note your concerns that Councillors may feel compelled to share personal information in circumstances where local custom and practice is that members are required to notify full Council of a leave of absence. Section 85(1) of the Local Government Act 1972 gives authorities the discretion to allow longer periods of absence as needed. The legislation only specifies a requirement for the absence to be "due to some reason approved by the authority" and does not stipulate that Councillors need to attend a meeting of full Council to make their case to obtain such approval. It is for individual Councils to determine their own decision-making processes.

As noted in my original letter to Council Leaders, the Government encourages Councils to look sympathetically at accommodating such requests, and to show understanding and flexibility to Councillors who need to care for their children.

6. Conclusion

- 6.1 The views of the Panel are sought on the adoption of Parental Leave policy for submission to Council.

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 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.

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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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Department for Levelling Up,
Housing & Communities

Simon Hoare MP
Minister for Local Government
2 Marsham Street
London
SW1P 4DF

Leaders of Local Authorities in England

21 March 2024

Dear Leader,

Accommodating councillors with need of maternity, paternity or neonatal care leave

The Neonatal Care (Leave and Pay) Act 2023 makes provisions for employees with responsibility for children receiving neonatal care. This expands on existing statutory family-related leave and pay entitlements available to employees, such as maternity, paternity, adoption, and shared parental leave and pay. Councillors are not in scope of these provisions by virtue of the fact that they are not legally classified as employees.

Whilst appreciating that many councils will already have relevant policies in place, I am keen to ensure that councils consider 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 85 (1) requires a member of a local authority to attend at least one meeting of that authority within a six-month period, unless the authority has approved their period of absence for any reason it deems necessary. This effectively gives authorities the discretion to allow longer periods of absence as needed by members with children requiring neonatal care, with no loss of their basic allowance, or, if relevant, a Special Responsibility Allowance, as long as the request is approved before the end of the six-month absence period.

Councillors who wish to apply for this dispensation should write to the appropriate officer. The Government encourages councils to look sympathetically at accommodating such requests, and to show understanding and flexibility to councillors who need to care for their children, including those who are receiving neonatal care.

I hope you agree that this is the right thing for councillors. I would be grateful if you could bring the contents of this letter to the attention of all current members of your council, the town and parish councils within your area, and your council's Chief Executive and Monitoring Officer.

This letter will be published on gov.uk for guidance purposes.

SIMON HOARE MP
Minister for Local Government

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By email

09 April 2024

Dear Minister Hoare,

Thank you for your letter of 21st March 2024 regarding maternity, paternity, and neonatal leave for councillors. I welcomed the letter and the commitments it made to support and flexibility for councillors taking parental leave, particularly those around Special Responsibility Allowances and Section 85 (1) of the Local Government Act 1972.

As a result of discussions with councillors who have taken parental leave, we would welcome clarity on some of the issues that have arisen when parental leave for councillors is used in practice.

These are:

- **Payment of Special Responsibility Allowances** – your letter implies that those who receive a Special Responsibility Allowance (SRA) should continue to be paid when the councillor is on leave, which provides essential financial stability and is the right thing to do. We would welcome clarity around cover arrangements – for example, when a cabinet member takes leave and cover is appointed, can the councillor covering the cabinet role receive an SRA for the work they are doing in the interim? In practice, various approaches have been taken. All councils have paid the cabinet member on leave their SRA, but in some cases the cover has received an SRA, in others the cabinet role has been split between two or more other cabinet members, and in some cases, there has been no cover at all. Consideration should also be given to other councillors receiving SRAs, such as Opposition Group Leaders and Committee Chairs.
- **Number of payable Special Responsibility Allowances** – Section 9(5) limits the number of executive SRAs to no more than ten. This presents a challenge when a cabinet member takes leave as paying their cover an SRA would breach this limit, and not paying the SRA would leave them with no remuneration for their work whilst covering the role. In some cases, this limit of ten cabinet SRAs has been interpreted as ten working cabinet members making it possible to appoint an interim cabinet member, but in others this has left the cabinet member without cover, or with their cover not being paid or unable to attend and vote at cabinet members. Clarity around this would be welcomed.
- **Waiving the six-month rule** – at present, a vote of full council should take place to waive the need for a councillor to attend a council meeting once in a six-month period. In some cases, this has meant a councillor having to attend and make an argument as to why they need this to be waived. This can often involve divulging personal information, can be distressing for the councillor involved and has the potential to be weaponised politically. Clarity would be welcomed around the process to make it work in the interests of the councillor on leave so they are not made to feel uncomfortable doing so.

To our knowledge, over 80 councils have passed a parental leave policy which is encouraging, but this still means that most councils do not have a policy in place, which still needs to be addressed. Written communication to council leaders and Chief Executives about the importance of having a parental leave policy would be a helpful step, alongside clarity around the issues raised.

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I would be happy to meet with you to discuss these issues and the experiences of councillors taking parental leave.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Nesil Caliskan', with a large, sweeping flourish at the end.

Cllr Nesil Caliskan,
Leader of the LGA Labour Group and Leader of Enfield Council



Department for Levelling Up, Housing & Communities

Simon Hoare MP
Minister for Local Government
2 Marsham Street
London
SW1P 4DF

Our reference: MC2024/09129

Cllr Nesil Caliskan
Leader of the LGA Labour Group
Leader of Enfield Council
Local Government Association
18 Smith Square
London
SW1P 3HZ

24th April 2024

Thank you for your letter of 9 April in response to my letter of 21 March, in which you helpfully note several questions that local authorities may have when seeking to accommodate members in need of maternity, paternity, or neonatal leave.

Whilst it is for individual local authorities to determine whether or not to adopt a parental leave policy, it is encouraging that many councils are reportedly already thinking about how they can support members who require flexibility in relation to their parental responsibilities.

In your letter you raised a query about whether members would be able to continue to receive Special Responsibility Allowances whilst on parental leave, and whether those covering their position are entitled to these allowances. Councils are required by Part 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003 to establish and maintain an independent remuneration panel - it is for such panels to make recommendations to the authority about the level of these allowances and to whom they should be paid.

I also note your concerns that councillors may feel compelled to share personal information in circumstances where local custom and practice is that members are required to notify full council of a leave of absence. Section 85(1) of the Local Government Act 1972 gives authorities the discretion to allow longer periods of absence as needed. The legislation only specifies a requirement for the absence to be "due to some reason approved by the authority", and does not stipulate that councillors need to attend a meeting of full council to make their case to obtain such approval. It is for individual councils to determine their own decision-making processes.

As noted in my original letter to council leaders, the Government encourages councils to look sympathetically at accommodating such requests, and to show understanding and flexibility to councillors who need to care for their children.

Thank you for writing on this important matter. I hope the above is helpful.

Kindly
needs for care
LGA fund.
S

SIMON Page 23IP

Minister for Local Government

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Agenda Item 5

Report to:	Independent Remuneration Panel	Date of Meeting:	10 June 2024
Subject:	Deputy Leaders of the Council – Payment of Special Responsibility Allowances; and Chair of the Planning Committee		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All
Cabinet Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek the views of the Independent Remuneration Panel on the payment of special responsibility allowances to Deputy Leaders of the Council; and to seek confirmation of the special responsibility allowance for the Chair of the Planning Committee.

Recommendation(s):

That:

- (1) the Panel consider whether special responsibility allowances should be made to the Deputy Leaders of the Council; and if so, at what level;
- (2) the special responsibility allowance for the Chair of the Planning Committee be confirmed as 100% of the basic allowance; and
- (3) the Panel gives consideration to the backdating of the SRAs to 16 May 2024.

Reason for Recommendation(s):

The Independent Remuneration Panel's views must be sought on the approval of any policy impacting on the allowances made to elected Members.

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

None. The Independent Remuneration Panel is requested to either approve or not approve the payment of special responsibility allowances to Deputy Leaders of the Council; and to confirm the rate of special responsibility allowance payable to the Chair of the Planning Committee.

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What will it cost and how will it be financed?

(A) Revenue Costs – Inflationary adjustments in respect of the Scheme of Members’ Allowances are made annually and built into the revenue budget. The payment of an SRA to Deputy Leaders of the Council and to the Chair of the Planning Committee will increase the cost to the revenue budget. The level of budgetary increase will be dependent on the decision of the Panel (and then Council) if it agrees to introduce an SRA for the Deputy Leaders. As a guide and using benchmark figures from across the Liverpool City Region, this could result in the highest cost of £6530 or the lowest cost of £3548 per annum (see paragraphs 2.4 and 2.5).

If the Panel confirm the payment of the SRA to the Chair of the Planning Committee this will result in an increase this year to the revenue budget of £11,006.76.

However, The Leader of the Council has agreed a restructure of Cabinet portfolios commencing in the 2024/25 municipal year. This restructure has resulted in the removal of one Cabinet position. This will result in a saving to the Members’ Allowances budget of £18,137. It is therefore anticipated that overall, there will be a saving to revenue costs associated with the Members’ Allowance budget.

(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: None	
Impact on Children and Young People: None	
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 (FD7669/24) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer (LD5769/24) is the author of this report.

**(B) External Consultations – Liverpool City Region local authorities.
Implementation Date for the Decision**

With immediate effect. The decision of the Independent Remuneration Panel will however be submitted to Council for consideration and approval.

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Appendices:

The following appendix is attached to this report:

Appendix 1 – Statistics of SRA’s made to Deputy Leaders of Liverpool City Region local authorities.

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 Councillor Atkinson, Leader of the Council, has proposed that an SRA be payable to the two Deputy Leader positions.
- 1.2 An exercise has been 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 attract an SRA.

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- 1.3 With the exception of Knowsley, Deputy Leader positions in Liverpool City Region local authorities do attract an SRA. The levels of SRA are detailed in Appendix 1 to this report.

2. Levels of SRA to Deputy Leaders

- 2.1 Due to the additional responsibilities that Deputy Leaders would undertake over and above their Cabinet Member responsibilities, it could be considered appropriate to increase the SRA accordingly. This would be in keeping with SRAs made in other Liverpool City Region local authorities.
- 2.2 As a general rule of thumb, when calculating SRAs a multiplier of the Basic Allowance is used. However, as can be seen from Appendix 1 this is not the case in respect of Deputy Leader SRAs across the City Region.
- 2.3 Appendix 1 shows the additional amount Deputy Leaders receive above Cabinet Members/Chairs of Policy Service Committees. (Note: Wirral operates a Committee system and therefore it does not have Executive/Cabinet Members).

As can be seen, the additional payment varies from £2431 to £3000.

- 2.4 A calculation has been made to show the difference between SRAs made to Deputy Leaders and Cabinet Members/Chairs of Policy Service Committees as a % of Leader SRAs. This information is detailed in Appendix 1; and the costs to Sefton are set out.
- 2.5 As the proposal in Sefton is to have two Deputy Leaders, then the costs detailed in the Appendix would need to be doubled. Based on levels across the Liverpool City Region this could result in the highest cost of £6530 or the lowest cost of £3548.
- 2.6 Panel members will be aware that in June 2023 it was agreed that the Local Government Pay Settlement be used as the indexation option for uplifts in Members' allowances. No agreement has yet been reached between the national employers and the trade unions (the National Joint Council – NJC) on the 2024 pay claim so if an option detailed in Appendix 1 is selected, then the actual costs will be higher to reflect the uplift.

3. Special Responsibility Allowance to the Chair of the Planning Committee

- 3.1 As referred to 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.
- 3.2 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. This will attract a payment of a SRA.
- 3.3 Prior to 2015/16, the SRA attached to the Chair of Planning Committee was 100% of the basic allowance.

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.

- 3.4 Because of the above circumstances the Members' Allowance Scheme and Members' Allowances Statements have not specified SRA's to the Chair of Planning Committee since 2015/16 because none were paid.
- 3.5 In order to formalise matters, and in accordance with past arrangements, it is recommended that the position of Chair of the Planning Committee attract a SRA 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.
- 5.2 Any decisions of the Panel in respect of these matters will have to be reported to Council for consideration and approval. The next meeting of the Council will be held on 11 July 2024.
- 5.3 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; and the Panel may make recommendations, where relevant, as to whether the payments on which they have made a recommendation may be backdated.
- 5.4 If the Panel is minded to amend the SRAs referred to in this report then it is recommended that the Panel gives consideration to the backdating of the SRAs to 16 May 2024.

6. Conclusion

- 6.1 The views of the Panel are sought on:
 - (a) whether special responsibility allowances should be made to the Deputy Leaders of the Council; and if so, at what level;
 - (b) the confirmation of the rate of special responsibility allowance payable to the Chair of the Planning Committee; and
 - (c) the backdating of allowances to 16 May 2024.

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LIVERPOOL CITY REGION STATISTICS ON SPECIAL RESPONSIBILITY ALLOWANCES PAID TO DEPUTY LEADERS									
Council	Leader SRA £	Deputy Leader SRA £	Deputy Leader % of Leader SRA	Amount if % in previous column applied to Sefton £	Cabinet Member/ Chair of Policy Service Cttee SRA £	Additional Amount Deputy Leader receives above Cabinet Member/ Chair of Policy Service Cttee SRA £	Difference between Deputy Leader and Cabinet Member/ Chair of Policy Service Cttee as % of Leader SRA	Amount if previous column % figure applied to Sefton £	Previous column figure plus Sefton Cabinet Member SRA £
Halton	25,002	17,002	68	18,500	14,002	3000	12	3265	21,402
Liverpool	42,100	16,014	38	10,338	16,014	2745	6.52	1774	19,911
St. Helens	35,678	19,896	55	14,963	19,896	3431	9.61	2614	20,751
Wirral	24,969	12,484	50	13,603	12,484	2497	10	2721	20,858
Sefton	27,206				18,137				

Note: Knowsley MBC – Deputy Leader position does not attract SRA

Information obtained from local authority websites on 7 May 2024

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