

Brentwood Borough Council

**Members Allowances Scheme
2019/20**

**Report of the Independent
Remuneration Panel**

Final

April 2019

Introduction

1. This report presents the findings of the Independent Remuneration Panel (IRP) and its recommendations for the scheme for 2019/20.

Background

2. The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish an *Independent Remuneration Panel*. The Council cannot alter or update its existing Scheme of Members Allowances without first considering a report from the Independent Remuneration Panel.
3. Local authority elected Members are entitled to receive allowances to compensate them for the role that they do and the responsibilities they assume on behalf of the communities they serve. A 'Basic Allowance' is paid to all Members of the authority to reflect the roles that they undertake. A 'Special Responsibility Allowance', is paid to those Members that have particular responsibilities within the Council's constitutional arrangements.
4. No additional subsistence or travel allowances are paid. However, Annual Council 2013 resolved that 'reasonable expenses' for external training and conferences are reimbursed, as required, and only with advance agreement of the Head of Paid Service.
5. The timing and process of the IRP's annual review was discussed in 2017/18. It was agreed that it would be more productive and useful to undertake the review alongside the Council's budget setting process in order to enable Members to scrutinise and consider the IRP's recommendations as part of their budget deliberations and decisions. This timing and process has been put into place during 2018/19.

The Independent Remuneration Panel

6. The Independent Remuneration Panel met on 7th November 2018 to discuss the Members Allowance Scheme for 2019/20 and comprised of:
 - Mr Michael Hawkins
 - Mr Steve Marsh
 - Mr John Boylin (apologies received for meeting on 7.11.18)

Existing Scheme

7. At the meeting of Annual Council on the 16th May 2018 it was resolved that revised Members Allowances be approved, being no more than £270,112.94.

Political Structure

8. The Council consists of 37 members.
9. The current committee structure of the council consists of the following at the time of reviewing the Members Allowance Scheme.:
 - Full Council (Annual, Ordinary & Extraordinary)
 - Planning & Licensing Committee
 - Audit & Scrutiny Committee
 - Policy, Projects & Resources Committee
 - Environment & Enforcement Committee
 - Community, Health & Housing Committee
 - Regulatory & Governance Committee

Our Approach and considerations

10. The deliberations of the IRP were informed by:
 - The Council's changes in Committee structure for 2018 and that there are currently no proposed changes to the structure for 2019.
 - Benchmarking information from Shire Districts in Essex.
 - Desktop research and contextual information regarding the Council's Medium Term Financial Plan.
 - Previous reports and recommendations from the IRP.
11. The IRP were mindful of the function which Councillors perform in protecting and enhancing local democracy by providing representation on issues of local concern and ensuring that the Council remains accountable to the community which it serves. Accordingly, the IRP followed the same principles as in previous years:
 - the need for Councillors to come from a wide range of backgrounds
 - the necessity to ensure some recompense for the time and effort spent in serving the community, whilst recognising that the work of Councillors should include a substantial voluntary contribution
 - recognition of the time and resource demands of training and development, as well as other activities: and

- whilst recognising that individual Members could choose not to take their allowance in whole or part, the IRP were keen to ensure that the scheme should encourage and support local democracy by ensuring that personal financial constraints would not be a bar to office.

12. Additional factors considered by the IRP in preparing its report to Annual Council 2019 included:

- Budget pressures on the Council and the need for affordability.

13. The options considered by the IRP included:

Option	Analysis
That members allowances for 2019/20 remain unchanged.	<ul style="list-style-type: none"> • Members Allowances had increased by 1% in 2014/15, the first increase since 2011/12. • The Mayor and Deputy Mayor received an increase in 2018/19. • New Committee arrangements had been adopted in 2013, 2014, 2015, 2016, 2017 and 2018. • There is currently proposed to be no change to the number of committees in 2019/20.
That members allowances for 2019/20 be increased in line with Employees.	<ul style="list-style-type: none"> • Staff are receiving a 1% pay increase in 2018/19. • The MTFP includes a provisional 1% increase for staff for future years from 2019/20.

Other Matters

14. The IRP discussed the remuneration of members who sit on the Project Board of SAIL, and whether the duties and responsibilities that come with the Council's commercial activity require additional payment. After in depth discussion it was felt it would be useful to monitor how the venture grows in the future and to track the hours involved.

15. The Mayor's allowance was discussed in conjunction with the benchmarking information available. The Mayor is keeping track of expenses and the IRP

will review this information when available in order to decide whether to recommend an increase in the Mayor's allowance.

16. Maternity and Parental Leave arrangements are currently agreed at Party level. Discussion took place around the suggestion that a policy be formalised going forward and that a cross party meeting being arranged to put proposals forward to the IRP for consideration.
17. Carer's allowances were discussed. The IRP was in support of a policy being formulated around this and felt that Carer's allowance should be offered in order that attendance at Committee Business is possible for all members.
18. The IRP also discussed Out of Borough/Exceptional expenses and felt there was a case for more clarity being needed regarding what is considered "reasonable expenses" as set out in the Members Allowances Scheme.

Following the meeting 7th November 2018

19. The IRP were notified in April that recommendations were approved at Project, Policy and Resources Committee for a cross party meeting of group leaders to be arranged to discuss parental leave proposals.
20. This meeting took place on 16th April. Proposals of a Parental Leave Policy and Carers Allowance conditions were put forward to the IRP for consideration via email. After review and small amendments made, final proposals have been put forward as recommendations and are attached as appendices of this report.

Recommendations

21. After careful consideration of all the information provided the Independent Remuneration Panel recommend the following:

- (i) That members allowances for 2019/20 are increased by 1% as follows:

<u>Members Allowances 2019/20</u>	Recommendation 2019/20
Basic Allowance	6,010.31
Leader	13,217.11
Deputy Leader	6,380.68
Leader of Main Opposition	5,371.94
Leader of Minority Opposition	2,685.51
Committee Chair(s)	3,581.29
Committee Vice(s)	976.82

- (ii) That Deputy Mayor allowance for 2019/20 also be increased by 1% to:

<u>Members Allowances 2019/20</u>	Recommendation 2019/20
Mayor	See (iii)
Deputy Mayor	1,010

- (iii) It was agreed in principle to increase the Mayor's allowance by £1,000, from £3,500 to £4,500 After the 1% has been applied. This is to be confirmed once the Mayor's expenses to date have been reviewed.
- (iv) That the policy set out in Appendix A regarding Parental Leave to be included within the Scheme.
- (v) That the conditions set out in Appendix B are included within the Scheme regarding Carer's allowances, to cover Committee Business.
- (vi) That the possibility of formulating clearer guidelines regarding what is included in "reasonable expenses" for exceptional or out of Borough expenses be taken forward and discussed at the next IRP.

- (vii) That the IRP keep the remuneration of the Project Board of SAIL as an agenda item for future meetings, and review again as the venture becomes more established.

Parental Leave Policy for Elected Councillors of Brentwood Borough Council.

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. These policies can therefore only currently be implemented on a voluntary basis and the policies below constitute best practice.

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. 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 agrees to an extended leave of absence prior to the expiration of that six-month period. Such agreement must be obtained from the Head of Paid Service prior to the commencement of absence, the granting of such a request not to be unreasonably withheld. As an example being if the 6 month period ends just before purdah and thus the next Council meeting that could count, might be a further 2 months away, making a total (potentially) of 8 months from attending a meeting. This could be overcome by acknowledgment from the Head of Paid Service at the commencement of parental leave,
- 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. This will mean advising the Head of Paid Service of all relevant dates
- 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.
- 1.11 To ensure members remain updated with events in the Council. Keeping in Touch (KIT) sessions (not full days) during the leave period are recommended. There is an expectation for members to utilise at least 2 KIT sessions.
- 1.12 The Group leaders are responsible for making appropriate cover arrangements whilst a member is on 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 (SRA)

- 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.

CARERS ALLOWANCE

Child Care

The scheme provides for the reimbursement of expenditure incurred by members in providing child care arrangements for children for whom they have parental responsibility to facilitate their attendance at approved duties of the Council in accordance with the following requirements:

- that payment is made to someone other than a close relation;
- that payments for the care of the under 8's are restricted to payments to registered childminders and other statutory approved child care providers;
- that payments be restricted to the care of children up to their 15th birthday who normally reside with the member; or in respect of dependants where there is medical or social worker evidence that care is required.
- that no payments be made in respect of the care of children of compulsory school age during school hours except where the child is absent from school due to illness.

Care of Dependants

The reimbursement of expenditure on professional care for an elderly, sick or disabled dependant relative normally residing with the member and requiring constant care, to facilitate attendance at approved duties, subject to payments being restricted to agencies or persons qualified to provide the care.

General Conditions

The following conditions will apply to both types of allowance:

- that payments are made on the basis of the reimbursement of actual expenditure incurred up to a maximum of an hourly rate of the national minimum wage per hour for each hour of absence from home;
- Receipts will need to be provided to the Section 151 Officer and payments will be processed by the Council's payroll.
- that qualifying meetings be restricted to those that qualify as an "approved duty" for the member concerned;
- that neither the member nor the person being cared for receives an allowance for care from any other source.
- When there is more than one Member in a household, only one claim can be made in respect of each person cared for.
- The paid carer cannot be a member of the immediate family or household.