

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 30 September 2021. Attendances:

Councillor Glazier (Chair)
Councillors Bennett, Robinson, Simmons and Tutt

1. Review of Members' Allowances Scheme

1.1 The Independent Remuneration Panel is required, by the Local Authorities (Members' Allowances) (England) Regulations 2003, to make recommendations to the Council on allowances paid to Councillors. In 2017, the Council agreed that the Panel be asked to review the Scheme every 4 years in accordance with the Regulations unless the Assistant Chief Executive considers that there is a change in circumstances that justifies an earlier review or a request is received from a Group Leader.

1.2 The Independent Remuneration Panel was appointed by the Governance Committee in April 2019 and consists of three members, Daphne Bagshawe, Duncan Keir and Fiona Leathers.

1.3 As part of their review the Independent Remuneration Panel took into account information provided including comparative information from other County Authorities.

1.4 In order to capture the views of Members, all councillors were contacted regarding the review of the Scheme of Allowances and given an opportunity to submit written representations and/or to make representations in person to the Panel. A summary of the written comments received is attached to the Panel report.

1.5 A copy of the Independent Remuneration Panel report is attached at Appendix 1. The current Members' Allowances Scheme is set out in Part 6 of the Constitution.

1.6 The Independent Remuneration Panel is required to review allowances based on the facts and information provided to it. The Governance Committee is asked to make recommendations to the County Council on whether to accept, reject or modify the recommendations. Councillors are required to give due consideration to the recommendations of the Panel but are not bound by them.

Summary of findings

1.7 The Regulations allow for the Members' Allowances Scheme to make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority. Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the Independent Remuneration Panel. For the last four years the allowances have been indexed to the percentage increase in the salaries of managers who are on locally negotiated pay. The Independent Remuneration Panel recommend that this continues for 2021/22.

1.8 The Panel also recommends that a further review of the Scheme of Allowances for 2022/23 be undertaken in early 2022 and as part of the review, the Panel will make a recommendation as to whether an index should be used for that year and, if so, what the index should be.

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1.9 In addition to Basic Allowance and Special Responsibility Allowances (SRA), the Panel considered other aspects of the allowances scheme including subsistence levels, travel and dependent carer's allowance. The Panel is recommending 2 changes to the Scheme:

- a) The dependent carer's allowance should be increased from £10 to £15 per hour. The Panel were mindful that this allowance had not increased for several years and that an increase might encourage a greater cross section of the community to stand as candidates at future elections.
- b) The Panel is also recommending that anyone co-opted to a County Council committee, Panel or other body should be able to claim dependent carer's allowance for the actual cost up to £15 per hour.

1.10 In summary, the Panel are recommending:

- a) The continued use of an index to allow for annual increases in basic and special responsibility allowances for 2021/22
- b) The Panel review the Scheme of Allowances in early 2022 for 2022/23 and in doing so will make a recommendation as to whether an index should be used for that year and, if so, what the index should be
- c) The basic allowance should remain unchanged
- d) The SRA payable to the Leader of the Council should remain unchanged
- e) The SRA for the Deputy Leader and other Cabinet members should remain unchanged
- f) The SRA for Chairs of Scrutiny Committees, the Audit Committee, Pension Committee and Planning Committee should remain unchanged
- g) The SRA for the Chairman and Vice Chairman of the Council should remain unchanged
- h) All other SRA should remain unchanged
- i) The basic mileage rate and supplement for passengers should remain at 45p and 10p per mile respectively and that the bicycle allowance remain at 20p per mile
- j) The dependent carers allowance should be increased to the actual cost up to £15 per hour
- k) Co-optees should continue to be able to claim mileage for travel to meetings and be able to claim dependent carer's allowance

1.11 The Independent Remuneration Panel recommends that all changes to allowances are effective from 10 May 2021.

1.12 The Committee recommends the County Council to:

✧ 1) approve the recommendations of the Independent Remuneration Panel as set out in their report and that the Scheme of Allowances be amended accordingly.

2. Councillor Parental Leave Policy

2.1 A number of Councils have adopted parental leave policies for councillors in recognition that councillors may become parents during their term of office and may need or wish to take a period of leave from their councillor duties as a result.

2.2 It is anticipated that the adoption of parental leave policies will help ensure that the councillor role is accessible as possible to all sections of the community, potentially enhancing the diversity and representativeness of candidates and those elected. A parental

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leave policy provides anyone considering standing for election with clarity on what to expect in the event of the birth or adoption of a child during their term of office. This complements and enhances wider activity being undertaken by many Councils to encourage people from all walks of life to consider standing for election, such as the ESCC 'Be a Councillor' campaign.

2.3 Employees have defined statutory rights in relation to maternity, paternity, adoption and shared parental leave and pay, supplemented where applicable by any occupational schemes such as that provided by ESCC to its employees. However, there are currently no equivalent legal rights for elected representatives, hence the need for Councils to make local arrangements on a voluntary basis which are applicable to the position of councillors who hold elected office rather than employment.

2.4 The County Council does not currently have in place a defined approach to parental leave for councillors, albeit that informal arrangements have been made as required in any instances where a Member has required a period of leave from their normal duties as a councillor or where there has been a councillor vacancy.

2.5 Following review of a range of policies in place at other local authorities and information provided by the Local Government Association (LGA), it is proposed that ESCC adopts the model policy provided by the LGA - attached at appendix 2. This policy has been adopted or adapted by a number of other authorities and the LGA indicates that it has taken legal advice on the policy, and that it conforms with current requirements.

2.6 The policy is underpinned by recognition that the position of elected councillors is different to that of employees. Subject to continuing to meet certain minimum criteria, councillors are entitled to continue to hold elected office and to continue to receive their basic allowance. The policy therefore focuses on providing clarity on expected leave periods, and arrangements in relation to special responsibilities.

2.7 The LGA policy does not provide any guidance on cover for local Member responsibilities, for example casework. Following consultation with the Member Reference Group an addition (section 5 of appendix 2) has been made to the standard LGA policy to reference the need for a Member planning to take a period of leave to make appropriate arrangements for an alternative Member point of contact for residents in their division. This recognises that the specific arrangements will be dependent on individual circumstances and that flexibility should be retained.

2.8 Adoption of a parental leave policy will provide clarity to Members, candidates for election and those considering standing for election on what to expect in the event of the birth or adoption of a child during a councillor's term of office.

2.9 The Committee recommends the County Council to:

- ☆ to agree the Parental Leave Policy and to amend the Constitution accordingly

30 September 2021

KEITH GLAZIER
(Chair)