

Phil Norrey
Chief Executive

To: The Chair and Members of the
Procedures Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 9 April 2019
Please ask for : Karen Strahan 01392 382264

Email: karen.strahan@devon.gov.uk

PROCEDURES COMMITTEE

Wednesday, 17th April, 2019

A meeting of the Procedures Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for absence

2 Minutes

Minutes of the meeting held on 6 February 2019.

3 Items requiring urgent attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

MATTERS FOR DECISION

4 Notice of Motion - Parental Leave Policies (Councillors) (Pages 1 - 4)

Factual Briefing Note provided by the County Solicitor (CSO/19/10) in response to the Notice of Motion previously submitted to the Council Meeting on 21 February 2019 and referred to this Committee under Standing Order 6(6).

MATTERS FOR INFORMATION

- 5 North Devon District Council (Re-Organisation of Community Governance)(No 1) Order 2019
(Pages 5 - 20)


The Committee is asked to note the Order made by North Devon District Council which affects the Parish Boundaries of Barnstaple, Landkey, Swimbridge, Goodleigh, Bishops Nympton and South Molton within the District of North Devon.

The information had also been sent to all North Devon Councillors.

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

NIL

*Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).
Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.*

Membership
Councillors C Chugg, J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford, N Way and C Wright
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Karen Strahan 01392 382264. Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
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The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/ In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening. Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.
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SatNav – Postcode EX2 4QD

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First Aid

Contact Main Reception (extension 2504) for a trained first aider.

Parental Leave Policies (Councillors) – Notice of Motion

Report of the County Solicitor

1. Introduction

1.1 The Notice of Motion submitted to the County Council by the Councillor shown below have been referred to this Committee in accordance with Standing Order 8(2) - for consideration and to make a recommendation back to the Council.

1.2 A factual 'Briefing Note/Position Statement' prepared by the County Solicitor is included below to facilitate the Committees discussion of the Notice of Motion.

2. Notice of Motion on Parental Leave Policies (Councillors) (Councillor Atkinson)

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.*
- *That across England, Labour has improved its representation of women, with 45% women compared with 40% in 2014, and the Liberal Democrat's representation is 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;*
- *That as of the 2017 DCC elections, only 18 out of 60 county councillors are women. Only three women were under 45 years of age*
- *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 age or 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 have more children to remain as councillors;*
- *That parental leave must apply to parents regardless of their gender, and that it should also cover adoption and fostering leave to support those who choose to adopt and foster.*
- *As there are County Council elections in 2021 the Council needs to review its policies with a view to encouraging prospective people who may be interested in standing for the County with a view to improving a wider range of people of younger age and gender to better reflect the Devon Community*

This Council resolves:

- *To refer to the Procedures Committee this motion to consider whether to recommend the adoption of the attached parental leave policy (see below) to give all councillors an entitlement to parental leave after giving birth or adopting and fostering;*
- *To ensure that councillors with children and other caring commitments are supported as appropriate;*

Parental Leave Policy for Councils Introduction

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

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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. Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or fostering/adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

3. Briefing Note / Position Statement from the County Solicitor

There is currently no legal right to parental leave of any kind for people elected to public office and Devon County Council doesn't currently have a policy to support Parental Leave for Councillors. There are, of course, policies in place for staff but employees hold a very different position within the organisation to that of elected Members.

Members might be aware that in Spring 2018, the Local Government Association (LGA) Labour Women's Taskforce was established to look at the challenges faced by women in Local Government, and what could be done to support women who wanted to become Councillors and those who are already Councillors. They drafted a model policy and also a Motion to take through Council's urging them to adopt the policy as soon as possible.

In addition, the Council has recently had sight of a letter from the Right Hon. Brandon Lewis MP (Chair of the Conservative Party) regarding the involvement of women both within the party and in Local Government and the importance of breaking down barriers where possible. In that vein, they asked that in order to progress equality and opportunity in public life, that a parental leave policy for Councillors be introduced in Council's.

Nationally, the position is that in 2017, 4% of local authorities had a parental leave policy in place for Councillors (Fawcett Society), and in all other Councils, arrangements for leave after the birth of a child is discretionary, based on arrangements with the Leader at the time.

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There are a number of issues to consider as part of this debate and of course any potential changes to the scheme of allowances, which of course would require Council endorsement.

One of the issues raised at times of elections and in exit interviews and nationally is the importance of attracting and retaining Councillors. In Devon, the Council's Independent Remuneration Panel has been concerned over the gender / age split of the Councils elected Member profile and feel the profile demonstrates the need for a scheme of allowances to attract a more diverse Council for the future, to represent the diversity of communities that make up Devon both now and also into the future.

On that basis, their review of the scheme in 2018 recommended changes to the dependent carers allowances to change the way in which carers allowances were paid so they better reflected the charging practices of many nursery's and child minders. Members of the Procedures Committee were supportive of the aims of the Panel's recommendations to support those who had carer responsibilities.

The Independent Remuneration Panel may well wish to be involved in any debate or consideration of a parental leave policy in view their key role in assessing the allowances scheme for being an elected Councillor. For example, the Panel considered the national publication, the 'Voice of the Councillor 2017' that considered barriers to standing for public office for women, ethnic minority and young candidates.

There will be financial implications relating to the adoption of a parental leave policy, particular if the policy allows any Members taking parental leave to receive not only their basic allowance (as would always be the case), but also their Special Responsibility Allowance (SRA) in full whilst on their period of leave. Provision would have to be made for a replacement Member be appointed to cover a period of leave who would also be entitled to receive an SRA on a pro-rata basis for the period of the temporary appointment.

The Council would also need to consider the legal duty under Section 85 of the Local Government Act 1972 and whether Elected Members taking maternity, shared parental or adoption leave retain their legal duty to attend a meeting of Full Council within a consecutive six month period unless the reason for the failure to attend is due to some reason approved by Full Council before the expiration of that six month period. The model policy however suggests that Councillors will of course have to adhere to this legal requirement.

As part of any work going forward, it could be helpful to benchmark with other Authorities who have implemented this policy and of course ask the Independent Remuneration Panel for their views on this.

This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: K Strahan

Tel No: 01392 382264 Room: G31

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil



Your ref:
Our ref: **LS/KM/**
Please ask for: Mr K Miles
Tel: 01271 388266
Fax: 01271 388261
Email: legalservices@northdevon.gov.uk
Date: 26th February 2018

Legal Services

Please note that the statutory name of this Council is North Devon District Council

The Chief Executive,
Devon County Council,
County Hall,
Topsham Road,
EXETER,
Devon.
EX2 4QD

Dear Sirs,

North Devon District Council (Reorganisation of Community Governance)(No 1) Order 2019

I am writing to advise you that the North Devon Council has recently made the above Order which affects the parish boundaries of Barnstaple, Landkey, Swimbridge, Goodleigh, Bishops Nympton and South Molton within the District of North Devon.

A copy of the Order together with the associated map is attached.

Yours faithfully,

A handwritten signature in black ink, appearing to be "K Miles", written over a series of horizontal wavy lines.

MR K MILES
Head of Corporate and Community



INVESTOR IN PEOPLE

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The North Devon District Council (Reorganisation of Community Governance) (No1) Order 2019

Made: 26th February 2019

Coming in force: In accordance with articles

North Devon District Council ("the Council"), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), has undertaken a community government review and made recommendations dated 23rd January 2019.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient.

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council has had regard to the 2018 Order as defined below.

The Council makes the following Order in exercise of the powers conferred by sections 86 and 240(10) of the 2007 Act.

Citation and Commencement

1. (1) This Order may be cited as the North Devon District Council (Reorganisation of Community Governance) (No 1) Order 2019

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on the 1st April 2019.

(3) Articles 4 and 5 below shall come into force on the ordinary day of election of Councillors in 2019.

(3) For the purposes of this Article, Article 6 and proceedings preliminary to or relating to the elections of parish councillors for Barnstaple, Landkey, Swimbridge, Goodleigh and South Molton parishes to be held on the ordinary day of elections of councillors in 2019, this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order:-

"2018 order" means the North Devon (Electoral Changes) Order 2018 (SI 2018/1178);

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"district" means the district of North Devon District Council;

"existing" means on the date this Order is made;

"map" means the map marked "Map referred to in the North Devon District Council (Reorganisation of Community Governance)(No1) Order 2019" and deposited in accordance with section 96(94) of the 2007 Act; and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

"ordinary day of election of councillors" has the meaning given by section 37 of the Representation of the People Act 1983, and

"registration officer" means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of the Order

3. (1) This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the 2007 Act relevant to any provision of this Order.
- (2) Save as set out in this Order the existing parishes in the district and the existing names, boundaries, council size grouping and other parish governance arrangements in respect of those parishes shall remain as existing.
- (3) Where any provision of this Order conflicts with the 2018 order, the provisions of this Order shall prevail.

Alteration of Parish Areas

4. (1) The area coloured and designated by the letter A on sheet 1 of the map shall cease to be part of the parish of Bishops Nympton and shall become part of the unwarded parish of South Molton
- (2) The area coloured and designated by the letter B on sheet 2 of the map shall cease to be part of the warded parish of Landkey and shall become part of the ward of Forches being part of the parish of Barnstaple.
- (3) The area coloured and designated by the letter C on sheet 3 of the map shall cease to be part of the warded parish of Landkey and shall become part of the ward of Newport being part of the parish of Barnstaple.
- (4) Subject to article 5 below, the area coloured and designated by the letter D on sheet 4 of the map shall cease to be part of the unwarded parish of Swimbridge and shall become part of the ward of Gunn being part of the parish of Goodleigh.

Wards of the Parish of Goodleigh and number of Parish Councillors

5. (1) The Parish of Goodleigh shall be divided into 2 wards which shall be named as set out in column (1) of schedule 1.
- (2) Each ward shall comprise the area designated on sheet 5 by reference to the name of the ward and demarked by blue lines.
- (3) The number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (2) of Schedule 1.

Electoral register

6. The registration officer for the district shall make such rearrangement of, or adaptation of the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Order Date

7. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils)(England) Regulations 2008.

Sealed with the seal of the Council on
The 26th February 2019

In the presence of

Authorised Office Signatory



Schedule 1

Article 5

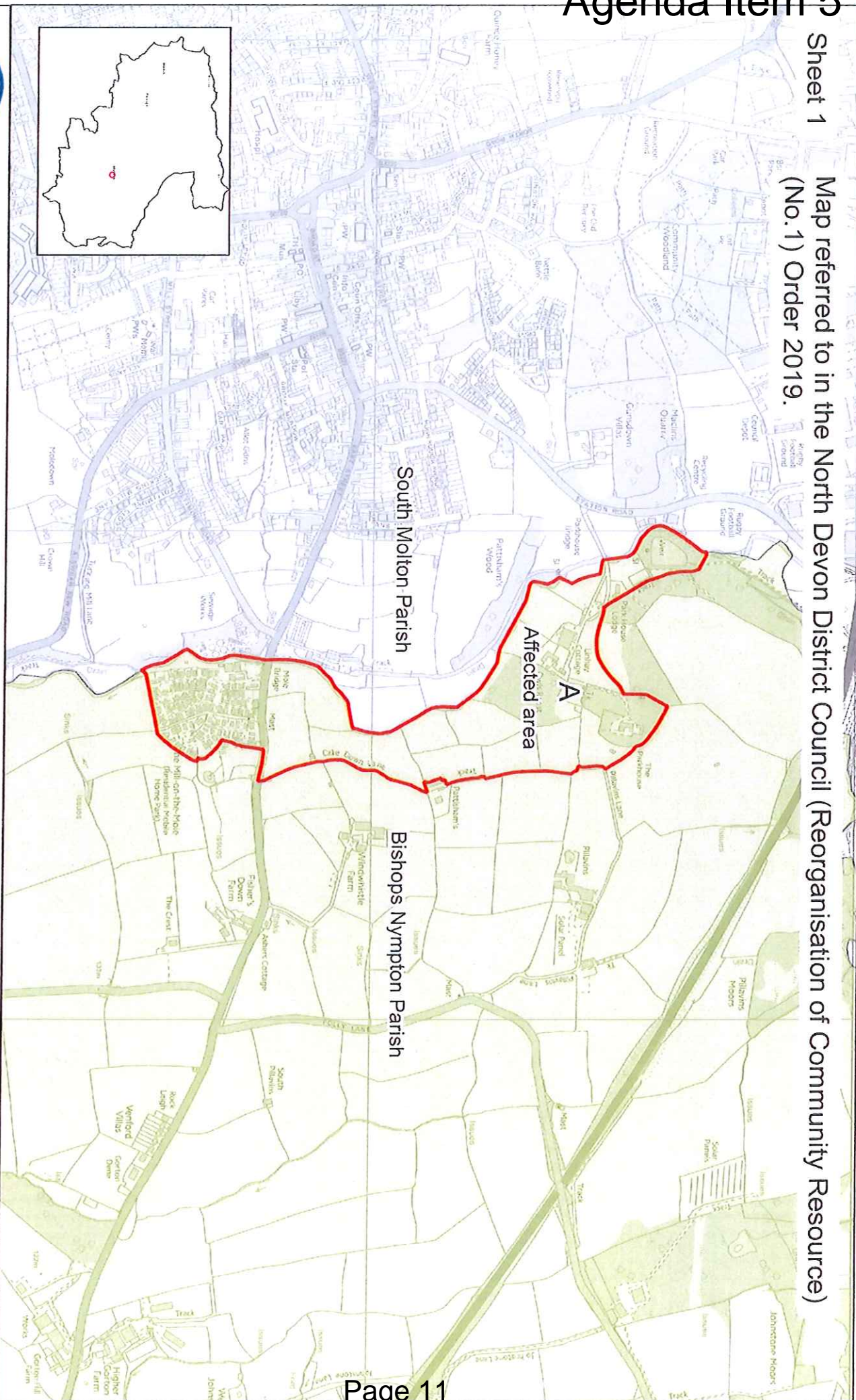
WARDS OF THE PARISH OF GOODLEIGH

Column (1)	Column (2)
Ward	Number of Councillors
Goodleigh	7
Gunn	1

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Sheet 1

Map referred to in the North Devon District Council (Reorganisation of Community Resource)
(No.1) Order 2019.

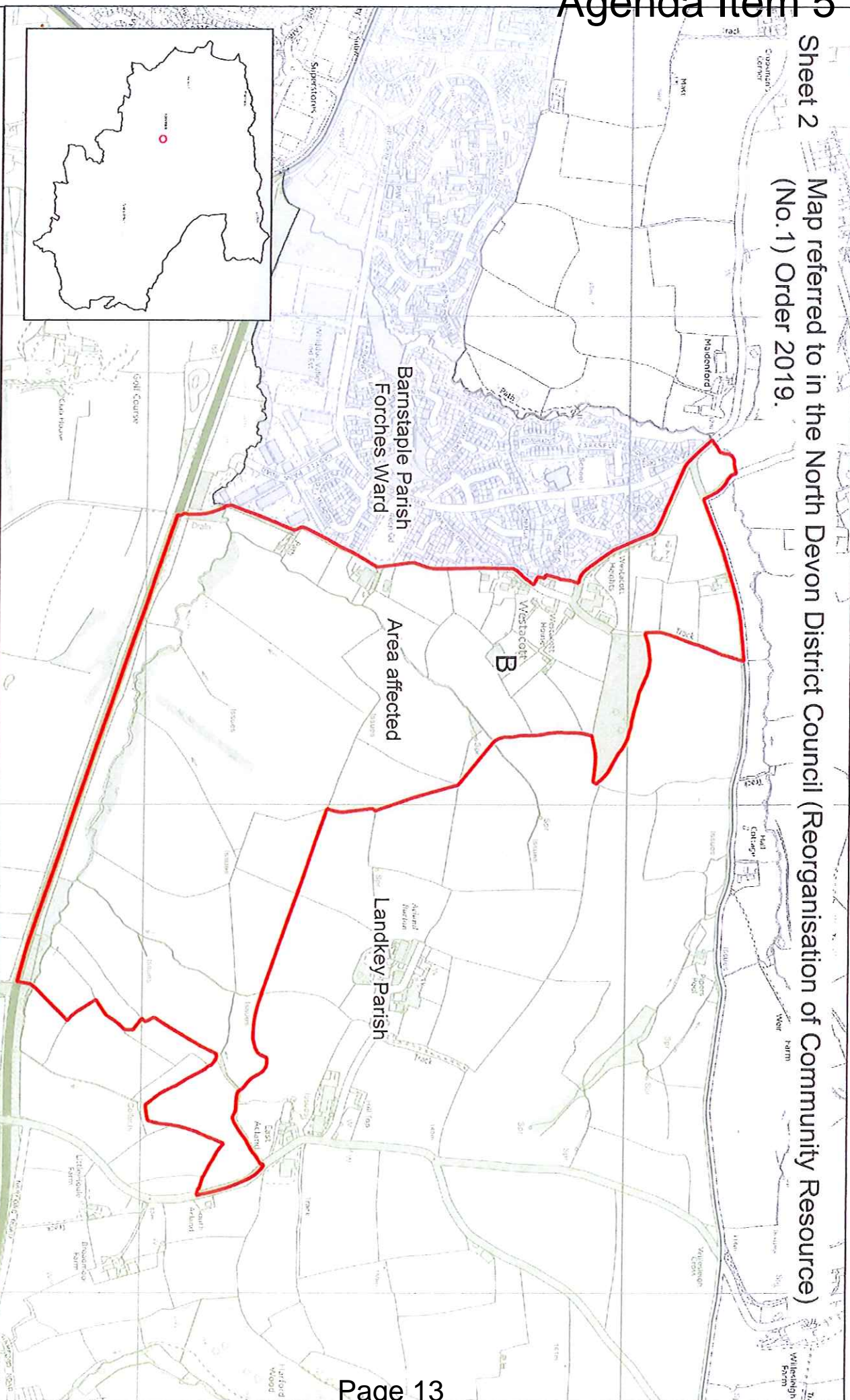


Mill on the Mole

Scale: 1:10000 @ A4
Date: February 2019

Sheet 2

Map referred to in the North Devon District Council (Reorganisation of Community Resource)
(No.1) Order 2019.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

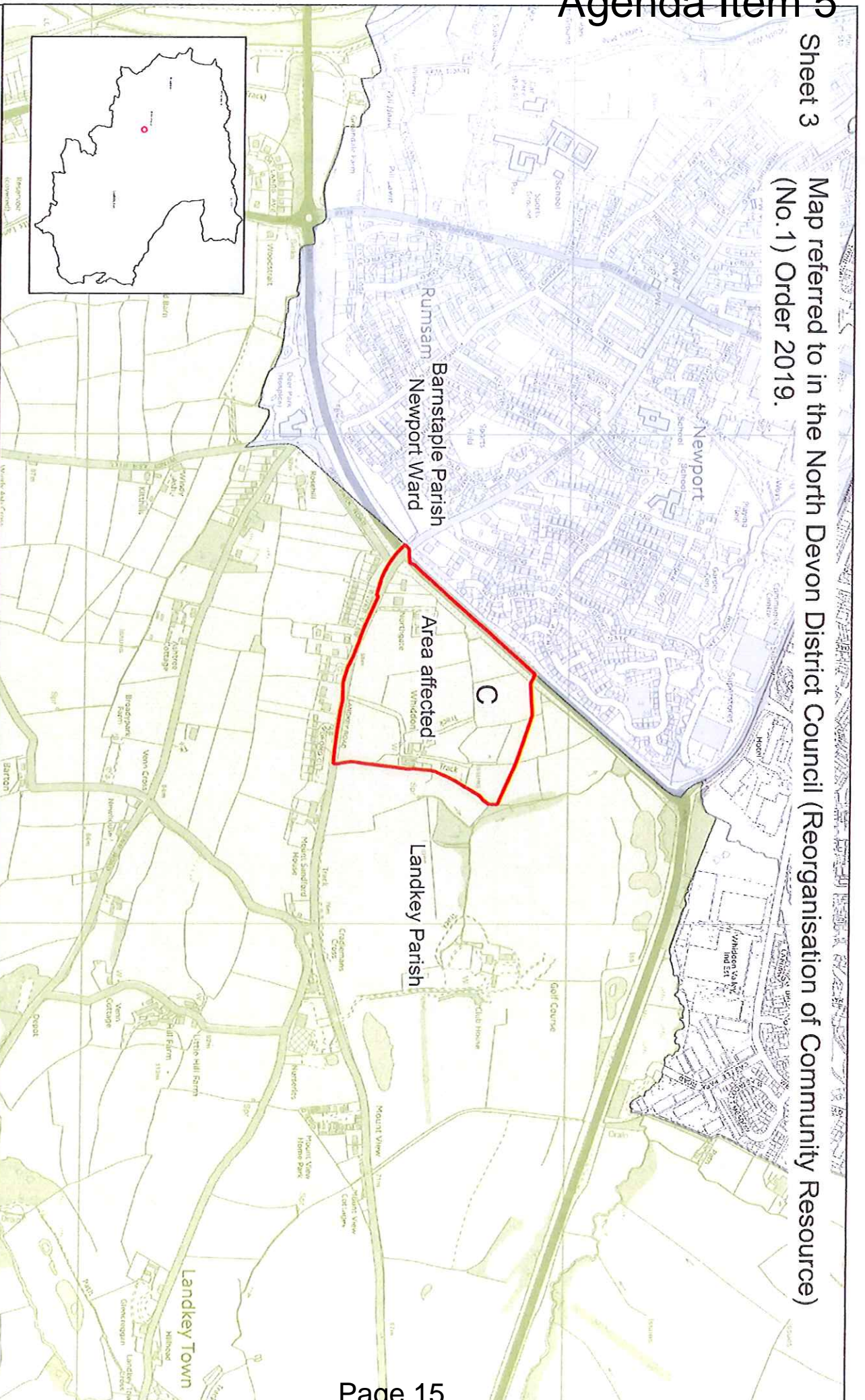
Westacott

Scale: 1:10000 @A4
Date: February 2019

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Map referred to in the North Devon District Council (Reorganisation of Community Resource)
(No.1) Order 2019.



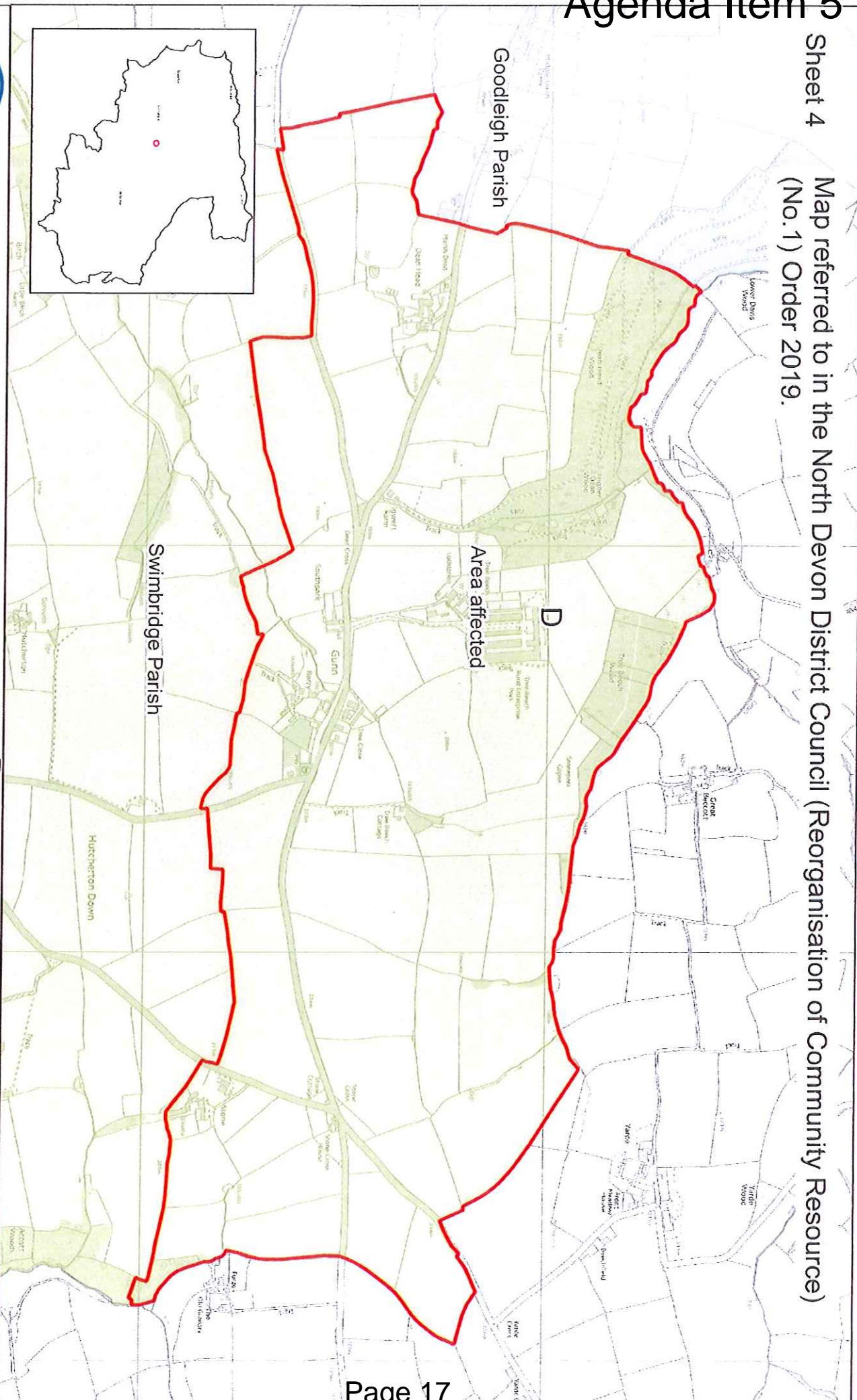
Mount Sandford Green

[Signature]

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Sheet 4

Map referred to in the North Devon District Council (Reorganisation of Community Resource)
(No.1) Order 2019.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA.

Goodleigh and Swimbridge

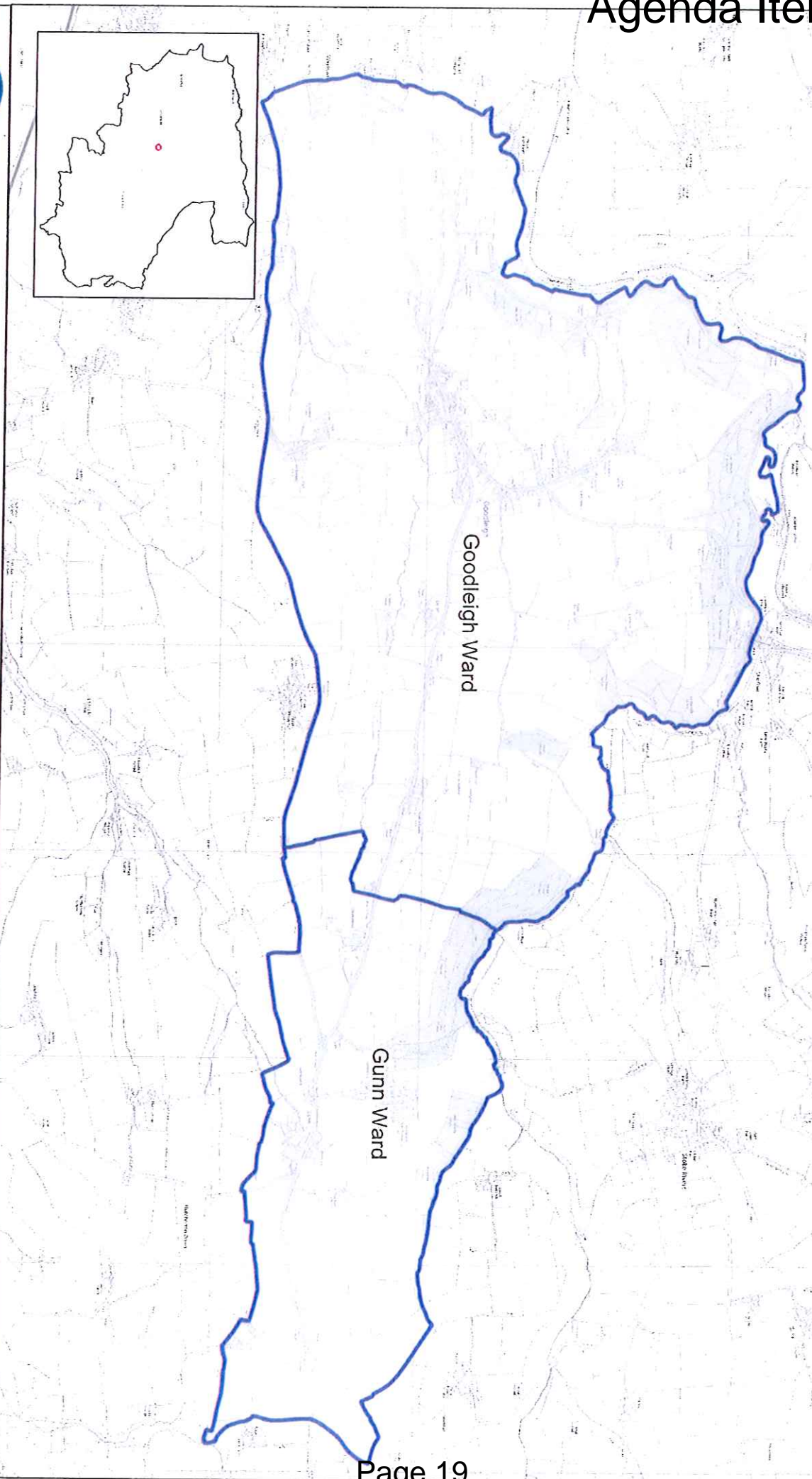
A handwritten signature in black ink, likely of the author or a representative of the council.

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Scale: 1:12000 @ A4
Date: February 2019

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Map referred to in the North Devon District Council (Reorganisation of Community Resource)
(No.1) Order 2019.



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Goodleigh Parish

Scale: 1:25000 @ A4
Date: February 2019

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