



Phil Norrey
Chief Executive

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To: The Chair and Members of the
Procedures Committee

County Hall
Topsham Road
Exeter
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EX2 4QD

(See below)

Your ref :
Our ref :

Date : 27 January 2020
Please ask for : Karen Strahan 01392 382264

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PROCEDURES COMMITTEE

Tuesday, 4th February, 2020

A meeting of the Procedures Committee is to be held on the above date at 10.30 am 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 7 November 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 Report of the Independent Remuneration Panel - Members Allowances (Pages 1 - 22)

Report of the Independent Members Allowances Remuneration Panel for 2019, attached.

The Chair of the Panel will be in attendance.

- 5 Appointment Process for Director of Public Health and Coroner - Terms of Reference for Appointments, Remuneration and Chief Officer Conduct Committee (Pages 23 - 24)

Appointments to the post of Director of Public Health are jointly made between the Local Authority and Secretary of State appointments and must comply with the statutory guidance. This means the appointment will be done in a different manner to that of other Chief Officer and Heads of Service appointments. Whilst the appointment process will still need to involve representatives from the Appointments, Remuneration and Chief Officer Conduct Committee, the terms of reference for that Committee will need to be amended to reflect this.

The proposals for the recruitment and employment terms of the new Director of Public Health will be going to the Appointments, Remuneration and Chief Officer Conduct Committee on 4 February and the Report can be found [here](#).

The Local Authority is also responsible for appointing the Coroner, so the terms of reference for the Appointments, Remuneration and Chief Officer Conduct Committee also reflect this requirement and associated legislation and guidance.

A copy of the revised terms of reference is attached for the Committees endorsement with the changes highlighted in red.


MATTERS FOR INFORMATION

NIL

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

NIL

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Membership
Councillors J Mathews (Chair), 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.
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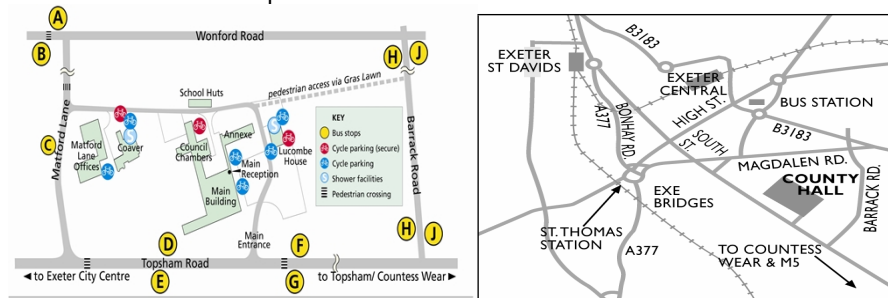
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REVIEW OF MEMBERS ALLOWANCES

INDEPENDENT REMUNERATION PANEL

HEATHER MORGAN
BRYONY HOULDEN
STEVE BARRIBALL

FEBRUARY 2020

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1.0 **Background**

- 1.1 The Panel first reported in March 2000 and have reported every year since then, including May 2003 when the first major review was undertaken. Most of the Panel's recommendations have been implemented. During 2015, the Panel decided that a second major review of the scheme was required and again in 2018, when a third large scale review was undertaken.
- 1.2 The last few years have seen an unprecedented period of austerity, restrictions and budget restraints in Local Government spending which has impacted on both staff wages and consequently Members allowances. The Panel have kept a close brief on national issues including budgets, policy directions, consultations and also the local landscape including allowances schemes and the actions of other Local Authorities.
- 1.3 The last report of the Panel (February 2019) commented on and recommended the following:

that the structure of the Allowance Scheme for Devon is fit for purpose and based on sound principles, and that the Basic Allowance should be increased in line with the staff pay award.

Up until 2017, the Panel had consistently recommended increases in the Basic Allowance, with corresponding increases in the level of SRAs and the recommendations had not been implemented, hence the level of allowances in Devon had fallen behind. The Panel were pleased that in 2018, the Council listened to their recommendations and their strong evidence base to increase the Basic Allowance.

Taking into account the evidence available and for the reasons set out above, the panel recommends that:

(a) The basic structure of the current scheme is endorsed and retained;

(b) From May 2019, the Basic Allowance is increased to £12,859 (which includes the agreed 2% pay award for 2019) and the multipliers be recalculated accordingly;

(note: £12,859 is the allowance rate for 2018 uprated in line with the 2% staff pay award)

(c) that the overnight rate for London be increased to £149.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London

(d) Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;

(e) The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;

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(f) The Panel keep a watching brief on the Devolution / Combined Authority Agenda to assess any impact on allowances;

(g) Current procedures for performance management could be strengthened and that Group Leaders take a robust approach to the performance management of their Members.

1.4 The composition of the Panel is:

Heather Morgan – (Chair) Tribunal Judge (since 2002)

Bryony Houlden – Chief Executive of South West Councils (appointed in 2015)

Steve Barriball – Chief Executive of Citizens Advice, Exeter (appointed in 2017)

1.5 The Panel's appointments are until May 2021, having been re-appointed in 2017 through the Annual meeting of the Council (and via delegated powers afforded to Leaders and Whips in the case of the most recent appointment).

1.6 The prime role of the Panel has been to assess the allowances for being an elected councillor, representing the diversity of communities that make up Devon now and into the future. The Panel's contribution has been to ensure that councillors have the financial recognition to fulfil some of the most demanding roles that exist in public life.

1.7 In preparation for this years report, the Chair has maintained regular contact with the Council, regularly meeting both the IRP advising officer and then the Leader of the Council (on 5 September 2019) to obtain feedback on the 2019 Panel Report, keep abreast of events and changes affecting the Council such as Budgets, the impact of the Chancellors Statement and the Council's budget position, any Staff Pay Award news (unknown at the time of the meeting), the impact of Brexit, the potential of a General Election, Parental Leave Policy and the need to ensure resilience for Communities for cover arrangements and how Group's managed Performance Management issues.

1.8 The Panel met on 29th August and 7th November 2019 (meeting with Political Group Leaders on this day) and 10 December 2019, to consider events since the last Panel report, the national context, the current scheme, comparisons with other authorities, benchmarking data (South West Council's and National Census data), the content of a parental leave policy and potential recommendations and content for the final report.

- 1.9 The Panel agreed their timetable for the review at their first meeting and this is outlined below.

<u>Date</u>	<u>Action</u>
29 th August 2019 @ 11am	Panel meeting
5 th September 2019 @9.30am	Panel Chair to meet Leader of the Council
7 th November 2019 @ 9.45am	Panel meeting with Group Leaders
November / December 2019	Draft final report
10 th December 2019 @ 9.30am	Panel Meeting to consider draft of final report
Early January 2020	Finalise report based on panel comments
24 th January 2020	Final Report ready for dispatch with Procedures papers
4 th February 2020 @ 10.30am	Procedures Committee
20 th February 2020	Council meeting

2.0 Events Since the Panel's Last Report

- 2.1 On a national level, there has been twelve years of cuts to public sector funding. This has been reflected in many Councils, including Devon, by many budget saving initiatives, cuts to services, a number of structural and organisational reviews, which was likely to continue up until 2020/2021, with many Councils worried about the budget situation beyond 2021. With pressures in areas of social care (both children and adults) there are real fears that some Authorities will not be able to balance their books.
- 2.2 The most recent budget monitoring reports (month 6) show that Adult and Children's Social Care continued to experience ongoing pressure along with the School's Transport service. There was also a funding shortfall within the Dedicated School's Grant SEND High Needs Block which continued to be a concern, both for the current year and into the future. In addition, winter pressures across many service areas still had to be met.

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- 2.3 Over the nine-year period 2011/12 to 2019/20 the Council has had to make savings of just under £265 million. There is also great uncertainty about the level of future funding from Government after 2019/20. 2019/20 is the final year of the government's four-year local government financial settlement and core funding for the County Council is expected to reduce from £115 million in 2018/19 to £101.5 million in 2019/20. This is a reduction of £13.5 million or 11.7%.
- 2.4 In addition to the impact of the government's new comprehensive spending review (CSR 2019), which was expected later in 2019, and the planned business rate funding reset, there are two significant reforms to local government funding the Government is consulting on – Business Rates Retention Reform and the Fair Funding Review. There is currently no information available on the impact these changes will have on the level of funding local government can expect after 2019/20.
- 2.5 The UK's departure from the EU (Brexit) also creates further uncertainty of the impact on funding of local government as well as the Government's plans following the recent General Election. The impact of Brexit has further implications for the Council in terms of EU grants, the pension fund (including valuations and employer contributions) and cost of staffing (particularly in the care sector), medium term financial planning and the treasury management strategy. The Council was working closely with local partners to prepare for Brexit and to help everyone in Devon deal with the situation as well as Government to help develop and deliver their national contingency arrangements and to share local issues and concerns.
- 2.6 To date, staff reductions have been in excess of 3000 (excluding schools) and the Panel noted the various vacancy management processes (undertaken in 2010/2011), which recommenced in 2014 and then a recruitment freeze for part of 2017. From 1 January 2017, any recruitment to vacant posts was restricted to those deemed 'business critical'. More recent initiatives to save £5 million (agreed at Cabinet in November 2018) included reducing travel and utilising '*Skype for Business*' for business meetings, restricted conference attendance to those essential to roles or part of mandatory training, the end of non-essential overtime payments, hospitality lunches, and a two-month gap between the last date of a colleague leaving and the post being advertised. Other initiatives include staff being able to buy additional leave.
- 2.7 The Council's main concern was to ensure continued help and support for the most vulnerable people and families in communities. There were strong and effective contingency plans in place. The Council was also working with the Government to help develop and deliver their national contingency arrangements.
- 2.8 There was a staff pay freeze from 2009/10 up until 2012/2013. In 2013/2014 there was a 1% pay increase for 'public service' staff but there was no pay award for senior officers. For 2014 – 2016 there was a complex pay offer which amounted to 2.2% for most staff over a two-year period. Those at the lower spinal column point (SCP) were awarded higher percentage rises. The pay award for 2016/2017 and 2017/2018 were for staff with salaries starting at

£17,714 per annum to get a 1% increase in both 2016/17 and 2017/18. Those earning less than this would receive higher increases to take account of the new National Living Wage. The pay award for 2018/2019 and 2019/2020 was a two-year deal at 2% per year for both the staff and chief officer's. For 2020/21 the NJC pay claim by the Joint Trade Union Side (UNISON, GMB and UNITE) to the Local Government Association was a 'real living wage' of £10 per hour to be introduced for NJC SCP 1 and a 10% increase on all other pay points. In addition, a one day increase to the minimum paid annual leave entitlement and a two hour reduction in the standard working week. The outcome of the staff pay award for 2020 was still unknown at the time of writing the report. It had been delayed due to the General Election and the subsequent deferment in commencing negotiations. Many Local Authorities had made budgetary provision for 2% in terms of a staff pay award (excluding any Chief Officer pay award which was negotiated separately).

- 2.9 The Panel also noted that on a national level, MP's received a 2.7% pay rise from April 2019, taking their salary to £79,468 (from £77,379). The rise follows a 1.8% rise last year, 1.4% in 2017, 1.3% in 2016 and a large increase, from £67,000 to £74,000, in 2015. Annual changes in MPs' pay are linked to changes in average earnings in the public sector using Office for National Statistics (ONS) figures.
- 2.10 There have been various financial saving strategies over the last few years, including reductions in the Councils property portfolio, divestment of youth services, meals services, day care services, highways maintenance reductions, no direct provision of adult residential or day care services, waste management, public transport and a new library service. Consultations on general service reductions are an ongoing and continuous process along with obtaining best value from tenders and contracts.
- 2.11 The Panel were previously concerned that the levels of allowances had become 'too far removed' from the figures originally proposed back in 2009 when allowances were frozen. The Panel kept a record of allowance rates and what the allowances would have been if the mean wage increases (up to 2010) and staff increases (from 2010 to the current day) had been applied. The Panel were therefore pleased that the Council accepted their recommendations from both the 2018 and 2019 review.
- 2.12 The Devon County Council Elections in May 2017 did not result in any change of political administration. However, there was a decrease of 2 Members (following a Boundary Commission for England Review), an increased Conservative majority (from 38 to 42) and the loss of the UKIP group on the Council (resulting in 1 less SRA).
- 2.13 The Council also reviewed its Committee Structure at that time which resulted in a change to the structure of the Scrutiny Committees, changing from four Scrutiny Committees to three Committees, thereby achieving 2 further reductions in the numbers of SRA payments (1 Chair and 1 Vice Chair SRA).
- 2.14 The current figure in relation to the percentage of Members receiving an SRA payment is 43%, the same as the last two years. Prior to the elections, the

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figure was 47%. The reduction was largely due to the Scrutiny Committee re-organisation and with a reduction of two Members of the Council, the reduction, in real terms, is slightly more than 5%.

3.0 Meeting with Group Leaders (7 November 2019)

- 3.1 The Panel have always felt it important to obtain the feedback from Group Leaders on the current scheme and of any issues which might impact on allowances and, as such, a meeting was arranged for 7 November 2019.
- 3.2 The Panel discussed Group Leader Allowances, last years recommendations and also obtained feedback on the current scheme.
- 3.3 The discussions with Group Leaders highlighted that it could be challenging being a Councillor in times of austerity. The impact on constituents was sometimes difficult and the number of complex cases had risen.
- 3.4 Overall, Group Leaders felt that the 'catch up' in allowances was the right thing to do, as the Council should be attracting younger candidates to the role. It was also reflected that the link to the staff pay award was the right approach, then if staff were not in receipt of a pay award, then Councillors did not receive an increase to allowances.
- 3.5 In terms of the scheme, the general view was that it was fit for purpose, both in terms of the Basic and Special Responsibility Allowances and rates.
- 3.6 The Panel asked Group Leaders for any feedback on a parental leave policy (which the Panel had been asked to formulate, see section 7). It was requested this be inclusive, applying to both parents and that the policy reflected 'Democratic Deficit' and arrangements for cover to ensure constituents were represented, although Group Leaders said such arrangements went across party politics and everyone helped where needed to cover constituent enquiries.
- 3.7 Other comments related to the Panel being assured there was a system in place within Groups to manage performance issues, ensuring there was a watching brief on child care / dependant allowances, although it was highlighted that Devon was 'ahead of the game' with the scheme being reflective of modern-day charging practices for nurseries and child minders. The Panel were pleased to hear the comments regarding performance management which provided a level of reassurance in this regard.
- 3.8 Members said that attending meetings at County Hall was the 'tip of the iceberg' in terms of workload, with many Councillors being active within wards and constituency duties. In the modern world of email and social media, it appeared the public expected more instant responses from their elected representatives. It was also difficult to quantify time spent on council activities as no one week is the same.

- 3.9 Lastly, Group Leaders asked the Panel to review the 'London overnight rating', as current rates did not reflect the prices charged.

4.0 Annual Meeting of Panel Chairs and Advisers

- 4.1 Prior to 2018, this meeting had not taken place for a number of years, due to the retirement of Mr Graham Russell (the organiser of this event, funded by South West Councils) in 2016. It was therefore pleasing that the meeting took place again in 2018 arranged by South West Councils and hosted by Devon County Council.

- 4.2 Following difficulty with availability and dates in the Summer of 2019, it met again on 14th January 2020 at Exeter City Council and discussed the following issues.

- Members Allowance Survey Results 2019 / Discussion on 2020 Survey - Delegates suggested a number of issues for inclusion in the 2020 survey including parental leave policies and potential family groupings for comparison purposes.
- Parental Leave Policies – A number of Authorities had adopted parental leave policies and others were looking to follow suit. Whilst there had been a model policy promoted by the LGA Labour Women's Task Force, a letter had also been issued by Brandon Lewis (MP) Chair of the Conservative Party at that time, supporting Conservative Councils to adopt a parental leave policy. This letter would be shared within the group.
- Overnight Allowances – Devon County Council raised the issue of overnight allowances and the absence of a suitable benchmark, as alluded to later in this Report. Many Authorities allowances were modelled on staff schemes so a more suitable benchmark was not identified. One Authority had no figure attached to the maximum allowance that could be claimed, but agreement to expenditure was authorised by the Head of Democratic Services. Within this year's report, it is proposed to still use the Price, Waterhouse Cooper (PWC) benchmark, but add flexibility into the system with authorisation for expenditure over that amount being sought from the Head of Democratic Services.
- Role Descriptions for Councillor Positions - North Somerset Council was looking to identify roles descriptions for Councillor roles and many Authorities had done work in this regard. Devon had a generic role description within its Constitution, but had also formulated role profiles as part of its skills framework within the Member training and development field which was used to support any development required.
- Methodology / Processes for the Calculation of Basic Allowance – Delegates discussed the benefit of potentially identifying one methodology by which the basic allowance could be calculated. Whilst this would be desirable on many levels, it was felt the current differentials between levels of allowances and also with the different responsibilities of authorities

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(County / District / Unitary), this would be hard to standardise. The potential for allowances being increased was problematic for many Local Authorities and any standardisation might see allowances in some areas reduced, which could impact on attracting high calibre candidates to the role. Members discussed the importance of Panels to analyse relevant information and their use methodology, evidence and comparative data.

- Standard Co-opted Member Allowance – Delegates discussed the levels of co-optee allowances available within their respective schemes. Most authorities had one or two levels of allowances, normally a few hundred pounds, although one Authority had a number of different amounts and distinguished between voting and non-voting Members.
- Independent Advisors – The question was asked whether there was anyone who fulfilled this role since the retirement of Graham Russell. Whilst the answer was no, guidance and support could be obtained from South West Councils.
- Councillors' Allowances 'A practical guide for those involved in the work of Independent Remuneration Panels' – Attendees noted that this guidance, which was excellent, was last revised in 2015. Copies would be circulated and any ideas for updates would be welcomed.

5.0 Comparisons and Benchmarking

- 5.1 The Panel considered the recent (2019) SW Councils survey on allowances. Following the increase in Members allowances last year, the rate of basic allowance paid in Devon was at the top of the survey data when compared to other South West Shire Counties. This improvement was pleasing to the Panel as Devon's position had dropped to the mid to lower ranges, which was a cause for concern given the population of Devon is significantly higher than those in other Shire Counties. As an example, Gloucestershire paid £10,300 and Somerset County Council £11,231 per annum for 2019/20. The larger unitary Council's were higher than Devon, with Cornwall County Council paying £14,473 and Wiltshire £13,463. With effect from 6 May 2019, Dorset (since becoming a unitary authority) increased the basic allowance to £13,000 for 2019/2020.
- 5.2 The Panel had previously considered the South East Councils survey on allowances, however, the figures related to 2015, so appears out of date for the purposes of this report.
- 5.3 However, a survey of schemes showed that for 2019/20, Kent County Council topped the list with a basic allowance of £15,561.94. Many others were mid-range such as Surrey County Council at £12,443 (although figures were only available for 2018/19), East Sussex County Council at £12,797, West Sussex at £11,875, Buckinghamshire County Council at £11,998 and Hampshire County Council at £12,489. Oxfordshire County Council were one of the lowest at £10,000.

- 5.4 The Panel also took the data from the South West Survey and the South East data and assessed the allowance per head of population.

Council Name (Shire Counties)	Population	Basic Allowance for 2019/20 (Members)	Per Head of Population*
Devon County Council	795,286	£12,859 (60)	£0.97
Gloucestershire County Council	633,558	£10,300 (53)	£0.86
Somerset County Council	559,399	£11,231 (55)	£1.10

Council Name	Population	Basic Allowance for 19/20	Per Head of Population*
Buckinghamshire County Council	540,059	£11,998 (49)	£1.08
East Sussex	554,590	£12,797 (50)	£1.15
Hampshire County Council	1,376,000	£12,489 (78)	£0.70
Kent County Council	1,569,000	£15,561.94 (81)	£0.80
Oxfordshire County Council	687,500	10,000 (63)	£0.91
West Sussex County Council	858,852	£11,875 (70)	£0.96

* Basic Allowance x Number of Councillors.

- 5.5 The Panel previously undertook a large scale review in which they considered how the Basic Allowance had been calculated to ensure it was still fit for purpose. The calculation was the average non manual daily rate, less 33% for the public service ethos. As the data was no longer collected, the Panel researched other baselines, which included one used by Cheltenham Borough Council (median salary for the South West) and a calculation which had been determined by Surrey's IRP (median salary level for full time white collar workers resident in Surrey, with a 33% discount as the voluntary element and the time commitment of the role as 18 hours per week (0.5 FTE)).

- 5.6 The Panel applied this Surrey methodology to Devon, but using the Median gross weekly earnings for full-time employees in Devon for 2019.

$$1£27,144 \text{ less } 233\% (£8958) = £18,186 \dots\dots\dots X 3 0.71 = £12,912$$

1 median gross weekly earnings for full-time employees in Devon 2018...Office for National Statistics (ONS)

2 public service discount

3 adjustment for full-time equivalent – using figures from National Census for Counties of 29 hours

- 5.7 The allowance for Devon (if calculated in this manner) made the basic rate £12,912. Given the current allowance of £12,859 which included the LGA median wage rise (up until April 2010) and staff pay increases (from April 2011), the Panel were satisfied that the calculation used was fit for purpose.

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- 5.8 The Panel also felt it prudent to use the most recent data available, so utilised the National Census Data from 2018, extracting the figures submitted by Members of Devon County Council.
- 5.9 The Panel previously had raised concern over the number of 'twin trackers' (where a Councillor is a Member of more than one Authority), in view of the implications for workload. With Elections in May 2013, the figure was 39 Councillors out of the 60 who were on District Council as well as the County Council (65%). After the last Elections in 2017, the number was 41 out of 62, (66%) so the situation at that point remained largely unchanged. However, following District Elections in May 2019, the numbers changed significantly with only 28 twin trackers (now well below 50%).
- 5.10 The Panel also wanted to keep a watching brief on expenses rates for overnight stays in London. Members had previously felt the rate was still not fit for purpose. Members considered a number of other benchmarks, for example the London rate for judiciary, which was currently lower than the County Councils and also the average daily rate for London as calculated by Price Waterhouse Cooper (PWC). This revised figure for 2019 was £150.90, a rise of £1.90 (or 1.4%) from 2018.
- 5.11 However, given the comments from Members of the Council, the Panel suggest that, in the absence of the better benchmark, the Council use the PWC benchmark but that in some instances the Council might need to take a flexible approach to accommodation, with wording in the scheme that ensures the Council secures best value for money whilst taking into account all relevant factors (e.g. safety, location, convenience, availability and proximity to the venue etc) and the Head of Democratic Services being asked to authorise any expenditure over that amount.

6.0 National Census of Local Authority Councillors 2018

- 6.1 The above study was previously carried out every two years to provide a comprehensive snapshot of local government representation and analysis of trends over time. The census asks Councillors about their work as Councillors, their views on a range of issues and also their personal background. The last study was carried out in 2013 so the new survey conducted in 2018 was a welcome update.
- 6.2 The 2018 Census was the first to be conducted entirely online. All 17,770 Councillors in England were emailed a unique link to the questionnaire. A total of 2,627 councillors responded, a response rate of 15%. This was lower than previous censuses and was most likely due to the move from a paper-based exercise. The 2018 response rate of 15% compared with 38% in 2013, 33% in 2010, and 45% in 2008. The Panel expressed their disappointment at the low response rate in the 2018 survey.
- 6.3 The key findings were presented in three sections, work as a Councillor, issues and views of Councillors and personal background of Councillors. It should be noted that the figures in this section apply nationally and to all types

of Council's (Counties, Shire Districts, Unitary Councils, Metropolitan Districts and London Boroughs).

6.3.1 Councillors' work

- On average, Councillors had served for 9.2 years in their current authority; 47% had served for up to 5 years while 11% had done so for more than 20 years;
- 54% of Councillors held a position of responsibility, most commonly membership of the Cabinet/Executive;
- Councillors spent, on average, 22 hours per week on council business, the largest aspect of which was on Council meetings (8 hours); and
- 39% of Councillors were also members of another public body.

6.3.2 Councillors' views

- 85% of Councillors became Councillors in order to serve their community;
- 60% thought that representing local residents was among the most important role of Councillors, and 51% thought the same of supporting local communities;
- 34% of Councillors thought they were very effective in their role, and 57% fairly effective;
- 85% would recommend the role of Councillor to others; and
- 68% intended to stand for re-election.

6.3.3 Councillors' personal characteristics

- 45% of Councillors were retired, and 26% in full or part-time employment;
- 64% of Councillors held other voluntary or unpaid positions, such as school governorships;
- 68% of Councillors held a degree or equivalent qualification; only 3% did not hold any qualification;
- 63% of Councillors were male, and 36% female;
- The average age of councillors in 2018 was 59 years; 15% were aged under-45 and 43% were aged 65 or over;
- 96 % described their ethnic background as white;

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- 88% described their sexual orientation as heterosexual or straight;
- 16% had a long-term health problem or disability which limited their daily activities; and
- 36% of Councillors had a responsibility as a carer, most commonly looking after a child.

6.4 Devon has many of the same issues as other Authorities in terms of attracting younger members. Whilst Devon has some younger Councillors, (and a small number have been in Cabinet positions), the majority are over retirement age.

6.5 The age / gender profile of Devon's Councillors was gathered after the 2017 elections, but updated in light of the By Election held on 24 October 2019, and is highlighted below.

Councillor Gender/Age Profile of Devon County Council - 2019			
Age Group	Male	Female	Totals
Under 30	0	0	0
30-39	2 (3%)	0 (0%)	2 (3%)
40-49	3 (5%)	2 (3%)	5 (8%)
50-59	10 (17%)	5 (8%)	15 (25%)
60-69	16 (27%)	7 (12%)	23 (38%)
70 and over	12 (20%)	3 (5%)	15 (25%)
Totals	43 (72%)	17 (28%)	60 (100%)

6.6 When this data is cross referenced with the recently conducted census data from 2018, this shows that in a South West Comparison, the male to female ratio was 65% male compared to 34% female. Devon therefore is slightly lower than the South West Average in terms of female Councillor's.

Gender – South West		
Female	591	34%
Male	1119	65%
Prefer to self-describe	6	0%
Prefer not to say	8	0%

- 6.7 For the South West, the age profile is as listed below. Devon has 25% of its Members over the age of 70, so slightly lower than the South West profile.

Age – South West		
Under 25	6	0%
25-29	20	1%
30-34	47	3%
35-39	28	2%
40-44	88	5%
45-49	61	4%
50-54	177	10%
55-59	258	15%
60-64	226	13%
65-59	299	18%
70 or over	482	28%
Average (years)	60.9	

- 6.8 The census data also allows a comparison to other Counties (nationally). In this instance the ratio is 71% male and 28% female. This is within 1 percentage point of Devon's profile.

Gender - Counties		
Female	423	28%
Male	1073	71%
Prefer to self-describe	0	0%
Prefer not to say	14	1%

- 6.9 In terms of the age profile for Counties (nationally), this again is detailed below. Again, Devon is slightly lower than the Counties average in terms of Members over the age of 70.

Age - Counties		
Under 25	0	0%
25-29	41	3%
30-34	29	2%
35-39	17	1%
40-44	28	2%
45-49	66	5%
50-54	140	9%
55-59	214	15%
60-64	235	16%
65-59	289	20%
70 or over	412	28%
Average (years)	61.6	

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- 6.10 The Panel have previously been concerned over the gender / age split, demonstrating the need to consider a scheme of allowances to attract a more diverse Council for the future. Whilst the allowances were raised in 2018, the Panel do not wish to see a return to the position where they have been allowed to become 'out of kilter' once again.

7.0 Parental Leave Policy

- 7.1 The Procedures Committee (on 17th April 2019 – [Minute 60](#) refers) had considered a factual briefing note provided by the County Solicitor (CSO/19/10) which was in response to a Notice of Motion on Parental Leave Policies which had been previously submitted to the Council Meeting on 21 February 2019.
- 7.2 There were a number of issues raised by the Motion including the current position that there was no legal right to parental leave of any kind for people elected to public office. It also highlighted the work to date of the Local Government Association (LGA) Labour Women's Taskforce in drafting a model policy. In addition, the Council had also received a letter from the Right Hon. Brandon Lewis MP (Chair of the Conservative Party) regarding the involvement of women in Local Government and asking that a parental leave policy for Councillors be introduced in Councils.
- 7.3 The Procedures Committee referred to the role of the Council's Independent Remuneration Panel as they had previously looked at issues relating to attracting and retaining Councillors and the importance of a scheme of allowances that attracted a more diverse Council for the future to represent communities. They felt the Panel would wish to be involved in any debate or consideration of a parental leave policy in view of their role in assessing the allowances scheme for being an elected Councillor.
- 7.4 The Committee therefore endorsed the proposal of a parental leave policy for Members of the Council as a means of supporting those with caring and parental responsibilities and also to encourage more individuals from a range of backgrounds to stand for election, but decided to ask the Independent Allowances Panel to formulate a scheme, with reference to both the model policy submitted as part of the Motion (prepared by the LGA Labour Women's Task Force) and also the model scheme recently circulated by the Chair of the Conservative Party, taking account of any best practice in other Local Authorities.
- 7.5 The Panel welcomed the opportunity to draft such a policy and this is attached at Appendix 1.
- 7.6 The Panel were keen to ensure there was no democratic deficit in any such policy and that the interests of constituents and the electorate were represented. This is therefore reflected in the Policy.

- 7.7 The Panel considered the issue of fostering, as suggested by the Procedures Committee, however, it was felt this was not appropriate to be within the scope of this particular policy, but the Panel would be happy to consider the matter again should the Council wish it to. After looking at the staff policies in place for fostering and the sometimes transient and short term nature of fostering in some cases, the Panel felt that additional support should be on a case by case basis.

8.0 Member Development Charter Status Plus

- 8.1 The Panel have always been interested in Member training and development and therefore supportive of the Council's initiatives such as competency frameworks, appraisals and personal assessments of Members Learning and Development needs. The Panel recognised the Councils accreditation and re-accreditation of Charter status at Charter-Plus level for Member Development.

- 8.2 The feedback from South West Councils in that assessment had said there were a number of areas of excellent practice in Devon and that.....

.....'it was great to see the continuous improvement in the way that Members are supported and the strong working relationship between Members and Officers'.

- 8.3 The assessment found an ethos of continuous professional development inherent throughout the Council and a willingness by the Councillors to ensure their skills, knowledge and understanding are up-to-date so that they can fulfil their role successfully. There was strong evidence that Member Development had become part of the fabric of the way the Council works and this is an ongoing process.

- 8.4 The Assessors had been impressed by the progress in making Scrutiny a positive and constructive process which was helping the Cabinet and Council to develop more effective policy making. Scrutiny had raised its profile over the last 12 / 24 months, culminating in 'scrutiny symposium' celebrating 20 years of Scrutiny at Devon County Council.

- 8.5 The meeting of Group Leaders echoed the ethos of training and development and the strong training and support mechanisms that were in place.

- 8.6 The Council is currently exploring re-accreditation for the third time.

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9.0 Summary, Conclusions and Recommendations

- 9.1 The Panel has concluded that the structure of the Allowance Scheme for Devon is fit for purpose and based on sound principles, and that the Basic Allowance should be increased in line with the staff pay award.
- 9.2 The Panel has conducted a wide-ranging review, taking into account the usual benchmarking data, organisational structures, view of other Authorities, workloads of Councillors and the most recently conducted census survey, the views of Members and other relevant factors.
- 9.3 Up until 2017, the Panel had consistently recommended increases in the Basic Allowance, with corresponding increases in the level of SRAs and the recommendations had not been implemented, hence the level of allowances in Devon had fallen behind. The Panel were pleased that in 2018 and 2019, the Council listened to their recommendations and their strong evidence base to increase the Basic Allowance.
- 9.4 Taking into account the evidence available and for the reasons set out above, the panel recommends that:
- (a) The basic structure of the current scheme is endorsed and retained;
 - (b) From May 2020, the Basic Allowance is increased by the NJC Staff Pay Award (still being negotiated at the time of writing this report), and that it be backdated to May 2020 should there be a delay in the award being agreed and the multipliers be recalculated accordingly. (See Appendix 2 for the revised rates based on a staff pay award of 2%, 2.5% or 3%);
 - (c) that the overnight rate for London be increased to £150.90, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London, but in the absence of a suitable benchmark for an overnight rate for accommodation in London, the Council be asked to amend its scheme to permit a more flexible approach with accommodation being booked in line with obtaining best value for money, taking account all relevant other factors (safety, proximity to venue, availability, convenience and location), with agreement being sought from the Head of Democratic Services.
 - (d) That the Committee and the Council welcome and adopt the proposed policy on Maternity, Paternity, Shared Parental and Adoption Leave, outlined at Appendix 1 of the Report.
 - (e) Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;
 - (f) The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case; and

- (g) That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues

9.5 The panel would like to thank everyone who has contributed to this review, Karen Strahan (Democratic Services and Scrutiny Manager) and Stephanie Lewis (Deputy Democratic Services and Scrutiny Manager) who provided administrative support.

HM/BH/SB
February 2020

Devon County Council – Maternity, Paternity, Shared Parental and Adoption Leave

This Policy sets out Member's entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances. It refers to the period of absence taken following the birth or adoption of a child. Individual political groups can make arrangements to cover Member's roles to ensure no democratic deficit to the electorate and constituents. Its objective is to enable Members to take appropriate leave and that reasonable arrangements are in place to provide necessary cover.

Improved provision will contribute towards increasing the diversity of experience, age and background of its Elected Members as well as retaining experienced, and particularly female, Councillors, making public office more accessible.

There is currently no legal right to parental leave for Elected Members, but this policy conforms with current legal requirements.

1. Requirements

1.1 Members are required to comply with S85 of the Local Government Act 1972 (attend at least one meeting of the authority in any six month period). The Council will provide information on qualifying meetings and dispensations.

1.2 The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.

1.3 Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).

2. Leave Periods

2.1 Members giving birth / adopting through an approved adoption agency shall be entitled to take up to six months maternity / adoption leave from the due or placement date, with the option to extend up to 52 weeks by agreement.

2.2 Where a 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. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

2.3 Members are 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).

2.4 A Member who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.

2.5 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.

2.6 Any Member taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.

3. Basic Allowance during Maternity, Paternity, Shared Parental or Adoption Leave

3.1 All Members will receive their Basic Allowance in full throughout the agreed period of leave.

4. Special Responsibility Allowances (SRA's) during Maternity, Paternity, Shared Parental or Adoption Leave

4.1 Members entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full.

4.2 Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment.

4.3 The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, or until the date of the next Annual Council Meeting, or the date when the Member is up for election (the soonest). At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.

4.4 Should a Member appointed to replace the Member on leave already hold an SRA position, the ordinary rules relating to one SRA payment shall apply.

4.5 Unless the Member taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.

5. Resigning from Office and Elections

5.1 If a Member decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date).

5.2 If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the basic allowance (and any SRA) will cease from the Monday after the election date when they would technically leave office.

6. Support / Other

6.1 The Council will ensure Members have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.

6.2 The Council will periodically review its Member Allowance Scheme to ensure adequate provisions relating to Parental Leave and Carers' Allowance. Members will be provided with information on the allowances available and the process for claiming.¹

6.3 Members shall use reasonable efforts to ensure arrangements are in place to cover roles and / or workload. The Council can help to facilitate such arrangements.

¹ Legislation.gov.uk, The Local Authorities (Members' Allowances) (England) Regulations 2003, link.

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Appendix 2

Panels Recommended Allowances from May 2020 **Based on 2%, 2.5% and 3% (depending on staff pay award)**

<u>Role</u>	<u>Multiplier</u>	<u>Amount</u> <u>(from May</u> <u>2020)</u> <u>2%</u>	<u>Amount</u> <u>(from May</u> <u>2020)</u> <u>2.5%</u>	<u>Amount</u> <u>(from May</u> <u>2020)</u> <u>3%</u>
Basic (currently £12,859)	N/A	£ 13,116	£ 13,180	£13,245
Leader	2.5	£ 32,790	£ 32,950	£ 33,113
Deputy	2.0	£ 26,232	£ 26,360	£ 26,490
Cabinet	1.5	£ 19,674	£ 19,770	£ 19,868
Chair Scrutiny	0.73	£ 9,575	£ 9,621	£ 9,669
Vice Chair Scrutiny	0.365	£ 4,787	£ 4,811	£ 4,834
Chair of Council	0.8	£ 10,493	£ 10,544	£ 10,596
Vice-Chair of Council	0.2785	£ 3,653	£ 3,671	£ 3,689
Chair – Development	0.5	£ 6,558	£ 6,590	£ 6,623
Vice Chair – Development	0.25	£ 3,279	£ 3,295	£ 3,311
Chair, Appeals	0.25	£ 3,279	£ 3,295	£ 3,311
Chair, Investment / Pension	0.5	£ 6,558	£ 6,590	£ 6,623
Chair, Farms Estate	0.25	£ 3,279	£ 3,295	£ 3,311
Chair, Public Rights of Way	0.25	£ 3,279	£ 3,295	£ 3,311
Chair, Procedures	0.25	£ 3,279	£ 3,295	£ 3,311
Chair, Standards	0.25	£ 3,279	£ 3,295	£ 3,311
Chair, Audit	0.25	£ 3,279	£ 3,295	£ 3,311
*Leader, LD (6)	0.5	£ 6,558	£ 6,590	£ 6,623
*Leader, Labour (7)	0.5	£ 6,558	£ 6,590	£ 6,623
*Leader, Independent (4)	0.25	£ 3,279	£ 3,295	£ 3,311

* A multiplier of 1.0 for Groups more than 20% of the Councils size (therefore 12 or more members);

* A multiplier of 0.50 for groups between 10% and 20% (therefore 6 or more Members (up to 11 Members);

* A multiplier of 0.25 for groups of less than 10% (2-5 Members)

9.8 Appointments, Remuneration and Chief Officer Conduct Committee

To make recommendations, as appropriate, to the Council on the discharge of its duties in relation to:

(a) the appointment, remuneration and conditions of service of ~~all the substantive Chief Officer and Heads of Service posts, including the Head of Paid Service, the Chief Officers for Children's Services, for Adult Care & Health, for Communities, Public Health*, Environment & Prosperity and for Highways, Infrastructure Development & Waste, County Treasurer (Chief Finance Officer), and County Solicitor (Monitoring Officer), and Heads of Service~~ in line with the Council's Pay Policy Statement.

(b) ~~Appointments to the post of Director of Public Health are jointly made (Local Authority and Secretary of State) and must comply with the relevant statutory guidance, therefore both the process and composition of the Committee will reflect that guidance accordingly.~~

(c) ~~Appointments by Local Authorities to the post of Coroner (including terms and conditions) must be in line with the Coroners and Justice Act 2009 and relevant guidance, thereby requiring the consent of the Chief Coroner and the Lord Chancellor of any appointment.~~

(d) any reports from the Chief Executive in relation to a change in the manner in which the discharge of the Council's functions is co-ordinated and the number and grades of officers;

(e) the dismissal of Officers in line with the Council's Chief Officer Employment Procedure Rules and Disciplinary and Dismissal Policy for Chief Officers and Heads of Service *

(f) the terms in the event of the cessation of employment of Officers at (a) above;

To discharge the duties of the Council and determine, as appropriate, any disciplinary matters short of dismissal in relation to those Senior Officers at (a) above governed by and in accordance with the Council's Chief Officer Employment Procedure Rules and Disciplinary and Dismissal Policy for Chief Officers and Heads of Service.

To review annually (or as otherwise determined) and recommend to the County Council the adoption of the Pay Policy Statement and Chief Officer Employment Procedure Rules set out at Part 6 of this Constitution.

The Chair of the Committee (Leader of the Council) shall have delegated to them, in consultation with the Deputy Leader of the Council, the power to suspend a Protected Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct are such that the Officer's remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Authority.

** (An Independent Panel comprised of at least two independent persons appointed by the Council, for the purposes of the Council Members' conduct regime under section 28(7) of the Localism Act 2011 can review a recommendation of the Appointments, Remuneration and Chief Officer Conduct Committee proposing dismissal of the Chief Executive and any representations made by the Chief Executive).*

