

PROCEDURES COMMITTEE

17 April 2019

Present:-

Councillors C Chugg (Chair), J Hart, S Hughes, S Aves, R Hannaford, N Way and C Wright

Apologies:-

Councillors F Biederman and A Connett

* 58

Minutes

RESOLVED that the minutes of the meeting held on 6 February 2019 be signed as a correct record.

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Items requiring urgent attention

(An item taken under Section 100B(4) of the Local Government Act 1972).

The Chair had decided that the Committee should consider this item as a matter of urgency, to discuss concerns raised by some Members of the Council that the annual meeting of the County Council would take place on the same day as the European Elections.

The Committee noted the requirements of the Local Government Act 1972 that a principal council shall hold an annual meeting on such day in the month of March, April or May as the Council may fix. The Council's Constitution further stated that the Annual Meeting of the Council would be held during the month of May, unless otherwise directed by the Council.

Members discussed the logistical difficulties in changing the date at this late stage, notwithstanding the inability to obtain Council agreement to any such change in sufficient time to be compliant with the legislation. Officers had also explored the available facilities to host the meeting the following week, but again this had proved unfeasible to manage.

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Notice of Motion - Parental Leave Policies (Councillors)

The Committee considered the 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 the Procedures Committee under Standing Order 6(6).

The factual briefing note had been prepared in order to facilitate the Committee's discussion of the Notice of Motion outlined below:

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.

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.

The factual briefing note from the County Solicitor (CS/19/10) on the issues raised by the Motion included the current position of there being 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 and also a Motion for Members to take through their respective Councils.

The briefing note also referred to the recent letter received 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.

The briefing note also referred to the role of the Council's Independent Remuneration Panel who 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. On that basis, their review in 2018 recommended changes to the dependent carers allowances so they better reflected the charging practices of many nurseries and child minders.

The Committee noted that the Independent Remuneration Panel would wish to be involved in any debate or consideration of a parental leave policy in view of their key role in assessing the allowances scheme for being an elected Councillor.

Members discussed that some other local authorities had implemented this policy, including Exeter City Council and that any model policy should consider fostering (para 1.8 of the model policy), ensure men were adequately represented and also whether special guardianship should be considered as part of the policy.

The draft policy would be checked for legal compliance.

RESOLVED

(a) that the Procedures Committee endorse 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; and

(b) asks 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.

* 61 **North Devon District Council (Re-Organisation of Community Governance)(No 1) Order 2019**

The Committee received the information regarding the Order made by North Devon District Council which affected the Parish Boundaries of Barnstaple, Landkey, Swimbridge, Goodleigh, Bishops Nympton and South Molton within the District of North Devon.

They further noted the maps circulated with the agenda and that the information had been sent to all North Devon Councillors.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 2.36 pm