

REPORT BACK FROM THE EKJIRP REGARDING AMENDMENTS TO THE MEMBERS ALLOWANCES SCHEME 2021/22

Council	14 October 2021
Report Author	Nicholas Hughes – Committee Services Manager
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

This report is provided to allow the Council to review the comments of the East Kent Joint Independent Remuneration Panel (EKJIRP) regarding the amendments to members allowances scheme for the 2021/22 financial year as a result of adoption of the parental leave policy.

Recommendation(s):

To note the comments of the EKJIRP.

Corporate Implications

Financial and Value for Money

Adoption of Member Parental Leave Policy by the council could lead to additional costs that would have to be met from the Council's annual budget for Member Allowances. This is with particular reference to the Special Responsibility Allowance (SRA) budget, which would need to be flexible enough to accommodate parental leave uptake by councillors who occupy roles that attract an SRA. In this instance additional costs would be incurred when members in receipt of an SRA receive parental leave pay equivalent to the SRA for a limited time as per the policy, whilst an SRA payment is also made to Cllr(s) covering the role during the period of parental leave.

Legal

The Council is required to have regard to the recommendations of EKJIRP in making a scheme of allowances.

Section 18 of the Local Government and Housing Act 1989 permits the Secretary of State, by regulations, to make a scheme providing for the payment of a basic allowance, an attendance allowance and a special responsibility allowance to members of a local authority. Section 100 of the Local Government Act 2000 permits the Secretary of State, by

regulations, to provide for travelling and subsistence allowances for members of local authorities, allowances for attending conferences and meetings and reimbursement of expenses. In exercise of these powers the Secretary of State has made the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Regulations require the council to make a scheme before the beginning of each year for the payment of basic allowance. The scheme must also make provision for the authority's approach to special responsibility allowance, dependants' carers' allowance, travelling and subsistence allowance and co-optees' allowance. The scheme may also provide for other matters of the kind dealt with in the proposed scheme.

When considering the scheme, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). This consideration should be supported by a proportionate level of equality analysis.

Corporate

The level of allowances may be seen as both impacting on the public's perception of the Council and a factor in making public services as a Councillor attractive to a broad range of potential candidates.

Equalities Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

Although it does not directly relate to protected groups, the draft scheme contains the ability to pay a dependent carers allowance to Councillors. This contributes to aims 1 and 2 of the Equality Act as it removes barriers to Councillors standing who have relatives that may be in need of dependent care.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 The Council agreed to adopt a draft parental leave policy at its meeting on 15 July 2021. The decision necessitated changes to the Members Allowances Scheme, as a

result these were then referred to the EKJIRP for their comments. This report is provided to allow the Council to consider the EKJIRP's comments.

3.0 Comments of the EKJIRP

3.1 The EKJIRP made the following comments in relation to the Parental Leave Policy and its impact on the Members Allowances Scheme:

“That it be recommended to Thanet District Council that the Panel supports the decision taken to adopt the draft parental leave policy including the pay rates as shown at Option 2 for ‘6 months full pay of Special Responsibility Allowance with any remaining leave being unpaid’.

3.2 As EKJIRP have raised no issues with the changes, Council is requested to note the report.

Contact Officer: Nick Hughes, Committee Services Manager
Reporting to: Estelle Culligan (Director of Law and Democracy)

Annex List

None

Background Papers

There are no background papers with this report.

Corporate Consultation

Finance: Chris Blundell (Director of Finance)

Legal: Estelle Culligan (Director of Law and Democracy)