



Full Council
24 February 2022

**Report from the Director of Legal,
HR, Audit and Investigations**

Members' Allowance Scheme Annual Review (including changes to Dependants' Carers' Allowance; and Maternity, Paternity, Adoption and Sickness Pay)

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Two: Appendix 1: Dependants' carers' allowance Appendix 2: Maternity, paternity, adoption and sickness pay
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Katie Smith, Head of Executive & Member Services katie.smith@brent.gov.uk Tel. 0208 937 1399

1. Summary

- 1.1 A Members' Allowance Scheme, which sets out the allowances Members are entitled to receive for carrying out their responsibilities has to be made for the Financial Year 2022/23.
- 1.2 This report details the annual review process as well as proposals for updating the Council's provision for councillors with dependants through revisions to the relevant sections in Part 6, Members' Allowance Scheme, of the Brent Constitution.

2. Recommendations

That Full Council:

- 2.1 Considers and approves the changes to the Members' Allowance Scheme proposed in Appendices 1 and 2 which update and clarify the Council's

support for councillors with caring responsibilities in relation to a) dependants' carers' allowance and b) maternity, paternity, adoption and sickness pay.

- 2.2 Makes a Members Allowance Scheme in the proposed terms set out in this report for the Financial Year 2022/23.
- 2.3 Notes that a further detailed review of the level of allowances payable under the Scheme will be undertaken by Constitution Working Group following which further changes to the Scheme may be recommended to Council.
- 2.4 Authorises the Director of Legal, HR Audit & Investigations to comply with the statutory requirements to publicise the Council's Members' Allowance Scheme.

3. Detail

Background

- 3.1 Brent Council's Members' Allowance Scheme (which is included in the Council's Constitution at Part 6 and is published on the Council's website) was subject to full formal review at the Annual Council Meeting in 2018 and since then has been subject to ongoing annual review at each of the Council's budget setting meetings.
- 3.2 These reviews have been informed by the most recently available report from the Independent Remuneration Panel (IRP) for London Councils. The latest review and report undertaken by the IRP (entitled "The Remuneration of Councillors in London 2022 – Report of the Independent Panel")¹ was published in December 2021 so this year's annual review has been based on the contents of that report, which will continue to inform the Council's decision making in respect of its scheme for a maximum period of four years.
- 3.3 The 2022 IRP report recognises the importance of the role played by elected members not only in terms of their representational role but also given the increasing challenges and demands in managing the delivery of local services and on the allocation of financial resources. The report highlights the increasingly difficult and complex nature of choices and work faced by local councillors in terms of managing these challenges and increasing level of demand on services, especially given the impact of the pandemic and ongoing recovery. In addition, reference is made to the growth in other public sector activities including community safety, increasing expectations for closer working with health services and the voluntary sector, as well the growing role of councillors acting as a point of information, advice and reassurance for local communities. The report also recognises the increasing expectations of the public in terms of access to their local councillors supported by the growth in digital connectivity, social media etc.
- 3.4 Whilst conscious of the above, the review also takes account of the continuing financial challenges faced by local authorities, including as a result of the

¹ <https://www.londoncouncils.gov.uk/node/39359>

pandemic, and has therefore not recommended a general increase in allowances. Having taken account of adjustments made in accordance with annual local government pay settlements over previous years, the review has recommended a Basic Allowance set at £12,014. The current basic allowance payable under Brent's Members Allowance Scheme is already comparable at £12,484.

- 3.5 It is for Full Council to make a scheme for the payment of allowances to its Members specifying the amount of entitlement by way of basic allowance (which is mandatory) and other allowances such as special responsibility and dependants' carers' allowances (which are discretionary). Such a scheme has to be in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and the Council is required to have regard to the recommendations made by the Independent Remuneration Panel (IRP). Given the publication of the most recent review and upcoming local elections, it is recommended that a more detailed review of the Allowance Scheme is undertaken by Constitution Working Group following the local elections, with consideration in terms of this review limited at this stage to a) whether any annual uplift should be applied to the existing allowances; and b) the proposed changes to the Dependants' Carers' Allowance; and Maternity, Paternity, Adoption and Sickness Pay.

Annual Uplift

- 3.6 The scheme states that Basic, Special and Civic allowances "shall be increased with effect from each April, by a percentage equal to the inflation pay award agreed as part of the Local Government Pay Settlement in the previous financial year, unless otherwise determined by the Council". This is consistent with the most recent IRP report. Given the pay freeze on public sector employees implemented during the previous year, a decision was taken by Full Council in February 2021 not to apply any uplift in relation to the Members Allowance Scheme for the 2021/2022 financial year.
- 3.7 In terms of the 2022/23 financial year, given the level of basic allowance for Brent is in line with the level suggested within the current IRP review it is recommended (following consultation with members of the Constitution Working Group) that, as agreed in the previous year, no uplift is applied to relation to the Members Allowance Scheme for the 2022/23 Financial Year.

Special Responsibility Allowances

- 3.8 The IRP has also reviewed the payment of Special Responsibility Allowances (SRA) but at this stage have not recommended any significant change and instead have announced that they intend to undertake a further review of councillors' remuneration during 2022-23 in order to further assess new patterns of demand and expectations. On this basis, no changes are recommended, at this stage, in relation to the current level of SRAs payable under the scheme pending any further review by CWG following the local elections in May 2022. Any changes recommended as a result following this review would be subject to approval by Full Council.

4. **Dependants' Carers' Allowance; and Maternity, Paternity, Adoption and Sickness Pay**

4.1 The Council is committed to supporting councillors with caring responsibilities, and makes provision to do so through the Members' Allowance Scheme, Part 6 of the Council's Constitution:

- **Dependants' Carers' Allowance** – which sets out how councillors can claim for child care costs and which activities are eligible. The meetings and activities where councillors can claim for such costs are determined by the Local Authorities (Members' Allowances) (England) Regulations 2003.
- **Maternity, Paternity, Adoption and Sickness Pay** – which sets out the remuneration any councillor (or appointed replacement) is eligible for in the event of this type of leave.

4.2 Following a review, this report suggests updates to both policies to reflect practice in other London boroughs and provide more clarity for councillors who become – or already are – parents or carers, and for officers who are administering these policies. In undertaking this review, research has been conducted to benchmark Brent's approach with that of other councils and to take into account the Local Government Association (LGA) policy and, where relevant, the Council's Family Leave policy.

4.3 The review has also considered the findings of the Report of the Independent Panel on the Remuneration of Councillors established by London Councils published in January 2021.² That report concluded that:

"It is important that obstacles to becoming a councillor should be removed wherever possible. Care costs can be a significant deterrent to service as a councillor. Our strong view is that in appropriate cases when they undertake their council duties, councillors should be entitled to claim an allowance for care of dependents. The dependents' carers' allowance should be set at the London living wage but (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required..."

Member allowances schemes present an opportunity to better support councillors by providing not just remuneration but wider support packages. Our view is that members' allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies)."

4.4 The Council's current policy provides a fair and flexible provision for parents and carers. The benchmarking with other London boroughs shows that Brent provides a mid-ranking level of support. Some councils have more restrictive policies in terms of what can be claimed, and others, in contrast, provide a more generous policy, including paid travel to and from meetings for Members and for carers, or additional time off for members who deliver a premature

² [Remuneration report-2022 20222.pdf](#)

baby or have a stillbirth. However, it is clear that Brent's policy would benefit from more clarity so that Councillors know how it applies to their situation.

- 4.5 In summary, the suggested revisions (shown in red) at Appendices 1 and 2 would make Brent's policies more consistent with provision offered elsewhere across London, and closer to the recommendations put forward by the LGA in their parental leave policy.³ Changes are suggested to achieve the following aims:

Dependants' Carers' Allowance

To clarify:

- Who is, and is not, eligible to be claimed for (e.g. age cut off dates, living situations, familial relationships)
- The definition of a carer – the proposal is that this cannot be an immediate family member and they must be over 18 (in line with other councils)
- The protocol for claiming
- Which meetings can – and cannot be - claimed for

Maternity, Paternity, Adoption and Sickness Pay

- To clarify the maximum and exceptional periods for maternity leave
- To include reference to adoption leave.
- To include reference to paternity leave and shared parental leave
- To reflect a situation where both new parents are Brent Councillors
- To reiterate existing policy on Councillors being able to claim for only one Special Responsibility Allowance at a time.
- To clarify the implications of a Councillor on maternity, paternity, shared parental or adoption leave not standing for re-election or losing their seat.

5. *Publicity*

- 5.1 As soon as reasonably practicable after the making or amendment of a Scheme, copies of the Scheme have to be made available for inspection at the Civic Centre and a notice has to be published in a local newspaper. It is recommended that the Director of Legal, HR, Audit & Investigations be authorised to comply with these requirements.

³ <https://local.gov.uk/parental-leave-policy-councils>

6. Financial Implications

- 6.1 The actual overall cost of the payment of allowances depends on which Members are appointed to the roles where an SRA is received, as only one such allowance is payable irrespective of the number of roles held. At the end of each financial year, the payments made to each Member are published in accordance with statutory rules.
- 6.2 The changes proposed in relation to the Dependants' Carers' Allowance; and Maternity, Paternity, Adoption and Sickness Pay aim to clarify and update processes, and are unlikely to result in additional expenditure or in savings.

7. Legal Implications

- 7.1 The Council's Members' Allowance Scheme must comply with the relevant provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003; the Local Government and Housing Act 1989 and the Local Government Act 2000. In adopting or amending the scheme the Council is required to have due regard to the report published by its Remuneration Panel, which is the IRP appointed by London Councils.

8. Consultation with Ward Members and Stakeholders

- 8.1 The outcome of the annual review and proposed changes to the Dependants' Carers' Allowance; and Maternity, Paternity, Adoption and Sickness Pay have been subject to consultation with members of the Constitution Working Group.

9. Equality Implications

- 9.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civic partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.2 "Due regard" is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:
- the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
 - the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;

- the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons' disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant group of people they might be;
- the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
- the need to tackle prejudice and promote understanding.

9.3 In terms of the outcome of the review, the IRP have continued to advocate the setting of allowances at a level that enables people to undertake the role of councillor, whilst not acting as an incentive to do so. The changes proposed in relation to Dependants' Carers' Allowance; and Maternity, Paternity, Adoption and Sickness Pay are an example of how the scheme can be used to remove barriers for those wishing to stand as councillors and to ensure any disadvantages are removed or minimised. Since women are more likely to be care givers than men, and are more likely to take maternity and parental leave, the changes in respect of this policy will particularly support women.

10. Human Resources/Property Implications (if appropriate)

None.

Report sign off:

DEBRA NORMAN

Director Legal, HR, Audit and
Investigations