

	<p align="center">Full Council 11 July 2022</p>
	<p align="center">Report from the Director of Legal, HR, Audit & Investigations</p>
<p align="center">Changes to the Constitution in relation to the Members' Allowance Scheme (Dependants' Carers' Allowance)</p>	

Wards Affected:	N/A
Key or Non-Key Decision:	N/A - Council Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One: Appendix 1: Dependants' Carers' Allowance Scheme
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal, HR, Audit and Investigations Email: Debra.norman@brent.gov.uk Tel: 0208 937 1578

1.0 Purpose of the Report

1.1 This report proposes 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.

2.0 Recommendation(s)

Full Council is asked to:

2.1 Consider and approve, with effect from the start of the current financial year, the changes to the Members' Allowance Scheme proposed in Appendix 1 which update and clarify the Council's support for councillors with caring responsibilities in relation to dependants' carers' allowance.

3.0 Detail

- 3.1 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' Carer's 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.

- 3.2 Substantive changes to both the Council's Dependants' Carers' Allowance and the Maternity, Paternity, Adoption and Sickness Pay policy were agreed at Full Council on 24 February 2022. Following the new intake of Members from May 2022, the issue of being able to claim dependants' carers' allowance to take account of travel time to and from meetings has been raised. A 2022 survey of 16 London boroughs showed that Brent Council, along with nine other boroughs, pay the London Living Wage for the Dependants' Carers' Allowance. Other boroughs pay less, voted not to support it, or apply certain restrictions (e.g. a cap to the number of hours paid).
- 3.3 In summary, the suggested revision (shown in red) at Appendix 1 would ensure that Brent has a family-friendly policy with regards to claiming for dependants. It is suggested that Councillors will be able to claim for dependants' carers' allowance to cover their 'reasonable' travel time to and from meetings up to the maximum of an hour each way. This policy will be applied retrospectively from the beginning of the 2022 financial year. As what is reasonable will depend on where the councillor lives and the method of travel used, what amounts to 'reasonable' travelling time will be agreed by the Head of Executive and Member Services in respect of each claim.

4.0 Financial Implications

- 4.1 This policy change may lead to a small increase in the value of claims made per Member.

5.0 Legal Implications

- 5.1 The Council's Member Allowance scheme must be in accordance with the Local Authorities (Members Allowances) Regulations 2003, Local Government 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 Panel appointed by London Councils.
- 5.2 Section 10(6) of The Local Authorities (Members' Allowances) (England) Regulations 2003 provides that where an amendment affects an allowance payable for the year in which the amendment is made, the scheme may provide

for the entitlement to such allowance as amended to apply with effect from the beginning of the year in which the amendment is made.

6.0 Equality Implications

6.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:

- a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
- b) advance equality of opportunity; and
- c) foster good relations between those who share a "protected characteristic" and those who do not.

This is the Public Sector Equality Duty (PSED). The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

6.2 In terms of this policy, since women are more likely to be caregivers than men, and are more likely to take maternity and parental leave, this policy will particularly support women.

7.0 Consultation with Ward Members and Stakeholders

7.1 The proposals in this report have been subject to consultation with the Constitution Working Group.

8.0 Human Resources/Property Implications (if appropriate)

8.1 N/A

Report sign off:

Debra Norman

Director of Legal, HR, Audit and Investigations