

Item No. 10.	Classification: Open	Date: 27 June 2007	Meeting: Council Assembly
Report title:		Members' Allowances – Special Leave Arrangements	
Ward(s) or groups affected:		All	
From:		Strategic Director of Legal and Democratic Services	

RECOMMENDATIONS

1. That members agree the special leave scheme covering maternity, adoption, paternity, extended sickness and other extended absence set out in appendix A together with consequential constitutional amendments set out in appendix B.
2. That officers undertake any further consequential changes to the member's allowances scheme.

BACKGROUND INFORMATION

3. Council assembly agreed the 2007/08 member's allowances scheme on May 23 2007 which included a change to the way in which special responsibility allowances (SRAs) are paid in the case of eligible maternity leave.
4. The constitutional steering panel considered proposals for a broader special leave scheme on June 19 2007.
5. Basic allowances are not affected by any special leave arrangements provided members do not cease to be members or are not otherwise disqualified. The proposed arrangements therefore apply only to special responsibility allowances.
6. Members are not classified as employees and are not entitled to statutory maternity pay.

KEY ISSUES FOR CONSIDERATION

7. The previous restriction on payment of full SRAs did not allow the council to act responsibly towards members seeking maternity leave or needing other special leave arrangements.
8. The London Councils independent panel on the remuneration of councillors in London recommends SRAs should not cease in case of sickness, maternity and paternity leave.
9. The members' allowances scheme mirrors a number of travel, subsistence and child-care provisions that are available to officers. The proposed scheme extends these to include special leave arrangements.
10. Implicit in the proposal is that other members could be appointed to cover the duties of any absent member. It is proposed that these covering members would become eligible for the full SRA payment for the duration of the cover period.
11. Amendments to the constitution will be necessary to allow this scheme to be implemented. Required changes are set out in appendix B.

Resource Implications

12. The costs of the scheme are difficult to estimate. SRAs account for a little under half the allowances budget and the average payment per member is £16,421 pa. Assuming we might have one member on maternity leave and one member on extended sick leave for any year the average call on the budget would be an additional £12,315 (£2,136 min, £35,334 max).
13. It is likely that this figure could be contained within the existing budget of the new members' allowances scheme. No further budget provision is likely to be made for special leave payments. The position will be kept under review through the normal revenue monitoring process.

Legal Implications

14. Members' allowances are governed by The Local Authorities (Members' Allowances) (England) Regulations 2003. These allow for special responsibility allowances to be paid for the various responsibilities which the Council covers under its scheme, and also for any other similar activities which require an equal amount of time and effort. This provision enables councillors who are covering for colleagues to receive an allowance in respect of the time they spend covering.
15. The 2003 regulations require authorities to have regard to the recommendations made by any independent remuneration panel before making or amending a scheme. The Independent Panel on the Remuneration of Councillors in London, in its report of October 2006, recommended that special responsibility allowances should not cease in case of sickness, maternity and paternity leave in the same way that employees enjoy such entitlements. The proposals in appendix A are based on achieving an equivalent effect to the entitlements that council employees have and are therefore in line with the panel's recommendations.

Community Impact Statement

16. There is no immediate impact arising from this report but the adoption of special leave arrangements can potentially increase the number of candidates standing for election and serving as councillors.

REASONS FOR LATENESS

17. Council assembly agreed to receive a further report following the annual meeting of the council on May 23 2007. The matter had to be considered by the constitutional steering panel and this could not meet until June 19 2007 thus not allowing seven clear working days before this meeting.

REASONS FOR URGENCY

18. The arrangements for special leave are the final elements of the member allowance scheme to be resolved. Because this forms part of the constitution any further delay would impact on the publication of the constitution.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Independent panel's reports of 2001, 2003 and 2006 Current Member Allowance Scheme	Member Services Town Hall, Peckham Road Agenda of the annual meeting of the council held on May 23 2007	Gillian Allwright 0207 525 7325 Ian Millichap 0207 525 7225

APPENDICES

No.	Title
Appendix A	Proposed special leave arrangements
Appendix B	Constitutional changes

AUDIT TRAIL

Lead Officer	Graham Love, Head of democratic services	
Report Author	Graham Love, Head of democratic services	
Version	Final	
Dated	June 22 2007	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of legal and democratic services	Yes	Yes
Finance Director	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	June 22 2007	

Special leave arrangements

1. The special leave arrangement for members applies to all recipients of special responsibility allowances. Where SRAs are paid at a reduced level that level will apply during any special leave absence. Where members have elected not to receive their allowance no special leave payment will be made.
2. Where a period of special leave includes constitutional assembly and the member is not reappointed to a post attracting an SRA the special leave allowance will cease on the day following council assembly.
3. Members would not be entitled to SRA payments for special leave if they are employed full-time elsewhere and receive payments from their employer.

Maternity leave

4. The maternity leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months. Antenatal care is part of the normal arrangements for short term absence and is not affected by special leave arrangements.
5. Members are not eligible for Statutory Maternity Pay (SMP) if they are not employed elsewhere. The council cannot pay SMP.

Adoption leave

6. The adoption leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months.

Paternity leave

7. The paternity leave arrangement will be for ten days paid absence and parental support absence of up to 13 weeks with no allowance.

Sick leave

8. The sick leave arrangement will be for up to six months full allowance in any 12 months.

Other special leave

9. Normal leave arrangements and emergency situations do not affect SRAs. Extended absence e.g. service abroad in the TA or jury service to be in line with officer guidelines.

Other arrangements

10. During any period for which special leave arrangements are in place any member who is appointed to deputise for the absent member will be eligible for the full SRA payments due in the same period.

Constitutional amendments

Article 7 – The Executive

Add new paragraph to 7.04 (new penultimate paragraph) as follows:

Special Leave Arrangements for Executive Members

If an executive member is absent on maternity, paternity or sickness leave, the leader has discretion as to whether he appoints an additional temporary executive member to assist the executive member in discharging their special responsibilities in their absence. If a temporary executive member is appointed, they will have the power to discharge all the functions that have been delegated to the executive member who they are assisting, including making individual decisions under Part 3D of the constitution and shall be included for all purposes as a member of the executive for the duration of their appointment.

Delete footnote 15 on page 38 (Part 3A: MATTERS RESERVED TO COUNCIL ASSEMBLY)

Members' Allowance Scheme

Add the text set out in Appendix A as a new section after "Subsistence Allowance" and before "Summary list of approved duties".

Renumber subsequent paragraph.