

The City of Edinburgh Council

10:00am, Thursday, 22 August 2019

Senior Councillor Remuneration

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To note that the Council Leader is taking adoption leave from 23 August 2019 to 7 October 2019.
- 1.2 To note that the Depute Council Leader will cover the duties and responsibilities of the Council Leader during the period of his adoption leave along with another temporarily appointed SNP member to ensure a joined-up approach to the leadership of the Council.
- 1.3 To appoint a councillor as a senior councillor with an allowance of £39,310 pro rata from 23 August 2019 to 7 October 2019.

Andrew Kerr

Chief Executive

Contact: Gavin King, Democracy, Governance and Resilience Senior Manager

E-mail: gavin.king@edinburgh.gov.uk | Tel: 0131 529 4239



Senior Councillor Remuneration

2. Executive Summary

- 2.1 Approval is sought to appoint a senior councillor whilst Councillor McVey is absent on adoption leave for the period 23 August 2019 to 7 October 2019.

3. Background

- 3.1 The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 is the relevant legislation for senior councillor remuneration.

4. Main report

- 4.1 The Council Leader (Councillor McVey) has confirmed that he will be on adoption leave from 23 August 2019 to 7 October 2019.
- 4.2 As a progressive local authority, the Council fully endorses and champions the need for Edinburgh to be a fair and inclusive Capital city. This includes the need for the Council itself to demonstrate good practice and leadership in respect of widening access to and participation with democracy and removing barriers to people being able to achieve and maintain elected office.
- 4.3 Council previously agreed a motion on 14 December 2017 requesting that the Executive Director of Resources work with COSLA to develop new guidance for elected members which would enable all forms of parental leave to be supported, whilst recognising that Councillors do not qualify for the same legal provisions afforded to employees.
- 4.4 The Executive Director of Resources and the Head of Human Resources have both been working for some considerable time to ensure that COSLA respond positively to this request. Regrettably, the pace at which COSLA has responded has been disappointing, to date, despite Council officers providing significant input, direct advice and regular follow ups to enable this guidance to be developed.

- 4.5 As a part of this work by Council Officers, COSLA officials were provided with the Local Government Association (LGA) model policy for Councillor parental leave, developed by the LGA Labour Group. This model policy is attached to this report as appendix 1 for information and has been adopted by several English Councils on a voluntary basis. In the absence of national guidance being supplied for Scottish Local Authorities, this policy has been used to inform the proposals now being set out for Council approval. Council Officers understand that COSLA now intends to bring forward draft guidance through one of its Special Interest Groups later this year. However, given the timing of the Council Leader's adoption leave, officers consider that the LGA model policy provides sufficient guidance within which to propose the arrangements set out in this report.
- 4.6 In addition to the principles that this report has taken into account, the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 sets out how much Councils can pay individual senior councillors and the number of senior councillors.
- 4.7 The Regulations do not allow the Council to appoint more than one Council Leader and there are no provisions in the legislation for any leave, including parental leave.
- 4.8 The maximum amount that can be paid to a senior councillor is 75% of the amount paid to the Council Leader. The Council can only have a maximum of 26 senior councillors (does not include the Leader of the Council and the Lord Provost) and the yearly total must not exceed £681,366. Thus, there is sufficient capacity and funding available for an additional role.
- 4.9 To ensure that there are sufficient arrangements in place whilst the Council Leader is on parental leave, approval is sought to appoint a senior councillor for this time period with a senior councillor allowance of £39,310 (pro rata for the six week period) who would work alongside the Depute Leader.

5. Next Steps

- 5.1 Not Applicable.

6. Financial impact

- 6.1 There are sufficient funds available to pay this senior councillor allowance within the limits permitted by the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.

7. Stakeholder/Community Impact

- 7.1 The Council must comply with the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.

8. Background reading/external references

8.1 None

9. Appendices

Appendix – LGA Policy for Councils – Parental Leave

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. These policies can therefore only currently be implemented on a voluntary basis, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

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 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.