

Part A

Report to: Council

Date of meeting: 24 January 2022

Report author: Mayor's Political Assistant

Title: Leave Policy for Councillors

1.0 Summary

- 1.1 Under current legislation, there is no legal basis on which elected officials are permitted to take a leave of absence from conducting their duties. This is applicable to councillors and MPs alike, with the exception of members of the national government's Cabinet.
- 1.2 Following initial discussions among councillors, officers have been investigating the possibility for the council to voluntarily adopt a leave policy for councillors, covering maternity, paternity, shared parental, adoption, bereavement, compassionate and long-term sick leave.
- 1.3 This report sets out the policy proposals, which have been shaped by the Local Government Association's model policy on parental leave, and goes further to acknowledge that there are a number of instances in which councillors may need to take a leave of absence from their role.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Failure to develop and agree a fair and consistent leave policy for WBC councillors	Potential impact on the health and wellbeing of councillors trying to balance life circumstances with their democratic	A fair and equitable policy addressing a range of life circumstances that councillors may face during their	Treat	4 x 3 = 12 before control 4 x 1 = 4 after control

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
	<p>role</p> <p>Potential to provide a barrier to people coming forward as potential councillors</p>	<p>period of time in office</p>		

3.0 Recommendations

3.1 Council is recommended to:

- Adopt the Leave Policy for Councillors and Supporting Guidance attached as Appendices 1 and 2, to take effect immediately.

Further information:

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4.0 Detailed proposal

- 4.1 There is currently no legal right for any person in elected office to take paid leave, with the exception of Cabinet Ministers in the national government. This means, for a range of life circumstances, councillors in local government have to manage the impact of these situations whilst balancing the duties and responsibilities of their elected role and democratic function.
- 4.2 Any council seeking to address the issue of councillor leave can, therefore, only develop and agree a leave policy at the local level and on a voluntary basis.
- 4.3 There are a growing number of councils who have adopted the Local Government Association's (LGA) model Parental Leave Policy to improve equality and representation within their authorities for councillors facing this extremely

important life milestone. However, parental leave only addresses this specific situation and it is recognised there are many additional life circumstances that a councillor may face during their time as an elected representative.

- 4.4 Watford is a council that prides itself on its motto of 'Be Bold' and, in view of its shared aim to explore ways to be forward looking and progressive has looked at extending the LGA model Parental Leave Policy to encompass maternity, paternity, shared parental, adoption, bereavement, compassionate and long-term sick leave.
- 4.5 This report is particularly pertinent at the moment, given growing calls nationally for improved accessibility to public office. The policy aims to support both the retention of existing elected members and the inclusion of individuals who may have previously felt excluded from holding public office.
- 4.6 Implementing a leave policy also recognises the evolving nature of the councillor role over recent years. With the advent of new technology, mobile phones, virtual meetings etc., the demands on councillors' time is greater than ever, with 24/7 accessibility to their community and residents along with the more traditional expectations of regular attendance at meetings and other associated roles as elected members. Whilst councillors willingly recognise these commitments, additional pressures which may arise from personal circumstances, can have significant implications.
- 4.7 The proposed policy is attached as Appendix 1. Key points from the proposed policy, which was developed following a number of cross-party discussions, are:
- For the purposes of the policy, the term 'permitted leave' is used to cover maternity, paternity, shared parental, adoption, bereavement, compassionate and long-term sick leave.
 - Any councillor who takes 'permitted leave' retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless granted a dispensation by a vote at Full Council. Failure to attend without such a dispensation will lead to the councillor being automatically disqualified.
 - Councillors continue to receive their basic or special responsibility allowances whilst on 'permitted leave'.
- 4.8 The Supporting Guidance (attached at Appendix 2) has been compiled to assist councillors' interpretation of the policy and guide protocols to be followed before, during and after the period of permitted leave.
- 4.9 It should be noted that this policy is not intended to cover the Elected Mayor as the role, and the expectations that come with it, are materially different to that of other councillors.

5.0 Implications

5.1 Financial

5.1.1 The Shared Director of Finance comments that the proposals are expected to be within existing budgets. Should a Councillor receiving a special allowance take an extended period of leave the additional cost of paying the additional special allowance would fall to be met from the central contingency budget.

5.2 Legal Issues (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

5.3 Equalities, Human Rights and Data Protection

5.3.1 The adoption of the Leave Policy for Councillors may help to improve equalities amongst councillors and lead to a broader diversity of age and experience as it helps to remove barriers that councillors, or prospective councillors, could experience.

Appendices

- Appendix 1: Leave Policy for Watford Borough Council Councillors
- Appendix 2: Supporting Guidance for Leave Policy for Watford Borough Council Councillors

Background papers

No papers were used in the preparation of this report.