

COUNCIL – 21 FEBRUARY 2019

NOTICES OF MOTION

Submitted to Council in Accordance with paragraph 1.34 of the Council Procedural Rules

1 Parental Leave for Councillors

Proposed by Cllr Jill Rhodes and Seconded by Cllr Joy Bratherton

This Council notes:

- That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

This Council resolves:

- To adopt the parental leave policy set out below

Parental Leave Policy for Cheshire East Council

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.

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.

2 Taxi Licensing

Proposed by Cllr Dorothy Flude

The Department for Transport is planning a raft of new measures aimed at improving safety for taxi passengers, including the installation of CCTV in all cabs. Drivers also face tougher criminal record checks, and ministers intend to set up a national database to prevent them from working away from the area where they hold a licence. It follows a review into the industry after a number of sexual exploitation scandals in towns such as Rotherham and Rochdale. A consultation on the statutory guidelines for all local authorities will be published this week.

This Council, Children and Family's Scrutiny Report, Child Sexual Exploitation December 2014 to August 2016

At Conclusions 14.2

"Although not directly falling within the terms of reference of this review, many individuals we met raised genuine concerns about the current Taxi/Private Hire Licensing arrangements. This became a recurring theme throughout our investigations which inevitably led us to the conclusion that the concerns expressed by the group in phase 1 of the review should be reiterated in this final report and be the subject of a formal recommendation. We acknowledge this is a national issue that only the Government can address, but if we at Cheshire East can at least start the ball rolling by taking the lead at regional level, enough impetus may be generated to begin a national debate. "

We are pleased to see that national actions are being taken, after lobbying by Cllr Rhoda Bailey and Cllr Dorothy Flude.

Council resolves that

- this Council will take part in the consultation
- any reports / consultation documents prepared by this council will be presented for comment at Children and Family's Scrutiny before they are submitted to the Department of Transport.

I propose this motion in memory of Councillor Phil Hoyland past Chair of Children and Family's Scrutiny who sadly died when we were compiling our report.

3 Cessation of On Line Betting Adverts Before the Water Shed

Proposed by Cllr Ainsley Arnold and Seconded by Cllr Liz Wardlaw

The gambling industry has confirmed plans to press ahead with a [voluntary ban on betting adverts](#) during sport programmes from next summer, amid mounting pressure to protect children from [excessive exposure to gambling](#). Sport programs only does not go far enough. We would like to see a total ban on all online gambling pre watershed and the notice of motion is to lobby the

government to adopt this as a policy. As it is now possible through phones, tablets and PC s to place bets.

4 Children with Special Educational Needs

Proposed by Cllr Laura Jeuda and Seconded by Cllr Dorothy Flude

Article 7 and 24 of the UN Convention on the Rights of Persons with Disabilities places an obligation on Government and Local Authorities to promote, fund and develop capacity in mainstream schools to cater for the needs of disabled pupils.

At the heart of the 2014 Children and Families Act there is the ‘presumption of mainstream education’ for all our children, it places a duty on local authorities to support the provision of placements for all disabled children living in their catchment area.

The progress made towards inclusive education has stalled and increasingly disabled children are segregated in special schools. Ofsted’s Annual Report 2017/18 highlighted concerns about the poor quality of Special Educational Need provision for Disabled pupils in mainstream education.

The Department of Education introduced the policy in 2013 which placed the responsibility on mainstream schools to fund the first £6000 for every pupil with special educational needs out of their own budget; this has done nothing to incentivise schools to accept these pupils.

This Council resolves to adopt a policy with a general presumption that children with Special Educational Needs will be integrated into mainstream schools, with adequate resources to support the teaching staff and put an end to segregation.

5 Strengthening of the Building Control Regime

Proposed by Cllr Nick Mannion

This Council notes the conclusions that have been reached so far concerning the Grenfell Tower disaster. In particular it notes the section in the Hackitt report which highlights the “mindset of doing things as cheaply as possible and passing on responsibility for problems and shortcomings”. One longstanding and illogical result of this is that building control remains the only regulatory function of local government to be subjected to competition. Commercially compromised regulation sees safety margins engineered out and corners cut.

The private sector recruits people who have been trained at public expense, and cherry-picks the most lucrative schemes, while leaving the rest to councils – who of course pick up the bill for enforcement and other essential regulatory tasks.

We call for:

- (a) the use of inflammable cladding materials on high rise residential buildings to be banned without further delay
- (b) adequate compensation for councils faced with essential but significant costs in remediation
- (c) local authorities to be the sole provider of building control services in high residential buildings
- (d) recognition of the essential role of regulation and an end to the constant denigration of Health and Safety
- (e) the eventual return of this essential regulatory service to local authorities.