

AGENDA SUPPLEMENT

Council

- To:** All Members of City of York Council
- Date:** Wednesday, 17 July 2024
- Time:** 6.30 pm
- Venue:** The Guildhall, Coney Street, York, YO1 9QN

The Agenda for the above meeting was published on **9 July 2024**.

The attached additional documents are now available for the following agenda item:

- 12. Parental Leave Policy for Elected Members** (Pages 1 - 4)
A revised version of Annex A to the report, updating the wording of paragraph 1.4.

Also attached is a full list of Motions, Amendments and Recommendations to be put at the meeting.

This agenda supplement was published on **15 July 2024**.

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Parental Leave Policy for Members

Introduction

The objective of this policy is to ensure that, insofar as possible, Members are able to take appropriate leave at the time of birth or adoption of a child/children, 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.

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 26 weeks' parental leave from the due date, with the option to extend up to 52 weeks by agreement if required. Parental leave may start on any day of the week, at the Member's request.
- 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 26-week period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 26 weeks.
- 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 two weeks paternity leave if they are the parent 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 external employment is requested to advise the Council of these arrangements 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 26-week period, 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 or children through an approved adoption agency shall be entitled to take up to 26 weeks' adoption leave from the date of placement of the child or children, 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 Section 85(1) of 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. In order to ensure equitable application of this policy, a dispensation from this requirement, for the duration of any parental leave taken, will automatically be granted by Council, and will be confirmed in writing by the Monitoring Officer.
- 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 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.

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Council – 17 July 2024**Motions, Amendments and Recommendations**Agenda Item 8 – Motions on Notice

Motions on Notice submitted under Council Procedure Rule B13.

(i). From Cllr B Burton

York Public Spending

“Council notes:

- Real terms funding reductions to City of York Council over a sustained period;
- The very difficult decisions the council has taken since 2011 to balance the budget - decisions involving all of York’s main political parties;
- The particular challenges for York of having the lowest funding across all public services of any single tier council area in the country, according to the Institute for Fiscal Studies, and the compound effect this has for each individual public service;
- Acute problems around access to affordable dentistry, A&E and mental health care, and Special Educational Needs and Disabilities (SEND) provision in schools;
- The prospect of increasingly difficult budget decisions impacting valued council services over the next three years if national funding remains as forecast in the council’s Medium-Term Financial Strategy;
- York’s membership of the F20 Group of lowest funded local authorities in the country and the need for that Group to be active at this point in making its case to the new Government.

Council believes:

- While political groups often have different priorities, councillors share a commitment to the city’s services receiving fair funding.
- Further, it believes specific pressure areas for local government require long term solutions and should be a priority for the new Government:

Council resolves:

- To request the Chief Finance Officer and Executive Leader jointly write to the Chancellor of the Exchequer and Secretary of State for Levelling Up, Housing and Communities to request urgency in concluding the Fair Funding Review, first signalled by the Government in 2016, detailing why this is necessary;
- To request this opportunity is used to also highlight service pressures and to request long-term funding certainty to enable the council to plan its services over the period of each four-year electoral cycle;
- To request the Director of Public Health and Executive Member for Health, Wellbeing and Adult Social Care write to the Secretary of State for Health, pushing for early reform of the NHS dental contract to open up greater access to NHS dentistry in the city as soon as possible;
- To request Executive works collaboratively with other parts of the public sector locally, including York and North Yorkshire Mayoral Combined Authority, to consider how each can make efficiencies and save money by reviewing how services are delivered;
- To put on record its thanks to staff and partners for their work over several years in such challenging circumstances, and for their continued commitment to service delivery to the city.”

(ii). From Cllr Knight

Giving York’s children the best start in life

“Council notes:

- The two-child limit, introduced by the Conservative Government in 2017, restricts support in Universal Credit and tax credits to two children in a family.
- Analysis by the Child Poverty Action Group shows that 900,000 children living in poverty in England do not currently qualify for free school meals because the Conservative Government introduced an arbitrary £7,400 household income threshold in 2018.
- A new report by the Commons Education Select Committee warns mental health problems and cost-of-living pressures on families are among the complex reasons for increased absenteeism.

- There are 2,737 children living in absolute poverty, representing 8.9% of all children in York.
- There are 3,372 children living in relative poverty, representing 11% of all children in York.

Council believes:

- Scrapping the two-child limit is the most cost-effective way to reduce child poverty. It would lift 250,000 children out of poverty and mean 850,000 children are in less deep poverty across the UK and will lift at least 325 children in York out of absolute poverty.

Council resolves to:

- Ask the Council Leader to write to Members of Parliament representing York Central and York Outer, expressing the Council's support for the scrapping of the two-child benefit cap.
- Ask the Council Leader to write to the new Secretary of State for Work and Pensions to encourage them to scrap the two-child benefit cap."

(iii). From Cllr Baxter

Ending disenfranchisement in elections

"Council notes:

- The significant increase in voters registering to vote by post since 1997, when fewer than 1 million were registered, to the 2024 Parliamentary Election where an estimated 10 million (approx. 1 in 5) were registered to vote by post;
- The importance of ensuring the postal voting system is robust as it accounts for a growing proportion of votes cast with every election;
- National law prevents Returning Officers from issuing emergency proxy votes to electors whose postal votes have not arrived on time, leaving the potential for them being unable to vote;
- Issues in the 2024 Parliamentary Election with the timely delivery of postal vote applications and ballot papers through the postal system, and the impact this has had on electors with many left unable to vote;

- The recommended solution for the late arrival of postal vote ballot papers being to take them to a polling station instead of posting them fails to acknowledge mobility as one of the main challenges to voting in person and why people register for postal votes in the first place;
- Some electors also being left unable to vote following the requirement to present Voter ID, evidenced by Electoral Commission data returns from polling stations nationally in 2023;
- The requirement for Voter ID disproportionately affecting those from low-income households and other marginalised groups.

Council believes:

- The Government should listen to the legitimate concerns of professional members of the Association of Electoral Administrators (AEA) who state the legal timetable around postal votes means the current system gets overloaded and cannot cope.
- Disenfranchising voters in a democracy is inexcusable and must be urgently reviewed to ensure it doesn't happen again in future.

Council puts on record its thanks to council and other staff working so hard over local, regional and national elections to support the democratic process.

Council resolves to:

- Ask Group Leaders to write to the Secretary of State with responsibility for Local Government and to the Minister with responsibility for elections to support the calls of the AEA in requesting a review of current postal and emergency proxy vote rules, including revising the timetable for postal vote registrations, to ensure everyone who registers can vote;
- Request the Government conducts a review of the requirement to present ID to vote that considers:
 - a) the types of ID accepted; and
 - b) if it is shown to disenfranchise registered voters that the requirement to present ID to vote is scrapped altogether.”

Amendment from Cllr Hollyer:

In the first paragraph, under 'Council notes', add the following additional bullet points:

- *'More in Common's recent poll that revealed that the new Voter ID rules may have stopped 400,000 people from voting in the General Election;*
- *The national voter turnout fell by 7.4% nationally and an average of 10.35% in York's two constituencies at the July 2024 General Election;*
- *The "York Opposes Voter ID Requirements" motion that was passed at the 15th December 2022 Full Council meeting that committed the Council to opposing the ID voting requirements.'*

In the second paragraph, under 'Council believes', add the following additional bullet point:

- *'That all the evidence of the last two years of local elections and the General Election shows that the "York Opposes Voter ID Requirements" was right that the new Voter ID laws has "undermined the democratic process and has created barriers to exercising the right to vote, disproportionately affecting ethnic minority, low income, homeless, LGBT+, elderly, disabled and young people.'*

In the third paragraph, under 'Council resolves to':

- Delete: 'Request the Government conducts a review of the requirement to present ID to vote that considers: a) the types of ID accepted; and b) if it is shown to disenfranchise registered voters that the requirement to present ID to vote is scrapped altogether', and substitute:
 - *'Request the Government scraps the Voter ID requirement for voting completely.'*

For information, the effect of the amendment on the above motion:

"Council notes:

- The significant increase in voters registering to vote by post since 1997, when fewer than 1 million were registered, to the 2024 Parliamentary Election where an estimated 10 million (approx. 1 in 5) were registered to vote by post;

- The importance of ensuring the postal voting system is robust as it accounts for a growing proportion of votes cast with every election;
- National law prevents Returning Officers from issuing emergency proxy votes to electors whose postal votes have not arrived on time, leaving the potential for them being unable to vote;
- Issues in the 2024 Parliamentary Election with the timely delivery of postal vote applications and ballot papers through the postal system, and the impact this has had on electors with many left unable to vote;
- The recommended solution for the late arrival of postal vote ballot papers being to take them to a polling station instead of posting them fails to acknowledge mobility as one of the main challenges to voting in person and why people register for postal votes in the first place;
- Some electors also being left unable to vote following the requirement to present Voter ID, evidenced by Electoral Commission data returns from polling stations nationally in 2023;
- The requirement for Voter ID disproportionately affecting those from low-income households and other marginalised groups.
- **More in Common's recent poll that revealed that the new Voter ID rules may have stopped 400,000 people from voting in the General Election;**
- **The national voter turnout fell by 7.4% nationally and an average of 10.35% in York's two constituencies at the July 2024 General Election;**
- **The "York Opposes Voter ID Requirements" motion that was passed at the 15th December 2022 Full Council meeting that committed the Council to opposing the ID voting requirements.**

Council believes:

- The Government should listen to the legitimate concerns of professional members of the Association of Electoral Administrators (AEA) who state the legal timetable around postal votes means the current system gets overloaded and cannot cope.
- Disenfranchising voters in a democracy is inexcusable and must be urgently reviewed to ensure it doesn't happen again in future.
- **That all the evidence of the last two years of local elections and the General Election shows that the "York Opposes Voter ID Requirements" was right that the new Voter ID laws has "undermined the democratic process and has created barriers to exercising the right to vote, disproportionately affecting ethnic minority, low income, homeless, LGBT+, elderly, disabled and young people.**

Council puts on record its thanks to council and other staff working so hard over local, regional and national elections to support the democratic process.

Council resolves to:

- Ask Group Leaders to write to the Secretary of State with responsibility for Local Government and to the Minister with responsibility for elections to

support the calls of the AEA in requesting a review of current postal and emergency proxy vote rules, including revising the timetable for postal vote registrations, to ensure everyone who registers can vote;

- **Request the Government scraps the Voter ID requirement for voting completely.”**

(iv). From Cllr Ayre

Fair Funding for York

“Council notes:

- The Institute for Fiscal Studies released a report into the disparity of funding for the same public services in different Council areas
- The IFS finding that the national average of funding per person is £4310 compared to only £3642 for York, ranking York last in England and significantly behind North Yorkshire (£4005 per person) and East Riding (£4059 per person) when all services were considered
- Of the 150 Council areas in England, York ranked 150th overall, 147th in NHS funding, 148th in schools funding, 143rd in Local Government funding, 49th in Police funding and 127th in public health funding. This represents a £668 per person shortfall in spending on the national average or a £135 million gap for the city as a whole
- The work the previous Liberal Democrat led administration did to highlight this issue and help form a cross-party group of councils from across the county to lobby for a fair funding solution for the least well-funded councils in England
- The casework issues ward councillors have experienced in York with residents who can't book a GP appointment, can't register with an NHS dentist, struggle to find school places or have been affected by crime and anti-social behaviour
- The specific challenges York faces relating to increasing numbers of older residents and the need to provide for additional Adult Social Care services

Council believes:

- Successive governments have failed to address the long-standing lack of funding across all public services in York

- The new government should invest an extra £300 million into the local authorities that struggle to provide essential and valued services to their local communities due to low core spending power
- The F20 group is right that there should be a funding floor of 90% of average core spending power of local authorities, if this was enacted York would gain £78 extra per capita
- Fair funding for York would mean the council would be better able to provide the services that are desperately needed to fix the crisis in funding of Adult Social Care we see in York

Council resolves to:

- Request the Council Leader and Leader of the Liberal Democrat group write to the new Secretary of State for Levelling Up, Housing and Communities to urge the government to take action to resolve York's chronic underfunding by central government by closing the funding gap between York and the national average within this parliament.
- Request the Council Leader to write to York's Labour MPs to request that they urgently lobby the government to introduce a fair funding solution to close the gap between the most and least funded Council areas in England
- Request the Council to engage with the F20 group of the lowest funded Council areas in England to build an England wide campaign for fair funding and enact their principles in the next funding settlement
- Call on the new government to commit to a funding floor of 90% in the next financial settlement."

Agenda Item 12 – Parental Leave Policy for Elected Members

Recommended:

Council is recommended to:

- a) Agree to the implementation of the Parental Leave Policy for Members, attached at Annex A;
- b) Agree that a Member taking Parental Leave pursuant to the Policy is a suitable reason for Council to grant a dispensation from the provisions of Section 85(1) of the Local Government Act 1972, and

that such a dispensation is therefore granted for any Member taking Parental Leave pursuant to the Policy; and

- c) Amend the Council's Scheme of Delegation to introduce a delegation to the Monitoring Officer to confirm in writing a dispensation under b) above for any Member taking Parental Leave pursuant to the Policy.

Reason:

The reasons for the recommendations are:

- a) To ensure that Members requiring Parental Leave are able to take such leave as they may require, ensuring equity of treatment with Officers, and contributing towards improving Member retention and diversity;
- b) To ensure that Members taking Parental Leave do not inadvertently vacate their offices by virtue of Section 85(1) of the Local Government Act 1972, by granting a dispensation in advance for any Member taking Parental Leave under the Policy, rather than requiring individual dispensation reports to be presented to Council meetings; and
- c) To ensure that such dispensation can be confirmed at an early stage, and that individual Members are not required to disclose personal information unnecessarily.

Agenda Item 14 – Use of General Exception (Urgency) and Special Urgency Procedures

Recommended:

Council is recommended to note the report.

Reason:

To comply with legislative and constitutional requirements, and ensure full transparency.

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