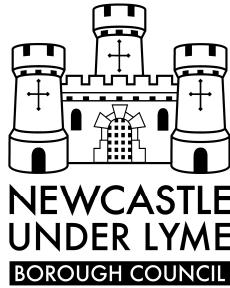


# Public Document Pack



PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.

THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE IN THE COUNCIL CHAMBER BY NO LATER THAN 6.45PM.

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the ***Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG*** on ***Wednesday, 15th April, 2015*** at ***7.00 pm***.

## BUSINESS

- 1 **Apologies**
- 2 **Declarations of Interest**
- 3 **MINUTES** (Pages 7 - 18)  
To approve as a correct record the minutes of the previous meeting.
- 4 **Mayors Announcements**
- 5 **Members Allowances** (Pages 19 - 28)
- 6 **Consequential Change to the Constitution** (Pages 29 - 36)
- 7 **Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015** (Pages 37 - 46)
- 8 **STATEMENT OF THE LEADER OF THE COUNCIL**  
To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.
- 9 **REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES**

Chairs are requested to submit written reports to the Democratic Services Manager at least 2 days before the meeting.

- a) Finance, Resources and Partnerships Scrutiny Committee
- b) Active and Cohesive Communities Scrutiny Committee
- c) Cleaner, Greener and Safer Communities Scrutiny Committee
- d) Economic Development and Enterprise Scrutiny Committee
- e) Health and Wellbeing Scrutiny Committee

**10 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES**

Chairs are requested to submit written reports to the Democratic Services Manager by at least 2 days before the meeting.

- a) Audit and Risk Committee
- b) Planning Committee
- c) Licensing Committee
- d) Public Protection Committee
- e) Standards

**11 Questions To The Mayor, Cabinet Members and Committee Chairs**

**12 MOTIONS OF MEMBERS**

A notice of motion other than those listed under Council Procedure Rule 10 must reach the Chief Executive ten clear days before the relevant Meeting of the Council.

**13 RECEIPT OF PETITIONS**

To receive from Members any petitions which they wish to present to the Council.

**14 STANDING ORDER 18 - URGENT BUSINESS**

To consider any communications which pursuant to Procedure Rule 7 are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

**15 EXCLUSION RESOLUTION**

To resolve that the public be excluded from the meeting during consideration of the following report(s) as it is likely that there will be disclosure of exempt information as defined in paragraphs \*\*, \*\* and \*\* in Part 1 of Schedule 12A of the Local Government Act 1972.

Yours faithfully



Chief Executive

## **NOTICE FOR COUNCILLORS**

### **1. Fire/Bomb Alerts**

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs. Do not stop to collect personal belongings, do not use the lifts.

Fire exits are to be found either side of the rear of the Council Chamber and at the rear of the Public Gallery.

On exiting the building Members, Officers and the Public must assemble at the car park at the rear of the Aspire Housing Office opposite to the Civic Offices. DO NOT re-enter the building until advised to by the Controlling Officer.

### **2. Attendance Record**

Please sign the Attendance Record sheet, which will be circulating around the Council Chamber. Please ensure that the sheet is signed before leaving the meeting.

### **3. Mobile Phones**

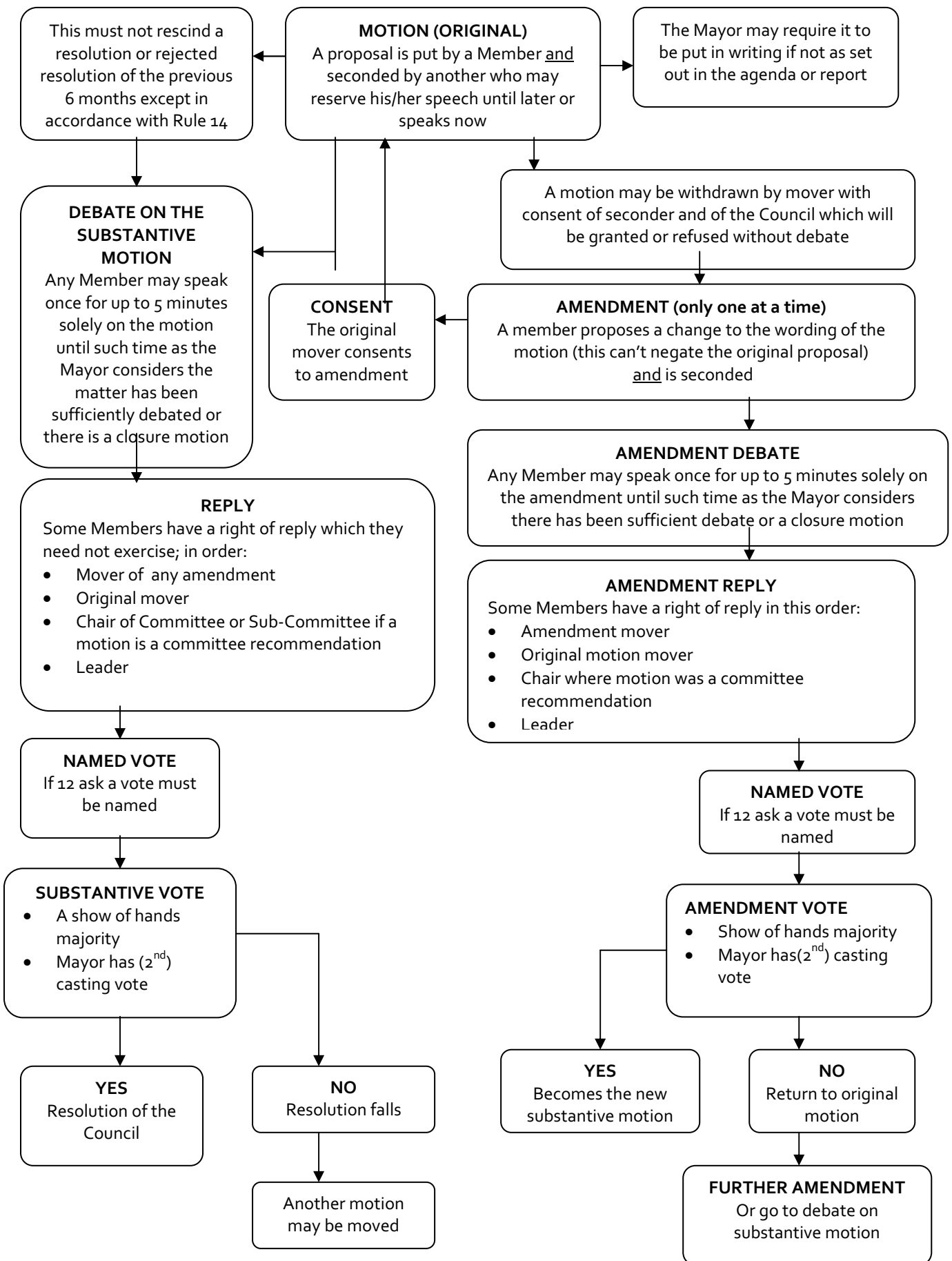
Please switch off all mobile phones before entering the Council Chamber.

### **4. Tea/Coffee**

Refreshments will be available at the conclusion of the meeting, or in the event of a break occurring, during that break.

### **5. Notice of Motion**

A Notice of Motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.



## COUNCIL

Wednesday, 25th February, 2015

**Present:-** The Mayor, Councillor Mrs Linda Hailstones – in the Chair

Councillors Miss Walklate, Welsh, Mrs Johnson, Mrs Burnett, Cooper, Becket, Mrs Beech, Hambleton, Matthews, Mrs Hambleton, Wemyss, Wilkes, Mrs Williams, Williams, Mrs Astle, Fear, Hailstones, Allport, Eagles, Kearon, Taylor.J, Waring, Miss Olszewski, Loades, Holland, Bailey, Miss Cooper, Jones, Miss Reddish, Robinson, Mrs Shenton, Mrs Simpson, Sweeney, Tagg, White, Miss Mancey, Mrs Burgess, Eastwood, Baker, Mrs Peers, Plant, Stringer, Stubbs, Turner, Mrs Winfield, J Tagg, Harper, Huckfield, Naylor, Northcott, Owen, Proctor, Mrs Braithwaite, Wallace and Woolley

### 1. APOLOGIES

Apologies were received from Cllr Heesom, Cllr Rout and Cllr Bates.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES

Prior to consideration of the minutes a number of members paid tribute to Cllr Mrs Anne Heames who had sadly passed away recently.

**Resolved:** That the minutes of the previous meetings be agreed as a correct record.

### 4. MAYOR'S ANNOUNCEMENTS

Before commencing with the announcements, a minutes silence was held in remembrance of Cllr Mrs Anne Heames.

The Mayor reminded Members that the annual Civic Mass would be held on Sunday at Holy Trinity Catholic Church.

Tickets were now on sale for a concert by Newcastle Male Voice Choir and Newcastle Ladies Choir that would be held at Newcastle Methodist Church on Saturday 7 March at 7.30pm. The concert was in aid of the Mayor's Charity Fund.

The Mayor also urged Members to purchase tickets for the Spring Ball that was to be held in The Ballroom of Keele Hall on Friday 27 March.

### 5. REVENUE AND CAPITAL BUDGETS AND COUNCIL TAX 2015/2016

A report was submitted setting out the recommendations of Cabinet for the Revenue and Capital Budgets for 2015/16 and the recommendations for setting the 2015/16 Council Tax.

The Portfolio Holder for Resources and Support Services introduced the report and thanked the Executive Director for Finance and Resources and his team for all of the work that had gone into preparing and balancing the budgets.

The following amendment was moved by Cllr Jones and seconded by Cllr Sweeney:

**To add at the end of the existing recommendations in Appendix A the words:**

***That the proposed cut (ref A7 of appendix C. page 31) of £15,000 in the grant to Parish/Town Councils for concurrent functions be removed. That this be funded by reducing the proposed contribution to the Revenue Investment Fund (ref A8 of appendix C page 31) from £50,000 to £35,000.***

A vote was taken on the amendment as follows:

29 voted in favour  
0 voted against  
27 abstained

The amendment was carried.

A second amendment was proposed by Cllr Sweeney and seconded by Cllr Loades:

*To add at the end of the existing recommendations in Appendix A the words:*

***That option 4 of the report of the Concurrent Funding Task and Finish Group be implemented to "Establish a more closely monitored system". In particular: that a cross-party monitoring group be established. Prior to any grant money being issued in April 2015 individual Towns and Parishes would need to provide this group with proof that the grant for 2014/15 has been used in full and for its intended purpose. Failure to do so could result in an amount equivalent to any shortfall being deducted from the grant for 2015/16.***

***AND that the cross-party group pursue other matters the group feels is of concern for future arrangements.***

A vote was taken with all Cllrs voting in favour of the amendment which was carried.

A third amendment was proposed by Cllr Jones and seconded by Cllr Sweeney:

**To add at the end of the existing recommendation in Appendix A the words:**

***That this Council recommends that the number of cabinet members be cut from seven to six and the savings made be allocated to the Revenue Investment Fund***

The Leader clarified that only he could determine the number of Cllrs on Cabinet within the restrictions of the Council's constitution and it was therefore confirmed that the amendment was a recommendation to the Leader rather than a decision to be made by Council.

A vote was taken in relation to making the recommendation to the Leader and was as follows:

27 voted in favour  
29 abstained

An amendment was moved by Cllr Miss Reddish and seconded by Cllr Sweeney as follows:

**To add at the end of the existing recommendation in Appendix A the words:**

**3. That the current expenditure (estimated at £35,000+) on servicing the Local Action Partnerships be reviewed in order to:**

- a) investigate if it is giving value for money,**
- and**
- b) explore alternative ways of operating local community partnerships.**

The Portfolio holder confirmed that she consented to the amendment and that a report would be brought to Cabinet in March.

All members were in favour of the amendment which was carried.

The Executive Director for Resources and Support Services confirmed that the agreed amendments would require some changes to the figures in Appendix B page 25 of the agenda as follows:

Under Central Services the estimate for 2015/16 would now be £3,455,410 and the basic Band D Council Tax figure would be 98.04.

Under Net Operating Expenditure the figure for the contribution to/ (from) Revenue Reserves would be (£604,530) for the Estimate 2015/16 and the figure for Basic Band D council Tax would be (£17.15).

Members then moved to vote on the new substantive motion which was moved by Cllr Shenton and seconded by Cllr Stubbs.

A named vote was taken and all members present voted in favour.

**Resolved:**

- (a) That the Revenue Budget for 2015/16 be approved, as set out in Appendix B (with the above amendments).
- (b) That the Council Tax at Band 'D' be £176.93, unchanged from 2014/15.
- (c) That the Capital Programme to 2015/16 be approved as set out in Appendix F, together with the Prudential Indicator relating to the Incremental Impact of Capital Investment Decisions on the Council Tax, as set out in paragraph 8.6.
- (d) That the minimum balances requirement be confirmed as £1,300,000, unchanged from a year ago.
- (e) That a budget of £139,280 be approved in respect of Keele master-planning costs to be funded from an earmarked reserve established by transferring an equivalent amount into it from the General Fund revenue account, being the estimated council tax surplus of £139,280 which will be credited to the revenue account in 2015/16.
- (f) That with respect to the discretion allowed by reforms to Council Tax legislation detailed within The Local Government Finance Act 2012 for charges in respect of Class C exemptions, that the current 100 per cent discount for 56 days be reduced to 28 days and thereafter this be reduced to 0 per cent, with an occupation period of at least 42 days required before a further 100% exemption can be applied.

(g) That it be noted that at its meeting on the 15 January 2014 the Cabinet calculated the following amounts for the year 2015/16:

- (i) 35,242 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, as its council tax base for the whole Council area for the year (Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act"))
- (ii) For dwellings in those parts of the Council's area to which a Parish precept relates as in the table below:

Kidsgrove	6,387
Loggerheads	1,859
Audley	2,450
Betley, Balterley and Wrinehill	564
Chapel and Hill Chorlton	194
Keele	331
Madeley	1,413
Maer	253
Silverdale	1,410
Whitmore	803

(h) That the Council Tax requirement for the Council's own purposes for 2015/16 (excluding Parish precepts) is £6,235,370.

(i) That the following amounts be calculated for the year 2015/16 in accordance with Sections 31 to 36 of the Act:

- (i) £72,486,159 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all precepts issued to it by Parish Councils.
- (ii) £65,945,083 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
- (iii) £6,541,076 being the amount by which the aggregate at (i)(i) above exceeds the aggregate at (i)(ii) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (iv) £185.60 being the amount at i (iii) above (Item R), all divided by Item T (g (i) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (v) £305,709 being the aggregate amount of all special items (Parish precepts) referred to in Section 34 (1) of the Act.
- (vi) £176.93 being the amount at (i) (iv) above less the result given by dividing the amount at (i) (v) above by item T (g (i) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item (Parish precept) relates.



(vii) **Part of the Council's Area**

	£ p
Audley Parish Council	194.43
Betley, Balterley and Wrinehill Parish Council	194.19
Chapel and Hill Chorlton Parish Council	192.41
Keele Parish Council	200.27
Kidsgrove Town Council	191.70
Loggerheads Parish Council	198.23
Madeley Parish Council	221.53
Maer Parish Council	195.57
Silverdale Parish Council	188.91
Whitmore Parish Council	206.57

Being the amounts given by adding to the amount at (i) (vi) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above, divided in each case by the amount at (g) (ii) above calculated by the Council in accordance with Section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

## (viii)

**Valuation Bands**

	A	B	C	D	E	F	G	H
<b><u>Part of the Council's Area</u></b>	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Kidsgrove Town Council	127.80	149.10	170.40	191.70	234.30	276.89	319.50	383.40
Loggerheads Parish Council	132.15	154.18	176.20	198.23	242.28	286.33	330.38	396.46
Audley Parish Council	129.62	151.22	172.83	194.43	237.64	280.84	324.05	388.86
Betley, Balterley and Wrinehill Parish Council	129.46	151.03	172.61	194.19	237.35	280.49	323.65	388.38
Chapel and Hill Chorlton Parish Council	128.27	149.65	171.03	192.41	235.17	277.92	320.68	384.82
Keele Parish Council	133.51	155.76	178.02	200.27	244.78	289.27	333.78	400.54
Madeley Parish Council	147.68	172.30	196.91	221.53	270.76	319.98	369.21	443.06
Maer Parish Council	130.38	152.11	173.84	195.57	239.03	282.48	325.95	391.14
Whitmore Parish Council	137.71	160.66	183.62	206.57	252.48	298.37	344.28	413.14
Silverdale Parish Council	125.94	146.93	167.92	188.91	230.89	272.86	314.85	377.82
Other Parts of Borough Area	117.95	137.61	157.27	176.93	216.25	255.56	294.88	353.86

Being the amounts given by multiplying the amounts at (i)(vi) and (i)(vii) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (j) That it be noted that for the year 2015/16 the major precepting authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwelling shown below:-

**Precepting Authority****Valuation Bands**

	A	B	C	D	E	F	G	H
	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Staffordshire County Council	698.19	814.55	930.91	1047.28	1280.01	1512.74	1745.47	2094.56
Staffordshire Fire Authority	45.97	53.64	61.30	68.96	84.28	99.61	114.93	137.92
Office of the Police and Crime Commissioner Staffordshire	118.41	138.14	157.88	177.61	217.08	256.55	296.02	355.22

- (k) That having calculated the aggregate in each case of the amounts at (i) (viii) and (j) above, the Council, in accordance with Section 30(2) of the Act, hereby sets the following amounts as the amounts of Council Tax for the year 2015/16 for each of the categories of dwelling shown below:

**Valuation Bands**

	A	B	C	D	E	F	G	H
<b><u>Part of the Council's Area</u></b>	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Kidsgrove Town Council	990.37	1155.43	1320.49	1485.55	1815.67	2145.79	2475.92	2971.10
Loggerheads Parish Council	994.72	1160.51	1326.29	1492.08	1823.65	2155.23	2486.80	2984.16
Audley Parish Council	992.19	1157.55	1322.92	1488.28	1819.01	2149.74	2480.47	2976.56
Betley, Balterley and Wrinehill Parish Council	992.03	1157.36	1322.70	1488.04	1818.72	2149.39	2480.07	2976.08
Chapel and Hill Chorlton Parish Council	990.84	1155.98	1321.12	1486.26	1816.54	2146.82	2477.10	2972.52
Keele Parish Council	996.08	1162.09	1328.11	1494.12	1826.15	2158.17	2490.20	2988.24
Madeley Parish Council	1010.25	1178.63	1347.00	1515.38	1852.13	2188.88	2525.63	3030.76
Maer Parish Council	992.95	1158.44	1323.93	1489.42	1820.40	2151.38	2482.37	2978.84
Whitmore Parish Council	1000.28	1166.99	1333.71	1500.42	1833.85	2167.27	2500.70	3000.84
Silverdale Parish Council	988.51	1153.26	1318.01	1482.76	1812.26	2141.76	2471.27	2965.52
Other Parts of Borough Area	980.52	1143.94	1307.36	1470.78	1797.62	2124.46	2451.30	2941.56

- (l) That the proposed cut (ref A7 of appendix C. page 31) of £15,000 in the grant to Parish/Town Councils for concurrent functions be removed. That this be funded by reducing the proposed contribution to the Revenue Investment Fund (ref A8 of appendix C page 31) from £50,000 to £35,000.

- (m) That option 4 of the report of the Concurrent Funding Task and Finish Group be implemented to "Establish a more closely monitored system". In particular: that a cross-party monitoring group be established. Prior to any grant money being issued in April 2015 individual Towns and Parishes would need to provide this group with proof that the grant for 2014/15 has been used in full and for its intended purpose. Failure to do so could result in an amount equivalent to any shortfall being deducted from the grant for 2015/16. AND that the cross-party group pursue other matters the group feels is of concern for future arrangements.

(n) That the current expenditure (estimated at £35,000+) on servicing the Local Action Partnerships be reviewed in order to:

- a) investigate if it is giving value for money,
- and
- b) explore alternative ways of operating local community partnerships.

**6. TREASURY MANAGEMENT STRATEGY 2015/2016**

A report was submitted requesting Council to approve the Treasury Management Strategy for 2015/16, including the Prudential Indicators, Investment Strategy and Minimum Revenue Provision Strategy contained within it.

**Resolved:**

- (a) That the Treasury Management Strategy Report for 2015/16 be approved.
- (b) That the Prudential Indicators contained within the report be approved.
- (c) That the Investment Strategy contained within the report be approved.
- (d) That the Minimum Revenue Provision Strategy contained within the report be approved.

**7. CAPITAL STRATEGY 2015**

A report was submitted requesting Members to consider and approve the Capital Strategy 2015 to 2019.

Two amendments had been submitted as follows:

**Amendment 1**

To delete recommendation (b)

**Amendment 2**

To add an additional recommendation:

In the interests of transparency and open government a cross party scrutiny working group be set up to listen to the concerns of local residents before any green space is sold for development.

The Portfolio Holder for Finance and Resources stated that a Cabinet Panel along the lines of the cross party scrutiny working group recommended in amendment 2 was already in the process of being set up following a resolution of the Cabinet in February 2014.

The mover of the second amendment therefore agreed to withdraw the amendment.

Cllr Sweeney moved the first amendment which was seconded by Cllr Fear.

A vote was taken as follows:

26 in favour  
28 against

1 abstention

The amendment fell.

A vote was then taken on the original motion as follows:

33 in favour

22 abstentions

**Resolved:**

- a) That the Capital Strategy be approved.
- b) That in future the Capital Strategy be approved by the Cabinet, without Council approval being required.
- c) That, in respect of recommendation b), Financial Regulation B1 (a) be amended by the deletion of "Capital Strategy" from the list of elements of the policy framework which are to be approved by Full Council and that Procedural Regulation Bf23 be amended by deleting the words in italics below:

*Bf23 The Executive Director (Resources and Support Services) shall ensure that a Capital Strategy is produced and revised annually. He shall submit the Strategy to the Cabinet for consideration and to the Full Council for approval.*

**8. PAY POLICY STATEMENT 2015**

A report was submitted in relation to The Localism Act 2011, which required local authorities to prepare and publish a pay policy statement for each financial year. The statement set out the authority's policies relating to the remuneration of its chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

**Resolved:**

That the Pay Policy Statement attached at Appendix A to this report be approved and published on the council's website by 31 March 2015.

**9. SCHEME OF DELEGATION IN RELATION TO PLANNING FUNCTIONS**

To update the current Planning Scheme of Delegation to reflect recommendations arising following the recent Planning Peer Review.

The following amendment was moved by Cllr Fear and seconded by Cllr Miss Reddish:

***To delete the existing recommendation and replace it with:***

***The revised Planning Scheme of Delegation set out in the Appendix to this report be referred back to the Planning Committee for further consideration to take account of points raised by the Council at its meeting on 25 February 2015 and that a revised version be brought to the Council at its meeting on 15 April 2015.***

Members considered the amendment and voted as follows:

28 in favour  
25 against  
1 abstention

The amendment was there carried and became the new substantive motion on which a vote was taken as follows:

27 in favour  
2 against  
24 abstentions

**Resolved:**

That the revised Planning Scheme of Delegation set out in the Appendix to this report be referred back to the Planning Committee for further consideration to take account of points raised by the Council at its meeting on 25 February 2015 and that a revised version be brought to the Council at its meeting on 15 April 2015.

**10. REVIEW OF THE COUNCIL'S CONSTITUTION**

A report was submitted to improve the efficiency and accessibility of the Constitution and to ensure that it is up to date and fully complies with the law.

**Resolved:**

- a) That Council adopts the amendments to the Constitution recommended by the Constitution Review Working Group and endorsed by the Finance, Resources and Partnerships Scrutiny Committee as listed below:
  - I. That the redrafted Member Code of Conduct be agreed,
  - II. That the revised Elected Member/Officer Relations Protocol be adopted,
  - III. That having been reviewed by the Finance, Resources & Partnerships Scrutiny Committee the updated version of Appendix 12 (Contract Procedure Rules) of the Constitution be adopted by Full Council,
  - IV. That the suggested wording relating to the appointment of Honorary Aldermen be included in the Constitution.
  - V. That both sections in the constitution that refer to urgency provisions be replaced with one new urgency clause as suggested in the report.
  - VI. That diarised meetings of the Scrutiny Chairs and Vice Chairs Group are no longer required.
- b) That the Constitution Review Working Group continues its review of the Constitution.

**11. STATEMENT OF THE LEADER OF THE COUNCIL**

A report was submitted by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

**12. REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES**

Verbal and written reports were received from the Chairs of the Scrutiny Committees.

**13. REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES**

Verbal and written reports were received from the Chairs of the regulatory committees.

**14. QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS**

The Leader confirmed that full written response would be provided to the questions that had been submitted.

**15. MOTIONS OF MEMBERS**

No motions had been submitted.

**16. RECEIPT OF PETITIONS AND UPDATE ON PREVIOUS PETITION SUBMITTED**

On 3rd February 2015, the Council received a petition from Mr Tim Cooper in relation to Land at the Butts and its inclusion in the Joint Local Plan. Mr Cooper was in attendance at the meeting to present the petition to Members

The petition had been signed by 302 residents and due to the fact that it related to a local issue affecting no more than two electoral wards within the Council area it met the criteria to be considered by Full Council.

Members thanked Mr Cooper and those who had signed the petition.

Following consideration of the petition and presentation by Mr Cooper, Council considered the following options:

- To take the action the petition requests
- To not to take the action requested for reasons put forward in the debate; or
- to commission further investigation into the matter (for example, by a relevant committee).

**Resolved:**

As the actions requested by the petition were not within the remit of the Council it was resolved that the matters highlighted be referred back to the Cabinet for additional consideration.

**17. STANDING ORDER 18 - URGENT BUSINESS**

There was no urgent business.

**THE MAYOR, COUNCILLOR MRS LINDA HAILSTONES**  
**Chair**

Classification: NULBC **PROTECT** Organisational  
**MEMBERS ALLOWANCES**

**Submitted by:** The Independent Remuneration Panel/Chief Executive

**Portfolio:** Communications, Policy & Partnerships

**Wards affected:** All

## **Purpose**

To review the Council's Scheme of Members Allowances.

## **RECOMMENDATIONS:-**

- (a) To increase the annual Basic Allowance by 2% to £3,432 for all Members.
- (b) To replace the Vice-Chair's Special Responsibility Allowance with a payment of £50 for each meeting that they Chair.
- (c) No change to the Travelling and Subsistence Allowances.
- (d) That the Carer's Allowance continues to be paid at the National Minimum Wage.

## 1. **Background**

- 1.1 Under the Local Authorities (Members Allowances) (England) Regulations 2003 and subsequent amendments, the Council is required to establish and convene an advisory independent allowances panel (the Panel) to make recommendations on certain allowances. The Panel has been asked by the Council to review basic and special responsibility allowances for roles carried out by Members.
- 1.2 The aim of the review was to assess Member's allowances, keeping within the budget of £305,000. The current Scheme actually totals £309,362 so it is therefore over budget by £4,362.

The Panel comprised the following people:-

Karen Dobson – Principal and Chief Executive of Newcastle-u-Lyme College  
Sara Williams – Chief Executive, Staffordshire Chambers of Commerce  
Sajid Hashmi – Chief Executive, VAST.

The current Scheme was put in place in 2009. The last Review was done in April 2012 and at the Council meeting on 11 July 2012 Members amended the Panel's recommendation, voting for a freeze on allowances rather than an increase.

## 2. **Issues and Options**

- 2.1 The Panel has considered the following allowances:-

Basic Allowance  
Special Responsibility Allowance  
Travelling and Subsistence Allowance  
Carers' Allowance

- 2.2 Consideration has also been given to the regulations regarding the claiming of expenses.

### **Basic Allowance**

From the table below it is clear that the basis allowance paid in Newcastle is low compared to that paid in other authorities in our 'family group' and near neighbours.

### 3. **Proposal**

- (a) To increase the annual Basic Allowance by 2% to £3,432 for all Members.
- (b) To replace the Vice-Chair's Special Responsibility Allowance with a payment of £50 for each meeting that they Chair.
- (c) No change to the Travelling and Subsistence Allowances.
- (d) That the Carer's Allowance continues to be paid at the National Minimum Wage.

### 4. **Reasons for Preferred Solution**

In carrying out our review the Panel has considered the role of elected Councillors, the daily demands placed on them by their constituents and the changes that are taking place in that role, particularly with respect to working within the community and other partner organisations.

The Panel has considered statistical information gathered on allowances paid in Councils of similar size/characteristics to Newcastle under Lyme and those of other districts in Staffordshire.

The Panel is aware that the Council, or indeed political parties, need to encourage suitable persons to take on the role of Councillor, and whilst remuneration should never be the sole reason for wanting to become a Councillor, potential candidates should not be deterred by being financially worse off after taking into account time spent on council work. There is also a need to realise that there must always be a voluntary element in the role of a Councillor. To be a 'healthy Council' candidates from all walks of life must be attracted. It is clear that one of the reasons people become Councillors is because they wish to lead change and make a difference to the lives of the people they represent, but they should be compensated for the time they give. Being a Councillor can take a considerable amount of time out of an individual's life.

A copy of the Panel's full report is contained in Appendix 1.

### 5. **Legal and Statutory Implications**

- 5.1 Allowances are paid under the Local Government and Housing Act 1989, the Local Government Acts 1972 and 2000 and the Local Authorities Members Allowances Regulations 2003.

### 6. **Equality Impact Assessment**

- 6.1 The Panel has taken due account of equality issues.



7. **Financial and Resource Implications**

7.1 The table below is a summary of the costs of the current scheme and the Panel's proposals for 2015/16 and subsequent years until further amended.

**Costs of Members' Allowances Scheme**

ROLE	No.	<u>Current</u>		<u>Max Cost</u>	<u>Proposal</u>	<u>2015/16</u>
		£	£		(Using 2% increase)	<u>Max Cost</u>
Leader of Council	1	13590	13590	-	13590	
Deputy Leader of Council	1	9510	9510	-	9510	
Cabinet Portfolio Member	7	5660	39620	-	39620	
Chair of Planning	1	4230	4230	-	4230	
Chair of Public Protection	1	3430	3430	-	3430	
Chair of Licensing	1	3430	3430	-	3430	
Chairs Scrutiny Committees	5	2830	14150	-	14150	
Chair of Audit & Risk Committee	1	2830	2830	-	2830	
Chair Standards Committee	1	2830	2830	-	2830	
Vice Chair Planning	1	1410	1410	0	0	
Vice Chair Public Protection Committee	1	1130	1130	0	0	
Vice Chair Licensing Committee	1	1130	1130	0	0	
Vice Chairs Scrutiny	5	1130	5650	0	0	
Vice Chair Standards Committee	1	1130	1130	0	0	
Vice Chair Audit & Risk Committee	1	1130	1130	0	0	
Minority Group Leaders	2	1130	2260	-	2260	
Basic Allowance	60	3365	201902	3432	205940	
<b>Total</b>			<b><u>309362</u></b>		<b><u>301820</u></b>	

8. **Major Risks**

8.1 That the allowance scheme is inadequate to meet the needs of the Council or that it is financially unsustainable or seen as unfair with consequential damage. The scheme proposed is considered to address these issues.

9. **Key Decision Information**

9.1 This is a non-Executive decision.

10. **Earlier Cabinet/Committee Resolutions**

275/08, 783/07, 11 July 2012

11. **Background Papers**

Appendix 1 – Panel report

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## **MEMBERS ALLOWANCES –**

### **REPORT OF THE INDEPENDENT REMUNERATION PANEL**

#### **Introduction**

The Remuneration Panel met on 20 January, 2015 to review the current Members Allowance Scheme.

Under the Local Authorities (Members Allowances) (England) Regulations 2003 and subsequent amendments, Councils are required to establish and convene an Advisory Independent Allowances Panel to make recommendations on certain allowances.

The aim of the review was to assess Member's allowances, keeping within the budget of £305,000. The current Scheme actually totals £309,362 so it is therefore over budget by £4362.

The Panel comprised the following people:-

Karen Dobson – Principal and Chief Executive of Newcastle–u-Lyme College  
Sara Williams – Chief Executive, Staffordshire Chambers of Commerce  
Sajid Hashmi – Chief Executive, VAST.

The current Scheme was put in place in 2009. The last Review was done in April, 2012 and at the Council Meeting on 11 July, 2012, Members amended the Panel's recommendation, voting for a freeze on allowances rather than an increase.

The Review Panel has considered the content of this report and hope that the Council will accept our recommendations which we believe combine the strengths of the previous report and the seismic changes that have taken place in the financial and commercial worlds since the previous report was presented. We believe that our recommendations offer fair and affordable remuneration for the time and effort Members put into their roles and responsibilities.

This report contains the Panel's recommendations on a number of allowances contained within the existing scheme.

In carrying out our review we have considered the role of elected Councillors, the daily demands placed on them by their constituents and the changes that are taking place in that role, particularly with respect to working within the community and other partner organisations.

We have considered much statistical information gathered on allowances paid in Council's of similar size/characteristics to Newcastle under Lyme and those of other districts in Staffordshire.

We are aware that the Council, or indeed political parties, need to encourage suitable persons to take on the role of Councillor, and whilst remuneration should never be the sole reason for wanting to become Councillor, potential candidates should not be deterred by being financially worse off after taking into account time spent on council work. There is also a need to realise that there must always be a voluntary element in the role of a Councillor. To be a 'healthy Council' candidates from all walks of life must be attracted. It is clear that one of the reasons people become Councillors is because they wish to lead change and make a difference to the lives of the people they represent, but they should be compensated for the time they give. Being a Councillor can take a considerable amount of time out of an individual's life.

We cannot consider individual Councillors performances, that is for each political group and ultimately the electorate.

Whilst we have looked at roles and responsibilities we have also been mindful that the Council has to continuously control its budget, which is currently over the limit and any amounts proposed must be affordable.

We have considered the following allowances:-

- Basic Allowance
- Special Responsibility Allowance
- Travelling and Subsistence Allowance
- Carers Allowance

### **Basic Allowance**

The role of a Councillor is not just about attending meetings and campaigning for election. Councillors are expected to be on duty 24 hours a day 7 days a week by some of their constituents and to be experts in all types of issues, often finding themselves in the un-enviable position of being criticised by those on the opposite side of the fence to those they have supported. Trying to quantify the time spent by Councillors on Council duties is very difficult and great variances can occur.

From the table below it is clear that the basic allowance paid in Newcastle is low compared to that paid in other authorities in our 'family group' and near neighbours.

Whilst demands on Councillors can vary from one authority to another we believe that the demands on Newcastle's Councillors are not significantly less than in these other authorities.

**Table 1 – Comparison of Basic Allowances**

<b>Authority</b>	<b>£</b>
Kettering	5288
North East Derbyshire	5060
South Staffs	5000
Wyre Forrest	4900
St Edmundsbury	4879
Chorley	4284
Erewash	3972
Stafford Borough	3837
Newark	3800
Amber Valley	3759
Broxtowe	3741
<b>Newcastle u Lyme</b>	<b>3365</b>
High Peak	3002
Staffordshire Moorlands	2902
<b>Average</b>	<b>4128</b>

Newcastle has one of the highest numbers of elected members and, therefore, any increase in the basic allowance needs to be multiplied by 60, which could have a significant effect on the Council's budget. We have also taken into account that an element of the role must be considered voluntary.

We agreed that there should be an increase in the Basic Allowance as none had been applied for a few years. At the last Review Panel, Members had agreed that it be kept in line with staff increases. An award of 2% had been given to staff for 2015/16 and therefore that is what we have recommended for Members (Appendix 1).

### **Special Responsibility Allowances**

Having agreed that all Members should have an increase in their Basic Allowance and bearing in mind that the current scheme was already over budget, we considered the role of the Vice Chairs.

Vice Chairs currently receive an annual allowance of £1130 but they may not be required to chair any meetings during the year. Whilst it is appreciated that some Vice Chairs may be more involved with the work of their committee, there are some Chair's, for example, of the Conservation Advisory Working Party and the Member Development Panel which meet regularly but do not receive an allowance. With this in mind, it is proposed that Vice Chair's be paid a sum of £50 for each meeting which they Chair rather than receive a monthly allowance.

### **Financial Implications**

Attached at Annex 1 is a summary of the costs of the current scheme and our proposals for 2015/16.

### **Travelling and Subsistence Allowances**

The Council currently pays the nationally agreed rates for travelling and subsistence. It is proposed that the current arrangements stay in place.

### **Carers Allowance**

We would recommend that the Council continues to pay the National Minimum wage (for over 22's) as the Carer's Allowance.

We hope that you are able to accept our proposals:

- To increase the annual Basic Allowance by 2% to £3432 for all Members.
- To replace the Vice-Chair's Special Responsibility Allowance with a payment of £50 for each meeting that they Chair.
- No change to the Travelling and Subsistence Allowances.
- That the Carer's Allowance continue to be paid at the National Minimum Wage.

**Karen Dobson**

**Sara Williams**

**Sajid Hashmi**

**Independent Remuneration Panel  
January 2015**

## Appendix 1 Financial Implications

**Costs of Members' Allowances Scheme**

ROLE	No.	<u>Current</u>		<u>Proposal</u>	<u>2015/16</u>
		£	<u>Max Cost</u> £	(Using 2% increase) £	<u>Max Cost</u> £
Leader of Council	1	13590	13590	-	13590
Deputy Leader of Council	1	9510	9510	-	9510
Cabinet Portfolio Member	7	5660	39620	-	39620
Chair of Planning	1	4230	4230	-	4230
Chair of Public Protection	1	3430	3430	-	3430
Chair of Licensing	1	3430	3430	-	3430
Chairs Scrutiny Committees	5	2830	14150	-	14150
Chair of Audit & Risk Committee	1	2830	2830	-	2830
Chair Standards Committee	1	2830	2830	-	2830
Vice Chair Planning	1	1410	1410	0	0
Vice Chair Public Protection Committee	1	1130	1130	0	0
Vice Chair Licensing Committee	1	1130	1130	0	0
Vice Chairs Scrutiny	5	1130	5650	0	0
Vice Chair Standards Committee	1	1130	1130	0	0
Vice Chair Audit & Risk Committee	1	1130	1130	0	0
Minority Group Leaders	2	1130	2260	-	2260
Basic Allowance	60	3365	201902	3432	205940
<b>Total</b>			<b><u>309362</u></b>		<b><u>301820</u></b>

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## 1. CONSEQUENTIAL CHANGE TO THE CONSTITUTION

**Submitted by:** Monitoring Officer

**Portfolio:** Communications, Policy and Partnerships

**Ward(s) affected:** All

### **Purpose of the Report**

To ensure that the Constitution is up to date and fully complies with statute.

### **RECOMMENDATION:**

- (a) That Council notes the update to Appendix 9, Rule 3 of the Procedure Rules for committees and Sub-Committees of Council;
- (b) That Council note the implications of (a) in relation to the resolution made at the Council meeting held on 25<sup>th</sup> February 2015 regarding the report on the Scheme of Delegation in Relation to the Planning Committee

### 1. Background

- 1.1 The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed.
- 1.2 Part 2, Section 15.2 of the Constitution states that changes to the Constitution will only be approved by the Full Council after consideration of any proposal by the Monitoring Officer, save that the Monitoring Officer may make consequential changes to the Constitution to reflect resolutions of the Council or Cabinet or decisions properly made under delegated powers and changes of fact and law subject to regular notification of Members to such changes.
- 1.3 The amendment to Appendix 9, Rule 3 of the Procedure Rules for committees and Sub-Committees of Council is a consequential change and has been updated to read as follows;
  - “3.1 (a) In the case of Rule 14 (Changing an earlier resolution) at a meeting of a committee or subcommittee no motion or amendment shall be moved which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period unless it is recommended by Full Council. A decision shall only be referred back to the original decision making body once.
  - (b) Section 3.1 (a) only applies where the earlier resolution was a key decision as defined in Section 13 in Part 2 of the Constitution. Where the decision is not a key decision Rule 14 of the Councils procedure rules (Appendix 7) does not apply.

A revised copy of Appendix 9 is annexed to this report.

2. Issues

2.1 At the meeting of Full Council on the 25 February 2015 the following amendment was passed regarding Agenda Item 9 Scheme of Delegation in Relation to Planning Functions

“to delete the existing recommendation and replace it with;

....the revised Planning Scheme of Delegation set out in the Appendix to this report be referred back to the Planning Committee for further consideration to take account of points raised by the Council at its meeting on 25 February 2015 and that a revised version be brought to the Council at its meeting on 15 April 2015.....”

Questions have been raised since the meeting regarding the validity of the amendment and it is the opinion of the Monitoring Officer that this amendment was invalid due to the fact that an amendment.

“must not negate the motion that it seeks to alter when the same effect can be achieved by voting against the motion”. (Knowles on Local Authority Meetings).

However, if the Council had voted against the original recommendation, Procedure Rule 14 would have applied to the Planning Committee which would mean that the Committee would not have been able to reconsider the matter for a period of 6 months. This is because the same rule also applies to committees by virtue of Rule 3.1 of the Procedure Rules for Committees and Sub committees.

Rule 14 of the Procedure Rules is designed as an anti-frustration provision to ensure that decisions can be implemented in a timely manner and not changed within a short period.

A consequential amendment to Rule 3.1 of the Procedure Rules for Committees and Sub committees is therefore required to avoid a potential impasse, where the Council may need to direct a Committee or Sub-Committee.

The resolution of the Council made at the meeting held on 25<sup>th</sup> February is therefore rescinded and the original recommendations listed in the report will be brought back to Council for consideration at the next Full Council meeting on the 20 May 2015.

3. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

The Constitution governs the way the Council works. These changes are intended to enable the public, Members and officers to engage more effectively with the decision making processes of the Council and also ensure that processes are lawful. Improvements to processes are key to the corporate priority of becoming a Co-operative Council.

An effective Constitution contributes to the overall ethical wellbeing of the Council, and helps to ensure a culture of high ethical standards, which the public and the Council’s partners can have confidence in. This will thereby also contribute to the Council’s priority of becoming a Co-operative Council.

3. Legal and Statutory Implications

It is a legal requirement that the Council has a Constitution that accords with the law.

The Council is required by common law and statute (principally the Local Government Acts 1972 and 2000, and the Local Government and Housing Act 1989) to regulate its proceedings and to have an up to date Constitution which is fit for purpose.

4. Equality Impact Assessment

Where impact has been identified it has been addressed.

5. Major Risks

That the Constitution will be inaccessible, procedures will be inefficient or decisions are vitiated by reason of unlawful procedure with consequential damage to the reputation, finances and objectives of the Council.

6. Financial Implications

No resources will be required in relation to the amendments. The Constitution provides the framework and rules for ensuring value for money.

7. Key Decision Information

The Constitution affects all decisions and therefore all wards. The majority of the Constitution deals with non-Executive matters.

8. Background papers

The Constitution  
Knowles on Local Authority Meetings

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# APPENDIX 9

## PROCEDURE RULES FOR COMMITTEES AND SUB-COMMITTEES OF COUNCIL

### 1. Committees and Sub-committees

The committees and sub-committees of the Council and their membership size are:

Audit and Risk Committee	7 *
Conservation Advisory	5
Employees' Consultative Committee	7
Grants Assessment Panel	9
Health and Wellbeing Scrutiny Committee	11
Joint Parking	4
Licensing Committee	15
Planning Committee	15
Public Protection Committee	13
Staffing Committee	11
Standards Committee	8
Active and Cohesive Communities Scrutiny Committee	11
Cleaner, Greener and Safer Communities Scrutiny Committee	11
Economic Development and Enterprise Scrutiny Committee	11
Finance, Resources and Partnerships Scrutiny Committee	11
Chief Officers Appointments, Dismissal, Review and Appeals Committee	**

\* (plus one Independent)

\*\* The membership of this committee is ad hoc but must contain at least one Cabinet member when dealing with the appointment or dismissal of the Head of the Paid Service and statutory and non-statutory chief officers and their deputies.

**2.1** The Council may appoint other committees and sub-committees with delegated powers to act under specific terms of reference.

**2.2** Committees may appoint sub-committees for purposes to be specified within the terms of reference of the committee.

**2.3** The Chair and Vice Chair of a committee shall be ex officio members of every sub-committee appointed unless they signify the wish not to serve.

### 3. Rules of Procedure to apply to Committees etc.

**3.1** In addition to rules which relate specifically to committees and sub-committees the following rules (with any necessary modifications) shall apply:

Rule 1.2	Time and place of meetings
Rule 1.3	Notice of meetings
Rule 1.4	Special meetings
Rule 7	Urgent business

Rule 13	Rules of debate
Rule 14*	Changing an earlier resolution
Rule 15	Voting
Rule 16	Duration of the meeting
Rule 17	Public access to meetings
Rule 19	Recording and social media
Rule 20	Disorderly conduct and disturbance
Rule 21	Records of attendance
Rule 23	Personal and prejudicial interests
Rule 25	Confidentiality
Rule 27	Interpretation of the Rules of Procedure.

3.1 (a)\* In the case of Rule 14 (Changing an earlier resolution) at a meeting of a committee or subcommittee no motion or amendment shall be moved which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period unless it is recommended by Full Council. A decision shall only be referred back to the original decision making body once.

(b) Section 3.1 (a) only applies where the earlier resolution was a key decision as defined in Section 13 in Part 2 of the Constitution. Where the decision is not a key decision Rule 14 of the Councils procedure rules (Appendix 7) does not apply.

**3.2 Quorum**

(a) Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any committee or sub-committee unless a quorum is present.

<u>No. of Members</u>	<u>Quorum</u>
16 or over	5 persons
10 to 15	4 persons
5 to 9	3 persons
Less than 5	2 persons

(b) A meeting of the Standards Committee may not conduct business relating to Parish Councils unless a Parish Council representative is present.

**3.3 Chair**

(a) Meetings shall be chaired by the Member appointed by the Council or in the absence of the Chair the Vice Chair or in the absence of both a Chair for the meeting may be appointed

(b) Joint meetings of committees and sub-committees shall be chaired by the Chair or in his absence the Vice Chair of the committee or sub-committee initiating the arrangements for the meeting.

**4. Substitutes**

4.1 For every member of a committee, there can be one substitute nominated

- 4.2 Any Member who is due to miss a meeting should inform the Chair of the relevant committee at least 24 hours before the committee is due to meet (and that it is the Member concerned who does this)
- 4.3 At any one meeting, there should be no more than 2 substitutes per political grouping present
- 4.4 Training will be provided for nominated substitutes on regulatory committees
- 4.5 Where a Planning Committee site visit is involved, substitutes will only be allowed to attend and vote at the relevant Planning Committee if they have been on the site visit.

Updated March 2015

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1. **THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 – APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS**

**Submitted by:** Monitoring Officer

**Portfolio:** Communications, Policy and Partnerships

**Ward(s) affected:** All

**Purpose of the Report**

To amend the Council's Procedure Rules to make changes to the procedure for disciplining and dismissing senior officers in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ('the Regulations'), which come into force on 11th May 2015.

**RECOMMENDATION:**

**That Council approve the modifications to Council Procedure Rules (Appendix 7 of the Constitution, Annex 3) in relation to the appointment and dismissal of senior officers.**

1. **Background**

- 1.1 The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed.
- 1.2 The Council is required by common law and statute (principally the Local Government Acts 1972 and 2000, and the Local Government and Housing Act 1989) to regulate its proceedings and to have an up to date Constitution which is fit for purpose.
- 1.3 The changes come into force from the 11<sup>th</sup> May 2015 and therefore the existing Appendix 7, Annex 3 will remain in place until then. A copy of the revised document is attached at Appendix A

2. **Issues**

- 2.1 The Regulations simplify and localise the disciplinary process for the most senior members of a council, i.e. the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. They remove the current requirement that a Designated Independent Person (DIP) be appointed to investigate and make a binding recommendation on disciplinary action against these senior officers.
- 2.2 The Government states that the Regulations simplify the processes for dismissing the most senior council staff, in particular putting any decisions fully in the hands of the Council's Members who are accountable to their electorate for the decisions they take. With the new arrangements in place, the Government expects that the performance management of the most senior staff will be both more effective and efficient with potentially lower costs in the case of departures/dismissals than currently.
- 2.3 The Regulations provide that, in place of the DIP process, the decision should be taken transparently by Full Council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

2.4 In the case of a proposed disciplinary action against one of these officers, the Council is required to invite Independent Persons who have been appointed under the Members' Code of Conduct regime (Section 28(7) of the Localism Act 2011) to form an independent panel. The Council currently has 3 Independent Persons. An independent panel will be formed if 2 or more Independent Persons accept the invitations, and the Council should issue invitations in the following priority order:

- An Independent Person who has been appointed by the Council and who is a local government elector;
- Any other Independent Person who has been appointed by the Council; and
- An Independent Person who has been appointed by another council or councils.

2.5 These requirements allow local people to be involved in the disciplinary process for senior officers and makes councils more accountable to the community.

3. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

The Constitution governs the way the Council works. These changes are intended to enable the public, Members and officers to engage more effectively with the decision making processes of the Council and also ensure that processes are lawful. Improvements to processes are key to the corporate priority of becoming a Co-operative Council.

An effective Constitution contributes to the overall ethical wellbeing of the Council, and helps to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby also contribute to the Council's priority of becoming a Co-operative Council.

4. Legal and Statutory Implications

It is a legal requirement that the Council has a Constitution that accords with statute.

5. Impact Assessment

No impact has been identified arising from these legislative changes.

6. Major Risks

That the Constitution will be inaccessible, procedures will be inefficient or decisions are vitiated by reason of unlawful procedure with consequential damage to the reputation, finances and objectives of the Council.

7. Financial Implications

No resources will be required in relation to the changes. The Constitution provides the framework and rules for ensuring value for money.

8. Key Decision Information

This is not a key decision.

9. Background papers

The Constitution

Local Authorities (Standing Orders) (England) Regulations 2015

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# APPENDIX 7

(ANNEX 3)

## APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS) THE LOCAL AUTHORITY (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015

### Appointment and Dismissal of Chief Officers and Senior Managers

1. In this Part:

"the 1989 Act"	means the Local Government and Housing Act 1989(a)
"the 2000 Act"	means the Local Government Act 2000(b)
"disciplinary action"	has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001
"executive" and "executive leader"	have the same meaning as in Part II of the 2000 Act
"member of staff"	means a person appointed to or holding a paid office or employment under the authority
"proper officer"	means an officer appointed by the authority for the purposes of the provisions in this Part

2. Subject to Paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under Section 4 of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) the officer designated as the head of the authority's paid service
- (b) a statutory chief officer within the meaning of Section 2(6) of the 1989 Act (a) (politically restricted posts)
- (c) a non-statutory chief officer within the meaning of Section 2(7) of the 1989 Act
- (d) a deputy chief officer within the meaning of Section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of Section 9 of the 1989 Act (b) (assistants for political groups).

- 4.1 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service or the dismissal of the authority's monitoring officer or chief finance officer, the authority must approve that appointment before an offer of appointment is made to that person
- 4.2 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person
- 4.3 Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in Sub-paragraph (a), (b), (c) or (d) of Paragraph 3, at least one member of the executive must be a member of that committee or sub-committee
- 5.1 In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be
- 5.2 An offer of an appointment as an officer referred to in Sub-paragraph (a), (b), (c) or (d) of paragraph 3
  - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment
  - (b) the proper officer has notified every member of the Executive of the authority of:
    - (i) the name of the person to whom the appointor wishes to make the offer
    - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
    - (iii) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the proper officer; and
  - (c) either:
    - (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the Executive has any objection to the making of the offer
    - (ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the Executive Leader; or

- (iii) the appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.
- 6.1 In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be
- 6.2 Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:
  - (a) the dismissor has notified the proper officer of the name of the person to whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal
  - (b) the proper officer has notified every member of the Executive of the authority of:
    - (i) the name of the person who the dismissor wishes to dismiss
    - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
    - (iii) the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the proper officer; and
  - (c) either:
    - (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the Executive has any objection to the dismissal
    - (ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the Executive Leader; or
    - (iii) the dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.
- 7. Nothing in paragraphs 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:
  - (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
  - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
- 8. Investigation of alleged misconduct by the Head of the Council's Paid Service, the Monitoring Officer or the Chief Finance Officer

8.1 In the following paragraphs:~

- (a) 'the 2011 Act' means the Localism Act 2011(b)
- (b) 'chief finance officer', 'disciplinary action', 'head of the authority's paid service' and 'monitoring officer' have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(c)
- (c) 'independent person' means a person appointed under section 28(7) of the 2011 Act
- (d) 'local government elector' means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts
- (e) 'the Panel' means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority
- (f) 'relevant meeting' means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer, and
- (g) 'relevant officer' means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be

8.2 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with

8.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel

8.4 In paragraph 3 'relevant independent person' means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate

8.5 Subject to paragraph 6, the authority must appoint to the Panel such relevant independent person who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order:~

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector
- (b) any other relevant independent person who has been appointed by the authority
- (c) a relevant independent person who has been appointed by another authority or authorities

8.6 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so



- 8.7 The authority must appoint any Panel at least 20 working days before the relevant meeting
- 8.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular
- (a) any advice, views or recommendations of the Panel
  - (b) the conclusions of any investigation into the proposed dismissal, and
  - (c) any representations from the relevant officer
- 8.9 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act

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