

Public Document Pack

Date of meeting	Wednesday, 16th May, 2012
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle Under Lyme, Staffordshire ST5 2AG
Contact	Julia Cleary 01782 742227

Council AGENDA

PART 1– OPEN AGENDA

1 DECLARATIONS OF INTEREST

To receive Declarations of Interest from Members on items included on the Agenda

2 To receive the Returning Officer's Statement of the result of the Elections held on Thursday 3rd May 2012

3 TO ELECT A MAYOR FOR THE NEXT MUNICIPAL YEAR

When the Mayor has declared the result of the election, the new Mayor, retiring Mayor and the Chief Executive, preceded by the Mace Bearers, will retire to the Mayor's Parlour accompanied by the:

Retiring Mayoress
Retiring High Constable
Retiring Chaplain
Mayoress/Consort designate
High Constable designate
Chaplain designate

The new Mayor will then be robed and invested with the Chain of Office.
They will return to the Council Chamber in the following order:

Mace Bearers
Mayor
Mayoress/Consort designate
Chief Executive
High Constable designate
Chaplain designate
Retiring Mayor
Retiring Mayoress
Retiring High Constable
Retiring Chaplain

The Mayor will then take the Chair and make the declaration of acceptance of office.

- 4 To appoint a Deputy Mayor for the next municipal year including the declaration of acceptance of office**
- 5 To approve as a correct record the minutes of the Council meeting held on 28th March 2012. (Pages 1 - 4)**
- 6 THE MAYOR TO ANNOUNCE THE APPOINTMENT OF:**
Mayoress or consort
High Constable
Chaplain
Mace Bearers
- 7 The Mayor to address the Council**
- 8 Vote of thanks to the retiring Mayor and Mayoress in appreciation of their services during the past year and presentation of badges.**
- 9 Reply of retiring Mayor and Summary of the Mayoral Year (Pages 5 - 8)**
- 10 Mayor's announcements**
- 11 REPORTS OF THE CHAIRS OF THE OVERVIEW AND SCRUTINY COMMITTEES AND QUESTIONS TO THE CHAIR**
(a) Overview and Scrutiny Co-ordinating Committee
(b) Transformation and Resources Overview and Scrutiny Committee
(c) Active and Cohesive Communities Overview and Scrutiny Committee
(d) Cleaner, Greener and Safer Overview and Scrutiny Committee
(e) Economic Development & Enterprise Overview & Scrutiny Committee
(f) Health Scrutiny Committee
- 12 REPORTS OF THE CHAIRS OF THE STATUTORY COMMITTEES AND QUESTIONS TO THE CHAIR**
(a) Planning Committee
(b) Licensing Committee
(c) Public Protection Committee
- 13 Reports Submitted for Decision by the Council**
- 14 Review of the Constitution (Pages 9 - 12)**
- 15 Report of the Independent Remuneration Panel on Members Allowances (Pages 13 - 18)**
- 16 To make appointments to Joint Committees and Boards for the next municipal year and to deal with any casual vacancies**
- 17 APPOINTMENTS TO COMMITTEES**

In accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 to review the representation of political groups on Committees, Sub-Committees and Working Parties and to approve and adopt the arrangements and the membership on those bodies as set out for the next Municipal Year.

18 APPOINTMENT OF CHAIRS AND VICE CHAIRS

To appoint the Chairs and Vice Chairs of Committees in accordance with Standing Order 46(1). (List of nominations to be circulated at the meeting).

19 Motions of Members

20 RECEIPT OF PETITIONS

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

21 URGENT BUSINESS

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

Members: Councillors J Walklate, R Slater, A Heames, D Cornes, B Welsh, H Johnson, R Studd, G Burnett, D Clarke, M Clarke, J Cooper, D Becket, A Beech, Y Burke, J Bannister, T Hambleton (Chair), A Howells, S Blair, G Cairns, E Boden, I Matthews, M Olzewski, S Hambleton, B Lewis, A Wemyss, I Wilkes, G Williams, J Williams, M Astle, A Fear, I Gilmore, P Hailstones, L Hailstones, D Allport, A Eagles, A Kearon, J Taylor, P Waring, D Nixon, S Olszewski, T Lawton, D Loades, M Holland, R Bailey, J M Cooper, N Jones, M Reddish, D Richards, K Robinson, E Shenton, S Simpson, G Heesom, G Snell, F Myatt, S Sweeney, J Tagg, S Tagg, E Bates and S White

'Members of the Council: If you identify any personal training / development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting'

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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COUNCIL

Wednesday 28 March 2012

Present:- The Worshipful the Mayor
Councillor T Hambleton – in the Chair

Councillors Allport, Mrs Astle, Bailey, Bannister, Becket, Mrs Beech, Blair, Boden, Cairns, Clarke D, Clarke M R, Cooper, Miss Cooper, Mrs Cornes, Eagles, Gilmore, Mrs Hailstones, Hailstones, Mrs Hambleton, Mrs Heames, Mrs Heesom, Holland, Howells, Mrs Johnson, Jones, Kearon, Lawton, Loades, Matthews, Olzewski, Miss Olzewski, Miss Reddish, Richards, Robinson, Mrs Shenton, Mrs Simpson, Slater, Snell, Studd, Sweeney, Tagg J H, Tagg S J, Miss Walklate, Welsh, Wemyss, White, Mrs Williams and Williams

1. DECLARATIONS OF INTEREST

Councillor Jones declared a personal, but not prejudicial, interesting that his wife is the Chair of the Fair Trade Group, Newcastle.

2. MINUTES

Councillor Becket requested that his apologies be noted for the previous meeting.

Resolved: That the minutes of the Council meeting held on 22 February 2012 be agreed as a correct record.

3. REPORTS OF THE CHAIRS OF THE OVERVIEW AND SCRUTINY COMMITTEES AND QUESTIONS TO THE CHAIR

The Council received verbal updates from the Chairs of the Overview and Scrutiny Committees highlighting work that had been undertaken since the last meeting of Full Council.

Resolved: That the reports be received.

4. REPORTS OF STATUTORY COMMITTEES AND QUESTIONS TO THE CHAIR

The Council received verbal updates from the Chairs of the Statutory Committees highlighting work that had been undertaken since the last meeting of the Council.

Resolved: That the reports be received.

5. LEADER'S REPORT ON THE WORK OF THE CABINET AND QUESTIONS TO THE LEADER

Concern was raised that a complaint had been received regarding the new switchboard number for the Council. The Leader had not been aware that there were issues regarding the number but this would be investigated.

Councillors discussed the letting of surplus office space as Heads of Terms agreements for new leases had now been agreed in principle with the County

Council, Police and Public Health to share accommodation in the Civic Offices and Kidsgrove Town Hall. Concerns were raised regarding the ownership of Kidsgrove Town Hall and the Victoria Hall.

Members also raised concerns over the safety of Borough Council staff once the police had moved into the building. The Leader stated that any concerns would be taken into account and that all safety issues would be addressed by the police. Members requested that a copy of the risk assessment be provided.

Members welcomed the fact that the Borough Council and County Council were to enter into a Services Level Agreement to provide the operational management at Chesterton Vision and it was highlighted that the service was for the entire of the Borough and not just for residents in Chesterton.

The Council had submitted a bid to become a 'Portas Pilot' and if successful, up to £100,000 could be made available to support the establishment of 12 pilot schemes that would test the ideas in the Portas review with the main objective being to strengthen the town centre. Members agreed that this was a positive step forward and that serious notice and action needed to be taken to re invent the Town.

Resolved: That the report be noted.

6. REPORTS SUBMITTED FOR DECISION BY THE COUNCIL

It was motioned and seconded that the Council write to the Queen to congratulate her on her long and successful reign and to thank her for her work.

Resolved:- That the Council write to the Queen to congratulate her on her long and successful reign and thank her for her work.

7. LOCALISM ACT 2011 - PUBLICATION OF A PAY POLICY STATEMENT FOR 2012/13

A report was submitted to provide Members with information required under the Localism Act 2011. The Localism Act 2011 required local authorities to prepare and publish a pay policy statement for the financial year 2012/13 and subsequent financial years. 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.

A request was made that information be made available to Members regarding all posts not just those required to be made public under the Act. Officers agreed that they would look into this.

Resolved: (a) That the Pay Policy Statement at Appendix A to the report be approved and published on the Council's website by 31 March 2012.

(b) That Officers look into the possibility of providing information on all Council posts.

8. FAIRTRADE STATUS FOR THE BOROUGH

The Council received a report to update Members regarding the impact of the newly acquired Fairtrade status for the Borough.

Achievement of Fairtrade status was something which the Borough can be proud of and could be used as a promotional tool. There were dedicated images which could only be used once status has been achieved. The Borough had printed some of the larger images for distribution to retail and café outlets. The other images would be used in other publications or on street signs. It was noted that the café in Jubilee 2 would be a Fair Trade outlet.

Continued Council support was vital since the first renewal application was due within 1 year of being obtained (i.e. by 6 February 2013) and every 2 years thereafter and a large flagship non-Public Sector employer would now be needed.

The Newcastle Fair Trade Group and the officers involved were congratulated on their achievements.

Resolved: (a) That the Council celebrates the achievement of Fairtrade status for the Borough and encourages support for the celebratory event planned for June

(b) That the Council continues to provide active support for the Fair Trade Group in its efforts to maintain its status and to increase the level of awareness for Fairtrade products and fair trade in general within the Borough

(c) That the Business Development Officer continue to be the principal officer to further the interest of fair trade within the Council.

**T HAMBLETON
Chair**

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Agenda Item 9

THE MAYOR, COUNCILLOR TREVOR HAMBLETON **A SUMMARY OF THE 2011/12 MAYORAL YEAR**

Mayor's Engagements

My Mayoral Year started here in this Chamber on 18 May 2012 and I can honestly say that my feet have not touched the ground since. Throughout the year I have been supported by Sandra as Mayoress. We both very quickly realised what being Mayor and Mayoress meant but can say that we have enjoyed every moment.

It has been my great pleasure to represent the Council at over 300 engagements of which 80 per cent have been held within the Borough. Of those held outside of the Borough a number involved supporting our local theatre groups who stage performances at The Mitchell Arts Centre and Victoria Hall in Hanley. I have also represented the Council at events hosted by Mayors and Chairman of other Council's in Staffordshire

The more formal civic events attended by us over the last 12 months are set out below:-

Annual Council and Mayor's Reception

The Mayoral year started with a Civic Reception at Keele Hall on 18 May 2011 with an attendance of just over 160 guests. The Reception, with a different format, got the Mayor off to a good start and was well received by those in attendance.

Mayor's Civic Service - 19 June 2011

As is customary this event was held at St Giles Parish Church where the new Mayor was joined by civic heads from around the County as well as representatives from a wide variety of local organisations including the emergency services, Magistrates, Burgesses and Rotary clubs.

Attendance at the service was estimated at 180.

Armed Forces Day - June 2011

The Mayor supported the above national initiative by raising a specially commissioned flag in the Queen's Gardens. The occasion was attended by representatives of the military as well as veterans and cadets from the combined cadet force at Newcastle-under-Lyme School

Royal Garden Party - 12 July 2011

The Mayor and Mayoress were pleased to represent the Council at a Royal Garden Party at Buckingham Palace on the above date. They were accompanied by Councillor Gilmore and Mrs Wenslie Naylor.

Annual Funfair and Fireworks Display - 23 October 2011

Once again this annual event organised by Keith Stanworth Fun Fairs in support of the Mayor's Charity Fund was hugely successful and raised £2000 for the Mayor's Charity Fund.

Since the first event in 1996 a total of £30,431 has been raised.

Remembrance Day Parade and Church Service – 13 November 2011

This event attracted an attendance of approximately 500 and went off without any problems.

As is customary the Mayor also attended an Act of Remembrance organised by the Royal British Legion at the War Memorial on 11 November and was joined by a crowd of about 150.

Freedom of the Borough to Sir James and Lady Hawley KCVO - 14 December 2011

A ceremony at which Freedom of the Borough was granted to Sir James and Lady Hawley was incorporated into the agenda for Council on 14 December 2011.

The Mayor presented a Freedom Scroll to Sir James and Lady Hawley following which he hosted a modest reception in the Civic Suite.

Civic Carol Service - 18 December 2011

This event, led by the Mayor's Chaplain, Reverend Andrew Knight, was held at St Barnabas Church, Bradwell. Schools from Bradwell and Wolstanton participated in the service that was well attended.

Visit by the Speaker of the House of Commons to Kidsgrove Town Hall - 3 February

Attendance at a visit by John Bercow to Kidsgrove Youth Parliament.

Installation of New Chancellor of Keele University

Attendance at a ceremony at Keele University to install Jonathan Porritt CBE as the new Chancellor.

Civic Mass - 4 March 2012

The annual civic mass was held at Holy Trinity RC Church, London Road, Newcastle and was well attended.

Royal Visit to Newcastle College - 8 March 2012

Attendance at a visit by His Royal Highness, The Duke of York on the above date.

Wolstanton High School - The Comenius Project - 12 March 2012

Attendance at the launch and welcome event for the above project involving students from Finland, France and Germany. On the following day I hosted a visit to the Mayor's Parlour and Council Chamber.

Mayor's Spring Ball – 30 March 2012

The Ball was very successfully held in The Ballroom at Keele Hall on the above date. 256 guests were in attendance and a total of £2105 was raised for the Mayor's Charity Fund from the tombola, raffle and ticket sales.

Royal Visit to Jubilee 2 - Health and Wellbeing Centre. 27 April 2012

Attendance at this hugely successful event in the presence of Her Royal Highness, The Princess Royal. The Princess Royal unveiled a plaque commemorating the opening of the centre.

Miscellaneous Events in aid of The Mayor's Charity Fund.

As many of you will know my Charity Fund has supported the North Staffs Special Adventure Playground, Arch (North Staffs) and P M Training. In addition to the very successful fireworks display in The Lyme Valley the undermentioned fund raising events have been held during my term of office:-

(i) **Rock n Roll Night**

This event held at Bradwell Community Centre was sold out and raised over £700 for the Charity Fund.

(ii) **Cabaret Evening**

This event, organised by Academy for Theatre Arts, was held at Bradwell Education Centre. All tickets were sold. The amount raised from this event for the Charity Fund has yet to be confirmed.

(iii) **Newcastle Male Voice Choir**

A concert is to be presented by the above choir and soloist at Newcastle Methodist Church. At the time of writing this report tickets were selling well.

Bearing in mind that the proceeds from the above events have still to be finalised the current balance of the Mayor's Charity Fund stands at £6793.27. I will provide a final figure during the Annual Council meeting.

Conclusion

In addition to the above higher profile civic events the Mayoress and I have been very pleased to support the council's involvement in the Britain in Bloom initiative as well as the many community events held around the Borough travelling over 6000 miles to fulfil the engagements.

We are very grateful for the support, hospitality and friendship extended to us over the last year and thank the Deputy Mayor and Deputy Mayoress who have willingly stood in for us on those occasions when we were unable to attend ourselves.

The Mayoral Year has been a very exciting and rewarding experience and I hope that the new Mayor and Mayoress have a similarly wonderful time as they embark upon their year in office.

Councillor Trevor Hambleton
Mayor 2011/12

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REVIEW OF THE CONSTITUTION

Submitted by: Chair of the Transformation and Resources Overview and Scrutiny Committee

Portfolio: Customer Services and Transformation

Ward(s) affected: All

Purpose of the Report

To improve the efficiency and accessibility of the Constitution and to ensure that it is up to date and fully complies with the Law

Recommendations

- (a) That Council adopt the amendments to the Constitution recommended by the Working Group.**
- (b) That the Working Group carries out a continued review of the Constitution.**
- (c) That 'Constitutional Review' forms part of the responsibilities of the Transformation and Resources Scrutiny Committee.**

Reasons

The proposed amendments are considered to improve the efficiency and accessibility of the Constitution and to ensure that it is up to date and fully complies with the Law. It is considered that further improvement can be achieved and it is considered that the Transformation and Resources Overview and Scrutiny Committee is an effective accountable and inclusive means of achieving this.

1. Background

- 1.1 The current form of the Council's Constitution originated in the modular constitution issued in 2000 by the former Office of the Deputy Prime Minister and was designed to meet the needs of the Executive arrangements imposed by the Local Government Act 2000. That model was adapted to suit the particular arrangements of this council.
- 1.2 At the Transformation and Resources Committee meeting on 7 June 2010 it was resolved to set up a working group to review the constitution. The initial purpose of the review was to improve the Constitution so as to increase the understanding and accessibility of members, officers and the public by recommending amendments and the removal of unnecessary provisions.
- 1.3 At that time the Constitution consisted of 16 Articles and 14 Appendices and the Working Group determined that it would not be possible to consider all of the contents. It was therefore decided to concentrate on the Standing Orders for the regulation of meetings.
- 1.4 Throughout 2010/11 the working group met on three occasions and submitted their initial recommendations to Cabinet. These recommendations included further scrutiny of the constitution by the working group. Cabinet resolved that the proposed amendments be referred back to the Transformation and Resources Overview and Scrutiny Committee for further consideration in the new Municipal Year.

- 1.5 The Transformation and Resources Scrutiny Committee therefore agreed to the Working Party continuing their review throughout the Civic Year 2011/12. The scope of the working party was widened to cover the whole constitution, with the aim of presenting a fully revised document to Full Council at its Annual General Meeting in May 2012. The intention being to shorten and simplify the document without significantly altering the rules under which Council operates.
- 1.6 The Working Party has since met 8 times in the 2011/12 Civic Year. In addition the Chair of the Working Party has conducted individual consultations with the relevant Cabinet Portfolio Holder and various Chairs of Scrutiny, Statutory and Regulatory committees.
2. **Issues**
- 2.1 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. The Working Party quickly identified that the Constitution needed a complete re-writing as legislative and other changes that have taken place over the past few years have either not been incorporated or added without the original sections being replaced, causing conflicting duplications. A prime example of this is the change to the 'Strong Leader and Cabinet' model, adopted by the Full Council in December 2010, which is not reflected in the current constitution. Early in its meetings the Working Party adopted the strap line that 'Our Council works well - in spite of the constitution'! This demonstrated the need for a full review.
- 2.2 The approach taken by the Working Party has been to:
- (i) Remove obvious duplications.
 - (ii) Identify contradictions and remove the parts that do not accord with local practise or law.
 - (iii) Remove obsolete, inaccurate or unnecessary references to law or processes.
 - (iv) Change dates and time specific items.
 - (v) Use the up to date officer and committee structures and be clear about for example job titles.
 - (vi) Simplify wording and improve the indexing.
 - (vii) To use flowcharts rather than narrative where appropriate.
 - (viii) Take best practise from a number of other constitutions.
- 2.3 Members considered that the requirement to stand to speak at Council meetings was inappropriate, especially in light of the Equality Act 2010. This has now been amended however the rule that a Member must address the Mayor with respect, stop speaking when the Mayor rises (or otherwise indicates) and only speak one at a time is retained. Of course, there is no rule that a speaking Member must remain seated, they may still stand.
- 2.4 A flowchart was designed to help members with the Rules of Debate. This flowchart was actually introduced at Full Council meetings a few months ago to gather feedback and has been well received by members. It is intended that this document will be issued with every Council Agenda going forward.
- 2.5 The Working Party examined the High Court ruling earlier this year concerning the saying of prayers at Bideford Town Council meetings. Local authorities have no power under section 111 of the Local Government Act 1972, or otherwise, to hold prayers as part of a formal local authority meeting, or to summon councillors to such a meeting at which prayers are on the agenda. The Working Party was satisfied that the current arrangements satisfy this ruling as prayers are not part of the agenda, and in addition the saying of prayers is a decision for the Mayoralty each year.

- 2.6 The Working Party is aware that some elected members have specific concerns regarding the Scheme of Delegation, particularly with regards to staffing matters. It was therefore agreed to defer a full review of the Scheme of Delegation until the 2012/13 Civic year. There were two main reasons for this decision. Firstly that the adoption of the revised Constitution by Full Council should not be delayed, or defeated, by a debate on one single section. Secondly that if any changes to the Scheme of Delegation were recommended, and later adopted, then these might require a lengthy review of staffing policies and procedures. The recommendations of such a review will not have to wait until May 2013, as it would be possible to bring this item to Full Council at any time during the Civic Year.
- 2.7 The Localism Act 2011 repealed the requirement for local councils to have a Petitions Scheme, and gives councils the choice of whether or not to have such a scheme. In the light of this, the Working Party has made no suggested amendments to the current Petitions Scheme but recommend that they are allowed to add this to their ongoing review.
- 2.8 The Working Party is very concerned that the Constitution has been allowed to become outdated and to ensure that this does not happen in future it is recommended that Constitutional Review forms part of the responsibilities of the Transformation and Resources Scrutiny Committee. This will avoid the need for such a lengthy and involved full review in the future and ensure that the Constitution remains up to date.
- 2.9 The Constitution has been reformatted, and a paper version of the new document is in the Members' Room and also in electronic form on the Members' website. The Working Party is recommending that in their ongoing review that they examine the best way for the Constitution to be made available to Members. There is an aim for the document to be a fully interactive electronic version, with a search function and for future amendments to be added easily without the need for a manual re-pagination.

3. **Options Considered**

- 3.1 It is a legal requirement that the Council has a Constitution that accords with the Law. The amendments and further work options are set out in the body of the report

4. **Proposal**

- (i) That Council adopt the amendments to the Constitution recommended by the Working Group.
- (ii) That the Working Group carries out a continued review of the Constitution.
- (iii) That 'Constitutional Review' forms part of the responsibilities of the Transformation and Resources Scrutiny Committee.

5. **Reasons for Preferred Solution**

- 5.1 To improve the efficiency and accessibility of the Constitution, and to ensure that it is up to date and fully complies with the law.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 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 transforming the Council to achieve excellence.

7. **Legal and Statutory Implications**

7.1 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.

8. **Equality Impact Assessment**

8.1 Where impact has been identified it has been addressed.

9. **Financial and Resource Implications**

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

10. **Major Risks**

10.1 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

11. **Sustainability and Climate Change Implications**

11. Where such considerations arise they have been will be considered.

12. **Key Decision Information**

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

13. **Earlier Cabinet/Committee Resolutions**

13.1 The Current constitution was adopted by minute 9/2012.

14. **Background Papers**

The Constitution, the minutes of the Transformation and Resources Overview and Scrutiny Committee, the minutes of the Constitution Working Group the minutes of Cabinet.

MEMBERS ALLOWANCES

Submitted by: The Independent Remuneration panel / Head of Central Services

Portfolio: Resources and Efficiency , Customer Services and Transformation

Ward(s) affected: All

Purpose of the Report

To review the Councils Scheme of Members Allowances.

Recommendations

- (a) That for 2012/13, the amount of the Basic Allowance be increased in line with the national pay awards agreed for Newcastle Borough Council staff.**
- (b) That for 2012/13, the amount of the Special Allowances be increased in line with the national pay awards agreed for Newcastle Borough Council staff.**
- (c) The regulation covering travelling expenses is amended to exclude the option of First Class rail travel.**
- (d) The Panel should undertake further work regarding basic and special allowances with a view to producing proposals during the autumn of 2012. The Panel membership should be expanded to a minimum of 5 members to facilitate this work.**

Reasons

The current national and regional economic situation is extremely difficult. We therefore do not consider it appropriate to recommend any change to the current level of Basic Allowance in terms of any retrospective review. We do think it important however that an appropriate mechanism be agreed for the national pay award assessment. We are recommending that the Panel continue its work in the coming months with a view to making a further and detailed report to the Council in the autumn at which point we will have been able to complete the additional pieces of work set out in the report.

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 current Scheme was established in 2006 to cover the Municipal Years 2006/07, 2007/08, 2008/09 and 2009/10. No inflationary adjustment has been made to allowances since 2007/08. The members of the previous Panel have resigned and the Panel now comprises the following people:-

Malcolm Duncan – Panel Chair – Management Consultant
Karen Clarke – Director of Finance & IT - Keele University
Paul Buttery – Deputy Director of Finance – Keele University

- 1.3 In carrying out our review we have considered the role of elected Councillors and in addition we have taken account of the current general economic and political climate. We have also considered statistical information gathered on allowances paid in Councils of similar size/characteristics to Newcastle under Lyme and those of other districts in Staffordshire.
- 1.4 We had the opportunity to speak to the Council Leader, Stephen Sweeney and Deputy Leader, Robin Studd who gave us an insight in to the changing roles of all Councillors, executive and non-executive, particularly with regard to their roles in the community and we were assisted by the Member Training and Development Officer, Geoff Durham.
- 1.5 The Panel is aware that the Council needs to encourage suitable persons to take on the role of Councillor. In considering the levels of allowances, the Panel has been mindful that the Council has to continuously control its budget and any amounts proposed must be affordable. It is also clearly important to strike a balance between the level of remuneration and the voluntary element of the role, inspired by a sense of public duty. In addition it is clearly important that elected Councillors can demonstrate an appropriate and acceptable level of attendance at both Council and committee meetings and training sessions.

2. **Issues and Options**

- 2.1 We have 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 basic allowance paid in Newcastle is low compared to that paid in other authorities in our 'family group' and near neighbours.

Table 1 – Comparison of Basic Allowances (at 16/04/2012)

All figures shown are from Websites or have been provided.

Authority	Basic Allowance £	Carers Allowance /hour £	Last increase	%	Members
Cannock Chase District Council	5,339	6.08*	2010		40
Tamworth Borough Council	5,244	5.73			30
St Edmundsbury B. Council	5,184	6.08*	2009	1.0	45
North East Derbyshire Council	5,010		2008	2.5	53
South Staffs Council	5,000		2010	-3.0	49
Wyre Forest District Council	4,900	4.00			42
Bassetlaw District Council	4,628	5.52	2010	5.0	48
East Staffs Council	4,324				39
Chorley Borough Council	4,242	n/a	2009	1.0	47
Erewash Borough Council	3,848	6.08*	2008	2.5	51
Newark and Sherwood	3,800	10	2012	5.5	43
Amber Valley DC	3,722	Paid upon claim	2009	1.0	45

Stafford Borough Council	3,451	6.14		59
Broxtowe Borough Council	3,439	5.45		44
Newcastle-under Lyme BC	3,365	6.08	2008	2.4
Lichfield District Council	2,990			56
Staffordshire Moorlands DC	2,902	10.00		56

Average **4,199**

**National Minimum Wage*

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. However, Newcastle has 60 members, which is one of the highest numbers of elected members and, therefore, any increase in the basic allowance would have a significant effect on the Council's budget.

No inflation has been applied to the Basic Allowance since 2007/08 – this includes decisions not to accept awards recommended by previous Panels. As noted in the introduction, the current national and regional economic situation is extremely difficult. We therefore do not consider it appropriate to recommend any change to the current level of Basic Allowance in terms of any retrospective review. We do think it important however that an appropriate mechanism be agreed for the national pay award assessment.

We therefore recommend that for 2012/13, the Basic Allowance be increased in line with the national pay awards agreed for Newcastle Borough Council staff.

Special Responsibility Allowances

We do not recommend for 2012/13 any structural change to the Special Responsibility Allowances. We do recommend that, as with the Basic Allowance, the Special Responsibility Allowances be increased for 2012/13, in line with any pay awards agreed for Newcastle Borough Council staff.

Travelling and Subsistence Allowances

The Council currently pays the nationally agreed rates for travelling and subsistence. Therefore, it is proposed that the current arrangements stay in place with the exception that the regulation covering travelling expenses are amended to exclude the option of First Class rail travel.

Carers Allowance

Currently the Scheme allows for a payment of £6.08 per hour. We would recommend that the Council continues to pay the statutory minimum wage (£6.08 for age 21 and over) as the Carer's Allowance.

Pensions for Councillors

The Panel considered the issue of Members being able to participate in the Local Government Pension Scheme (LGPS) in September 2003 when the Panel's recommendation was not to allow participation, which the Council accepted. We have considered this again, and we understand that there has been no request from Members for us to review this matter again.

Further Work by the Independent Remuneration Panel

We have been formed as the Independent Remuneration Panel to consider your allowances for the municipal year commencing in May 2012. None of those who had served on your previous Panels were willing to continue in the role so we have come together as a group for the first time to undertake this review. Whilst we are content to make our recommendations regarding the Council's allowances for the coming year, we feel that there are a number of issues which it might be useful for us to consider and to make further recommendations to you.

Whilst we have seen some comparative data for allowances paid by other councils we have asked your officers to provide a more comprehensive set of information particularly giving breakdowns of remuneration for particular roles. We also feel that it would be useful for the Panel to review the allowances paid for particular roles in the context of the duties and responsibility of those roles. We understand that the council has descriptions for the various roles but the Panel has not had sufficient time to consider these. We think that this would be a useful task for the Panel to do. In particular, we feel that consideration could be given to the allowances paid to Vice Chairmen taking into account the level of work involved in these roles which we are aware varies for individual committees.

Further, we feel that in order to make recommendations about future levels of allowance we need to have more information about the work of councillors not only within the council but also within their communities.

Whilst we have sought information about the roles of councillors from the political Group Leaders, we feel that we would benefit from talking to a wider range of elected Members about their role and the level of work involved. In the limited amount of time available to us we have done some of this work but wish to do a more systematic review.

We note that as the council has not linked its member allowances to any external reference point, the level of allowances has fallen behind the prevailing rates of inflation and other public service remuneration. We consider that this is something which the Panel should give greater thought to and we are minded to recommend an explicit link being established between member allowances and the rate of inflation reflected in measures such as RPI, CPI or staff pay awards. However, we would wish to consider this matter at greater length before making any firm recommendation.

We recognise that the scheme of councillor allowances established by the Local Government Act 2000 swept away the old attendance allowances and that the new scheme is designed to recognise the costs and value of the roles which councillors perform. However, we consider that allowances should be paid on the basis of an acceptable level of attendance at meetings and training sessions. We are not making specific recommendations about this matter at this stage, but think that it is something which should be considered. We have asked that attendance rates be monitored and information on attendance be provided to the Panel.

The Panel currently consists of three members, whilst this is the minimum number required by the regulations, we feel that the Panel would benefit from a wider membership and in particular to have expertise in personnel and of the wider operation of modern councils. We would like to suggest that the membership of the Panel be widened to five or six to enable these skills to be included.

We are recommending that the Panel continue its work in the coming months with a view to making a further and detailed report to the Council in the autumn at which point we will have been able to complete the additional pieces of work set out above.

4. **Proposal**

- (a) That for 2012/13, the amount of the Basic Allowance be increased in line with the national pay awards agreed for Newcastle Borough Council staff.
- (b) That for 2012/13, the amount of the Special Allowances be increased in line with the national pay awards agreed for Newcastle Borough Council staff.
- (c) The regulation covering travelling expenses is amended to exclude the option of First Class rail travel.
- (d) The Panel should undertake further work regarding basic and special allowances with a view to producing proposals during the autumn of 2012. The Panel membership should be expanded to a minimum of 5 members to facilitate this work.

It is hoped that the Council will accept our recommendations as appropriate given the current economic and political climate.

5. **Reasons for Preferred Solution**

- 5.1 The current national and regional economic situation is extremely difficult. We therefore do not consider it appropriate to recommend any change to the current level of Basic Allowance in terms of any retrospective review. We do think it important however that an appropriate mechanism be agreed for the national pay award assessment. We are recommending that the Panel continue its work in the coming months with a view to making a further and detailed report to the Council in the autumn at which point we will have been able to complete the additional pieces of work set out in the report.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 It is important to the Councils priority of transforming the Council to achieve excellence that the Council attracts and retains excellent Members while providing value for money

7. **Legal and Statutory Implications**

- 7.1 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

8. **Equality Impact Assessment**

- 8.1 The panel has taken due account of Equality issues.

9. **Financial and Resource Implications**

- 9.1 The table below is a summary of the costs of the current scheme and our proposals for 2012/13.

Costs of Members' Allowances Scheme

ROLE	No.	<u>Current</u>		<u>12/13 Proposal</u>	
		£	<u>Max Cost</u> £	£	<u>Max Cost</u> £
Leader of Council	1	13,590	13,590	13,590	13,590
Deputy Leader of Council	1	9,510	9,510	9,510	9,510
Cabinet Portfolio Member	6	5,660	33,960	5,660	33,960
Chair of Planning	1	4,230	4,230	4,230	4,230
Chair of Public Protection	1	3,430	3,430	3,430	3,430
Chair of Licensing	1	3,430	3,430	3,430	3,430
Chairs of Overview & Scrutiny Cttes	5	2,830	14,150	2,830	14,150
Chair of Audit & Risk Committee	1	2,830	2,830	2,830	2,830
Chair Standards Committee	1	2,830	2,830	2,830	2,830
Chair of Health Scrutiny	1	2,830	2,830	2,830	2,830
Chair of Conservation Advisory WP	1	0	0	0	0
Chair of Employees Consultative	1	0	0	0	0
Grants Assessment WP	1	0	0	0	0
Vice Chair Planning	1	1,410	1,410	1,410	1,410
Vice Chair Public Protection Ctte	1	1,130	1,130	1,130	1,130
Vice Chair Licensing Ctte	1	1,130	1,130	1,130	1,130
Vice Chairs Overview & Scrutiny	5	1,130	5,650	1,130	5,650
Vice Chair Standards Ctte	1	1,130	1,130	1,130	1,130
Vice Chair Audit & Risk Ctte	1	1,130	1,130	1,130	1,130
Group Leaders *	3	1,130	3,390	1,130	3,390
Basic Allowance	60	3,,365	201,900	3,365	201,900
Total			307,660		307,660

* Currently only 1 paid

10. **Major Risks**

- 10.1 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

12. **Key Decision Information**

- 12.1 This is a non-Executive decision

13. **Earlier Cabinet/Committee Resolutions**

275/08,783/07

15. **Background Papers**

None.