

# 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, 20th May, 2015*** at ***7.00 pm***.

## BUSINESS

- 1 **Apologies**
- 2 **MINUTES** (Pages 7 - 16)  
To consider the minutes of the previous meeting(s)
- 3 **DECLARATIONS OF INTEREST**  
To receive declarations of interest from Members on items contained within this agenda.
- 4 **ELECTION OF MAYOR 2015/2016**

When the Mayor has declared the result of the election, the Mayor preceded by the Mace Bearers, will retire to the Mayor's Parlour accompanied by the following:-

- Retiring Mayoress
- Retiring Consort
- Retiring High Constable
- Retiring Chaplain
- Chief Executive
- Mayor Designate
- Consort designate
- High Constable designate
- Chaplain designate

The incoming Mayor will then be robed and invested with the chain of office. The Mayoral party will then return to the Council Chamber in the following order:-

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

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

## **5 APPOINTMENT OF DEPUTY MAYOR 2015/2016**

Following the appointment of the Deputy Mayor, he/she will make the declaration of acceptance of office.

## **6 MAYORAL APPOINTMENTS**

The Mayor will announce the appointment of his/her:

Consort  
High Constable  
Chaplain  
Mace Bearers

## **7 Mayoral Address**

## **8 VOTE OF THANKS TO THE RETIRING MAYOR AND CONSORT**

In appreciation of their services during the past year, the retiring Mayor and Consort will be presented with their badges.

## **9 Response of the Retiring Mayor and Summary of the Mayoral Year.**

## **10 Mayors Announcements**

## **11 APPOINTMENT OF DEPUTY LEADER AND CABINET**

The Leader will report the appointment of his/her Cabinet and Deputy Leader for 2015/2016.

**12 Appointment of Committees, Chairs and Vice-Chairs 2015/2016**

**13 APPOINTMENTS OF REPRESENTATIVES ON OUTSIDE BODIES 2015/2016.**

The Council is requested to review its representation on outside bodies for 2015/2016.

In the case of any appointments made by office rather than by name, in the event of any change to the office holder these will automatically transfer to the new incumbent.

**14 Report - Planning Scheme of Delegation (Pages 17 - 30)**

**15 Report - Member Allowances (Pages 31 - 44)**

**16 Calendar of Meetings 2015/2016 (Pages 45 - 54)**

**17 RECEIPT OF PETITIONS (Pages 55 - 56)**

Petition attached in relation to the Butts, Thistleberry Parkway and Howard Place Green.

The petition has been submitted by Nigel Jones.

A full copy of the petition can be viewed on the website.

**18 STANDING ORDER 18 - URGENT BUSINESS**

To consider any communications pursuant to section 7 of the Council Procedural Rules in Appendix 7 of the Constitution.

**19 DISCLOSURE OF EXEMPT INFORMATION**

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 1, 2 and 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S.M.', written over a horizontal line.

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**

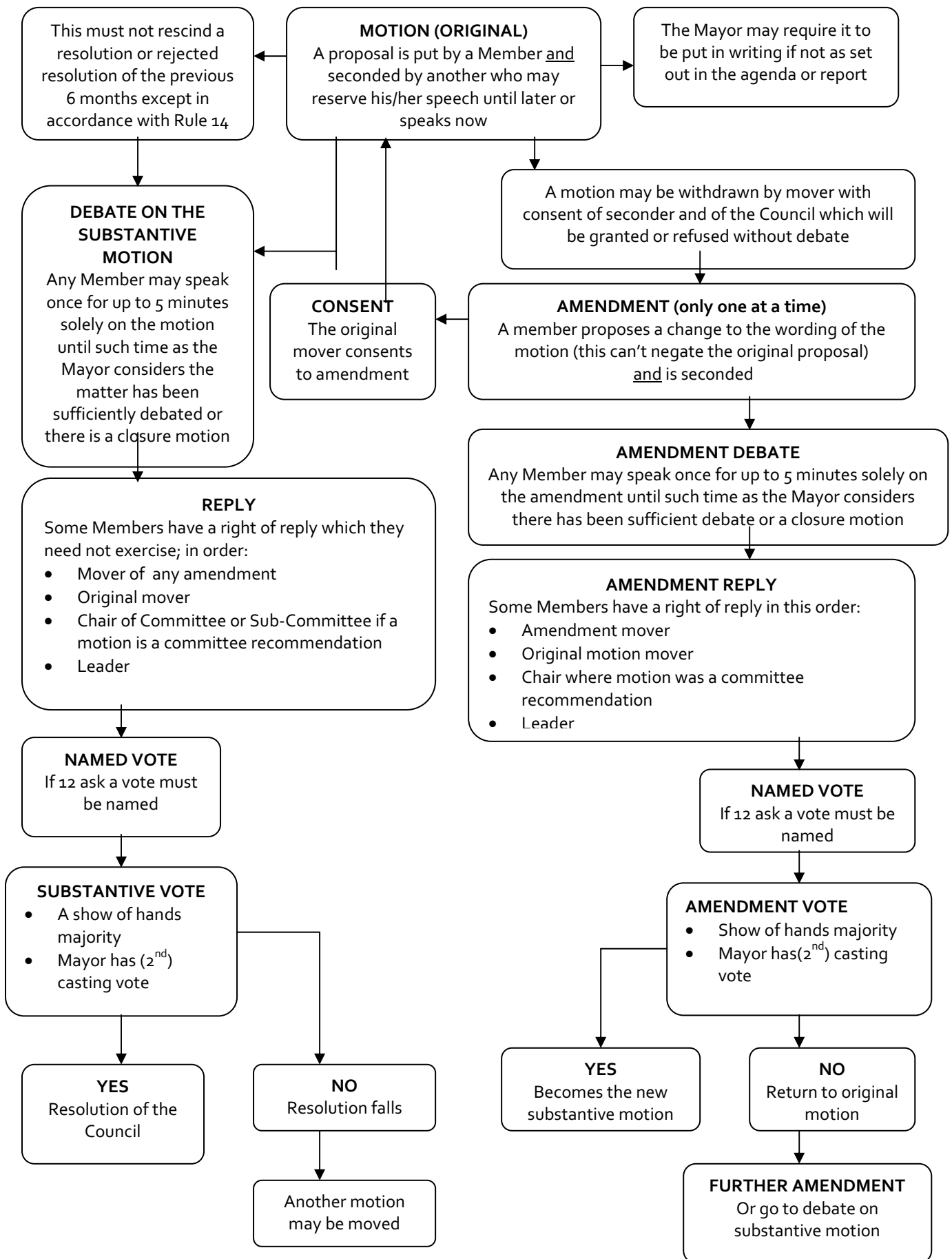
Please switch off all mobile phones before entering the Council Chamber.

### **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.



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**COUNCIL**

Wednesday, 15th April, 2015

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

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

1. **APOLOGIES**

Apologies were received from Cllr Fear, Cllr Bates, Cllr Olszewski and Cllr Mancey.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES**

That the minutes of the meeting held on Wednesday 25th February be approved with the following amendments:

1. That it be included in the minutes that the amendment put forward in relation to the Planning Scheme of Delegation was queried by the administration and ruled admissible by the Mayor.
2. That more detailed information regarding the response to Cllr Loades' question and his supplementary question be recorded as follows:

Question from Cllr Loades:

1. *Can the Portfolio holder inform Council of what action he is currently taking to resolve the current lack of a 5 year housing supply and when we can see a speedy resolution to this unacceptable situation?*

**Response from the Portfolio Holder:**

A new annual five year housing land supply statement, reflecting the position as at 1<sup>st</sup> April 2015 will be presented to Planning Committee in May and it is expected that Cabinet will then be invited in June to consider whether in the light of the supply position it wishes to prepare an interim planning statement.

The timescale reflects:

- the release of the 2012 household projections; and

- the annual monitoring update can only take place at the end of the monitoring year.

*This timescale will not permit us to take into consideration the planned SHLAA update.*

Cllr Loades stated that it was disappointing that the Council had to wait until May and asked what action had been taken over the last 28 months to review and update this?

The Portfolio Holder stated that a full written response would be provided.

#### **4. MAYORS ANNOUNCEMENTS**

The Mayor announced that her Spring Ball held at Keele University had been a huge success and had raised £1645 for her charity fund.

The Mayor announced that there were some sitting Councillors who would not be seeking re-election in May and invited Members to say a few words in recognition of their services to the Council and the people of the Borough.

The Members were:

Cllr Sophie Olszewski  
Cllr John Taylor  
Cllr David Becket

#### **5. MEMBERS ALLOWANCES**

A report was submitted requesting Members to review the Council's Scheme of Members Allowances.

A motion was submitted and seconded that the report be withdrawn and not put at this meeting on the basis that Council had not agreed to carry out the review.

A vote was taken as follows:

48 voted in favour of the amendment  
0 voted against  
5 abstained

**Resolved:** That the report be withdrawn from the agenda.

#### **6. CONSEQUENTIAL CHANGE TO THE CONSTITUTION**

A report was submitted by the Monitoring Officer to ensure that the Constitution was up to date and fully complies with statute.

**RESOLVED:**



- (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 notes 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

**7. LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015**

A report was submitted 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.

**RESOLVED:**

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.

**8. STATEMENT OF THE LEADER OF THE COUNCIL**

A statement was submitted by the Leader of the Council regarding work undertaken by the current administration since the last meeting of Full Council.

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

Reports were received from the Chairs of the Overview and Scrutiny Committees.

**Resolved:** That the reports be received.

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

Reports were received from the Chairs of the Regulatory Committees.

**Resolved:** That the reports be received.

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

In response to the question submitted by Cllr Becket, the Portfolio Holder stated that tourism was mainly a County Council function but accepted that more could be done by the Borough Council as the Town expanded and new attractions were brought in.

Cllr Becket agreed that the Borough did not need to carry out the in depth work but that areas such as better links on the website could be used.

The Portfolio Holder agreed and stated that better links would be used and information relating to the Town Centre Partnership would be included.

Cllr Sweeney raised a query regarding the rules of purdah and the publication of the Leader's Statement. The Chief Executive stated that the rules relating to Purdah would be attached to the minutes.

Regarding the question submitted by Cllr Loades, the Portfolio Holder confirmed that concurrent funding had not been discontinued and that a cross party working group was in the process of being set up.

Cllr Loades then requested confirmation that the parish and town councils would get the normal payments.

The Portfolio Holder stated that it was important to ensure that the money was being spent correctly before any further payments were made and that she would meet with Cllr Loades to discuss this.

**12. MOTIONS OF MEMBERS**

A motion was submitted as follows:

That this council proposes that 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

Proposed by Councillor Sweeney

Seconded by Councillor Loades

The Portfolio Holder for Finance and Resources proposed that under section 12.5 of the Council Procedure Rules, the motion be referred to the Economic and Development Scrutiny Committee.

This was seconded by The Leader.

Resolved:

That as per Council Procedure Rule 12.5, the motion shall stand referred without discussion to the Economic Development and Enterprise Scrutiny Committee.

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

# **Purdah: A short guide to publicity during the pre-election period**

# Purdah: A short guide to publicity during the pre-election period

## Introduction

In response to requests from council communications teams to produce a simple, updated guide to communications during the pre-election period (also known as 'purdah'), we are publishing this short guide.

This document provides advice on the publicity restrictions that should be observed during the purdah period. It should be read in conjunction with any guidance produced by your own Returning Officer or Monitoring Officer, which provides specific advice depending on your local circumstances.

The term 'purdah' has come into popular use across central and local government to describe the period of time immediately before elections or referendums when specific restrictions on communications activity are in place. The term 'pre-election period' is also used.

For general elections in the past this period commenced with the announcement of the election by the Prime Minister. This year, the Fixed-term Parliament Act 2011 has already set the date as 7 May 2015 and Parliament will be dissolved on 30 March 2015.

## 2015 Local Elections and the General Election

Many authorities (this includes councils, combined authorities and fire and police authorities) will have triple elections on 7 May 2015: parish and town councils, borough or district and unitary, and the General Election.

**This year's pre-election period starts on 30 March 2015.** Local government sometimes views this period as a time when communications has to shut down completely. This is not the case, and the ordinary functions of councils should continue, but some restrictions do apply, by law, to all councillors and officers.

## The Code

The Government published a new Code of Recommended Practice on Local Authority Publicity in 2011. The Code is based around seven principles to ensure that all communications activity:

- is lawful
- is cost effective
- is objective
- is even-handed
- is appropriate
- has regard to equality and diversity
- is issued with care during periods of heightened sensitivity.

This last principle, to ensure special care is taken during periods of heightened sensitivity is of particular relevance during the pre-election period.

## Legal basis and official guidance

The pre-election restrictions are governed by Section 2 of the Local Government Act 1986<sup>1</sup>, as amended in 1988<sup>2</sup>. Essentially councils, fire and police authorities and combined authorities should **“not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.”**

Section 4<sup>3</sup> of the Act makes clear that councils need to have regard for the code of recommended practice that supports the Act. A new code of practice was published in 2011<sup>4</sup> which replaced all previous guidance. The essential points from the code are:

- In general you should not issue any publicity which seeks to influence voters (an exception being situations covered by legislation or regulations directing publication of information about referendums for explanatory purposes, for example promoting the existence of the referendum and explaining how to take part).
- Particular care should be taken during the pre-election period to abide by the Act.
- Consider suspending hosting third party material or closing public forums if these are likely to breach the codes of practice.
- Do not publish any publicity on controversial issues or report views on proposals in a way which identifies them with individual councillors or groups of councillors.
- Publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.
- You are allowed to publish factual information which identifies the names, wards and parties of candidates at elections.

1 [www.legislation.gov.uk/ukpga/1986/10/section/2](http://www.legislation.gov.uk/ukpga/1986/10/section/2)

2 [www.legislation.gov.uk/ukpga/1988/9/section/27](http://www.legislation.gov.uk/ukpga/1988/9/section/27)

3 [www.legislation.gov.uk/ukpga/1986/10/section/4](http://www.legislation.gov.uk/ukpga/1986/10/section/4)

4 [www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity](http://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity)

Although this new code supersedes the previous versions and may seem less specific, in practice your conduct should be similar to previous elections.

## What this means in practice

Publicity is defined as **“any communication, in whatever form, addressed to the public at large or to a section of the public.”**

The first question to ask is 'could a reasonable person conclude that you were spending public money to influence the outcome of the election?' In other words it must pass the 'is it reasonable' test. When making your decision, you should consider the following:

You should **not**:

- produce publicity on matters which are politically controversial
- make references to individual politicians or groups in press releases
- arrange proactive media or events involving candidates
- issue photographs which include candidates
- supply council photographs or other materials to councillors or political group staff unless you have verified that they will not be used for campaigning purposes
- continue hosting third party blogs or e-communications
- help with national political visits (as this would involve using public money to support a particular candidate or party). These should be organised by political parties with no cost or resource implications for the council.

You should also **think carefully** before you:

- Continue to run campaign material to support your own local campaigns. If the campaign is already running and is non-controversial (for example, on issues like recycling or foster care) and would be a waste of public money to cancel or postpone them, then continue. However, you should always think carefully if a campaign could be deemed likely to influence the outcome of the election and you should not use councillors in press releases and events in pre-election periods. In such cases you should stop or defer them. An example might be a campaign on an issue which has been subject of local political debate and/or disagreement.
- Launch any new consultations. Unless it is a statutory duty, don't start any new consultations or publish report findings from consultation exercises, which could be politically sensitive.

You **are allowed** to:

- Continue to discharge normal council business (including determining planning applications, even if they are controversial).
- Publish factual information to counteract misleading, controversial or extreme (for example, racist/sexist information). An example might be a media story which is critical of the council, such as a media enquiry claiming that the salaries of all the council's senior managers have increased by five per cent. If this is not true, a response such as 'none of the council's senior management team have received any increase in salary in the last 12 months' is acceptable. It is perfectly right and proper that the council responds, **as long as it is factual**.
- Use relevant lead officers rather than members for reactive media releases.

- Use a politician who is involved in an election when the council is required to respond in particular circumstances, such as in an emergency situation or where there is a genuine need for a member-level response to an important event beyond the council's control. Normally this would be the civic mayor (as opposed to the elected mayor in those areas with elected mayors) or chairman (that is, someone holding a politically neutral role). If the issue is so serious, it is worth considering asking the council's group leaders to agree to a response which would involve all of them.
- If you are in any doubt, seek advice from your Returning Officer and/or Monitoring Officer, legal or communications colleagues.

Ultimately, you must always be guided by the principle of fairness. It is crucial that any decision you take would be seen as fair and reasonable by the public and those standing for office.

## Further guidance

You can find more information from the following:

- referring to advice published by your Returning Officer or Monitoring Officer
- the Code of Recommended Practice on Local Authority Publicity
- the LGcommunications leaflet, Cracking the Code
- annex A – template letter to councillors.

## Frequently Asked Questions

Does this guidance only apply to councils?	No. The Code of Recommended Practice on Local Authority Publicity covers the full range of authorities including councils, fire and police authorities and combined authorities.
What happens in an area where there is no local election? Do these rules still apply?	Yes. As this year is a general election year, the guidance applies to all local authorities, even if there are no local elections.
Do these rules apply to councillors who are not running for re-election	Council business continues so all sitting councillors, whether seeking re-election or not, are bound by the pre-election restrictions.
Can council officers get involved in campaigning in their own time?	Officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections, should not take part in a political campaign or canvass on behalf of a political party or candidate. Please check local arrangements.
Do the restrictions apply to officers who are members of a trade union?	Trade unions themselves are not bound by the Code, but individual officers are, and must have regard to the Code.
Can council press offices still put out press releases ahead of the election?	Yes, but with limitations. Official, factual press statements about council decisions for public information purposes may still be issued. However, no publicity should deal with controversial issues or report views or proposals in a way which identifies them with individual councillors or groups of councillors.
Can we use the chair of a council-commissioned review, who is up for re-election, as spokesperson for the report?	The best approach could be to delay publication of the review until after purdah. However, if there is an imperative to publish you should use another, non-political spokesperson.
Can we host a photo call for the council leader or other leading councillor to open a new council facility (such as a play park) during purdah?	No
Can councils sanction the use of schools for political purposes?	Schedule 5 of the Representation of the People Act 1983 covers the use of meeting rooms in school premises for parliamentary elections. The Registration Officer is required to keep lists of such premises.
Do the restrictions apply to council notice boards?	Councils are required to publicise details of the election and how to register to vote. Material relating to wider political issues should not be posted on official notice boards which may be seen by members of the public. This includes publicity issued by, or on behalf of, a trade union.

## Frequently Asked Questions

Can councillors issue their own press releases or talk to the media?	Councillors are free to talk to the media and issue press releases, but must not use council resources to do so.
Can councillors write letters 'for publication' to their local newspaper?	Yes, as long as they don't use council resources (such as staff) to help them do it.
Can councillors still tweet or blog?	Councillors can continue, but must not use council resources to do so.
Can councillors who are up for re-election refer to themselves as councillors in their public statements?	A person remains as a 'councillor' and can refer to themselves as such until they retire on the fourth day after the ordinary day of election.
Can councillors request to visit council establishments?	The guidance may vary by council. Generally reasonable requests by current members who are also candidates at the election to visit council establishments in the course of their council functions would be approved. Again, check local arrangements and any such visits must not be supported by the council's media team or council officers.
Can councillors speak/canvas at a student union (which is a registered charity) during the pre-election?	Yes they can. In fact it is to be expected. Councillors and those potentially standing for election can arrange to speak and canvass as long as these activities are not funded nor arranged by local authorities. The fact that the union is a charity has no bearing - the guidance applies to local authorities, not to other organisations.
Can the council still publish its newsletter/magazine during purdah?	Yes, if it is done in the ordinary course of business and meets all other purdah requirements.
What happens if there are protracted coalition negotiations? Does purdah continue beyond the election until a government is formed?	No. Purdah ends at 10pm on 7 May 2015.

## Acknowledgements

The LGA would like to thank LGcommunications, Coventry City Council, Warwickshire County Council and Eastleigh Borough Council in the creation of this document.



## 1. PROPOSED REVISIONS TO PLANNING SCHEME OF DELEGATION

**Submitted by:** Head of Planning

**Portfolio:** Planning and Assets

**Ward(s) affected:** All

### **Purpose of the Report**

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

### **Recommendation**

**That the revised Planning Scheme of Delegation set out in the Appendix to this report be adopted by the Council**

## 1. **Background**

The Planning Peer Review Team gave a recommendation to the Council that it re-examine the Scheme of Delegation to allow the Planning Committee to focus on major applications. In giving their feedback the Review Team commented as follows

*“Rates of delegated decisions have dropped below 90 per cent. This results in more applications being taken at the planning committee. During the on-site phase of the peer challenge we attended the planning committee which spent a long time discussing reserved matters applications. To ensure that the capacity of the committee is focused on strategic decision making we recommend that the Council reviews its codes and protocols to seek to increase rates of delegation to match the best in England.”*

Cabinet on the 12<sup>th</sup> November in resolving to agree an Action Plan in response to the Planning Peer Review Team’s report agreed to the following action - that the Council should review its Scheme of delegation (of its Planning functions) with particular reference to telecom apparatus, consultations by other authorities and historic building grant applications

The Scheme of Delegations forms part of the Council’s Constitution and any changes made will therefore need to be approved by Full Council. The Scheme of Delegation is part of the legal framework set by the Council governing the way it conducts its business. An appropriate Scheme of Delegation supports good governance and budgetary compliance

**The Planning Committee at its meeting on the 3<sup>rd</sup> February considered a report on the proposed changes and it is recommending to Council that the changes, set out in Appendix A to this report, be adopted by Council.**

## 2. **Issues**

This report is to request the consideration of Council to changes to certain delegations.

### 3. The existing Scheme of delegations of planning functions

The Scheme lists an extensive number of functions and indicates whether these functions, or authority to exercise a particular power, are to be exercised by the Planning Committee, by the Executive Director of Regeneration and Development, or in certain instances by both of the above.

The focus of this report is mainly on the authority to deal with applications, although the authority to deal with certain types of applications makes up a relatively small part of the Scheme of Delegation insofar as Planning functions are concerned.

With respect to the planning applications the position at present is that applications broadly fall to be determined by the Executive Director - i.e. under delegated powers, unless they are for Major Development, as defined by the Department for Communities and Local Government (DCLG), for the demolition of any Listed Building (of whatever Grade), and for the alteration or extension of a Grade 1 or 2\* Listed Building. Such applications **automatically** come before the Planning Committee, regardless of any member interest expressed or judgement by officers.

In addition to these criteria set out in the Scheme of Delegation, in the case of several delegated functions (with respect to applications) there is a right of two or more Members to 'call in' an application for determination by the Planning Committee. Such call-ins have to be made within 10 working days of the publication of the weekly list of applications received. Those who have called in an application are also provided, where there is the opportunity to do so, with the ability to withdraw such a call in (by the provision to them of a draft of the report to the Committee).

There are other criteria which lead to applications being brought to the Planning Committee – principally relating to issues of probity and transparency

As indicated above the Planning Peer Review Team made comment about the fact that the Planning Committee observed by them (on the 15<sup>th</sup> July 2014) considered applications for the approval of reserved matters of several Major Developments. Their view, it would appear, was that given that such developments had already outline planning permission the Committee, by considering the subsequent reserved matters, was not sufficiently focussed on strategic decision making. As Members will be aware an outline planning permission can reserve for subsequent decision making a number of matters – scale, layout, appearance, access and landscaping. Each of these terms is defined in legislation.

Your Officer's view is that to remove from the list of applications which automatically come before the Planning Committee those for the approval of reserved matters for major developments would not be justified – in that these are still applications for Major Development. There is however one suggested exception. In recent years, principally in order to defer the significant additional fees associated with of applications for full planning permission it has been the practice of some agents to make applications for outline planning permission with the **only** reserved matter being the landscaping details of the development. It is considered that recognising the limited likely interest of landscaping matters, and the often technical nature of judgements, it would be appropriate to no longer require such applications automatically to come before the Planning Committee. This is **Proposal No.1** within this report. Such applications could still of course be "called in".

At present all applications for the prior approval of telecommunication apparatus (i.e. those which do not require planning permission) automatically come before the Planning Committee. With respect this appears, to your Officer, to be serving, no clear purpose and whilst the number of such applications has varied considerably over time, they do insofar as they require Members of the Committee to read the reports upon them divert the attention of

Members, and a change to the Scheme of Delegation appears appropriate. This is **Proposal No.2** within this report.

Whilst not covered by the existing Scheme of Delegation Members may wish to note that it has been the practice of your Officer to automatically bring any applications for planning permission for telecommunication development to the Planning Committee for determination. Such a practice has been in line with a recommendation of the former Telecommunications Working Party which met in 2006, and a subsequent resolution of the Planning Committee at its meeting on the 14th March 2006. Your Officer's view is that such an approach is no longer appropriate in that the evidence is that telecommunication apparatus applications are, it would appear, no longer matters of such controversy as they may have been in the mid 2000's. Members if they wish will be able to call in such applications for consideration by the Planning Committee

As indicated above most of the delegated functions, at least with respect to applications, are subject to a right of call in. At present upon the receipt of sufficient number of call in requests, in writing and by the due date, the application, unless the call-in is subsequently withdrawn, proceeds to be determined by the Committee. In some authorities the Chairman has the right, reflecting their role with respect to the business of the Committee, to reject requests by Members that an application be considered by the respective Planning Committee. Whether the existence of this right would make any substantive difference to the business of the Committee is of course entirely a matter for speculation. Your Officer acknowledges that in the absence of agreed criteria (for the rejection of call -ins) it would place the Chair in a difficult position with respect to the Members who were wanting the application to be considered by the Committee. Devising and defining such criteria would be fraught with difficulty. Your Officer is not, for this reason, putting forward this proposal.

Examination of call in records suggest that whilst Members are strongly encouraged to speak to officers before submitting a call in, this does not happen in a significant number of cases. It is only speculation but this could be because the Members concerned know that they will be able to decide later on to withdraw their call in, or it may relate to difficulties officers and Members have in making contact at short notice for such discussions. There is the possibility that by lengthening the period (currently 10 days) to say 15 days, Members might feel more able to take a more considered view on whether or not to call in an application, and this could reduce the number of call ins coming to the Committee. The period within which an application can be called in commences upon the publication of what is termed the weekly list of applications received. Such lists are currently normally produced on the Friday of the following week - which can mean that an application does not appear on such a list until up to 11 days have passed – if it has been received and was valid on the preceding Monday. For an application to be found valid it has to go through various checks by Support officers and in the case of Major applications by Senior Planning Officers. To avoid a situation, with an extended 15 day call in period where it frequently became inevitable that if an application was called in it would not come to the Committee until after the 8 week date, a change in the day of the week when the weekly list is produced is essential. This will be challenging for the Service, but necessary. **Proposal No.3** is therefore to extend the call in period to 15 working days, with it becoming a precondition of a call in that each Member involved has spoken beforehand either to the Planning Officer or to the Development Management Team Leader.

As Members will note the existing scheme of delegation seeks to allow for the exercise of delegated authority only to where the decision is in accordance with the development plan and other relevant material considerations, most notably national guidance. The redrafting of this section of a general delegated authority requires updating to reflect current national guidance anyway and this is **Proposal No.4**.

Members will have noted that because of this requirement that delegated decisions must be in accordance with the development plan and other relevant considerations, including

national guidance, officers are bringing quite frequently to the Committee decisions on extensions to dwellings and equestrian developments because the conclusion reached, by officers, that the developments constitute inappropriate development within the Green Belt. It is considered that little value is added by this particular process in general so **Proposal No.5** would enable officers to determine, with respect to inappropriate development consisting of either domestic extensions or what might be termed small scale equestrian development, such applications. Again the possibility that such applications might be 'called in' remains.

The existing scheme of delegation requires that if the Council is consulted, by another adjoining Local Planning Authority, or by the County Council, upon any application for Major Development, determination of the Council's comments can only be made by the Planning Committee. Given that the Borough Council is not acting as the Local Planning Authority in such instances it would appear unnecessary for the Planning Committee to be asked for its views on consultations on applications for approval of reserved matters – the Borough Council having already had the opportunity to comment on the principle of the development at Outline stage. This is **Proposal No.6**. Such consultations are not subject to a right of 'call in'.

The Government is strongly promoting the use of Planning Performance Agreements by Local Planning Authorities. Such agreements are entered into by applicants and Local Planning Authorities and deal with matters of process – for example the timescale within which an intended application is to be brought to the Committee, or how quickly an applicant is to respond to requests for additional information. In that there is perhaps some uncertainty as to whether there is a clear authority to enter into such agreements, the agreed Action Plan arising from the Planning Peer Review includes an action that this uncertainty should be resolved and this is **Proposal No.7**.

Some minor miscellaneous amendments to the existing scheme of delegated – for example including for the first time the authority to determine applications for certificates of lawfulness of works to Listed Buildings (**Proposal No.8**) – arising from a recent amendment to the Listed Buildings and Conservation Areas Act – have been included in the proposals.

The Action Plan following the Planning Peer Review indicated that particular consideration should be given to whether decisions on the award of Historic Building Grants should continue to be made by the Planning Committee. It can be confirmed that such decisions, according to the Council's Constitution, fall within the remit of the Planning Committee, rather than Cabinet. The authority to determine such applications is not referred to in the existing scheme of delegations (which includes delegations both to the Planning Committee and the Executive Director). The current procedure is that the Planning Committee receives a report on each application, and is provided with the views of the Council's Conservation Advisory Working Party on that application. Given the relatively limited number of such applications per annum, the limited resources available within the Heritage Fund, and the difficulty of devising a set of criteria to determine which projects should receive funding and which should not (beyond those criteria which are already agreed) it is considered that such decisions could remain within the remit of the Planning Committee, without harm to the objective of a focus on applications for Major development and no change is recommended in this respect.

#### 4. The proposed changes

In summary the proposals being recommended to Council, which have been endorsed by the Planning Committee, and are indicated in Appendix A are as follows

**Proposal No.1** – That Reserved Matters applications for Major development, where the only reserved matter is landscaping, would not automatically require to come before the Planning Committee

**Proposal No.2** - That applications for telecommunication apparatus would not automatically require to come before the Planning Committee

**Proposal No.3** – To extend the call in period to 15 working days, with it being a precondition of a call in that at least each Member involved has spoken beforehand either to the Planning Officer or to the Development Management Team Leader about the application.

**Proposal No.4** – To redraft the general statement concerning the requirement for delegated decisions to be made in accordance with the development plan and other material considerations

**Proposal No.5** – That notwithstanding Proposal No.4 Officers have delegated authority to determine applications for extensions to dwellings and small scale equestrian developments, even if they are considered to constitute inappropriate development in Green Belt terms

**Proposal No.6** – That consultations from adjoining Councils or the County Council on applications for the approval of reserved matters of outline planning permissions for Major Development are able to be responded to by the Executive Director

**Proposal No.7** – That the authority to enter into a Planning Performance Agreement be given to the Executive Director

**Proposal No.8** – That the authority to determine applications for certificates of lawfulness of works to Listed Buildings be given to the Executive Director

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## **SPECIFIC FUNCTIONS**

### **PLANNING FUNCTIONS**

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
(2) (a)	<p>To determine applications for planning permission, consent or approval (i.e. outline permission, full permission, change of use, temporary permission, listed building consent, approval of reserved matters or approval of details, (unless required by the conditions of an express grant of planning permission)) for which permission or approval may be granted or refused in accordance with the policies of the approved development plan for the area, <u>local finance considerations and any other material considerations, all of the above so far as material to the application,</u> <del>national guidance, the emerging development plan and supplementary planning guidance having regard to the appropriate weight to be given to each of these in accordance with S.70(2) of the Town and Country Planning Act 1990, as amended and S.38(6) of the Planning and Compulsory Purchase Act 2004</del> and in the case of <u>applications for householder developments and small-scale equestrian developments without such limit</u>; <u>unless</u> two or more Members by notice in writing within <u>10-15</u> working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u></p> <p>This class to exclude:</p> <p>(i) All Major Developments (major residential proposals are those involving 10 or more dwellings or, where the number is not known, half an hectare <u>and</u>; <del>For for</del> all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or where, if the floorspace is not known, the site area is one hectare or more) <u>unless the application is only for approval of the reserved matter of landscaping.</u></p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p>	Executive Director (Regeneration and Development)

	(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
2(b)	To determine applications for approval of details where required by the conditions of an express grant of planning permission (except for applications for approval of reserved matters of an outline planning permission) for which approval may be granted or refused in accordance with the policies of the approved development plan for the area, <u>local finance considerations and any other material considerations, all of the above so far as material to the application, national guidance, the emerging development plan and supplementary planning guidance having regard to the appropriate weight to be given to each of these in accordance with Section 70(2) of the Town and Country Planning Act 1990, as amended and Section 38(6) of the Planning and Compulsory Purchase Act 2004 ;</u>	Executive Director (Regeneration and Development)
2(d)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development within the following Classes – IA (change of use of shops to dwellings), J (change of use of offices to dwellings), K (change of use of buildings to schools), M (change of use to a flexible use), MA (change of use of agricultural buildings to schools and nurseries) and Class MB (change of use of agricultural buildings to dwellings) - of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order; <u>unless</u> two or more Members by notice in writing within 150 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u>	Executive Director (Regeneration and Development)
(2)(e)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development under Parts 6 and 7 to the Town and Country Planning (General Permitted Development) Order (agricultural and forestry buildings and associated developments); <u>unless</u>	Executive Director (Regeneration and Development)



	two or more Members by notice in writing within 150 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u>	
(2)(f)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code system Operators that includes antennas installed on a building or structure <u>unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application</u>	<u>Planning Committee Executive Director (Regeneration and Development)</u>
(2)(g)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code System Operators, that does not include antennas installed on a building or structure	Executive Director (Regeneration and Development)
(2)(h)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given to otherwise permitted development under Part 31 to the Town and Country Planning (General Permitted Development) Order 1995 – demolition of buildings; <u>unless</u> two or more Members by notice in writing within 150 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning</u>	Executive Director (Regeneration and Development)

	<u>Officer dealing with the application or to the Development management Team Leader about the application</u>	
(3) (a)	To comment on County Matters  (This class to exclude all Major Developments – where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more.) <u>unless the application is for the approval of reserved matters of an outline planning permission</u>	Executive Director (Regeneration and Development)
(3) (b)	To comment on County Matters that are for Major Development – where the floorspace to be built is 1000 square metres or more or, where floorspace is not known, the site area is one hectare or more <u>unless the application is for the approval of reserved matters of an outline planning permission</u>	Planning Committee
(4)	To identify planning applications on which the County Planning Authority <u>or neighbouring Councils</u> should be consulted (Local Government Act 1972, Sch.16 (as amended))	Executive Director (Regeneration and Development)
(10) (a)	To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations. This class to exclude:	Executive Director (Regeneration and Development)
(i)	All Major Developments <u>unless the application is for the approval of reserved matters of an outline planning permission</u> . Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and</u> - fFor all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more	
(ii)	Any proposals for the demolition, as defined in national guidance, of a Listed Building	
(iii)	Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
(10) (b)	To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations which are for:	Planning Committee
(i)	All Major Developments <u>unless the application is for the approval of reserved matters of an</u>	

<p>(ii)</p> <p>(iii)</p>	<p><u>outline planning permission</u>. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and- f</u>For all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
<p>(11) (a)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p>	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and the likely impact upon the interests of the Borough. This class to exclude:</p> <p>All Major Developments <u>unless the application is for the approval of the reserved matters of an outline planning permission</u>. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and- f</u>For all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	<p>Executive Director (Regeneration and Development)</p>
<p>(11) (b)</p> <p>(i)</p>	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and proposals and the likely impact upon the interests of the Borough, such proposals being for:</p> <p>All Major Developments <u>unless the application is for the approval of the reserved matters of an outline planning permission</u>. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and- f</u>For all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p>	<p>Planning Committee</p>

(ii)	Any proposals for the demolition, as defined in national guidance, of a Listed Building	
(iii)	Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
<del>(27)</del>	<del>To exercise all the Council's powers under the provisions of the Town and Country Planning Act 1990 and Regulations made thereunder relating to the revocation and modification of planning permission; the discontinuance of use or alteration of buildings or works; Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995; and termination of planning permission by reference to time limits (Completion Notices)</del>	<del>Planning Committee</del>
<del>(28)</del>	<del>To determine whether the prior approval of the Council will be required in relation to developments proposed under the following Classes— IA (change of use of shops to dwellings), J (change of use of offices to dwellings), K (change of use of buildings to schools), M (change of use to a flexible use), MA (change of use of agricultural buildings to schools and nurseries) and Class MB (change of use of agricultural buildings to dwellings)—of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order unless two or more Members by notice in writing within 10 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee</del>	<del>Executive Director (Regeneration and Development)</del>
<del>(29)</del>	<del>To determine whether the prior approval of the Council will be required in relation to developments proposed under Parts 6 and 7 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995— agricultural/forestry buildings and operations ; unless two or more Members by notice in writing within 10 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee</del>	<del>Executive Director (Regeneration and Development)</del>
<del>(30)</del> <del>(a)</del>	<del>To determine whether the prior approval of the Council is required in relation to developments proposed under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, for any development by Telecommunications Code</del>	<del>Planning Committee</del>

	<del>System Operators, that includes antennas installed on a building or structure</del>	
<del>(31) (b)</del>	<del>To determine whether the prior approval of the Council is required, in accordance with Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, for any development by Telecommunications Code System Operators, that does not include antennas installed on a building or structure</del>	<del>Executive Director (Regeneration and Development)</del>
<del>(32)</del>	<del>To determine whether the prior approval of the Council will be required in relation to developments proposed under Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 – the demolition of buildings; unless two or more Members by notice in writing within 10 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee</del>	<del>Executive Director (Regeneration and Development)</del>
<del>(30)(36)</del>	To determine applications submitted under the Anti-social Behaviour Act 2003 (Part 8, High Hedges) unless two or more Members by notice in writing within 150 working days of the date of publication of the weekly list of applications received require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u>	Executive Director (Regeneration and Development)
<del>(35)</del>	<del>To determine applications for a certificate of lawfulness of works to a Listed building (Listed Buildings and Conservation Areas Act, as amended)</del>	<del>Executive Director (Regeneration and Development)</del>
<del>(36)</del>	<del>To enter in Planning Performance Agreements on behalf of the Council</del>	<del>Executive Director (Regeneration and Development)</del>
<del>(37)</del>	<del>To authorise the making of a Local Development Order</del>	<del>Planning Committee</del>

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Formatted Table

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1.     **REPORT TITLE**                     **Scheme of Member Allowances**
- Submitted by:**                 **(Democratic Services Manager)**
- Portfolio:**                     **(Finance and Resources)**
- Ward(s) affected:**             **(All)**

**Purpose of the Report**

For Council to confirm the current scheme of Member Allowances for the Municipal Year 2015/2016

**Recommendations**

That the current scheme of Member Allowances be retained for the Municipal Year 2015/16.

1.     **Background**

At its meeting on 15 April 2015 the Council resolved to withdraw from the agenda an item on Member allowances.

Under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 the Council must before the beginning of each year, agree a scheme which provides for the payment of an allowance to each member of an authority. The amount of such an allowance must be the same for each member (basic allowance). Such a scheme may also provide for a Special Responsibility allowance to such members of the authority and these must also be specified in the scheme.

It is therefore recommended to ensure that the Council's scheme of Member allowances remains compliant that the Council confirms that the current scheme of allowances as set out in Appendix 1 is retained for the Municipal Year 2015/16.

**List of Appendices**

Current Scheme of Member Allowances

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## PART 6

### **MEMBERS' ALLOWANCES SCHEME**

#### **1. Introduction**

- 1.1 The Government introduced new arrangements for the payment of allowances to members of local authorities with effect from 1<sup>st</sup> April 1991. The Regulations were amended in 2001 and 2003. The purpose of this guidance is to explain those arrangements and to provide advice on Members' entitlement to allowances and expenses.
- 1.2 It is extremely important, both from the Member's personal point of view and for the Council, that entitlements under these arrangements are fully understood and that the possibility of erroneous claims is avoided.
- 1.3 Set out in Annex 1 below is the Council's Scheme for the payment of Members' Allowances covered by the 1991 Regulations, as amended by the 2001 and 2003 Regulations.
- 1.4 This guidance addresses the various aspects of allowances payable to Members. It replaces all previous guidance issued by the Council on this subject.
- 1.5 Members may obtain further information, if necessary, from the Chief Executive and/or from the Executive Director – Resources and Support Services.

#### **2. Statutory Requirements**

- 2.1 Five provisions in the Local Government Act 1972 relating to councils remain in force:
  - Sections 3 and 5 respectively authorise the payment of allowances to the Mayor and Deputy Mayor of the Council;
  - Section 173 authorises the payment of financial loss allowances to co-opted Members, but to no-one else;
  - Section 174 authorises the payment of travelling and subsistence allowances in respect of 'approved duties'; and
  - Section 175 authorises the payment of travelling and subsistence allowances in respect of attendances at conferences or meetings convened to discuss matters relating to the interests of the area or its inhabitants.
- 2.2 The primary legislation under which the main allowances are now paid is Section 18 of the Local Government and Housing Act 1989. The Local Authorities (Members' Allowances) Regulations 1991, as

amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 2001 and 2003, issued under that Act, prescribe the detailed controls and require authorities to make a scheme covering the payment of certain allowances to Members.

### **3. Different Types of Allowance**

The allowances to which Members may be entitled are listed below:

Basic allowance  
Special responsibility allowance  
Travelling allowance  
Subsistence allowance  
Financial loss allowance (for co-opted Members only)  
Carer's Allowance.

### **4. How the Allowances are Determined**

- 4.1 The Borough Council is required by law to pay a basic allowance, the amount of which is at the Council's discretion. The Borough Council pays a basic allowance which takes all aspects of the role of a Member into account, other than special responsibilities, and does not pay attendance allowances.
- 4.2 In respect of the payment of allowances covered by the previous paragraph, the Borough Council makes financial provision for these allowances within the revenue estimates.
- 4.3 Travelling allowance, subsistence allowance and, in relation to co-opted Members, financial loss allowance are all controlled by regulations which specify the maximum rates that can be paid. The Borough Council will pay those allowances within the statutory limits in the case of all approved duties without budgetary limitation.
- 4.4 Periodically an independent panel appointed by the Council will review all allowances that Members are entitled to and will report their recommendations to Council, who will then decide whether or not to accept their recommendations. Each year the Council must publish a list of the amounts each Member has received.

### **5. Basic Allowance**

- 5.1 An elected Member is entitled to receive a basic allowance for each year from 1<sup>st</sup> April to 31<sup>st</sup> March. By law the amount of basic allowance has to be the same for each Member during that period. A Member who is not a Member for the whole of the financial year receives an allowance reduced proportionately as provided for in the Scheme. For ease of administration the Council's Scheme covers the Municipal Year, i.e. from the first Monday following the day of Council elections in May.
- 5.2 The Borough Council has decided that the annual basic allowance will be paid by 12 monthly instalments in advance on the 20<sup>th</sup> day of each

month. There may be a small delay in making the first payment following the election of a new Member.

## **6. Special Responsibility Allowances**

- 6.1 The Regulations permit the Borough Council to pay an allowance to certain councillors who have special responsibilities which must be defined in the Scheme. Those special responsibilities have to fall within certain categories defined in the Regulations.
- 6.2 The amounts paid to individual councillors can differ and the annual allowance is reduced proportionately for any period during the year when a councillor does not have special responsibilities.
- 6.3 The special responsibility allowance is paid by 12 monthly instalments in advance on the 20<sup>th</sup> day of each month. The first payment will be made after the Annual Council Meeting when the various roles and responsibilities have been determined.

## **7. Travelling Allowance**

- 7.1 A Member is entitled to claim travelling allowance when expenditure is incurred on travelling to attend an approved duty. The rates applicable to this allowance are shown on the claim form.
- 7.2 If a Member is using his own transport, the mileage claimed should be that taken on the shortest practicable route, though time taken as well as distance can be taken into account. The mileage claimed for must, if necessary, be properly justified, for example by the Member recording a detailed description of his route, particularly if additional mileage results from, for example, authorised visits to other sites on the route.
- 7.3 When it is financially advantageous to the Council to do so, Members should use any transport arranged by officers to travel to meetings or site visits etc.
- 7.4 If the Member uses public transport facilities, then the following rates apply:

<b>MODE OF TRAVEL</b>	<b>MAXIMUM RATES</b>
Public transport (within Borough)	Standard rail fare or ordinary or any available cheap bus fares
Public transport (outside Borough)	<p>Ordinary or any available cheap bus fares. Insofar as concerns standard or first class rail fares, expenditure on:</p> <ul style="list-style-type: none"> <li>▪ Pullman car or similar supplements, reservation of seats and deposit or portorage of luggage</li> <li>▪ Sleeping accommodation engaged by the</li> </ul>

	<p>Member for an overnight journey subject, however, to reduction by one third of any subsistence allowance payable to him/her for that accommodation</p> <p>NOTE: Where convenient, Members travelling by rail to places outside the county should obtain travel warrants from Democratic Services.</p>
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<p>Taxi cab or cabs</p> <ul style="list-style-type: none"> <li>▪ In cases of urgency or where no public transport is reasonably available</li> <li>▪ In other cases</li> </ul>	<p>Actual fare and reasonable gratuity</p> <p>Not exceeding the amount of the fare for travel by appropriate public transport.</p> <p>NOTE: In claims relating to the hire of taxis or cabs, Members should indicate on the claim form, or in an accompanying letter, the circumstances in which the expenditure was incurred; whether it was incurred on grounds of urgency or because there were no public facilities available.</p>
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**8. Subsistence Allowance**

8.1 A Member is entitled to claim subsistence allowance at the rates adopted by the Borough Council from time to time which have to be within the limits prescribed by regulations. The current rates will be printed on the forms issued by Democratic Services on which Members have to make claims. In calculating the period of absence, time properly spent in travelling to and from the meeting can be taken into account (see section 9 below).

8.2 To be entitled to claim, a Member is required to certify that expenditure has actually been incurred by him on subsistence. The actual expenditure may be more or less than the allowance claimed. The appropriate charge for all meals taken at premises owned or administered by the Council should be paid. However, if a meal is made available free of charge from any source during the period to which the allowance relates, then the appropriate amount must be deducted from the claim. The amount of the reduction should be:

For one free meal the equivalent of the prescribed subsistence allowance for a period of over 4 and up to 8 hours;

For two free meals as above but for a period of over 8 and up to 12 hours;

For three free meals as above but for a period of over 12 and up to 16 hours.

- 8.3 Where main meals (i.e. breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full, provided the time on duty meets the conditions set out on the reverse of the claim form. In such circumstances, reimbursement of the reasonable cost of a meal would replace the entitlement to the day subsistence rate for the appropriate period.
- 8.4 There may be times when a Member is required to be away overnight. On those occasions, special overnight allowances apply.
- 8.5 If a Member travels abroad on Council business the standard subsistence allowance does not apply. In those circumstances, a Member is entitled to expenses reasonably incurred together with a small daily allowance for personal out of pocket expenses.
- 8.6 The Democratic Services Manager will supply details of these allowances on request.

## **9. Carer's Allowance**

The Borough Council will pay an amount of £5.15 per hour (or the national minimum wage hourly rate) to those Members who incur expenditure in paying someone to look after a relative in order that they may attend a meeting of the Council. Reasonable travelling time may be taken into account in calculating the time.

## **10. Calculating the Time Allowed**

- 10.1 Reasonable travelling time is allowed for in calculating the period of absence for the purpose of claiming subsistence allowances.
- 10.2 It occasionally happens that a Member of the Council moves home to somewhere outside the Borough but remains as a councillor until the next Council election. Additionally, a Member may be required to work outside the Borough area on a temporary basis. In either of these circumstances the councillor is requested to discuss the arrangements for travelling and subsistence claims with his Group Leader and the Chief Executive.

## **11. Overseas Visits**

- 11.1 Members may occasionally be required to make overseas visits on Council business in connection with one or other of the specific functions of the Council. In those circumstances, travelling and subsistence costs can be reimbursed provided they are 'reasonable'.

11.2 Section 175 of the 1972 Act authorises attendance at conferences or meetings overseas provided that they are convened by any person or body for the purpose of discussing matters which, in the opinion of the Council, relate to the interests of its area or its inhabitants (but not for trade, business or political purposes).

11.3 Section 176 of the 1972 Act authorises the reimbursement of travelling and subsistence expenses reasonably incurred by, or on behalf of, Members in making official or courtesy visits outside the U.K. on behalf of the Council.

## **12. Submission and Payment of Claims**

12.1 The Council's scheme requires Members to submit all claims for allowances within two months of the end of the month to which the claim relates. Allowances may be forfeited if not promptly claimed.

12.2 The list of events, functions, meetings, outside bodies, conferences and courses at which attendance is authorised by the Council are maintained by the Democratic Services Manager from whom copies can be obtained.

12.3 Members are required to complete the claim for travelling and subsistence in respect of attendance at any authorised event, function, meeting, outside body, conference, or course listed on the Council's lists.

12.4 If payment is to be made in the month following the performance of the duties, the completed claim form must be received by the Democratic Services Manager by the second working day of the month in which payment is to be made.

12.5 If, as an appointee, or nominee, of the Council, a Member is asked to attend a meeting of a body which is not on the Council's lists of authorised events, functions, meetings, outside bodies, conferences and courses, then travelling and subsistence allowances can only be claimed if attendance has been approved by the Council beforehand for this purpose. Such approvals must be given before attendance, otherwise any allowance may not be payable.

12.6 If a Member has been appointed to serve on an outside body for which attendance is not regarded by the Council as an approved duty for the purpose of the payment of a Member's allowance, i.e. a body which is not included in the lists of bodies referred to in paragraph 12.2 above, or approved in paragraph 12.5 above, the Member may, in some cases, claim direct from the outside body concerned. In such cases, the Member may wish to consult the body concerned.

## **13. Tax, National Insurance, Sickness and Pensions**

- 13.1 Basic and special responsibility allowances and the allowances paid to the Mayor and Deputy Mayor of the Council are all liable to tax under Schedule E. The allowances are paid through a payroll which accounts for the tax on the PAYE system using a code number issued by Her Majesty's Revenue and Customs (HMRC). In arriving at the code number, it is a matter for the individual Member to agree direct with the Inland Revenue any allowances/expenses which may help to reduce the tax liability. Subsistence claims for meetings in Council buildings are also taxable. More detailed guidance on HMRC practice is available from the Executive Director – Resources and Support Services.
- 13.2 The same allowances are liable for National Insurance Class I contributions notwithstanding that the Member may be employed elsewhere or be self-employed, unless:
- (a) The allowances due for the month are less than an amount prescribed from time to time by HMRC; or
  - (b) The Member is male and over 65 years old or female and over the State Pension age.
- 13.3 It is understood that the Department for Work and Pensions (DWP) may regard a Member's basic and special responsibility allowances as affecting, for DWP purposes, that Member's entitlement to benefits. Claiming such allowance(s) could, therefore, affect a Member's entitlement to benefits. In these circumstances, he/she should seek advice from the DWP.
- 13.4 Under self assessment regulations, Members are required to declare to HMRC any taxable benefits they receive. Such benefits may arise if Members are deemed to have made a profit on mileage allowances, or if they are provided with certain other facilities, for example with a computer at less than the full cost of provision. Any Member who has received a taxable benefit will be provided with a form P11d by the Head of Human Resources which will provide the information to be declared to HMRC, and from whom further advice is available on request.
- 13.5 It is also possible that the payment of basic or special responsibility allowance(s) or an allowance to the Mayor or Deputy Mayor of the Council could affect a Member's entitlement to an occupational pension or other financial arrangements with previous employers.
- 13.6 Members who are unable to perform duties in that capacity as a result of sickness in some circumstances may be eligible for statutory sick pay.
- 14. What if a Member does not wish to be paid allowances?**

A Member who wishes to forego the right to be paid any of the allowances covered by the Council's scheme may do so in writing to the

Chief Executive specifying which allowance(s) the Member elects to forego and the date(s) upon which the election is to become effective. Such an election may not be revoked until the following 1st April. However, not claiming an allowance may still have an effect on certain DWP benefits.

**15. Members' Responsibilities**

It is the personal responsibility of the Member to ensure the accuracy of all information entered on his claim forms relating to duties performed. Processes arranged by the Chief Executive are designed to ensure that all claims relate to properly approved duties. The Executive Director – Resources and Support Services will ensure that the correct financial limits on the various allowances are complied with. In all other respects, Members are accountable for the accuracy and reasonableness of their claims.



## Annex 1

### **The Borough Council's Scheme for the Payment of Members' Basic and Special Responsibility Allowances**

The Borough Council of Newcastle-under-Lyme, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 2001 and 2003, hereby make the following scheme:

1. This Scheme, which contains amendments made in accordance with Section 7 of the 1991 Regulations, may be cited as the Borough Council of Newcastle-under-Lyme Members' Allowances Scheme and shall have effect from the Monday following ordinary elections in May each year.

2. In this Scheme:

'Councillor' means a Member of the Borough Council of Newcastle-under-Lyme who is a councillor;

'Year' means the 12 months ending on the Sunday following ordinary elections in May each year;

'Council Election' means an election for the appointment of all councillors and does not include by-elections.

3. *Basic Allowance*

Subject to paragraph 6, the total amount payable to each councillor for a year is set out in the Schedule below. The basic allowance is payable monthly in advance on the 20th day of each month. The first payment will be paid as soon as practicable following election.

4. *Special Responsibility Allowance*

- 4.1 For each year a special responsibility allowance shall be paid to those councillors who hold special responsibilities in relation to the authority which fall within the categories defined in paragraph 9 of the Regulations and as specified in the Schedule to this Scheme.

- 4.2 These payments will be made on 20<sup>th</sup> of each month except the first payment which will be made as soon as possible after the Annual Council Meeting when roles and responsibilities have been determined.

- 4.3 Subject to paragraph 6, the amount of each such allowance paid in the year shall be the amount specified against that special responsibility in the Schedule to this Scheme.

5. *Renunciation*

- 5.1 A councillor may, by notice given to the Chief Executive elect to forego any part of his or her entitlement to an allowance under paragraphs 3 and 4 of this Scheme.
- 5.2 Any such notice shall specify the effective date of renunciation and once given the notice may not be revoked otherwise than with effect from 1<sup>st</sup> April in any year.

6. *Part-year Entitlement*

6.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year:

- (a) this Scheme is amended; or
- (b) that person becomes or ceases to be a councillor; or
- (c) that councillor accepts or relinquishes a special responsibility for which a special responsibility allowance is payable.

6.2 In relation to basic allowances and special responsibility allowances:

- (a) if an amendment to this Scheme changes the amount to which a councillor is entitled; or
- (b) where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year; or
- (c) where the special responsibilities of a councillor do not subsist throughout the year; or
- (d) where the Scheme is amended as referred to in (a) above and the term of office and/or the special responsibilities of the councillor do not subsist throughout any part of the periods within the year distinguished by the payment of different amounts for these allowances; then the entitlement to the allowances shall be calculated by reference to the proportion the number of days in each such period bears to the number of days in that year.

7. *Administration*

7.1 The Chief Executive shall maintain on behalf of the authority a record of all payments made under this Scheme which shall:

- (a) specify in relation to each payment the name of the recipient and the amount and nature of the payment;

- (b) be kept available, at all reasonable times, for inspection (free of charge) by any local government elector for the area of the authority.

A person entitled to inspect the record may make a copy of any part of it.

8. *Review of Allowances*

The allowances payable under this Scheme shall be reviewed annually.

9. *Revision or Revocation of this Scheme*

This Scheme may only be amended or revoked in accordance with the provisions of paragraph 7 of Part 2 of the Local Authorities' (Members' Allowances) Regulations 1991, as amended.

## **SCHEDULE**

### **Members' Allowances Scheme 2012-13**

<b><u>Role</u></b>	<b><u>£</u></b>
Leader of the Council	13590
Deputy Leader	9510
Cabinet Member with Portfolio	5660
Cabinet Member without Portfolio	2830
Chair of Scrutiny Committees	2830
Chair of Audit and Risk Committee	2830
Chair of Standards Committee	2830
Chair of Planning Committee	4230
Chair of Public Protection Committee	3430
Chair of Licensing Committee	3430
Vice Chair of Scrutiny Committees	1130
Vice Chair of Planning Committee	1410
Vice Chair of Public Protection Committee	1130
Vice Chair of Audit and Risk Committee	1130
Vice Chair of Standards Committee	1130
Vice Chair of Licensing Committee	1130
Minority Party Leaders	1130*
Basic Allowance	3365

\* The Minority Party Leader's allowance is only payable to groups comprising at least 10% of total Council membership (i.e. 6 Members).

### **Carer's Allowance**

£5.15 per hour, or the statutory minimum wage, whichever is the greater.

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1.     **REPORT TITLE**                             **Calendar of Meetings 2015/2016**
- Submitted by:**                         **(Democratic Services Manager)**
- Portfolio:**                               **(Communications, Policy and Partnerships)**
- Ward(s) affected:**                     **All**

**Purpose of the Report**

To agree the Calendar of Meetings for 2015 - 2016

**Recommendations**

**That Council agree to the dates and times of the meetings as listed at appendix A.**

**Reasons**

Appendix 7 of the Council's Constitution states that

*'The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.'*

The calendar of meetings for 2015/2016 is attached at appendix A for approval.

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**Calendar of meetings – 2014/2015 (meetings commence at 7 pm unless otherwise stated)**

<b>April 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
		1	2 Member Development	3 Bank Holiday
6 Bank Holiday	7	8	9	10
13 Group Meetings	14 CAWP	15 Council	16 Audit & Risk	17
20 10am Employees Consultative Standards	21	22	23	24
27	28 Planning	29 Health & Well Being Scrutiny	30	
<b>May 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4 Bank Holiday	5 CAWP	6	7 Elections	8
11	12 New Member's Induction Day (all day event)	13	14	15
18	19	20 Annual Council	21 Governance Sub-Committee	22
25 Bank Holiday	26 Planning	27 CAWP	28	29

**Calendar of meetings – 2015/2016 (meetings commence at 7 pm unless otherwise stated)**

<b>June 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
1	2 Planning (Policy)	3	4 Member Development	5
8 Grants Assessment	9	10 Cabinet	11 6.00pm Constitution Working Party	12
15 Finance, Resources & Partnership Scrutiny	16 CAWP	17 Active & Cohesive Scrutiny	18 Governance Sub-Committee	19
22	23 Planning	24	25 Cleaner, Greener & Safer Scrutiny	26
29 10am Employees Consultative	30 Public Protection			
<b>July 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
		1 Economic Development Scrutiny	2 Member Development	3
6 Audit & Risk	7 CAWP	8 Health & Well Being Scrutiny	9	10
13 Group Meetings	14 6.00pm Constitution Working Party	15 Council	16 Governance Sub-Committee	17
20	21 Planning	22 Cabinet	23 Licensing	24
27 6.00pm Joint Parking	28 CAWP	29 Standards	30 Staffing Committee	31



<b>August 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
3	4 Public Protection	5	6	7
10	11	12	13	14
17 CAWP	18 Planning	19 6.00pm Constitution Working Party	20 Governance Sub- Committee	21
24	25	26	27	28
31 Bank Holiday				
<b>September 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 6.00pm Joint Parking	2 Economic Development Scrutiny	3 Finance, Resources & Partnership Scrutiny	4
7	8 CAWP	9 Council	10 6.00pm Constitution Working Party	11
14 Group Meetings	15 Planning	16 Cabinet	17 Governance Sub- Committee	18
21 Grants Assessment	22 Public Protection	23 Health & Well Being Scrutiny	24	25
28 Audit & Risk	29 CAWP	30		

<b>October 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
			1 Member Development	2
5 Active & Cohesive Scrutiny	6	7 Cleaner Greener & Safer Scrutiny	8	9
12	13 Planning	14 Cabinet	15 Governance Sub-Committee	16
19 10.00 am Employees Consultative	20 CAWP	21 6.00pm Constitution Working Party	22 Licensing	23
26 Standards	27	28	29	30
<b>November 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
2 6pm Joint Parking	3 Public Protection	4 Finance, Resources & Partnership Scrutiny	5	6
9	10 Planning	11 Cabinet	12 CAWP	13
16 Audit & Risk	17 Staffing Committee	18 Health & Well Being Scrutiny	19 Governance Sub-Committee	20
23 Group Meetings	24 6.00pm Constitution Working Party	25 Council	26	27
30				

<b>December 2015</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 CAWP	2 Economic Development Scrutiny	3 Finance, Resources & Partnership Scrutiny	4
7	8 Planning	9 Cabinet	10	11
14 Grants Assessment	15 Public Protection	16 6.00pm Constitution Working Party	17 Governance Sub- Committee	18
21	22 CAWP	23	24	25 Bank Holiday
28 Office Closed	29 Office Closed	30 Office Closed	31 Office Closed	
<b>January 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
				1 Bank Holiday
4 6pm Joint Parking	5 Planning	6 Health & Well Being Scrutiny	7 Member Development	8
11	12 CAWP	13	14 Licensing	15
18 10am Employees Consultative	19 6.00pm Constitution Working Party	20 Cabinet	21 Governance Sub- Committee	22
25 Standards	26 Public Protection	27 Finance, Resources & Partnership Scrutiny	28	29

<b>February 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
1	2 Planning	3	4	5
8	9 CAWP	10 Cabinet	11 Staffing Committee	12
15 Audit & Risk	16	17 6.00pm Constitution Working Party	18 Governance Sub- Committee	19
22 Group Meetings	23	24 Council (Budget)	25	26
29 6pm Joint Parking Planning  CAWP				
<b>March 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 Planning	2 Cleaner Greener & Safer Scrutiny	3 Grants Assessment	4
7 Active & Cohesive Scrutiny	8 6.00pm Constitution Working Party	9	10	11
14 Finance, Resources & Partnership Scrutiny	15 Public Protection	16	17 Governance Sub- Committee	18
21	22 CAWP	23 Cabinet	24 Economic Development Scrutiny	25 Bank Holiday
28 Bank Holiday	29 Planning	30	31	

<b>April 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5	6	7 Member Development	8
11 Group Meetings	12 CAWP	13 Council	14 Audit & Risk	15
18 10am Employees Consultative Standards	19	20 6.00pm Constitution Working Party	21 Governance Sub-Committee	22
25	26 Planning	27 Health & Well Being Scrutiny	28	29
<b>May 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
2 Bank Holiday	3	4 CAWP	5 Elections	6
9	10 New Member's Induction Day (all day event)	11	12 Staffing Committee	13
16 Group Meetings	17 6.00pm Constitution Working Party	18 Annual Council	19 Governance Sub-Committee	20
23 CAWP	24 Planning	25	26	27
30 Bank Holiday	31			

<b>June 2016</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
		1 6.00pm Constitution Working Party	2	3
6 Grants Assessment	7	8 Cabinet	9	10
13	14 CAWP	15 Finance, Resources & Partnership Scrutiny	16 Governance Sub- Committee	17
20	21	22	23	24
27 10am Employees Consultative	28 Public Protection	29	30 Cleaner, Greener & Safer Scrutiny	

Updated: 22.04.15

TO: Newcastle under Lyme Borough Council

I attach the 800 (approx) signatories to a petition calling for the council to place the Butts, Thistleberry Parkway and Howard Place Green in the Green Space Strategy as areas protected from building developments.

There will be a need to build on certain types of fields in the future, but these three spaces are not fields, they are parks, recreation areas and beauty spots. From the Butts, you can see 15 miles towards the Peak District. Numerous people walk all three of these spaces, throughout the year and in all sorts of weather. Thistleberry Parkway is undergoing improvements to enable more people to use it. Howard Place Green is the only green space near a large number of streets, where houses are being increasingly occupied by families, who have no children's play area close to their houses.

In the review of the Green Space Strategy, it is important to identify certain parks and recreation areas as protected from building developments. The public concern about this matter includes a fear of losing access to open space near their homes and this can only be acknowledged by assuring them that these types of spaces (as opposed to any unused fields) are protected. It will take some of the 'heat' out of the concern.

## OTHER ISSUES:

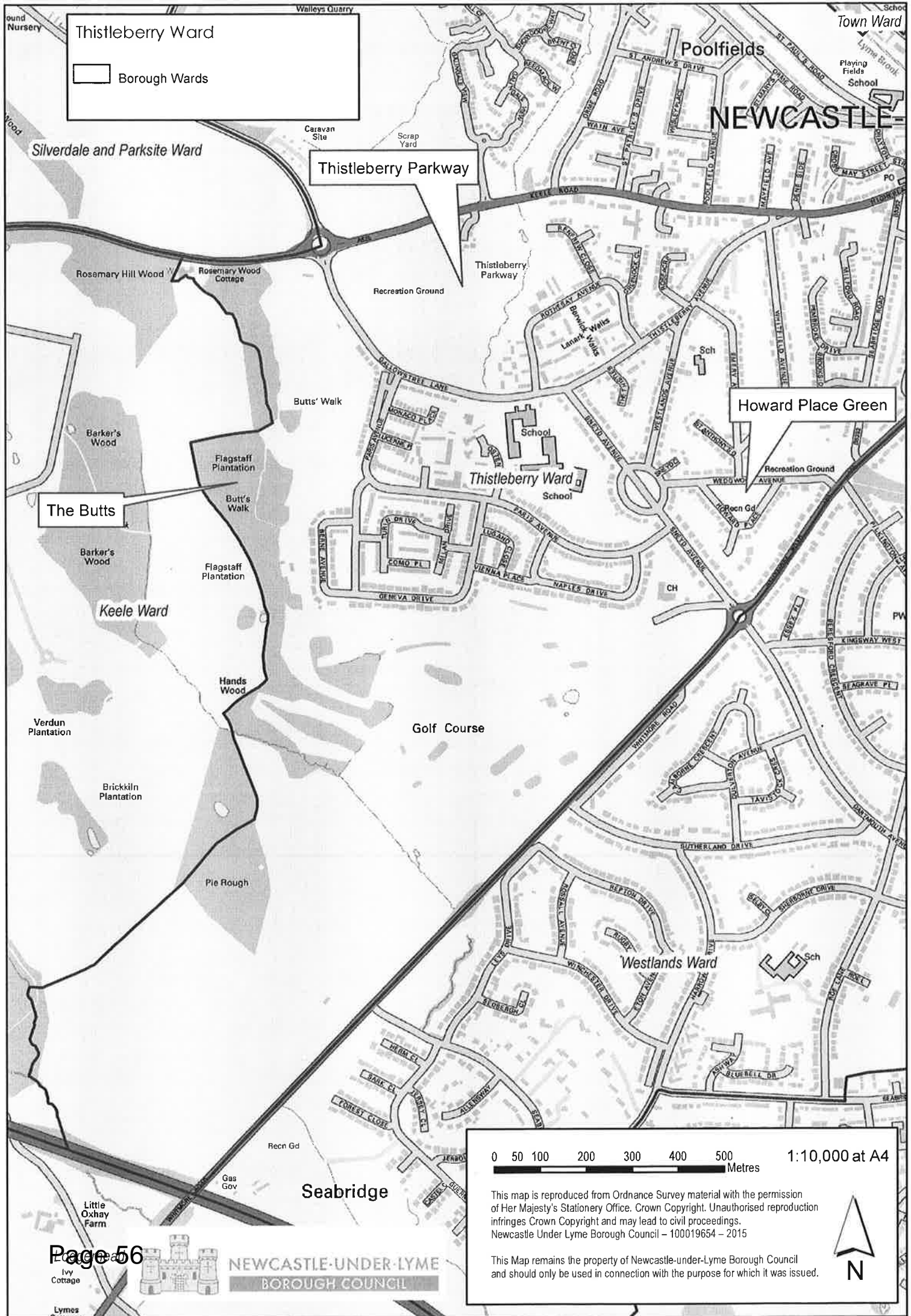
The need to build more houses and premises for employment is clear and it is also clear that we are very short of brownfield sites in the technical sense. Many people would include in the term brownfield sites, places where the ground is very rough and not used, even though these places have not previously been built on.

In my view we can include land that is not of good agricultural use and which does not have a great visual impact on existing residents, even though we have to accept that the views from the windows of certain houses cannot all be preserved.

Another aspect of this matter is the need to ensure that both existing residents and future residents live within reasonable walking distance of a green open space.

Yet another aspect is the character of all areas of the Borough. Thus the hills to the west, such as Bunny Hill, the Butts and the hills above Apedale should never be built on; they are part of the character of the Borough and seen from so many places in the urban area. Those living in these urban areas get psychological benefit (often unconsciously) from seeing these hills.

Cllr. Nigel Jones (April 2015)



Thistleberry Ward

□ Borough Wards

Thistleberry Parkway

Poolfields

NEWCASTLE

Silverdale and Parksites Ward

Butts' Walk

Howard Place Green

Thistleberry Ward

The Butts

Keele Ward

Golf Course

Westlands Ward

Seabridge

0 50 100 200 300 400 500 Metres 1:10,000 at A4

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