

# 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, 18th May, 2016*** at ***7.00 pm***.

## BUSINESS

**1 APOLOGIES**

To receive any apologies from Members.

**2 MINUTES**

**(Pages 7 - 12)**

To consider the minutes of the previous meeting (24/02/2016)

**3 DECLARATIONS OF INTEREST**

To receive declarations of interest from Members on items contained within this agenda.

**4 ELECTION OF MAYOR 2016/17**

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 2016/17**

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**

To receive the 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**

Retiring Mayor's response.

## **10 MAYOR'S ANNOUNCEMENTS**

To receive the Mayor's announcements of forthcoming events.

**11 APPOINTMENT OF DEPUTY LEADER AND CABINET**

The Leader will report the appointment of his/her Cabinet and Deputy Leader for 2016/17

**12 APPOINTMENT OF COMMITTEES, CHAIRS AND VICE-CHAIRS  
2016/2017**

To appoint Members to committees.

**13 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES (Pages 13 - 18)  
2016/2017**

The Council is requested to review its representation on outside bodies for 2016/2017.

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 Review of the Constitution for the 2016/17 Municipal Year (Pages 19 - 20)**

**15 REPORT - MEMBERS ALLOWANCES (Pages 21 - 32)**

To consider a report on Members Allowances.

**16 CALENDAR OF MEETINGS 2016/17 (Pages 33 - 42)**

To receive the Calendar of Meetings for 2016/17.

**17 STANDING ORDER 18 - URGENT BUSINESS**

To consider any communications which pursuant to Standing Order No18 are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

**18 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, consisting of a horizontal line followed by a stylized, cursive signature.

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**

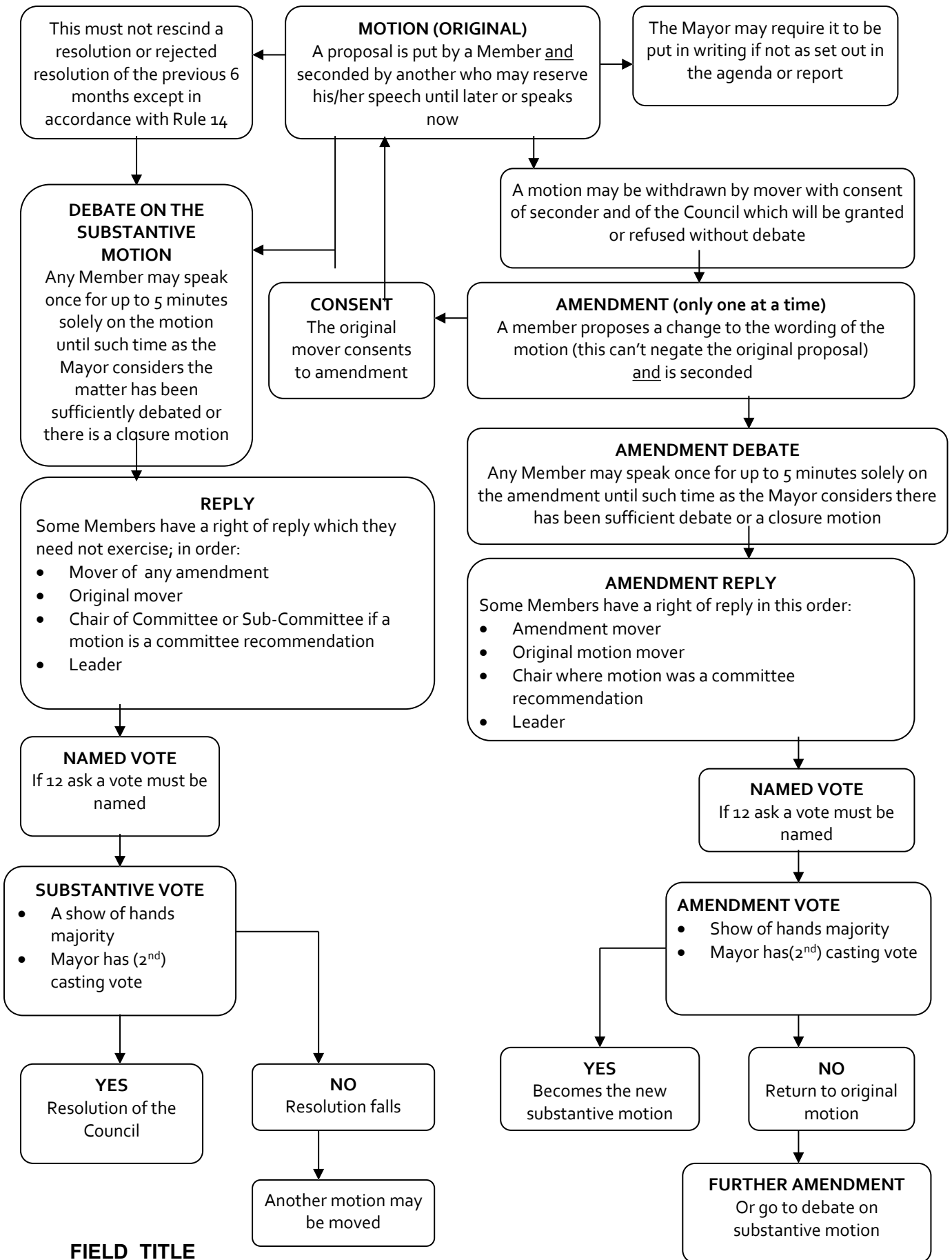
Please switch off all mobile phones before entering the Council Chamber.

### **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.



**FIELD\_TITLE**

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## COUNCIL

Wednesday, 24th February, 2016

**Present:-** The Mayor. Councillor Sandra Hambleton – in the Chair

Councillors Allport, Astle, Bailey, Bates, Beech, Braithwaite, Burgess, Cooper, Cooper, Dymond, Eagles, Eastwood, Fear, Frankish, Hailstones, Hailstones, Hambleton, Harper, Heesom, Holland, Huckfield, Johnson, Johnson, Kearon, Loades, Matthews, Naylor, Northcott, Owen, Parker, Peers, Pickup, Plant, Proctor, Reddish, Robinson, Rout, Shenton, Simpson, Snell, Stringer, Stubbs, Sweeney, Tagg, J Tagg, Turner, Walklate, Waring, Wemyss, White, Wilkes, Williams, Williams, Winfield, Wing and Woolley

### 1. DECLARATIONS OF INTEREST

Councillors Kearon and Naylor declared an interest in item 9 as Members of Keele Parish Council.

### 2. MINUTES

**Resolved:** That the minutes of the meeting held on 27 January, 2016 be agreed as a correct record.

### 3. MAYORS ANNOUNCEMENTS

The Mayor advised members of her Civic Mass, being held on 6 March at the Holy Trinity Catholic Church on London Road. Members were asked to be in attendance by 10.15am.

Members were reminded that the Mayor's Spring Ball would be held in the Ballroom of Keele Hall on 8 April.

On the following evening Newcastle Male Voice Choir would be performing a concert at Newcastle Methodist Church in aid of the Mayor's Charity Fund.

Finally, the Mayor will be hosting a National Town Crier's Competition on Saturday 16 April at the Market Cross in the High Street. The competition would be held between 11am and 3pm. A Gala Dinner will be held in the evening at Bradwell Lodge with a 6.30 for 7pm start time. Tickets are now available at a cost of £20.

### 4. REVENUE AND CAPITAL BUDGETS AND COUNCIL TAX 2016-17

A report was introduced by the Portfolio Holder for Finance IT and Customer. Councillor Turner thanked the officers who had worked on the budget for 2016/17.

Members were advised that a new Government ruling had been introduced which would allow the Council to raise Council Tax by £5 per month but the Cabinet had chosen not to do that but stick with the 1.99% increase.

Councillor Loades introduced a report proposing an amended budget on behalf of the Conservative Group – this was to limit the Council Tax increase to 1.5%.

Councillor Loades thanked Councillor Turner and the officers for the budget report.

There were two proposals put forward:

- (i) To cease production of the Council’s Reporter newspaper from 1 April, 2016 – saving £31,000
- (ii) To reduce the General Fund Budget contribution to the Revenue Investment Fund by £31,000. This sum to then be used to support vulnerable families in the Borough.

There were mixed reactions to the cessation of the Reporter. Some Members felt that it was a useful source of information to some residents – especially those with no access to the internet. Other Members stated that not every household in the Borough received a copy and that it was not read by everyone. It was felt that ceasing the Reporter could not be done without consultation with the public.

Discussion took place in respect of the Revenue Investment Fund in respect of what the intention of the fund was and how it had been utilised in the past .

A named vote was requested for the proposed amendments:

<b>ALLPORT</b>	<b>NO</b>	<b>HOLLAND</b>	<b>YES</b>	<b>SIMPSON</b>	<b>NO</b>
<b>ASTLE</b>	<b>NO</b>	<b>HUCKFIELD</b>	<b>YES</b>	<b>SNELL</b>	<b>NO</b>
<b>BAILEY</b>	<b>NO</b>	<b>JOHNSON</b>	<b>YES</b>	<b>STRINGER</b>	<b>NO</b>
<b>BATES</b>	<b>NO</b>	<b>MRS JOHNSON</b>	<b>NO</b>	<b>STUBBS</b>	<b>NO</b>
<b>BEECH</b>	<b>NO</b>	<b>KEARON</b>	<b>NO</b>	<b>SWEENEY</b>	<b>YES</b>
<b>BRAITHWAITE</b>	<b>YES</b>	<b>LOADES</b>	<b>YES</b>	<b>JOHN TAGG</b>	<b>YES</b>
<b>BURGESS</b>	<b>NO</b>	<b>MANCEY</b>	<b>ABSENT</b>	<b>SIMON TAGG</b>	<b>YES</b>
<b>COOPER</b>	<b>YES</b>	<b>MATTHEWS</b>	<b>YES</b>	<b>TURNER</b>	<b>NO</b>
<b>MISS COOPER</b>	<b>YES</b>	<b>NAYLON</b>	<b>YES</b>	<b>WALKLATE</b>	<b>NO</b>
<b>DYMOND</b>	<b>NO</b>	<b>NORTHCOTT</b>	<b>YES</b>	<b>WARING</b>	<b>YES</b>
<b>EAGLES</b>	<b>NO</b>	<b>OWEN</b>	<b>YES</b>	<b>WELSH</b>	<b>ABSENT</b>
<b>EASTWOOD</b>	<b>NO</b>	<b>PARKER</b>	<b>YES</b>	<b>WEMYSS</b>	<b>NO</b>
<b>FEAR</b>	<b>YES</b>	<b>PEERS</b>	<b>YES</b>	<b>WHITE</b>	<b>NO</b>
<b>FRANKISH</b>	<b>YES</b>	<b>PICKUP</b>	<b>NO</b>	<b>WILKES</b>	<b>NO</b>



HAILSTONES	YES	PLANT	NO	WILLIAMS	NO
MRS HAILSTONES	YES	PROCTOR	NO	MRS WILLIAMS	NO
HAMBLETON	NO	REDDISH	NO	WINFIELD	NO
MRS HAMBLETON	NO	ROBINSON	NO	WING	YES
HARPER	YES	ROUT	NO	WOOLLEY	YES
HEESOM	YES	SHENTON	NO		

In Favour - 25

Against - 32

Abstain - 0

The proposed amendment fell.

A named vote was then taken for the budget as set out in the agenda:

ALLPORT	YES	HOLLAND	NO	SIMPSON	YES
ASTLE	YES	HUCKFIELD	NO	SNELL	YES
BAILEY	YES	JOHNSON	NO	STRINGER	YES
BATES	YES	MRS JOHNSON	YES	STUBBS	YES
BEECH	YES	KEARON	YES	SWEENEY	NO
BRAITHWAITE	NO	LOADES	NO	JOHN TAGG	NO
BURGESS	YES	MANCEY	ABSENT	SIMON TAGG	NO
COOPER	NO	MATTHEWS	NO	TURNER	YES
MISS COOPER	NO	NAYLON	YES	WALKLATE	YES
DYMOND	YES	NORTHCOTT	NO	WARING	NO
EAGLES	YES	OWEN	NO	WELSH	ABSENT
EASTWOOD	YES	PARKER	NO	WEMYSS	YES
FEAR	NO	PEERS	NO	WHITE	YES
FRANKISH	NO	PICKUP	YES	WILKES	YES

HAILSTONES	NO	PLANT	YES	WILLIAMS	YES
MRS HAILSTONES	NO	PROCTOR	YES	MRS WILLIAMS	YES
HAMBLETON	YES	REDDISH	YES	WINFIELD	YES
MRS HAMBLETON	YES	ROBINSON	YES	WING	NO
HARPER	NO	ROUT	YES	WOOLLEY	NO
HEESOM	NO	SHENTON	YES		

In Favour - 33

Against - 24

Abstain - 0

**Resolved:** That recommendations (a) to (j) as set out in Appendix B of the agenda report, be approved.

#### 5. **TREASURY MANAGEMENT**

A report was introduced by the Portfolio Holder for Finance, IT and Customer regarding the Treasury Management Strategy for 2016/17.

The Council has to have an approved Treasury Management Strategy in place before the start of the 2016/17 financial year.

- Resolved:**
- (i) That the Treasury Management Strategy Report for 2016/17 be approved.
  - (ii) That the prudential indicators contained within the report be approved.
  - (iii) That the Investment Strategy contained within the report be approved.
  - (iv) That the Minimum Revenue Provision Strategy, contained within the report, be approved.

#### 6. **LOCALISM ACT 2011 - PAY POLICY STATEMENT 2016/17**

A report was introduced by the Portfolio Holder for Policy, People and Partnerships regarding the Pay Policy Statement for 2016/17.

The Localism Act 2011 requires the publication of a pay policy statement for each financial year.

**Resolved:** That the Pay Policy Statement attached at Appendix A to the

report be approved and published on the Council's website by 31 March, 2016.

7. **THE CONSTITUTION. CONSEQUENTIAL CHANGES TO OFFICER SCHEME OF DELEGATION**

A report was introduced by the Council's Portfolio Holder for Policy, People and Partnerships advising Members of changes made to the Officer Scheme of Delegation in relation to the Environmental Health function and the Licensing function in consequence of legislative changes and the current vacancy in the post of Head of Business Improvement, Central Services and Partnerships.

**Resolved:** That the revised Schemes of Delegation be noted.

8. **THE CONSTITUTION -SUBSTITUTES ON THE PLANNING COMMITTEE AND MEMBERS PROTOCOL ON PLANNING MATTERS**

A report was introduced by the Portfolio Holder for Policy, People and Partnerships regarding a recommendation of the Finance, Resources and Partnerships Scrutiny (FRAPS) Committee to appoint substitutes to the Planning Committee and to approve the Members' Protocol on Planning Matters.

A request was made that the Protocol be reviewed in 6 months' time. The Chair of FRAPS confirmed that this would be picked up at the Committee meeting.

Members were advised that any substitutes appointed to Planning Committee would receive training on Planning matters.

**Resolved:**

- (i) That substitutes for the Planning Committee be appointed.
- (ii) That the Members' Protocol on Planning Matters, attached to the agenda report, be approved.

9. **COMMUNITY GOVERNANCE REVIEW - KEELE PARISH COUNCIL**

A report was introduced by the Portfolio Holder for Policy, People and Partnerships regarding the outcome of the Community Governance Review that had been carried out in relation to the boundary of Keele Parish Council.

**Resolved:** That the current boundary for the Parish Council be brought in line with the boundary for the Borough Ward of Keele.

10. **STATEMENT OF THE LEADER OF THE COUNCIL**

A report was submitted to provide an update to Members on the activities and decisions of Cabinet together with the Forward Plan.

Members made comments on the item relating to the Asset Strategy. A number of Members requested a list of the sites contained within the Assets Policy document. The Leader confirmed that she would send a copy out to all Members.

A query was made on the item regarding land at Sheldon Grove and the Cabinet resolution 'that this site be retained within the Council's operational

Portfolio and continue to be maintained in the current manner and kept under review as part of the cyclical asset management review process’.

Did the above resolution mean that the land could be sold in the future?

The Leader confirmed that the current Administration had no intention of selling off the land at Sheldon Grove.

**Resolved:** That the report be noted.

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

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

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

Councillor Loades thanked the Licensing Committee on how the Colourville application had been dealt with.

Councillor Snell gave a verbal update on the Planning Committee. Members were requested that if a call-in of an application is made and this is subsequently withdrawn, could this, wherever possible be done in plenty of time.

In addition, any Members calling-in an application should be in attendance at the relevant Planning Committee to explain the reasons for the action.

**Resolved:** That the reports and comments be noted.

13. **MOTIONS OF MEMBERS**

There were no Motions from Members

14. **RECEIPT OF PETITIONS**

No Petitions were received.

15. **UPDATE ON PREVIOUS PETITIONS RECEIVED.**

This item had been covered under item 8 of the Leader’s Statement.

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

There was no urgent business.

**THE MAYOR. COUNCILLOR SANDRA HAMBLETON**  
**Chair**

APPENDIX A . *IF MORE THAN ONE NOMINATION A VOTE IS REQUIRED.*

**Outside Bodies – Community Groups**

	Organisation/Partnership	Number of places	Status of Body	Current Representatives	Nominations 2016/17
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<p>Community Centres Management Committees:</p> <ul style="list-style-type: none"> <li>Audley</li> <li>Bradwell Community Centre</li> <li>Butt Lane</li> <li>Chesterton</li> <li>Clayton</li> <li>Crackley</li> <li>Harriet Higgins</li> <li>Holly Road</li> <li>Knutton</li> <li>Marsh Hall</li> <li>Red Street</li> <li>Silverdale, Park Road</li> <li>Silverdale, Social Centre</li> <li>Whitfield</li> <li>Wye Road</li> </ul>	<p>Up to 3 on each</p>	<p>Community</p>		<p>Ward members automatically become the Council's nominated representatives for community centres situated within their wards for the period of their office, negating the need to make specific nominations each year</p> <p>Ward Members do not have voting rights unless co-opted or elected to the Management Committee</p>
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## Outside Bodies – Third Sector

Organisation/Partnership	Number of places	Status of Body	Current Representatives	Nominations 2016/17
Community Council for Staffordshire	1	Third Sector	SIMON WHITE	
Go Kidsgrove	1	Third Sector	Portfolio Owner for Regeneration/Assets	
North Staffs Victim Support	1	Third Sector		Portfolio Holder for Safer Communities
Stoke-on-Trent and North Staffordshire Theatre Trust Limited (New Victoria Theatre)	1	Third Sector		Leader
The United Charities Trust	4	Third Sector	Mrs Walklate 2/11/17 Mrs Williams 30/11/17 Mrs Winfield 30/11/16 Vacancy	
Aspire Board This parent company ceases with effect from 1 <sup>st</sup> July 2016 therefore there is no need to nominate a replacement representative to this Board. Aspire Housing Board will in effect revert back to the parent company having two direct subsidiaries, PM Training and The Realise Foundation.	1	Local Body	MRS HAMBLETON	

Campaign to Protect Rural England - County Branch	1	Regional Body	Councillor Loades Councillor Naylon	
Local Government Association – General Assembly	1	National Body		Leader
Local Enterprise Partnership	1	Regional Body	Leader	Leader or relevant portfolio holder
<p>Locality Action Partnerships:</p> <p>Audley Butt Lane Betley, Keele and Madeley Clayton Poolfields, Thistleberry and Town East Newcastle Greater Chesterton Kidsgrove Newcastle Rural Partnership of Western Communities</p>	N/A	Local body		The LAP constitutions state that membership is open to “Any County or District Councillor representing any part of the area” - this negates the need to make specific nominations annually.
Business Improvement District	1	Local Body		Portfolio Holder for Regeneration Assets
<p>Newcastle-under-Lyme Partnership (Local Strategic Partnership)</p> <p>(Strategic Board)</p>	1 + sub	Local Body		<p>Leader</p> <p>(substitute Deputy Leader)</p>



“Enjoy Staffordshire” Destination Management Partnership	1	Local Body	Current representative is the Portfolio Holder for Town Centres, Business and Assets	The Portfolio Holder – Leisure, Culture and Localism may be more appropriate
Staffordshire County Council Health Scrutiny Committee	1	Local body		Chair of Health Scrutiny
Staffordshire Health and Wellbeing Board	1	Local body		Leader or relevant portfolio holder (if required)
Staffordshire LGA – Waste Board	1	Local Body		Portfolio Holder for Environment and Recycling
Staffordshire Playing Fields Association	1	Local Body	Portfolio Holder for Environment and Recycling	
Staffordshire Police and Crime Panel	1+ sub	Local Body		Portfolio Holder for Safer Communities
Stoke-on-Trent and Staffordshire Strategic Partnership	1	Local Body		Leader
Waste and Mineral Site Liaison Committee – Acton	1	Local Body		
Waste and Mineral Site Liaison Committee – Knutton	2	Local Body		
Waste and Mineral Site Liaison Committee –Madeley	2	Local Body		

Waste and Mineral Site Liaison Committee –Holditch House	1	Local Body		
Waste and Mineral Site Liaison Committee –Walleys	6	Local Body		<b>Two Members each from the Knutton and Silverdale, Silverdale and Park Site and Thistleberry Wards</b>
West Midland Reserve Forces and Cadets Association	1	Regional Body	MIKE STUBBS	
West Midlands Employers	1 + sub	Regional Body		Leader  (Substitute – Portfolio Holder for Finance & Resources)
District Councils Network	1	National Body		Leader

<b>Report Title</b>	<b>REVIEW OF THE CONSTITUTION FOR THE 2016/17 MUNICIPAL YEAR</b>
<b>Committee/Meeting</b>	<b>COUNCIL</b>
<b>Date</b>	<b>18<sup>TH</sup> MAY 2016</b>
<b>Submitted By</b>	<b>MONITORING OFFICER</b>
<b>Ward (s) Affected</b>	<b>ALL</b>
<b>Portfolio (Delete as appropriate)</b>	Finance and Resources Environment and Recycling Economic Development, regeneration and town Centres Culture and Leisure Communications, Policy and Partnerships Stronger and Healthier Neighbourhoods Safer Communities
<b>Is this a Key Decision</b>	NO
<b>Purpose of the Report</b>	For Council to adopt the Constitution for the 2016/17 municipal year
<b>Recommendations (In Bold)</b>	<b>That the Constitution be adopted.</b>
<b>Reasons</b>	
<p>The Council, at its Annual Meeting, must formally adopt its Constitution for the forthcoming municipal year.</p> <p>Part 2, paragraph 15.2 of the Constitution authorises the Monitoring Officer to make consequential changes to the Constitution to reflect resolutions of the Council or Cabinet, decisions properly made under delegated powers and changes of fact and law, subject to regular notification of Members to such changes.</p> <p>Reviewing the Constitution is necessary to ensure that the Council is efficient and effective in making and implementing decisions and is properly accountable. Changes may become necessary where the law has changed or where the Council decides to change the way it operates, for example if the management structure changes and/or services move from one directorate to another. The Scheme of Officer Delegation must be updated and revised where necessary to allow officers to continue to act lawfully and such changes are made during the course of the year as they arise.</p> <p>At their meeting on 20<sup>th</sup> January 2016, Cabinet granted approval to delegate responsibility for the calculation of the Council Tax Base in future years to the Executive Director (Resources and Support Services). The Scheme of Delegation has been amended accordingly.</p> <p>On 24<sup>th</sup> February 2016, Council were notified of changes made to the Schemes of Delegation for the Environmental Health function and the Licensing function in consequence of legislative changes. Also on 24<sup>th</sup> February, a revised Appendix 21 – Protocol on Planning Matters – was approved by Council but with the proviso that the Protocol be reviewed again in six months' time (i.e. August 2016).</p>	
<b>Background</b>	
<p>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 Council adopted a new formal Constitution in 2001 and this has been updated and reviewed since that date. The Constitution provides a framework for Council decision making through which the Council delivers its strategic objectives.</p>	
<b>Outcomes to support Corporate Priorities as set out in the Council Plan and/or the Newcastle Partnership priorities</b>	

The objective of the Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.

The Constitution governs the way the Council works. The amended Schemes of Delegation will enable the public, Council Members and officers to engage more effectively with the decision making processes of the Council and also ensure that processes are lawful.

An effective Constitution contributes to the overall ethical wellbeing of the Council, and helps to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in.

**Financial and Resource Implications**

The Constitution supports good governance and budgetary compliance. There are no financial or resource implications flowing from this report.

**Legal, Statutory and Policy Implications**

The Local Government Act 2000 requires the Council to have, and to maintain, a Constitution. The Constitution is the legal framework set by the Council and which governs the way it conducts its business. The powers of the Council to delegate the exercise of functions are set out in Section 101 of the Local Government Act 1972.

**Major Risks**

If the Schemes of Delegation for the Council's various functions are not kept up to date, it could expose the Council to legal risk, frustrate aspects of legal enforcement and may prevent the full implementation of Council decisions.

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 2016/2017

**Recommendations**

That the current scheme of Member Allowances be retained for the Municipal Year 2016/17.

1.     **Background**

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 2016/17.

**List of Appendices**

Current Scheme of Member Allowances

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# **PART 6**

## **MEMBERS' ALLOWANCES SCHEME**

## MEMBERS' ALLOWANCES SCHEME

### Contents

1. Introduction
2. Statutory requirements
3. Different types of allowances
4. How the allowances are determined
5. Basic allowance
6. Special responsibility allowance
7. Subsistence allowance
8. Travelling allowance
9. Calculating the time allowed
10. Overseas visits
11. Submission and payment of claims
12. Tax, National Insurance, Sickness and Pensions
13. What if a Member does not wish to be paid allowances
14. Members' responsibilities

### Annex 1

Copy of the Council's Scheme for the Payment of Members' Basic and Special Responsibility Allowances.

#### **Blue Form\***

*Form to be signed by Members in support of a claim for travelling allowances only for attendance at one of the events, functions, meetings, outside bodies, conferences or courses indicated on the front side of the form or which is included in the Council's approved lists of such events, functions, meetings and courses within the local area. Normal meetings of the Council will be pre-printed on the form.*

#### **Yellow Form\***

*Form to be signed by Members in support of a claim for travelling and subsistence allowances for attendance at an event, function, meeting, outside body, conference or course which is included in the Council's approved lists of such events, functions, meetings, bodies, conferences and courses away from the local area.*

**\*Forms not incorporated in the Constitution**



## **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 section is to explain those arrangements and to give guidance 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 the new arrangements are fully understood and that the possibility of erroneous claims is avoided.
- 1.3 Set out in Annex 1 to this Schedule 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 Appendix addresses various aspects of allowances payable to Members. It replaces all previous guidance issued by the Council on the subject.
- 1.5 Members can 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 remain in force relating to councils:
  - 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'.
  - 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 supplied by the Democratic Services Manager
- 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:

MODE OF TRAVEL	MAXIMUM RATES
Public transport (within Borough)	Standard rail fare or ordinary or any available cheap bus fares
Public transport (outside Borough)	Ordinary or any available cheap bus fares. Insofar as concerns standard or first class rail fares, expenditure on: <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 Member for an overnight journey subject,</li> </ul>

	<p>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 the Inland Revenue. 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 Inland Revenue 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 the Inland Revenue; or
  - (b) The Member is male and over 65 years old or female and over 60 years old.
- 13.3 It is understood that the Benefits Agency may regard a Member's basic and special responsibility allowances as affecting, for Social Security purposes, that Member's entitlement to benefits. Claiming such allowance(s) could, therefore, affect a Member's entitlement to benefits. In these circumstances, he should seek advice from the Benefits Agency.
- 13.4 Under self assessment regulations, Members are required to declare to the Inland Revenue 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 P11E by the Human Resources Manager which will provide the information to be declared to the Inland Revenue, 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 Social Security 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.

**Members’ Allowances Scheme 2007- 08**

<b><u>Role</u></b>	<b>£</b>
Leader of the Council	13590
Deputy Leader	9510
Cabinet Member with Portfolio (6)	5660
Cabinet Member without Portfolio (0)	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	3365.04

\* 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.



1.     **REPORT TITLE**                             **Calendar of Meetings 2016/2017**
- Submitted by:**                         **(Democratic Services Manager)**
- Portfolio:**                               **(Policy, People and Partnerships)**
- Ward(s) affected:**                     **All**

**Purpose of the Report**

To agree the Calendar of Meetings for 2016 - 2017

**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 2016/2017 is attached at appendix A for approval.

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**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

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

**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

<b>June 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
		1	2	3
6 Grants Assessment	7 Parish Council Forum	8 Cabinet	9 Active & Cohesive Scrutiny	10
13	14 CAWP	15 Finance, Resources & Partnership Scrutiny	16	17
20	21 Planning	22 Economic Development Scrutiny	23	24
27 2.00pm Employees Consultative	28 Public Protection	29	30 Cleaner, Greener & Safer Scrutiny	
<b>July 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4 Audit & Risk	5 CAWP	6 Health & Well Being Scrutiny	7 Member Development	8
11 Group Meetings	12	13 Council	14	15
18	19 Planning	20 Cabinet	21 Licensing	22
25 Staffing Committee	26 CAWP	27 Standards	28	29

**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

<b>August 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
1	2 Public Protection	3	4	5
8	9	10	11	12
15 CAWP	16 Planning	17	18	19
22	23	24	25	26
29 Bank Holiday	30	31		
<b>September 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
			1 Parish Council Forum	2
5 Economic Development Scrutiny	6 CAWP	7 Council	8 Finance, Resources & Partnership Scrutiny	9
12 Group Meetings	13 Planning	14 Cabinet	15	16
19 Grants Assessment	20 Public Protection	21 Health & Well Being Scrutiny	22	23
26 Audit & Risk	27 CAWP	28	29	30

**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

<b>October 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
3	4	5	6 Member Development	7
10 Active & Cohesive Scrutiny	11 Planning	12 Cleaner Greener & Safer Scrutiny	13	14
17	18 CAWP	19 Cabinet	20	21
24 2pm Employees Consultative	25	26 6.00pm	27 Licensing	28
31 Standards				
<b>November 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 Public Protection	2 Finance, Resources & Partnership Scrutiny	3	4
7 CAWP	8 Planning	9 Cabinet	10	11
14 Audit & Risk	15 Staffing Committee	16 Health & Well Being Scrutiny	17	18
21 Group Meetings	22	23 Council	24	25
28	29 CAWP	30 Economic Development Scrutiny		

**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

<b>December 2016</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
			1	2
5	6 Planning	7 Cabinet	8 Parish Council Forum	9
12 Grants Assessment	13 Public Protection	14	15	16
19	20 CAWP	21	22	23
26 Bank Holiday	27 Office Closed	28 Office Closed	29 Office Closed	30 Office Closed
<b>January 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
2 Bank Holiday	3	4 Planning	5	6
9	10	11 Health & Well Being Scrutiny	12 Member Development	13
16	17 CAWP	18 Cabinet	19 Licensing	20
23 2pm Employees Consultative	24	25 Finance, Resources & Partnership Scrutiny	26	27
30 Standards	31 Public Protection			

**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

<b>February 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
		1	2 Planning	3
6	7 CAWP	8 Cabinet	9 Staffing Committee	10
13 Audit & Risk	14	15	16	17
20 Group Meetings	21	22 Council (Budget)	23	24
27 CAWP	28 Planning			
<b>March 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
		1 Cleaner Greener & Safer Scrutiny	2 Grants Assessment	3
6 Active & Cohesive Scrutiny	7	8	9 Parish Council Forum	10
13 Finance, Resources & Partnership Scrutiny	14 Public Protection	15 Economic Development Scrutiny	16	17
20	21 CAWP	22 Cabinet	23	24
27	28 Planning	29	30	31



**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

<b>April 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
3	4	5	6	7
10 Group Meetings	11 CAWP	12 Health & Well Being Scrutiny	13 Member Development	14 Bank Holiday
17 Bank Holiday	18	19	20 Audit & Risk	21
24 2pm Employees Consultative  Standards	25 Planning	26 Council	27	28
<b>May 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
1 Bank Holiday	2 CAWP	3	4 Elections	5
8	9 New Member's Induction Day (half day event)	10	11 Staffing Committee	12
15 Group Meetings	16 New Member's Induction Day (half day event)	17 Annual Council	18	19
22 CAWP	23 Planning	24	25	26
29 Bank Holiday	30	31		

**Calendar of meetings – 2016/2017 (meetings commence at 7 pm unless otherwise stated)**

<b>June 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
			1 6.00pm Constitution Working Party	2
5 Grants Assessment	6	7 Cabinet	8 Parish Council Forum	9
12	13 CAWP	14 Finance, Resources & Partnership Scrutiny	15	16
19	20 Planning	21 Public Protection	22	23
26 2.00pm Employees Consultative	27	28	29 Cleaner, Greener & Safer Scrutiny	30

Updated:01.02.16