

# 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, 17th May, 2017*** at ***7.00 pm***.

## B U S I N E S S

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

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

**3 MINUTES**

**(Pages 7 - 14)**

To consider the minutes of the previous meeting(s)

**4 ELECTION OF MAYOR 2017/18**

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 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
- Mayoress designate
- 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 2017/18**

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:

Mayoress  
Consort  
High Constable  
Chaplain  
Mace Bearers

## **7 MAYORAL ADDRESS**

To receive the Mayoral address.

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

In appreciation of their services during the past year, the retiring mayor and Mayoress 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 REVISION TO THE CONSTITUTION (Pages 15 - 38)**

To consider a report by the Monitoring Officer on amendments to the Constitution.

**12 APPOINTMENT OF DEPUTY LEADER AND CABINET**

The Leader will report the appointment of his/her Cabinet and Deputy Leader for 2017/18.

**13 APPOINTMENT OF COMMITTEES, CHAIRS AND VICE-CHAIRS FOR 2017/18. (Pages 39 - 42)**

To appoint Members to committees.

**14 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES.**

(Report to follow)

The Council is requested to review its representation on outside bodies for 2017/18.

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.

**15 MEMBERS ALLOWANCES. (Pages 43 - 54)**

Report of the Chief Executive.

**16 CALENDAR OF MEETINGS 2017/18 (Pages 55 - 64)**

To receive the Calendar of Meetings for 2017/18.

**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, appearing to be 'S. M.', is written over a horizontal line. The signature is stylized and cursive.

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 on entering the building. This will be located at the Porter's lodge.

### **3. Mobile Phones**

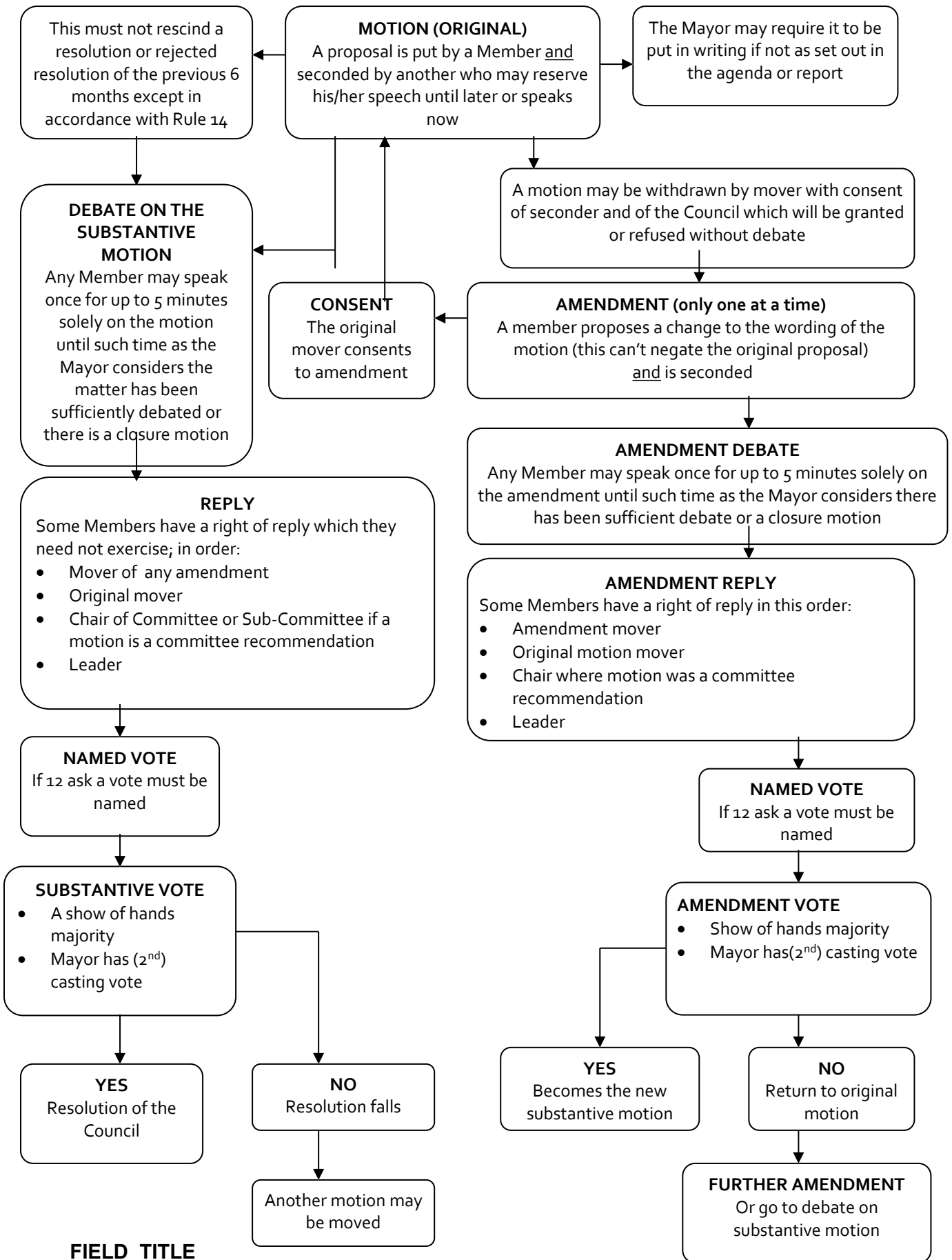
Please switch off all mobile phones before entering the Council Chamber.

### **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, 22nd February, 2017  
Time of Commencement: 7.00 pm

**Present:-** The Mayor Councillor Ian Wilkes – in the Chair

**Councillors:**

Allport	Owen
Bailey	Panter
Beech	Parker
Burch	Pickup
Burgess	Proctor
Cooper	Reddish
Miss J Cooper	Robinson
Dillon	Rout
Dymond	Shenton
Eagles	Simpson
Fear	Snell
Frankish	Spence
Gardner	Stubbs
L Hailstones	Sweeney
P Hailstones	J Tagg
S Hambleton	S Tagg
T Hambleton	Turner
Heesom	Walklate
Holland	Waring
Huckfield	White
Johnson	White
Jones	G Williams
Kearon	J Williams
Matthews	Winfield
Naylon	Wing
Northcott	Woolley
Olszewski	Wright

**Officers** Executive Director (Operational Services) - David Adams,  
Executive Director (Regeneration and Development) - Neale Clifton,  
Liz Dodd, Head of Audit and Elections (and Monitoring Officer)  
Tina Gould - Staffordshire County Council  
Chief Executive - John Sellgren and  
Executive Director (Resources and Support Services) - Kelvin Turner

1. **COUNCILLOR GARY WHITE**

The Mayor congratulated and welcomed Councillor Gary White to his first meeting following his election as the Borough Councillor for Madeley.

2. **FORMER COUNCILLORS ELSIE BATES AND MUFFI FOX**

The Mayor announced that he was saddened to hear of the passing of former Councillor Elsie Bates on Monday 20 February 2017. In addition former Councillor Muffi Fox had sadly passed away in December 2016.

Members stood in silent tribute.

**3. APOLOGIES**

Apologies were received from Councillors Mrs Astle, Ms Bloor, Harper, Loades and Miss Mancey.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

**5. MINUTES**

**Resolved:** That the minutes of the meeting held on 23 November, 2016 be agreed as a correct record.

**6. MAYORS ANNOUNCEMENTS**

The Mayor's Annual Civic Mass would be held at Holy Trinity Church, Newcastle, on 5 March 2017 at 10.30 a.m.

The Mayor's Ball would be held in the Ballroom, Keele Hall on 21 April. Members were advised to contact the Mayor's Secretary Peter Whalan for more information and tickets.

**7. REVENUE AND CAPITAL BUDGETS AND COUNCIL TAX 2017/18**

The Portfolio Holder for Finance, IT and Customer introduced this report which set out the recommendations of Cabinet for Revenue and Capital Budgets for 2017/18 and sets out the recommendations for setting the 2017/18 Council Tax. In summary the Council's updated Medium Term Financial Strategy (MTFS) as reported to Cabinet indicated a forecast budget shortfall of £2.728m for 2017/18 (from a budget of £8m). The Council had a duty to deliver a balanced budget.

Cabinet proposed an increase in council tax for 2017/18 of £5.00 per month from the 2016/17 amount, the maximum amount permitted without triggering the need for a referendum. This represented an increase of 2.77 per cent from 2016/17. Detailed recommendations were set out in Appendix A of the report. The Portfolio Holder stated that over 95 per cent of local authorities were increasing Council Tax by the maximum amount. Appendix B sets out the proposed Revenue Budget for 2017/18. A summary of additional income, additional expenditure and loss of income and new pressures was given in the report. The Portfolio Holder drew Members' attention to the financial pressure on local authorities who were expected to be self-funding by 2020.

A summary of savings and funding strategies to bridge the £2.728m gap had been identified and agreed with managers and were given at Appendix C, including staff efficiencies. The impact that savings were having on the Council was acknowledged, with posts being frozen or unfilled. Services continued to be delivered to a high



standard. Staff had shown flexibility in their ability to adapt to increasing use of technology to save money.

A review of the Council's Balances and Reserves together with a risk assessment had been carried out. Details were given in Appendices D and E. The MTFs and budget proposals had been scrutinised by the Finance, Resources and Partnerships Scrutiny Committee. The Portfolio Holder thanked Members for their comments.

With reference to the reduction in funding for Parish Councils, Parish Councils were thanked for their co-operation and support for the work that they do.

The next publication of the Reporter would be final edition, following which it would cease production.

The Capital Programme for 2017/18 was given in Appendix F of the report together with the Prudential Indicator relating to the Incremental Impact of Capital Investment Decisions on the Council Tax, as set out in paragraph 8.10. This showed that the Council was constrained by the availability of funding. All items listed in the programme are those most urgently required and these had been carefully assessed against health and safety risks or to safeguard income from commercial properties. Only a basic programme of new schemes is proposed for approval in 2017/18. The importance of integrating the revenue and capital budgets was stressed. The emphasis will now be on speeding up the disposal of surplus land that has been approved for sale. This will enable the Council to achieve its policy objective of bringing forward more affordable and social housing. Expenditure on a small number of new schemes will be being deferred until at least 2018/19. Going forward the commercial portfolio will be reviewed.

Officers agreed to review the non-delivery of the Reporter to Porthill residents.

No alternative budget had been proposed.

A named vote was taken in respect of the proposed budget.

<b>ALLPORT</b>	YES	<b>HEESOM</b>	NO	<b>SHENTON</b>	YES
<b>ASTLE</b>	ABSENT	<b>HOLLAND</b>	ABSTAIN	<b>SIMPSON</b>	YES
<b>BAILEY</b>	YES	<b>HUCKFIELD</b>	ABSTAIN	<b>SNELL</b>	YES
<b>BEECH</b>	YES	<b>JOHNSON</b>	YES	<b>SPENCE</b>	YES
<b>BLOOR</b>	ABSENT	<b>JONES</b>	YES	<b>STUBBS</b>	YES

BURCH	YES	KEARON	YES	SWEENEY	NO
BURGESS	YES	LOADES	ABSENT	JOHN TAGG	ABSTAIN
COOPER	NO	MANCEY	ABSENT	SIMON TAGG	NO
MISS COOPER	NO	MATTHEWS	NO	TURNER	YES
DILLON	YES	NAYLON	YES	WALKLATE	YES
DYMOND	YES	NORTHCOTT	NO	WARING	NO
EAGLES	YES	OLSZEWSKI	YES	G WHITE	YES
FEAR	NO	OWEN	YES	S WHITE	YES
FRANKISH	NO	PANTER	NO	I WILKES	YES
GARDNER	YES	PARKER	ABSTAIN	G WILLIAMS	YES
MRS HAILSTONES	NO	PICKUP	YES	J WILLIAMS	YES
MR HAILSTONES	NO	PROCTOR	YES	WINFIELD	YES
MRS HAMBLETON	YES	REDDISH	ABSTAIN	WING	NO
MR HAMBLETON	YES	ROBINSON	YES	WOOLLEY	ABSTAIN
HARPER	ABSENT	ROUT	YES	WRIGHT	YES

In Favour - 35

Against - 14

Abstain - 6

**Resolved:** That the recommendations set out in Appendix 'A' of the agenda report be approved.

#### 8. TREASURY MANAGEMENT STRATEGY 2017/18

The Portfolio Holder for Finance, IT and Customer sought approval of the Treasury Management Strategy for 2017/18, including the Prudential Indicators, Investment Strategy and Minimum Revenue Provision Strategy contained within it.

- Resolved:**
- (i) That the Treasury Management Strategy for 2017/18 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.

9. **PAY POLICY STATEMENT (LOCALISM ACT 2011)**

The Leader of the Council / Portfolio Holder - Policy, People and Partnerships introduced this item by stating that the Localism Act 2011 requires local authorities to prepare and publish a pay policy statement for each financial year. Full details were given in the Appendices of the report.

**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, 2017.

10. **PROPOSED CHANGES TO ELECTORAL CYCLE - TOWN AND PARISH COUNCILS**

The Leader of the Council / Portfolio Holder - Policy, People and Partnerships sought authorisation to make an Order under Section 53 of the Local Government and Public Involvement in Health Act 2007 to enable the Borough Council to make an Order to change the electoral cycle of Town and Parish Councils within its area to bring them in line with the Borough Council's all-out elections to be held from May 2018 onwards. Necessary consultation had taken place. The proposal aimed to avoid the need for Town or Parish Councils elections to meet the cost of their own elections.

**Resolved:** That an Order be made under Section 53 of the Local Government and Public Involvement in Health Act 2007 to enable the Borough Council to change the electoral cycle of Town and Parish Councils within its area.

11. **CONSEQUENTIAL CHANGES TO THE CONSTITUTION**

The Leader of the Council / Portfolio Holder - Policy, People and Partnerships sought authorisation 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, as detailed in the report. The proposed changes had been scrutinised.

**Resolved:**

- (i) That the addition made to the Finance Scheme of Delegation be noted;
- (ii) That the proposed amendment to the Licensing Scheme of Delegation be approved.

12. **APPOINTMENT OF EXTERNAL AUDITOR**

The Portfolio Holder for Finance, IT and Customer sought approval to enable the Council to determine the arrangements for the appointment of external auditors for the Council, with effect from the accounts for the financial year 2018/19.

**Resolved:** That the Council opts into the national scheme for auditor appointments (Public Sector Audit Appointments).

13. **APPROVAL OF ABSENCE**

The Leader of the Council / Portfolio Holder - Policy, People and Partnerships sought approval of absence of Councillor Mrs Margaret Astle from 9 September until 22 February 2017.

**Resolved:** That approval of absence of Councillor Mrs Margaret Astle under section 85 of the Local Government Act on grounds of ill health be approved.

The Mayor Councillor Ian Wilkes agreed to write to Councillor Astle on behalf of the Council, wishing her a speedy recovery.

**14. APPOINTMENT OF MEMBER ONTO THE PUBLIC PROTECTION COMMITTEE**

The Mayor stated that a vacancy had arisen for Vice-Chair of the Public Protection Committee. One nomination had been received from Councillor G White.

**Resolved:** That Councillor G White be appointed as Vice-Chair of the Public Protection Committee for the remainder of 2016/17.

**15. STATEMENT OF THE LEADER OF THE COUNCIL**

The Leader of the Council / Portfolio Holder - Policy, People and Partnerships provided Members with an update on the activities and decisions of Cabinet together with the Forward Plan.

**Resolved:** That the statement of the Leader of the Council be received and noted.

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

The Chairs of the Planning Committee and Licensing Committee presented their reports.

The Report of the Chair of Audit and Risk Committee was tabled at the meeting. A verbal update was given for the Public Protection Committee.

**Resolved:** That the reports of the Planning Committee; Licensing Committee, Public Protection Committee and Audit and Risk Committees be noted.

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

The Chairs of the Active and Cohesive Communities Scrutiny Committee, Cleaner Greener Safer Scrutiny Committee and Health and Wellbeing Scrutiny Committee presented their reports.

The Report of the Finance, Resources and Partnerships and Economic Development and Regeneration Scrutiny Committees were tabled at the meeting.

**Resolved:** That the reports of the Active and Cohesive Scrutiny Committee, Cleaner Greener Safer Scrutiny Committee, Health and Wellbeing Scrutiny Committee, Finance, Resources and Partnerships and Economic Development and Regeneration Scrutiny Committees be noted.

**18. MOTIONS OF MEMBERS**

**Resolved:** No notices of motion had been received.

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

**Resolved:** No questions had been received.

**20. RECEIPT OF PETITIONS**

**Resolved:** No petitions were received.

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

**Resolved:** There was no Urgent Business.

**THE MAYOR COUNCILLOR IAN WILKES**  
**Chair**

Meeting concluded at 8.37 pm

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1. **REPORT TITLE**                      **ADOPTION OF THE CONSTITUTION FOR THE 2017/18 MUNICIPAL YEAR**

**Submitted by:**                      **The Monitoring Officer**

**Portfolio:**                              **Policy, People and Partnerships**

**Ward(s) affected:**                      **All**

**Purpose of the Report**

The Council, at its Annual Meeting, must formally adopt its Constitution for the forthcoming municipal year.

**Recommendations:**

- (a) That the consequential changes to the Constitution as set out in the report be noted
- (b) That Council adopt the Constitution (as amended) for the 2017/18 municipal year

1. **Background**

- 1.1 The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed. 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.
- 1.2 The Constitution contains Articles which set out basic rules and principles and these are developed in more detailed rules and procedures which appear in the Appendices. The law requires some of these processes, the Council has chosen others.
- 1.3 The Constitution therefore provides a framework for Council decision making through which the Council delivers its strategic objectives.
- 1.4 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.
- 1.5 Ongoing review of 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 and reported to Council as they arise.
- 1.6 The following changes have not previously been reported to Council:
  - (a) As a result of the Licensing function being moved into the Environmental Health division, a revision of the Scheme of Delegation in respect of Environmental Health has been carried out which includes a merger of the two previously separate Schemes of Delegation. These changes do not

alter the level or extent of delegations but reflect the impact of the managerial changes which result from the move of the Licensing function from the Chief Executive’s Directorate to the Regeneration and Planning Directorate.

(b) Appendix 11 – Access to Information Rules – this document has been substantially updated to reflect legislative changes and a copy is attached at Appendix 3 to this report.

(c) Addition to Leisure and Amenities Scheme of Delegation – sports grants:

(14)	Approval of recommendations for sports grants from Castle Sports Group	Executive Director of Operational Services in consultation with Portfolio Holder for Leisure and Culture
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(d) Addition to Leisure and Amenities Scheme of Delegation – exhumations:

(15)	Exhumations and re-interments – determination of applications and requests and recovery of fees and charges	Cabinet or Executive Director of Operational Services in consultation with the Head of Environmental Health
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(e) **Audit and Standards Committee**

At its meeting on 13th July 2016 the Council resolved that the Audit and Risk Committee and the Standards Committee be merged. A copy of the terms of reference for the Audit and Standards Committee is set out in Appendix 1 of this report.

(f) **Constitution and Member Support Working Group**

At its meeting on 13 July 2016 the Council resolved that the remit of the former Constitution Working Group be widened to include member support and development and that the name of the group be amended to the Constitution and Member Support Working Group to reflect this. A copy of the Working Group’s terms of reference is set out in Appendix 2 of this report.

2. **Outcomes to support Corporate Priorities as set out in the Council Plan and/or the Newcastle Partnership priorities**

- 2.1 The objective of the Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.
- 2.2 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.
  - creating a cleaner, safer and sustainable Borough
  - creating a Borough of opportunity
  - creating a healthy and active community
  - transforming our Council to achieve excellence
- 2.3 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.



3. **Legal and Statutory Implications**

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

4. **Financial and Resource 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.

5. **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.

6. **List of Appendices**

Appendix 1 – Audit and Standards Committee Terms of Reference

Appendix 2 – Constitution and Member Support Working Group Terms of Reference

Appendix 3 – Access to Information Rules (Appendix 11) of the Constitution

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## **APPENDIX 1**

### **Audit and Standards Committee terms of reference**

#### **Audit Activity**

- To receive, review and approve, but not direct the annual internal audit plan, and audit charter.
- To review quarterly Internal Audit progress reports and the main issues arising and to seek assurance that action has been taken where necessary.
- To consider reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale and to monitor the Council's response to ensure that this is acceptable.
- To ensure that there are effective relationships between external and Internal Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- To consider the Audit Managers annual report and opinion, and the level of assurance internal audit can give over the Council's corporate governance arrangements.
- To consider any reports dealing with the management or arrangements for the provision of the internal audit service.
- To ensure the internal audit section is adequately resourced and has appropriate standing within the Council.
- To receive, review and approve but not direct the annual external audit plan.
- To consider the external auditors annual audit and inspection letter, relevant reports to those charged with governance, delegating the consideration of such reports and any investigations to other committees as necessary.
- To consider specific reports as agreed with the external auditor.
- To monitor the Councils response to the external auditor's findings and the implementation of external audit recommendations.

#### **Regulatory Framework**

- To consider the internal control environment and the level of assurance that may be given as to its effectiveness, to include the review of the Annual Governance Statement and the recommendation to the Council of its adoption.
- To satisfy itself that the Council's assurance statements including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- To approve, monitor, review and amend from time to time the Councils Code of Corporate Governance to ensure that it is adequate and effective.
- To monitor the effectiveness of the Councils risk management arrangements, including the actions taken to manage risks and to receive regular reports on risk management. To review the effectiveness of corporate governance arrangements to ensure that the Council complies with best practice.
- To monitor the effectiveness of the Council's policies and arrangements for Anti-Fraud, Anti-Corruption, Whistleblowing, Bribery and Anti-Money Laundering.
- To review any issue referred to it by the Chief Executive, Section 151 Officer, Monitoring Officer, Executive Director or any Council body.
- To maintain an overview of the Councils Constitution in respect of Contract Procedure Rules, Financial Regulations and Codes of Conduct and make recommendations to Council in consultation with the Monitoring Officer and Section 151 Officer for any amendments.

### **Accounts**

- To approve the Council's Statement of Accounts.
- To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

### **Standards**

- To promote and maintain high standards of conduct by Members
- To oversee the Register of Members Interests
- To monitor compliance with the Members' Code of Conduct;
- To advise the Council on the adoption or revision of the Members' Code of Conduct
- To oversee the effectiveness of the Council's procedures for investigating and responding to complaints of breaches of the Members' Code of Conduct
- To interview and make recommendations to Council on the appointment of Independent Person(s) in accordance with the requirements of the Localism Act 2011
- To deal with complaints of alleged breaches of the Code of Conduct which the Monitoring Officer, in consultation with the Independent Person(s), considers warrant detailed consideration and to make final recommendations thereon
- To advise, train or arrange to train Members and Independent Person(s) on matters relating to the Members' Code of Conduct;
- To consider requests from Members to grant dispensations from being precluded from participation in a meeting
- To oversee, review and make any recommendations on the effectiveness and operation of the Constitution and any of the provisions of it
- To have an overview of the complaints submitted to and being investigated by the Local Government Ombudsman.
- To oversee the maintenance of the List of Politically Restricted Posts within the Borough Council

### **Other Areas**

- To consider reports from external inspectors (for example Office of the Surveillance Commissioner, Health & Safety Executive).
- To receive reports from the Corporate Health & Safety Officer.
- To monitor the effectiveness of the Councils information governance arrangements
- To receive reports in respect of the Councils Treasury Management arrangements.

## **APPENDIX 2**

### **Constitution and Member Support Working Group terms of reference**

The membership of the Constitution and Member Support Working Group shall consist of one Member from each of the political Groups represented on the Council. The Group will be supported by the Chief Executive and the Monitoring Officer. The Working Group will be chaired by the Portfolio Holder with responsibility for Member development and shall be a member of the Working Group in an ex officio capacity in addition to the Group nominee.

The remit of the Working Group shall be:

To keep under review the Council's Constitution and to make recommendations for revising the Constitution to the Chief Executive and Monitoring Officer in accordance with the provisions in Section 15 of Part 2 of the Council's Constitution

To act as a reference group for changes to the Constitution proposed by the Monitoring Officer in accordance with the provisions in Section 15 of Part 2 of the Council's Constitution

To keep under review the Council's arrangements for the support and development of elected Members and to make recommendations to the Head of Governance and Partnerships concerning improvements to and developments of these arrangements

To monitor the outcome of all Member training and development activity and to make recommendations for improvements which would increase the effectiveness and/or efficiency of such programmes.

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## APPENDIX 3

### APPENDIX 11 OF THE CONSTITUTION

#### ACCESS TO INFORMATION PROCEDURE RULES

<u>Rule No.</u>	<u>Subject</u>
1	Scope
2	Interpretation
3	Rights of the public to attend meetings
4	Notices of meetings
5	Access to agendas and reports before a meeting
6	Supply of documents and charging
7	Access to documents following a meeting
8	Background papers listed in reports
9	Exclusion of the public from the whole or part of a meeting
10	Non-disclosure of reports to the public
11	The Executive
12	Executive Key Decisions
13	The 28-day notice of Executive Decisions and/or Confidential/Exempt Decisions (Forward Plan)
14	The Exceptions
15	Urgent items
16	Report to Full Council
17	Record of decisions
18	Attendance at private meetings of the Executive
19	Decisions by individual members of the Executive
20	Scrutiny Committee access to documents
21	Additional rights of access to documents by Members
22	Member access to information – ‘need to know’
23	Confidentiality of Council business
24	Additional rights to information
25	Offences

**These Rules are produced in accordance with the provisions of the  
Local Authorities (Executive Arrangements)  
(Meetings and Access to Information) (England) Regulations 2012**

## **1. SCOPE**

These Procedure Rules apply to all meetings of the Council, its committees and sub-committees and formal meetings of the Executive

## **2. INTERPRETATION**

These Rules will be interpreted, where possible, in accordance with the following guiding principles:

- (a) **Openness:** the right of the public to gain access to meetings and documents
- (b) **Transparency:** the provision of information so that the public know who is responsible for making a particular decision, when and where a decision will be made, and an explanation or justification for a decision
- (c) **Accountability:** the public can measure the actions taken against policies and plans on which those responsible were elected to office.

## **3. RIGHTS OF THE PUBLIC TO ATTEND MEETINGS**

Members of the public may attend all formal meetings (as described in Rule 1 above), subject only to the exceptions set out in these Rules and in any statutory provisions.

Where there is a Key Decision and/or confidential/exempt decision, the 28-day notice provisions set out in Rule 13 shall apply.

## **4. NOTICES OF MEETINGS**

The Council will give at least 5 clear days' notice of any meeting (unless the meeting is convened at shorter notice under the Council's urgency procedures) by posting details of the meeting at the Civic Offices, Merrial Street, Newcastle (the designated office) and by publication on its website ([www.newcastle-under-lyme.gov.uk](http://www.newcastle-under-lyme.gov.uk)).

## **5. ACCESS TO AGENDAS AND REPORTS BEFORE A MEETING**

The Council will make copies of agendas and reports open to the public available for inspection at the designated office and on the website at least 5 clear days before a meeting. If an item is added to an agenda later under the Council's emergency procedures, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to elected Members.



## **6. SUPPLY OF DOCUMENTS AND CHARGING**

The Council will supply, usually in electronic form, copies of:

- (a) Any agenda and reports which are open to public inspection
- (b) Any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- (c) If the designated officer thinks fit, copies of any other non-exempt documents supplied to elected Members in readiness for a meeting

Such documents will be made available to the public by the Council publishing them on its website. A reasonable number of copies of agendas and reports must be made available for the public present at a meeting.

### **Charging**

No fee is charged for inspecting any of the documents referred to in this section. The Council reserves the right to make a reasonable charge for postage and copying of hard copy documents.

## **7. ACCESS TO DOCUMENTS FOLLOWING A MEETING**

The Council will make available copies of the following for 6 years after a meeting:

- (a) the minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the Executive) excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
- (c) the agenda for the meeting
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS LISTED IN REPORTS**

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which, in his or her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 9) unless the exemption no longer applies.

The Council will make available for public inspection for 4 years after the date of the meeting a copy of each of the documents on the list of background papers.

## 9. EXCLUSION OF THE PUBLIC FROM THE WHOLE OR PART OF A MEETING

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt or confidential information would be disclosed. A committee or sub-committee are required to pass a resolution to exclude the public where exempt or confidential information will be disclosed.

'Confidential' information means information given to the Council by a Government department on terms that forbid its public disclosure or information which cannot be disclosed publicly by Court Order.

'Exempt' information means information falling within one or more of the following 7 categories (subject to any condition):

	<b>CATEGORY</b>	<b>CONDITION</b>
1	Information relating to any individual	In accordance with the Data Protection Act 1998
2	Information which is likely to reveal the identity of an individual	In accordance with the Data Protection Act 1998
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Includes information relating to the authority's own financial or business affairs. It does not include information which is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993 as such information will be in the public domain. Financial or business affairs includes past, present and contemplated activities
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	Information may only be exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter.  'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 218 of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	

6	<p>Information which reveals that the authority proposes:</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	
7	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	

**Town and Country Planning General Regulations 1992**

Information may not be deemed exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

**Human Rights Act 1998**

Where a meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6, as follows:

- (a) It is in the interests of morals, public order or national security in a democratic society, to hear the matter in private; or
- (b) Where the interests of juveniles or the protection of the private life of the parties requires that the matter should be heard in private; or
- (c) Where in the opinion of the meeting, due to special circumstances, publicity would prejudice the interests of justice.

**Public interest test**

Paragraphs 1-7 of the exemptions listed above are subject to the public interest test. In determining whether information should remain exempt, the report writer and the decision maker will have to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In respect of all Council, committee and sub-committee reports, writers will therefore need to give consideration to exempt information and the public interest test, and if it is determined that the document should not be published, they will need to explain why or how the public interest test is best served by the information remaining exempt. The fact that a document is exempt, together with reasons, will appear in the report and the agenda relating to that item. The Monitoring Officer will ultimately determine whether reports and related documents are exempt or not and his/her decision will be final.

Where the public may be excluded from a meeting or part of a meeting due to an exempt report being considered, the members of the meeting will need to consider the public interest test, having given due consideration to any legal advice provided.

## 10. NON-DISCLOSURE OF REPORTS TO THE PUBLIC

### Confidential information

Reports containing confidential information will not be disclosed to the public.

### Exempt information

If the Monitoring Officer determines that a report contains exempt information in accordance with Rule 9, having applied the public interest test, he/she may refuse to disclose to the public any reports which in his/her opinion relate to items during which, in accordance with Rule 9, the meeting is likely to exclude the public. Such reports will be marked 'Not for Publication' together with the category of information likely to be disclosed.

## 11. THE EXECUTIVE

### Access to Information Rules 12 to 22 inclusive apply to the Executive only

If the Executive meets to take a Key Decision, then it must also comply with Access to Information Rules 1-10 inclusive above unless Rule 14 (exception) or Rule 15 (urgency) apply. The definition of a Key Decision is:

- (1) Any Executive decision (as opposed to a regulatory decision) which is likely to result in the Council incurring significant expenditure or the making of savings where there is:
  - (a) A change in service provision that impacts upon the service revenue budget by £50,000 or more, or
  - (b) a contract worth £50,000 or more, or
  - (c) a new or un-programmed capital scheme of £50,000 or more, or
- (2) Any Executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in an area comprising two or more electoral wards.

If the Executive, or any member of the Executive, meets with an officer to determine a Key Decision within 28 clear days of the date according to the 28 day notice of key and/or confidential/exempt decisions (see Rule 13) by which it is to be decided, then it must also comply with Access to Information Rules 1 to 10 (inclusive), unless Rules 14 or 15 apply. This requirement does not apply to officer/member briefings or any non-decision making meetings.

## 12. EXECUTIVE KEY DECISIONS

Subject to Rules 14 and 15, a Key Decision may not be taken unless:

- (a) a notice (known as the 28 day notice of key and/or confidential/exempt decisions which will be taken in private) has been published in connection with the matter in question

- (b) at least 28 clear days have elapsed since the publication of the notice in which the decision was first included; and
- (c) where the decision is to be taken at a meeting of the Executive, notice of the meeting has been given in accordance with Access to Information Rule 4.

### **13. THE 28 DAY NOTICE OF EXECUTIVE DECISIONS AND/OR CONFIDENTIAL/EXEMPT DECISIONS (FORWARD PLAN)**

#### **Period covered**

A 28 day notice of key and/or confidential/exempt decisions (which will be taken in private) (previously known as the Forward Plan) will be prepared by Democratic Services and updated when a new notice is made and published, which will be at least 28 clear days prior to any regular scheduled meeting of the Executive.

At least 5 clear working days prior to the day of any private meeting of the Executive, Democratic Services will publish a further notice on the agenda for the meeting and the Council's website confirming the Executive's intention to hold all or part of the meeting in private, a statement of the reasons for privacy and details of any representations received by the Council as to why the meeting should be held in public and the Executive's response to those representations.

#### **Notice**

The notice will contain matters which Democratic Services consider will be the subject of a Key Decision and/or a private decision (confidential/exempt) to be taken by the Executive, individual members of the Executive, an officer or under joint arrangements in the course of the discharge of an Executive function during the period covered by the notice. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a Key Decision/private decision is to be made
- (b) where the decision maker is an individual, his/her name and title, and where the decision maker is a body, its name and details of membership
- (c) the date on which, or the period within which, the decision will be taken
- (d) a list of the documents submitted to the decision maker for consideration in relation to the matter
- (e) the location from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available
- (f) the identity of the principal groups whom the decision maker proposed to consult before taking the decision
- (g) the means by which any such consultation is proposed to be undertaken

- (h) the steps any person might take who wishes to make representations to the Executive or decision maker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (i) the reasons why the matter will be confidential/exempt.

The notice must be produced and published at least 28 clear days before the day upon which the decision is to be taken, whether by a meeting or by an individual member of the Executive.

## **14. THE EXCEPTIONS**

If a matter which is likely to be a Key Decision/private decision has not been included in the 28 day notice of key and/or confidential/exempt decisions, then subject to Access to Information Rule 15 (urgency), the decision may still be taken if:

- (a) the decision needs to be taken by such a date that it is impracticable to defer it until 28 clear days' notice has been given by notice
- (b) Democratic Services have, in writing, informed the Chair of the relevant Scrutiny Committee, or if there is no such person, each member of the relevant Scrutiny Committee, by notice, of the matter to which the decision is to be made
- (c) Democratic Services have made copies of that notice available to the public, on the Council's website or at the Borough Council offices; or
- (d) At least 5 clear working days have elapsed since Democratic Services complied with (b) and (c).

Where such a decision is taken by the Executive, it must be taken in public, subject to the provisions of Access to Information Rules 9 and 13.

## **15. URGENT ITEMS**

### **15.1 Executive Key and/or Confidential/Exempt Decisions which are urgent**

If by virtue of the urgency of a matter, Access to Information Rule 14 cannot be complied with, then the decision can only be taken if Democratic Services on behalf of the decision maker, obtains the agreement, in writing, of the Chair(s) of the relevant Scrutiny Committee(s) that the taking of the decision cannot reasonably be deferred. If the Chair(s) is unable to act, then in their absence, the agreement of the Vice-Chair(s) of the relevant Scrutiny Committee(s) will be sought. If neither of the Chair(s) or Vice-Chair(s) are available, in their absence the agreement of the Leader of the Council will suffice (and if not available, the Deputy Leader of the Council).

### **15.2 Other Decisions which are urgent**

Only items on an agenda which has been published 5 clear days before the date of a meeting can be considered at that meeting. However, the Chair of the meeting is permitted to add urgent items to the agenda at that meeting. Urgent items are defined as being those items that by reason of special circumstance have arisen since the

despatch of the agenda and which were not known of at the time the agenda was published, provided that 15.1 above is complied with.

Urgent items cannot be dealt with as 'any other business' or 'matters arising' items.

## **16. REPORT TO FULL COUNCIL**

### **16.1 When a Scrutiny Committee can require a report**

A relevant scrutiny committee can require that the Executive submit a report to Full Council within such reasonable time period as the scrutiny committee specifies if they consider that a Key Decision has been taken which was not:

- (a) treated as a Key Decision
- (b) included in the 28 day notice of Key and/or Confidential/Exempt Decisions; or
- (c) the subject of an agreement under Access to Information Rule 16 (Urgency).

When directed to do so by either the Chair of the relevant scrutiny committee or by any 5 members of that scrutiny committee, the Chief Executive on behalf of the relevant scrutiny committee or the Executive, will serve notice in writing upon the Council Leader, requiring such a report to be submitted to Full Council. Alternatively, the relevant scrutiny committee may pass a resolution at their meeting to require such a report of the Executive to Full Council within a specified time period.

### **16.2 Executive's report to Full Council**

The Executive will prepare a report for submission to the next available meeting of the Council, when required to do so in accordance with Access to Information Rule 16.1. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the scrutiny committee requiring the report, then the report may be submitted to the meeting held next after that.

The report to Council will set out particulars of the decision, the individual or body making the decision, and, if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

### **16.3 Reports on Special Urgency Provisions**

The Leader shall include in his/her report to Full Council a summary of any Executive Decisions taken in the circumstances set out in Access to Information Rule 15 taken since the previous Full Council meeting.

## **17. RECORD OF DECISIONS**

### **Recording of Executive Decisions**

After any meeting of the Executive, whether held in public or in private, a record of every decision taken at that meeting will be produced as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

The statement must include:

- (a) a record of the decision including the date it was made
- (b) a record of the reasons for the decision
- (c) details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive

Executive decisions made by decision making bodies are prescribed decisions for the purposes of Section 9G(3) of the Local Government Act 2000 (duty to keep records of private meetings).

#### **Recording of Executive decisions made by individuals**

As soon as reasonably practicable after an individual Member has made an Executive decision, that Member must produce a written statement of that Executive decision which includes the information specified below:

- (a) a record of the decision including the date it was made
- (b) a record of the reasons for the decision
- (c) details of any alternative options considered and rejected by the Member when making the decision
- (d) a record of any conflict of interest considered and rejected by the Member when making the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive

Executive decisions made by individual members of local authority Executives are prescribed decisions for the purposes of Section 9G(4) of the Local Government Act 2000 (duty to keep a written record of decisions made by individual members of local authority Executives).

#### **Recording of Executive decisions made by officers**

As soon as reasonably practicable after an officer has made a decision which is an Executive decision, that officer must produce a written statement which includes the information specified below:

- (a) a record of the decision including the date it was made
- (b) a record of the reasons for the decision
- (c) details of any alternative options considered and rejected by the officer when making the decision



- (d) a record of any conflict of interest declared by any Executive Member who is consulted by the Officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive

## **18. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE**

All Members of the Executive will be served notice of all private meetings of the Executive, and all such Members are entitled to attend such meetings.

The statutory officers (Head of the Paid Service, Chief Financial Officer and Monitoring Officer) are entitled to attend any meeting of the Executive.

The Executive may not meet unless Democratic Services have been given reasonable notice that a meeting is to take place. A private Executive meeting may only take place in the presence of a member of Democratic Services with responsibility for recording and publishing the decisions.

## **19. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE**

### **19.1 Decision reports**

Where an individual member of the Executive receives a report which he/she must consider prior to making any decision, then he/she will not make the decision until at least 5 working days after the receipt of that report.

However, if the decision is a Key Decision and/or Confidential/Exempt Decision, the 28 day notice provisions in Access to Information Rule 13 shall apply.

### **19.2 Provision of copies of reports to scrutiny committees**

When providing such a report to an individual member of the Executive, Democratic Services will provide a copy of it to the Chair and Vice-Chair to the relevant scrutiny committee as soon as reasonably practicable. At the same time, Democratic Services will make the report publicly available by publishing it on the Council's website, unless it is deemed confidential or exempt in accordance with Access to Information Rule 9 above.

### **19.3 Record of Individual Member decision**

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive, or a Key Decision has been taken by an officer, Democratic Services will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Access to Information Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Executive, subject to Access to Information Rule 9.

## **20. SCRUTINY COMMITTEE ACCESS TO DOCUMENTS**

### **20.1 Right to documents**

Subject to Access to Information Rule 20.2 below, scrutiny committees will be entitled to copies of any document which is in the possession of or control of the Executive (or its committees) and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Executive or its committees; or
- (b) any decision taken by an individual member of the Executive; or
- (c) any decision taken by an officer authorising an Executive function.

Copies of documents requested under this Rule must be supplied within 10 working days of receipt of the request.

### **20.2 Limitation**

Subject to Access to Information Rule 21, the relevant scrutiny committee will not be entitled to:

- (a) any document that is in draft form
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise, or is accessible in accordance with Access to Information Rule 21.4 below.

## **21. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS BY MEMBERS**

### **21.1 Documents relating to business to be transacted at a public meeting**

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession of or under the control of the Executive or its committees which contains material relating to any business to be transacted at a public meeting. Any document must be available for inspection at least 5 clear days before the day of the meeting except:

- (a) where the meeting is convened at shorter notice the document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available must be available for inspection when the item is added on the agenda

All such documents will be made available by publishing on the Council's website.

### **21.2 Documents relating to business to be transacted at a private meeting**

Any document which is in the possession of or under the control of the Executive and contains material relating to any business transacted at a private meeting will be available for Members to inspect at the office of Democratic Services, subject to Access to Information Rule 21.4 below. This Rule does not provide a right to copy such documents.

Where access is restricted to a document under this provision, the restriction is determined by Democratic Services, having taken account of the advice of the Monitoring Officer.

### **21.3 Disclosure of documents after the decision**

Any document which is in the possession or under control of the Executive and contains material relating to:

- (a) any business transacted at a public meeting
- (b) any decision made by an individual member of the Executive in accordance with Executive Arrangements
- (c) any decision made by an officer in accordance with Executive Arrangements

must be available for inspection by a Member immediately after the meeting concludes, or where an Executive decision is made by an officer, immediately after the decision has been made (and in any event, within 24 hours).

### **21.4 Access to confidential and exempt information**

The entitlement to access to, or inspection of, documents does not extend to a document that contains confidential or exempt information unless the exemption solely relates to paragraphs 3 or 6 of the exemptions in Access to Information Rule 9.2 (except where the information relates to any terms proposed by or to the Council in the course of negotiations of contract).

Nothing in these Rules requires the disclosure of confidential information that breaches the obligation of confidence.

Nothing in these Rules requires the disclosure of a document, or part of a document where advice had been provided by a political adviser or assistant.

Members may therefore often be able to access reports which are exempt, but there are occasions when information:

- (a) is highly sensitive and involves complex negotiations
- (b) relates to a significant litigation risk
- (c) relates to sensitive personal information where the data subject would reasonably expect such information to be restricted only to decision makers.

## **22. MEMBER ACCESS TO INFORMATION – ‘NEED TO KNOW’**

- 22.1 Members have the right to seek information which they may reasonably need in order to assist them in properly discharging their duties as an elected Member of the Council. This can range from a request for general information about an aspect of the Council’s activities to a request for specific information on behalf of a constituent.
- 22.2 Where there may be any discretion the normal test which is applied is whether the request which a Member has made for a particular piece of information is relevant to the capacity in which they are asking for it, e.g. as a member of a particular Committee, on a ward matter or similar. The need to know would only extend to personal information in exceptional cases and there are specific exemptions which are set out more fully in Access to Information Rule 9. In case of dispute or uncertainty, the final decision on whether information should be released or not is a matter for the Monitoring Officer.

## **23. CONFIDENTIALITY OF COUNCIL BUSINESS**

### **23.1 Confidential information**

Any item of business at Full Council, a committee or sub-committee which is deemed to be confidential shall require that the relevant body’s discussion in relation to the item be kept confidential and may only be disclosed to, and discussed by, the following:

- (a) Elected Members of the Council
- (b) other persons appointed under Section 102 of the Local Government Act 1972 as members of committees or sub-committees
- (c) such officers of the Council as are concerned with the matter in the course of their duties, including the Monitoring Officer and the Chief Financial Officer
- (d) such other persons to whom, in the opinion of the Monitoring Officer, the item of business or report ought to be disclosed in order to comply with the Human Rights Act 1998 or any rule of law to avoid maladministration by the Council

and there shall be no further disclosure of such report, item of Council business or discussion thereof to any other person whatsoever.

The business referred to in this Rule consists of any item of Council business which has been agreed as being confidential by the Council, its committees or sub-committees or by the Monitoring Officer in accordance with the Local Government Act 1972.

Information which has been deemed to be confidential may at some point in the future cease to be confidential and may be disclosed. Advice should be sought from the Monitoring Officer in respect of confidential information.

### **23.2 Working parties**

Subject to the Council Procedure Rules, a member of a working party set up by the Council shall not disclose a matter dealt with or brought before it, without its

permissions until the proceedings of that working party have been reported to the Council or to the committee or sub-committee which set it up, or the working party shall otherwise have concluded action on that matter.

## **24. ADDITIONAL RIGHTS TO INFORMATION**

These Rules do not affect any more specific rights to information contained elsewhere in the Council's Constitution or the law.

## **25. OFFENCES**

- 25.1 A person who has custody of a document that relates to a meeting of the Cabinet (agenda, reports, background papers or decisions) which is required to be available for inspection by members of the public commits an offence if, without reasonable excuse, that person:
- (a) intentionally obstructs any person exercising a right conferred under these Rules to inspect, or to make a copy of the whole or part of the document; or
  - (b) refuses to supply a copy of the whole or part of the document in accordance with these Rules.
- 25.2 A person who commits an offence under Rule 24 is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

17 May, 2017

### **APPOINTMENT OF COMMITTEES, CHAIRS AND VICE-CHAIRS 2017/2018**

**Submitted by:** Democratic Services

**Portfolio:** Policy, People and Partnerships

**Ward(s) affected:** All

#### **Purpose of the Report**

To appoint to committees, and to appoint chairs and vice-chairs for 2017/18.

#### **Recommendations**

- (1) That the membership of committees for 2017/2018 be appointed in accordance with the nominations;
- (2) That the chairs and vice-chairs of committees for 2017/2018 be appointed in accordance with the nominations;
- (3) That the terms of reference and delegations to committees be as set out in the council's constitution

#### **Reasons**

Section 102 of the Local Government Act 1972 gives local authorities the power to appoint committees for the purpose of discharging functions in pursuance of arrangements made under section 101 (arrangements for discharge of functions by local authorities). Committees are appointed under this power for the "effective and convenient discharge of the authority's non-executive functions". Part 1A of the Local Government Act 2000 (updated by the Localism Act 2011) states that executive arrangements by a local authority must include provision for the appointment by the authority of one or more scrutiny committees. Section 6 of the Licensing Act 2003 requires each licensing authority to establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority to discharge the majority of its functions under that legislation.

#### **1. Background**

- 1.1 The Local Government and Housing Act 1989 ("the 1989 Act") imposes political proportionality requirements in respect of the appointment of committees (other than the Executive).
- 1.2 Specifically, section 15 of the Act requires that four principles be followed in allocating committee seats:-
  - (a) All seats on a committee cannot be allocated to the same political group;
  - (b) The majority of the seats on each committee should be allocated to the political group holding the majority of seats on the council;
  - (c) Subject to (a) and (b) above, the number of seats on the total of all the ordinary committees of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council;

- (d) Subject to (a), (b) and (c) above, the number of seats on each ordinary committee of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council.
- 1.3 In order to fulfil these requirements in the order stated, and particularly to achieve the best fit of requirement (d) while maintaining requirement (c), it is usual for a small number of manual adjustments to be required to the allocations for individual committees.
- 1.4 Under Council Procedure Rule 3, the council also appoints chairs and vice-chairs of committees at its annual meeting.
- 1.5 Government advice on Scrutiny Committees suggests that local authorities might consider it appropriate to have all or some of these committees chaired by members outside the majority group.
2. **Issues**
- 2.1 There are some potential issues in the way committees are constituted which can hinder an authority's ability to fulfil the requirements of the 1989 Act.
- 2.2 If a committee has an even number of seats, depending on the size of the majority, this can effectively prevent the fulfilling of requirement (b) without grossly distorting the allocation and adversely affecting the ability to fulfil the other requirements. For this reason it is best practice for committees to have an odd number of seats.
- 2.3 Certain sizes of committee can lead to the necessity to make a large number of manual adjustments to the allocations on those committees to achieve overall proportionality (requirement (c)). This, in turn, distorts the ability to achieve a closeness of fit to requirement (d) in respect of the individual committees. For this reason it is best practice to avoid certain numbers of seats on individual committees, although these numbers will vary depending on the overall number of seats on an authority and how these are divided up between the political groups.
- 2.4 Section 16(2A) of the 1989 Act (inserted by Regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990) provides that each independent member (ie a member who is not part of a political group) is treated in the same way as a group for the purpose of the allocation of seats. This regularises the position insofar as it is in any case only possible to comply with the legislation and also fill all committee seats by treating each independent member in this manner.
- 2.5 The Licensing Committee, being the committee established under section 6 of the Licensing Act 2003, is not subject to the proportionality rules of the 1989 Act. However, this council (like many others) has previously determined that it will be treated in the same manner as the ordinary committees in that respect, and it is therefore included in the overall calculations.
3. **Proposal**
- 3.1 In light of the issues identified under section 2 above and recent changes to the memberships of the political groups, the overall size of the council's committees and the allocation of seats has been reviewed.
- 3.2 The resulting proposed committee structure and allocation of seats is set out below.



3.3

<b>Committee</b>	<b>Places</b>	<b>Lab</b>	<b>Con</b>	<b>Liberal Democrats</b>	<b>Newcastle Independent Group</b>	<b>UKIP</b>	<b>Borough Independent Group</b>
Finance Resources and Partnerships SC	11	5	4	1			1
Economic Development and Enterprise SC	11	5	4			1	1
Cleaner, Greener and Safer SC	11	5	4	1			1
Active and Cohesive Communities SC	11	5	4		1		1
Health and Well-Being SC	11	5	4	1			1
Planning	16	7	6	1			2
Conservation Advisory	5	2	2				1
Licensing	15	7	5	1		1	1
Public Protection	13	6	5		1		1
Audit and Standards	7	3	3				1
Employees Consultative Committee	7	3	3		1		
Staffing	11	5	4		1		1

3.4 The political groups have been requested to submit nominations in accordance with their group allocations, and these are appended.

3.5 The groups' nominations for the chairmanships and vice-chairmanships of committees are also appended.

4. **Legal and Statutory Implications**

4.1 The establishment of committees and the allocation of seats are undertaken in accordance with the relevant legislation, primarily the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government (Committees and Political Groups) Regulations 1990 (as amended), the Local Government Act 2000, the Localism Act 2011 and the Licensing Act 2003.

5. **Equality Impact Assessment**

5.1 No equality or diversity issues have been identified in the preparation of this report.

6. **Financial and Resource Implications**

6.1 There are no significant direct financial or resource implications arising from the proposals. There is no change to the number of chairmanships or vice-chairmanships so no impact on members' allowances.

7. **Major Risks**

7.1 It is essential that the council's decision making structures and processes are robust and established in line with the relevant legislation and principles of good governance, to minimise the risk of legal challenge. The proposed approach seeks to ensure those aims are met.

The appointment of scrutiny committees enables the Council to achieve enhanced accountability and transparency of decision making process. Scrutiny is a key element of the Council's executive arrangements and is the main way by which executive decision-makers are held to public account for the discharge of the functions for which they are responsible.

7.2 The scrutiny process is a key mechanism for enabling councillors to represent the views of their constituents and other organisations to the cabinet and to the Council and, by examining the operation and impact of the Council's policies, is a useful means of improving the development and delivery of services. Lack of an effective scrutiny function could lead to a lack of democratic accountability for the Council.

8. **List of Appendices**

8.1 The nominations for committee places, chairmanships and vice-chairmanships from each group will follow

9. **Background Papers**

9.1 None.

1. **REPORT TITLE**                      **SCHEME OF MEMBER ALLOWANCES**

**Submitted by:**                      **Chief Executive**

**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 2017/18

**Recommendation:**

**That the current Scheme of Member Allowances be retained for the municipal year 2017/18**

1. **Background**

1.1 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 allowance must be the same for each Member (basic allowance). Such a Scheme may also provide for a Special Responsibility allowance to certain Members of the Authority and these must also be specified in the Scheme.

1.2 It is therefore recommended that in order to ensure that the Council's Scheme of Member Allowances remains compliant, the Council confirms that the current Scheme of Member Allowances as set out in Appendix 1 to this report is retained for the municipal year 2017/18.

3. **Financial and Resource Implications**

There are no new financial or resource implications arising from this report as the current allowances are provided for in the Council's approved budget for 2017/18.

4. **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 2017- 18**

<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.

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

17 May, 2017

### CALENDAR OF MEETINGS 2017/18

**Submitted by:** Democratic Services  
**Portfolio:** Policy, People and Partnerships  
**Ward(s) affected:** All

#### **Purpose of the Report**

To agree the Calendar of Meetings for 2017 - 2018

#### **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 2017/2018 is attached at appendix A for approval.

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**(meetings commence at 6pm unless otherwise agreed by each Committee)**

<b>May 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
1 Bank Holiday	2 CAWP	3	4 County Elections	5
8	9 Public Protection	10	11	12
15 Group Meetings	16	17 Annual Council	18	19
22 CAWP	23 Planning	24	25	26
29 Bank Holiday	30	31		
<b>June 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
			1	2
5	6	7 Cabinet	8 Active & Cohesive Scrutiny	9
12	13 CAWP	14 Finance, Resources & Partnership Scrutiny	15	16
19 Licensing / Public Protection	20 Planning	21 Economic Development Scrutiny	22 Planning Policy Committee	23
26 2.00pm Employees Consultative Committee	27 6pm Special Cabinet (Local Plan)	28	29 Cleaner, Greener & Safer Scrutiny	30

*(meetings commence at 6pm unless otherwise agreed by each Committee)*

<b>July 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
3 Audit & Standards	4 CAWP	5 Health & Well Being Scrutiny	6	7
10 Group Meetings	11	12 Council	13	14
17	18 Planning	19 Cabinet	20	21
24	25 CAWP	26	27 Staffing	28
31				
<b>August 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 Public Protection	2	3	4
7	8	9	10	11
14 CAWP	15 Planning	16	17	18
21	22	23	24	25
28 Bank Holiday	29	30	31	

*(meetings commence at 6pm unless otherwise agreed by each Committee)*

<b>September 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4 Economic Development Scrutiny	5 CAWP	6 Council	7	8
11 Group Meetings	12 Planning	13 Cabinet	14 Finance, Resources & Partnership Scrutiny	15
18	19 Public Protection	20	21 Licensing	22
25 Audit & Standards	26 CAWP	27	28 Parish Council Forum	29
<b>October 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
2	3	4 Cleaner Greener & Safer Scrutiny	5	6
9 Active & Cohesive Scrutiny	10 Planning	11	12	13
16	17 CAWP	18 Cabinet (if sufficient business)	19 Health & Well Being Scrutiny	20
23 2.00pm Employees Consultative Committee	24	25	26	27
30	31 Public Protection			

*(meetings commence at 6pm unless otherwise agreed by each Committee)*

<b>November 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
		1 Finance, Resources & Partnership Scrutiny	2	3
6 CAWP	7 Planning	8 Cabinet	9	10
13 Audit & Standards	14 Staffing	15	16	17
20 Group Meetings	21	22 Council	23	24
27	28 CAWP	29	30	
<b>December 2017</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5 Planning	6 Cabinet	7 Economic Development & Enterprise Scrutiny Committee	8
11 Public Protection	12	13	14	15
18	19 CAWP	20	21	22
25 Bank Holiday	26 Bank Holiday	27 Office Closed	28 Office Closed	29 Office Closed

*(meetings commence at 6pm unless otherwise agreed by each Committee)*

<b>January 2018</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
1 Bank Holiday	2	3 Planning	4	5
8	9	10 Health & Well Being Scrutiny	11 Licensing	12
15	16 CAWP	17 Cabinet	18	19
22 2.00pm Employees Consultative Committee	23	24 Finance, Resources & Partnership Scrutiny	25	26
29	30 Public Protection	31		
<b>February 2018</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
			1 Planning	2
5	6 CAWP	7 Cabinet	8 Staffing	9
12 Audit & Standards	13	14	15	16
19 Group Meetings	20	21 Council (Budget)	22	23
26 CAWP	27 Planning	28 Cleaner Greener & Safer Scrutiny		

*(meetings commence at 6pm unless otherwise agreed by each Committee)*

<b>March 2018</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
			1	2
5 Active & Cohesive Scrutiny	6	7	8 Parish Council Forum	9
12 Finance, Resources & Partnership Scrutiny	13 Public Protection	14	15	16
19	20 CAWP	21 Cabinet	22 Economic Development Scrutiny	23
26	27 Planning	28	29	30 Bank Holiday
<b>April 2018</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
2 Bank Holiday	3	4	5 Licensing	6
9 Group Meetings	10 CAWP	11 Health & Well Being Scrutiny	12	13
16 Audit & Standards	17	18	19	20
23 2.00pm Employees Consultative Committee	24 Planning	25 Council (only if sufficient business)	26	27
30				

*(meetings commence at 6pm unless otherwise agreed by each Committee)*

<b>May 2018</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 CAWP	2	3 Borough Elections	4
7 Bank Holiday	8 Public Protection	9 6.30 Members Induction	10 Staffing	11
14 Group Meetings	15 6.30 Members Induction	16 Annual Council	17 Licensing	18
21 CAWP	22 Planning	23 6.30 Members Induction	24	25
28 Bank Holiday	29	30 6.30 Members Induction	31	
<b>June 2018</b>				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5	6 Cabinet	7	8
11 Public Protection	12 CAWP	13 Finance, Resources & Partnership Scrutiny	14	15
18	19 Planning	20	21	22
25	26 Licensing	27	28 Cleaner, Greener & Safer Scrutiny	29

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