

# Council Agenda

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**Date:** Thursday, 22nd April, 2010

**Time:** 6.00 pm

**Venue:** Assembly Room, Town Hall, Macclesfield, SK10 1DX

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

## **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Prayers**

2. **Apologies for Absence**

3. **Minutes of the meeting held on 25 February 2010** (Pages 1 - 16)

To approve the minutes as a correct record.

4. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

5. **Declarations of Interest**

To provide an opportunity for Members to declare any personal and/or prejudicial interests in any item on the agenda

6. **Public Speaking Time/Open Session**

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public must provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

7. **Notice of Motion** (Pages 17 - 18)

To consider the attached Notice of Motion, submitted in accordance with Procedure Rule 12, by Councillor J Weatherill.

8. **Standards Committee Annual Report** (Pages 19 - 32)

To receive the Standards Committee Annual report.

9. **Election of Mayor and Deputy Mayor for the 2010/11 Civic Year** (Pages 33 - 34)

To resolve that Councillor G Baxendale be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election as Mayor and Deputy Mayor for Cheshire East, for 2010/2011, at the Mayor Making ceremony to be held on 12<sup>th</sup> May 2010.

10. **Independent Remuneration Panel: Mid-Year Review of Members' Allowances Scheme - Referral from Governance and Constitution Committee** (Pages 35 - 66)

To consider the recommendations of the Governance and Constitution Committee from its meeting held on 25 March 2010.

11. **Leader's Report to Full Council**

The Leader of the Council to report the following Key Decision, which has been taken under the urgency provisions contained within Council Procedure Rule 44 :-

Proposed Traffic Regulation Order and Off-Street Parking Places Order to facilitate civil enforcement of parking contraventions in the Congleton area.

12. **Questions**

In accordance with Procedure Rules 11, opportunity is provided for Members of the Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Thursday, 25th February, 2010 in the Council Chamber,  
Municipal Buildings, Crewe

**PRESENT**

Councillor M J Simon (Chairman)  
Councillor G Baxendale (Vice-Chairman)

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, C Beard, W T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, D Cannon, R Cartlidge, S Conquest, J Crockatt, H Davenport, M Davies, S Davies, R Domleo, B Dykes, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, J Goddard, J Hammond, M Hollins, D Hough, E Howell, O Hunter, J Jones, S Jones, F Keegan, A Knowles, A Kolker, J Macrae, A Martin, M Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, H Murray, D Neilson, R Parker, A Ranfield, B Silvester, L Smetham, D Stockton, C Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, J Weatherill, R West, R Westwood, P Whiteley, S Wilkinson and J Wray

**Apologies**

Councillors A Barratt, G Barton, S Broadhurst, D Brown, P Edwards, E Gilliland, M Hardy, T Jackson, W Livesley, S McGrory, J Narraway, M Parsons, D Thompson and G M Walton

**169 PRAYERS**

In the absence of the Mayor's Chaplain, Father Charles Razzall, the Reverend David Johnson of St Michael's Church, Coppenhall, said prayers.

**170 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 25<sup>th</sup> January 2010 be approved as a correct record.

**171 MAYOR'S ANNOUNCEMENTS**

The Mayor—

1. announced that the eleventh Annual Cheshire "Built in Quality" Awards took place on Friday 5 February, with success for our local construction companies. They recognised the work of contractors,

agents and architects who have constructed new buildings of a particularly high standard. A number of companies in the Borough received awards and would now go forward to the regional and possibly national award; including M H Stainton Building Contractors, Eyes Construction and Willmott Dixon, in respect of development in Alderley Edge, Knutsford and Crewe”.

2. referred to a unique debit card, the first of its kind in the country, which would enable older people and those with disabilities to lead more independent lives; this had been launched by the Council last month. The Empower Card was a unique pre-loaded VISA card for individuals across Cheshire East who received a personal budget for the costs of their social care.
3. was delighted to report that Tatton Park had been chosen to host one of the BBC's flagship programmes – “The Antiques Roadshow” on Thursday 20th May.
4. was also pleased to announce that the Council was a signatory to the national 10:10 campaign, aiming to reduce our CO<sub>2</sub> emissions by 10% this year, and that a number of projects were underway to assist in this task.

## **172 DECLARATIONS OF INTEREST**

Councillor G Baxendale declared a personal and prejudicial interest in agenda item 15 (Recommendations of the Governance and Constitution Committee on 19<sup>th</sup> February 2010 – Item 1: Election of Mayor and Deputy Mayor) on the basis that he was a candidate for the office of Mayor in 2010/2011. Councillor R West declared a personal and prejudicial interest in the same item on the basis that he was a candidate for the office of Deputy Mayor in 2010/2011.

Councillor D Flude declared a personal interest in agenda item 8 (Referral to Council of Recommendations from Cabinet – Budget Report 2010-2011) in the event that the report made reference to charitable organisations with which she was involved, as detailed on the Register of Members' Interests.

No other declarations were made.

## **173 PUBLIC SPEAKING TIME/OPEN SESSION**

In accordance with Council Procedure Rule 35, members of the public were entitled to use the public speaking provision.

Mrs Susan Doughty took the opportunity to address the Council on allotment gardening.

She was the Chair of the newly-constituted Sandbach Allotment Society. She wished to pose two questions to Cheshire East Council and requested a written response in due course.

Firstly, she sought agreement that allotment gardening was a valuable leisure pursuit that provided wide-ranging community benefits, including growing healthy local produce, bringing together people from different cultural backgrounds, improving physical and mental health, providing a source of recreation and making a wider contribution to green spaces.

There were no allotments in Sandbach and residents, therefore, had no access to these benefits, although there was a considerable demand. The Society had a membership of over 50 and interest was growing. Earlier in the day, she had presented a petition from 20 residents to the Mayor; the petition requested land for allotments to be provided in Sandbach under the provisions contained in Section 23 of the Small Holdings and Allotments Act 1908.

Her second question was to ask if the Council would agree to provide space for 20 allotments in Sandbach to meet the identified needs of residents.

**The Portfolio Holder for Health and Wellbeing** thanked Mrs Doughty for her two-part question and agreed to provide his response in writing.

He agreed with her that there were benefits to allotment gardening and it was a valuable leisure pursuit. He considered that allotments today were not just the domain of retired older men, but encompassed young and old alike. Allotments were now geared up so that wheelchair-users and other disabled residents could benefit from them. The Portfolio Holder expressed the wish that all Primary Schools would adopt an allotment so that young children could learn how vegetables and fruits were grown, take them back to their schools and ask the “dinner ladies” to cook them; and then go home and educate their parents on the benefits. Running an allotment was physical work whether that be digging, pulling out weeds or planting, so was a form of exercise which benefited all. Allotments also acted as a social haven for people who may have lost a spouse or were suffering from depression. Working on an allotment was of therapeutic benefit and, therefore, played a major part in the health and well-being of all residents.

In addressing the second part of the question, the Portfolio Holder stated that there were 48 allotment sites scattered across Cheshire East, some of these comprising 50+ individual allotments. Throughout Cheshire East there was a great demand and in some areas there were lengthy waiting lists. As a result of this the Council was considering a range of potential new sites in Cheshire East, including Sandbach.

**174 NOTICE OF MOTION**

Consideration was given to the following Notice of Motion submitted by Councillors R Fletcher and A Arnold in accordance with Procedure Rule No. 12.

*“Cheshire East Council acknowledges and gives thanks to the hard work carried out by its staff, in extremely difficult weather conditions, whilst gritting some of Cheshire East’s roads and footways.*

*Council also calls for the adoption of a Cheshire East policy, by a review of priorities for future years especially with regard to bus routes and roads in the vicinity of primary schools.”*

**The motion stood referred to Cabinet.**

**175 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM CABINET - BUDGET REPORT 2010/2011**

At its meeting held on 16<sup>th</sup> February 2010, Cabinet had considered the report of the Borough Treasurer and Head of Assets, a copy of which was now submitted.

Cabinet had RESOLVED the following -

That

1. the results of the Budget Consultation exercises undertaken by the Council be noted;
2. the comments of the Borough Treasurer and Head of Assets (Chief Finance Officer) be noted in respect of the robustness of estimates and level of reserves held by the Council based on the budget, as identified in Appendix B of the report;
3. the appended schedule of fees and charges be approved, save to the extent that the setting of fees and charges is exercised by other Committees, Panels or individuals under the scheme of delegation or otherwise (Appendix B, Para 199 and Annex 7 of the report);
4. the 2010/2011 Specific Grants (excluding DSG) (Appendix B, Paras 23 to 29 of the report submitted) be agreed and that Portfolio Holders be authorised to agree any necessary amendment to particular grants within their area of responsibility in the light of further information received from Government Departments or other funding bodies;

5. the 2010/2011 Dedicated Schools Grant (DSG) of £200.2m (including central expenditure of £19.7m) and the associated policy proposals (Appendix B Paras 20 to 22 and Annex 5 of the report) be agreed;
6. the Children and Family Service Portfolio Holder be authorised to agree any necessary amendment to the DSG position in the light of further information received from DCSF, pupil number changes and the actual balance brought forward from 2009/2010;
7. the risk assessment detailed in Appendix B, Paras 64 to 66 of the report, be noted;
8. in respect of Fees & Charges (pages 165-166) the Rent of Collapsible Stall units at Alsager, Middlewich & Sandbach Retail Market be corrected as follows:

Service	2009/10 £	2010/11 £
<b>ALSAGER RETAIL MARKET</b>		
Cabinet Report Entry		
Stall Units measure 3.05m x 3.05m or 10ft x 10ft	40.00	41.00
Corrected Entry for Council Report		
Stall Units measure 6.10m x 3.05m or 20ft x 10ft	40.00	41.00
<b>MIDDLEWICH RETAIL MARKET</b>		
Cabinet Report Entry		
Stall Units measure 3.05m x 3.05m or 10ft x 10ft	40.00	41.00
Corrected Entry for Council Report		
Stall Units measure 6.10m x 3.05m or 20ft x 10ft	40.00	41.00
<b>SANDBACH RETAIL MARKET</b>		
Cabinet Report Entry		
Stall Units measure 3.05m x 3.05m or 10ft x 10ft	44.00	45.00
Corrected Entry for Council Report		
Stall Units measure 6.10m x 3.05m or 20ft x 10ft	44.00	45.00

Cabinet had RECOMMENDED to Council –

That

1. the 2010/2011 Budget Report be approved;

2. the three-year Capital Programme for 2010/2011 to 2012/2013 be approved (Appendix B, Paras 72 to 73 and Annex 4 in the report);
3. A Band D Council Tax of £1,216.34 (1.7% increase over 2009/2010 of £1,196.01) be approved;
4. the Reserves Policy and Strategy be approved (Appendix C of the report);
5. the Prudential Indicators for Capital Financial be approved (Appendix B, Paras 78 to 79 and Annex 3 of the report); and
6. In accordance with Para 2.2 of the Budget and Policy Framework Procedure Rules, the existing virement limits, which were detailed at Para A.33 of the Finance Procedure Rules, remain unaltered.

Councillor F Keegan moved the Cabinet's recommendation, which was seconded by Councillor W Fitzgerald.

An amendment to the motion was moved by Councillor D Flude in respect of item 2.3 on the report (*item 1 of the recommendations from Cabinet to Council above*) and seconded by Councillor C G Thorley. Following advice from the Monitoring Officer, Councillor Flude sought permission to revise her amendment, which was granted. The final amendment was as follows:

At recommendation 1 delete "the 2010/2011 Budget Report be approved"

Insert

*"The income from car parking, shown on page 107 of the Council papers as £6,463,000, as part of a total budget of £8,155,000 be reduced to reflect the removal of the 50P Sunday charge for all-day parking in the car parks listed at the top of page 162 of the Council papers."*

Before the vote was taken, at least nine Members of the Borough Council requested that the vote be recorded to show whether each Member present voted for or against the amendment to the motion, or abstained from voting, in accordance with Procedure Rule No. 15.2.

The recorded vote was as follows –

#### **There Voted for the Amendment to the Motion**

Councillors E Alcock, A Arnold, W T Beard, D J Cannon, R Cartlidge, S Conquest, R Fletcher, D Flude, J A Goddard, D Hough, E Howell, S Jones, M A Martin, A Moran, D Neilson, C G Thorley and C Tomlinson.



**There Voted Against the Amendment to the Motion**

The Mayor, Councillor M J Simon, Deputy Mayor, Councillor G Baxendale, Councillors C Andrew, M Asquith, Rachel Bailey, Rhoda Bailey, C Beard, D J Beckford, S Bentley, D Brickhill, J Crockatt, H Davenport, M Davies, W S Davies, R Domleo, B H Dykes, J P Findlow, R W J Fitzgerald, S Furlong, H Gaddum, L Gilbert, J Hammond, M A Hollins, O Hunter, J Jones, F Keegan, A J Knowles, A Kolker, J Macrae, A Martin, P Mason, R Menlove, G Merry, B Moran, H Murray, R W Parker, A Ranfield, B G Silvester, L Smetham, D Stockton, A Thwaite, D Topping, R C Walker, R West, R Westwood, P Whiteley, S Wilkinson and J V Wray

**There Abstained from Voting on the Amendment to the Motion**

Councillors D N Bebbington and M J Weatherill.

The Mayor announced the result of the recorded vote: 17 Members voted for the amendment to the Motion, 48 Members voted against the amendment to the Motion and two Members abstained from voting.

**The Amendment to the Motion, having been put to the vote, was lost.**

A vote was then taken on the original motion.

**RESOLVED**

That

1. the 2010/2011 Budget Report be approved;
2. the three-year Capital Programme for 2010/2011 to 2012/2013 be approved (Appendix B, Paras 72 to 73 and Annex 4 in the report);
3. A Band D Council Tax of £1,216.34 (1.7% increase over 2009/2010 of £1,196.01) be approved;
4. the Reserves Policy and Strategy be approved (Appendix C of the report);
5. the Prudential Indicators for Capital Financial be approved (Appendix B, Paras 78 to 79 and Annex 3 of the report); and
6. In accordance with Para 2.2 of the Budget and Policy Framework Procedure Rules, the existing virement limits, which were detailed at Para A.33 of the Finance Procedure Rules, remain unaltered.

176 **COUNCIL TAX 2010/11 STATUTORY RESOLUTION**

Consideration was given to a report requesting the Council to set the Council Tax for the financial year 2010-2011.

It was noted that, at the time of writing the report, Cheshire Police Authority had not set its budget and its Council Tax precept. A revised report, indicating the Police Authority precept, was tabled at the meeting.

**RESOLVED**

That

The Council Tax for the financial year 2010-2011 be approved, in accordance with the formal resolutions as shown in paragraph 19 of the report and that it be noted that the Council calculated the following amount for the year 2010-2011 in accordance with Regulations made under Section 30-36 of the Local Government Finance Act 1992 -

- a.     £735,280,857 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- b.     £492,176,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.
- c.     £243,104,857 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d.     £63,487,015   being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non domestic rates (£55,437,042) and revenue support grant (£8,049,973) in accordance with Section 97(4) of the Local Government Finance Act 1988.
- e.     £1,237.28       being the amount at (c) above less the amount at (d) above, all divided by the amount of the tax base, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f.     £3,039,857     being the aggregate amount of all special items referred to in Section 34(1) of the Act.

- g. £1,216.34 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the tax base, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- h. Appendix A being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- i. Appendix B being the amounts given by adding to the amount at (g) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish and Charter Trustees area).
- j. Appendix C being the amounts given by multiplying the amount at (i) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).
- k. Appendix D being the aggregate of the local charges in (j) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish and Charter Trustees area).

*(Note: Appendices A, B, C and D are attached to the minutes.)*

**177 REFERRAL TO COUNCIL OF RECOMMENDATION FROM CABINET - TREASURY MANAGEMENT STRATEGY 2010/11**

Consideration was given to a report presenting the Treasury Management Strategy for 2010-2011 to 2012-2013 including the prudential indicators and limits required under Part 1 of the Local Government Act 2003 and the Annual Investment Strategy 2010-2011 and Annual Policy Statement on Minimum Revenue Provision (MRP) for the redemption of debt 2010-2011.

The Strategy included the Communities and Local Government reporting requirements in accordance with the Local Government Investments Guidance under Section 15(1)(a) of the Local Government Act 2003.

Cabinet had considered this report at its meeting held on 16<sup>th</sup> February 2010 and had recommended its approval to Council.

**RESOLVED**

That the Treasury Management Strategy and the Minimum Revenue Provision Statement for 2010-2011 be approved.

**178 SUPPLEMENTARY ESTIMATES APPROVAL**

At its meeting held on 19<sup>th</sup> January 2010, Cabinet had considered a Financial Update report which set out the financial position of the Council at the three-quarter year stage.

Finance Procedure Rules required the approval by Council of requests for supplementary estimates in excess of £1m. Cabinet recommended that Council approve a Supplementary Capital Estimate of £1,044,904 for a Housing Grants scheme (ex-Macclesfield Borough Council).

**RESOLVED**

That a Supplementary Capital Estimate of £1,044,904 for a Housing Grants scheme (ex-Macclesfield Borough Council) be approved.

**179 CALENDAR OF MEETINGS 2010/11**

Council was invited to approve a calendar of meetings for the Municipal Year 2010-2011. The calendar had been considered by the Governance and Constitution Committee at its meeting held on 21<sup>st</sup> January 2010, following which a consultation exercise had been undertaken with the Leader, Cabinet Members, Committee Chairmen and Group Leaders.

**RESOLVED**

That the Calendar of Meetings for Cheshire East Council for the Municipal Year 2010-2011 be approved.

180 **LEADER'S REPORT TO FULL COUNCIL**

The Leader of the Council reported the following Key Decisions which had been taken under the urgency provisions of Procedure Rule 44 of the Council's Constitution.

- (1) The appropriation of various parcels of land in Sandbach, Congleton, Alsager, Middlewich and Holmes Chapel for car parking purposes; and
- (2) Proposed Off-Street Parking Places Order for the former Congleton Borough Council area.

The Chairman of the Environment and Prosperity Scrutiny Committee had agreed that, in accordance with Scrutiny Procedure Rule 13, these decisions would be considered as urgent.

181 **QUESTIONS**

The Mayor reported that two questions had been submitted by Councillor D Flude. The questions, as submitted, together with a summary of the responses, were as follows –

**Question 1 - Submitted by Cllr D Flude**

“Can this Council have a full cost breakdown of the new/revised charges 2010 /2011 for a marriage at Approved Premises?”

[1]	Monday to Friday	£385.00
[2]	Saturday up to 2 pm	£460.00
[3]	Saturday after 2pm	£600.00
[4]	Sunday & Bank Holidays	£500.00
[5]	New Bank Holidays	£800.00”

**The Safer and Stronger Communities Portfolio Holder responded –**

“There had been no substantive review of fees for the Registration Service in the former Cheshire County Council for a number of years. The creation of the new Authority had created an opportunity to examine the costs of the Registration Service. In the early stages of the review, it was found that the Registration Service fell a long way short from being self-funding

Research showed that approximately 70% of couples holding ceremonies at approved premises were not resident in Cheshire East and the question raised was “should Cheshire East residents subsidise this service?”

It was the view of Cheshire East Council that the basic cost of marriages or civil partnerships must be kept within the means of all residents of the Borough. It was decided, therefore, to keep the ceremony charges at the Register Office in Crewe and the Registration Office in Macclesfield

throughout the week at the statutory fee set by central government of £43.50.

Fees for ceremonies at approved premises had been increased significantly which brought the Service much closer to being self-supporting.

The fees charged for Bank Holidays and Saturdays at 2.00 pm reflect demand and allow the diaries and resources to be used to their maximum effectiveness.

Despite the increased charges, early signs are indicating that bookings for the ceremony year 2010-2011 will be higher than those of 2009-2010.

Fees will be kept under review, but there is no intention to increase fees again in the near future.”

**Question 2 - Submitted by Cllr D Flude**

“Why have the Ward Councillors’ budgets for the un-parished parts of Crewe been removed from the 2010 /2011 Budget?

Has the £24,181 [2009 /2010] Crewe Ward Councillors’ budget been incorporated in to the Community Grants Budget?”

**The Resources Portfolio Holder responded -**

“The budget for 2010-11 does not include an allocation for Councillor ward budgets in Crewe as this approach has not been used in other non-parished areas across Cheshire East. However, the budget amount of £24,181 has been incorporated into the community grants pot for next year and will therefore be available for use by community and voluntary groups in all areas.”

**182 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM GOVERNANCE AND CONSTITUTION COMMITTEE**

Council was invited to consider recommendations from the meeting of the Governance and Constitution Committee held on 19<sup>th</sup> February 2010.

**(1) Election of Mayor and Deputy Mayor**

The Committee had considered the recommendations of the Civic Sub-Committee in relation to the election of the Mayor and appointment of the Deputy Mayor.

The Committee had concurred with the view of the Sub-Committee that seniority was not the best approach but that any candidate for the post should have a minimum of one full term’s experience as a councillor. The

Committee also agreed on the need for all political groups to have an opportunity to be involved in the selection process.

The Committee had considered a draft Mayoral Code of Practice which it was agreed be recommended for adoption by Council.

Council accepted the recommendations of the Governance and Constitution Committee and –

## **RESOLVED**

That

1. each year, the Deputy Mayor will normally succeed to the Mayoralty in the following year;
2. each year, the Deputy Mayor will be chosen by full Council at the recommendation of the political group which has the majority of Council Members, provided that in making such choice, another political group or groups may be invited to put forward a nomination for consideration by the majority group;
3. this approach be adopted in respect of the election of Mayor and appointment of Deputy Mayor for the 2010-2011 Civic Year and beyond; and
4. the draft Mayoralty Code of (Mayor and Deputy Mayor) Practice, as amended, be adopted by the Council and incorporated into the Council's Constitution with such consequential amendments as the Borough Solicitor considers necessary to give effect to the wishes of Council.

### **(2) Delegation of Licensing Functions (Minor Variations)**

The Committee had considered a report on a delegation of functions in relation to 'minor variations' under the Licensing Act 2003 submitted by the Licensing Committee to the Head of Safer and Stronger Communities.

The scheme of delegation as set out within the Council's Constitution currently delegated licensing functions under the Licensing Act 2003 to the Head of Safer and Stronger Communities, subject to certain exceptions, including circumstances where relevant representations had been received and not withdrawn. In accordance with the Secretary of State's Guidance to licensing authorities, the Licensing Committee on 18<sup>th</sup> January 2010 had resolved to delegate decisions in relation to 'minor variations' to licensing officers.

A number of changes to the Constitution were required to reflect the Licensing Committee's decision.

Council accepted the recommendations of the Governance and Constitution Committee and –

**RESOLVED**

That the Borough Solicitor be authorised to make such changes to the Constitution as he considers necessary in order to give effect to the wishes of the Council in this regard, including those changes set out within Appendix 2 to the report (submitted to the Governance and Constitution Committee on 19<sup>th</sup> February 2010).

**(3) Supplementary Questions at Council Meetings**

On 17<sup>th</sup> December 2009, after a recommendation from the Committee, Council had resolved to remove from the Constitution the provision giving the right to Members to ask supplementary questions at Council meetings. At the time, the Leader had indicated that he would give the issue further thought. Following his further consideration, and having consulted other group leaders, agreement had been reached on the inclusion in the Constitution of a supplementary questions provision in an appropriately modified form. This had been accepted by the Governance and Constitution Committee at its meeting on 19<sup>th</sup> February 2010 as urgent business for recommendation to Council.

Council accepted the recommendations of the Governance and Constitution Committee and –

**RESOLVED**

That

1. the following provision, enabling Members to ask supplementary questions at Council meetings, be added to the Constitution, at Rule 11.6 of the Council Procedure Rules:

“11.6 Following the answer to each question, the questioner may ask a concise and focussed supplementary question, which relates to the subject matter of the initial question and answer. The Mayor may choose to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Member answering the supplementary question will decide whether or not to reply.”

2. the Borough Solicitor be authorised to make such consequential changes to the Constitution as he considers are necessary to give effect to the wishes of Council.



*(Note: Councillors G Baxendale and R West, having declared personal and prejudicial interests in this item, withdrew from the meeting during discussion and voting, following which they re-joined the meeting.)*

**183 URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor M Simon (Chairman)

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**Notice of Motion – Submitted by Councillor J Weatherill**

This Council deplores the location of mobile phone masts within a radius of 750 mts of a school.

The Council instructs the CEO to write to the relevant minister of the new government requiring that planning applications for mobile phone masts conform to the standard requirements for all planning applications and do not receive deemed planning consent 56 days after receipt.

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# CHESHIRE EAST COUNCIL

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**Date of meeting:** 22 April 2010

**Report of:** Monitoring Officer

**Title:** Standards Committee Annual Report

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## **1.0 Purpose of the Report**

- 1.1 The Annual Report attached outlines the activities undertaken by the Standards Committee over the past year. This was been endorsed by the Standards Committee at its meeting held on 29<sup>th</sup> March 2010.

## **2.0 Decision Required**

- 2.1 To note the report.

## **3.0 Financial Implications**

- 3.1 None.

## **4.0 Legal Implications**

- 4.1 None identified.

## **5.0 Risk Assessment**

- 5.1 No risks identified.

## **6.0 Background**

- 6.1 On 13<sup>th</sup> January 2009, the Standards Committee agreed that the preparation of an Annual Report, outlining its activities, be presented to full Council at a meeting in April/May 2010.
- 6.2 Although there is no legal requirement to prepare a report, it is considered to be good practice to present the report to a public meeting to raise the profile of the work of the Committee.
- 6.3 The attached report has been prepared by the Chairman of the Committee and was endorsed by the Committee at its meeting held on 29<sup>th</sup> March 2010.

For further information:  
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## **Standards Committee**

## **Annual Report 2009-2010**

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## Foreword from the Chairman

At the heart of local democracy in Cheshire East there exists a bond of trust between the community and those who are privileged to represent that community – a bond which relies heavily on the conduct of those elected representatives. The public has a right to expect the highest standards of behaviour from such representatives and those officers responsible for the delivery of local public services. In order that local government can work effectively the public has to have complete confidence in its people and processes.

It is the role of the Standards committee to ensure that such high standards are sustained. In terms of selfless public service and ethical conduct I believe that Cheshire East Councillors and the Town and Parish Councillors have much to be proud of, however these high standards need to be consciously upheld and jealously guarded.

It was my privilege to have been selected as Chairman of the Cheshire East Standards Committee and to observe at first hand the hard work and commitment of councillors, independent members and staff. Accordingly I would like to put on record my thanks to all the committee and staff for their hard work and dedication in ensuring a smooth start during this our inaugural year.

We have focused on several issues not least the important link with Cheshire Association of Local councils and the need to ensure councillors and members of the public are informed about the work of the committee. We have produced a short introductory leaflet and improved access on the Cheshire East Website as well as a short paper on personal and prejudicial interests. Within this report will be found reports of meetings of working parties, meetings of the full and sub-committees as well as attendance at conferences.

I hope this report is of value to councillors and to members of the public. We have, I believe, made a satisfactory start upon which we can build for the future.

NIGEL BRIERS

(Independent Chairman Cheshire East Standards Committee)

## Members of the Committee

In contrast with other Committees of Cheshire East Council, the Standards Committee has no less than five Independent non-political members who are appointed, and selected on merit and experience and these include the Chairman and Vice-Chairman of the Committee. This does ensure that the Committee retains independence and free from political influence. The remaining members of the Standards Committee are drawn widely from across the spectrum of the Council and the community and comprise eight elected members who reflect the political constitution of the Council as a whole and three Town/Parish Councillors.

- **Independent Members:**

Nigel Briers (Chairman of the Committee), was a Member (and Chairman) of the former Crewe and Nantwich Borough Council Standards Committee.

David Sayer (Vice-Chairman of the Committee) was appointed Chairman of the former Congleton Borough Council Standards Committee in 2000 and served for just over 9 years until the inception of Cheshire East Council.

Ian Clark was a Chairman of the former Macclesfield Borough Council Standards Committee.

Michael Garratt served for 5 years as an Independent Member on the Congleton Borough Council Standards Committee.

Roger Pomlett was an Independent Member of the former Crewe and Nantwich Borough Council Standards Committee for 5 years.

- **Parish Council Members:**

Teresa Eatough served as a Parish Council representative on the former Crewe and Nantwich Borough Council Standards Committee.

Patsy Barnett served as a Parish Council representative on the former Congleton Borough Council Standards Committee.

Ken Edwards served on Macclesfield Borough Council Standards Committee for a year as a Parish Council representative.

- **Borough Council Members:**

Rhoda Bailey (Conservative).

Brian Dykes (Conservative) was a member of the former Crewe and Nantwich Borough Council.

John Goddard (Liberal Democrat) was a member of the former Macclesfield Borough Council Standards Committee.

John Hammond (Conservative) served for 5 years as a member of the former Crewe and Nantwich Borough Council Standards Committee and was Deputy Chairman from 2006 to 2008.

Margaret Hollins (Conservative), was a member of the former Crewe and Nantwich Borough Council.

Margaret Martin (Labour), was a member of the former Crewe and Nantwich Borough Council.

Michael Parsons (Independent) was a member of the former Congleton Borough Council.

Lesley Smetham (Conservative) was a Parish Council representative on the former Macclesfield Borough Council Standards Committee for 2 years.

The Borough Solicitor and Monitoring Officer is Chris Chapman.

The Monitoring Officer has a statutory role in ensuring that the Council, its Members and Officers carry out their functions in a proper and lawful manner.

The Monitoring Officer's duties include the following –

- Maintaining the Register of Members' Interests.
- He has an important role in contributing to the promotion and maintenance of high standards of conduct throughout the organisation.
- Main legal adviser to the Standards Committee and its Sub-Committees.
- Ensuring that decisions of the Standards Committee are implemented.
- If the Standards Committee refers an allegation for investigation, the Monitoring Officer will appoint another Officer to investigate the allegation and, should there be a local determination hearing, will act as the Legal Adviser to the Sub-Committee.
- The Monitoring Officer is also the main point of contact for Standards for England and submits periodic returns on the complaints received and dealt with by the Standards Committee.

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## Introduction to the Standards Committee

The Standards Committee was set up under Article 9 of the Council's Constitution and sets out to discharge the Council's function under Part 111 of the Local Government Act 2000.

### **ROLE**

The main roles of the Standards Committee which apply to all elected and co-opted members of the Local Authority, including Town and Parish Councillors, are:

- To promote and maintain high standards of conduct by Members
- To assist Members in observing the adopted Codes of Conduct which set out rules governing the behaviour of Councillors
- To investigate allegations that Councillors' behaviour may have fallen short of the required standards.

### **STRUCTURE OF THE COMMITTEE**

The full Committee has met on six occasions during the 2009-2010 Council year. The Monitoring Officer and/or his deputy are in attendance at these meetings. Members of the public are welcome to attend these meetings and some time is allocated at the start of each for people to raise issues connected to the work of the Standards Committee.

In addition to the full Committee meetings, a further three Sub-Committees have been set up in accordance with the guidance from Standards for England which deals with complaints made against Councillors.

- **Assessment Sub-Committee:** This will receive complaints and make an initial assessment as to whether there is a case which warrants further action or investigation.
- **Review Sub-Committee:** If the above Sub-Committee decides there is no case to answer and the complainant is dissatisfied with this outcome, he/she can request a Review Sub-Committee to reconsider the decision.
- **Hearings Sub-Committee:** This will receive the Investigator's report of the complaint and if needed, hold a full hearing with the Subject Member and complainant and witnesses invited to attend and present their case. This Sub-Committee will decide whether or not there has been a breach and take appropriate action.

## **COMPLAINTS AGAINST COUNCILLORS**

During the past Council year there have been four complaints against serving or former Councillors –

- On 12<sup>th</sup> May 2009, the Sub-Committee considered a complaint transferred from the former Crewe and Nantwich Borough Council (CNBC/01/08). The Assessment Sub-Committee considered the report of the Investigator, Mr Riddell Graham, and agreed with his findings that there had been no breach of the Code of Conduct by the Subject Member.
- On 12<sup>th</sup> May 2009, the Sub-Committee considered a request from a complainant for a withdrawal of his complaint. The complaint had been made against a former Cheshire County Councillor and had been transferred to Cheshire East Council under the transitional arrangements. The County Councillor is no longer a serving councillor. The Sub-Committee was satisfied with the reasons for the request and granted the withdrawal of the complaint.
- On 17<sup>th</sup> June 2009, the Sub-Committee considered a complaint transferred from the former Macclesfield Borough Council. The Assessment Sub-Committee considered the report of the Investigator, Mr Richard Dix, and agreed with his findings that there had been no breach of the Code of conduct by the Subject Member.
- On 21<sup>st</sup> December 2009, the Assessment Sub-Committee considered a complaint made against a serving Cheshire East Councillor. The Assessment Sub-Committee concluded that there was no case to answer and both complainant and Subject Member were informed of the outcome.

## **WORKING PARTIES**

### **(A)**

1. A Publicity Working Party was set up by the full Committee to explore ways of informing all councillors and members of the public about the work and purpose of the Standards Committee. This working party met on several occasions and with the advice of the Monitoring Officer and support of the Leader, Councillor Wesley Fitzgerald, produced a leaflet entitled 'Standards Committee'. This has been issued to Council Members and sent to all Parish Councils and made available to the public via the libraries and outlet shops etc.
2. In addition, a paper entitled 'Personal and Prejudicial Interests' was prepared and issued which was aimed at giving some further guidance on this complex issue.
3. The ability to find out about the Standards Committee and to make a complaint against a Councillor has been made easier by the inclusion of details on the Council website with a prominent access on the home page.

4. The structure of the Complaints form has been reviewed and the full Committee has recommended some changes to make it simpler to complete.

**(B)**

A second working party was set up to examine the relationship with the Cheshire Association of Local Councils (ChALC) and its work with parish councils

1. The Standards Committee has responsibilities towards the Parish/Town Councils within the administrative area of Cheshire East and in the course of the inaugural year has considered how best it can achieve and promote good governance within those Councils the majority of which are members of the Cheshire Association of Local Councils. To that end, the Standards Committee appointed the Pilot Model Compact Working Group to liaise and work with ChALC in respect of service provision, training and costings.
2. The Working Group comprised the Chairman and Vice Chairman, Teresa Eatough (Parish) John Goddard (Councillor) Ken Edwards (Parish) and in addition, the Monitoring Officer has usually attended its meetings. The Working Group has met on four occasions in the year and at those meetings held on the 27<sup>th</sup> August 2009 and 17<sup>th</sup> February 2010 Jackie Weaver (CEO – ChALC) was in attendance. After lengthy discussion and careful consideration of detailed documents a draft compact is now ready for submission to the Standards Committee when it meets on the 29<sup>th</sup> March 2010.
3. Detailed reports of each of the meetings of the Working Group have been submitted to the Standards Committee and in appropriate cases, key documents under discussion have been annexed to those reports including (following the meeting held on the 17<sup>th</sup> February 2010) the proposed draft Compact

**ANNUAL ASSEMBLY**

The Annual Assembly of Standards Committees (“the Assembly”) was held at the International Conference Centre in Birmingham on the 12<sup>th</sup> and 13<sup>th</sup> October 2009. Delegates attending were David Sayer (Vice Chair) Councillor Rhoda Bailey, Teresa Eatough (Parish) and Chris Chapman (Monitoring Officer).

The Assembly was well-subscribed with some 800 delegates attending (the majority on both days) and comprising an eclectic mix of representatives. The format of previous years was adopted with plenary sessions on both days addressing the broader issues and thereafter smaller workshops looking at narrower specific questions and in both instances a high level of delegate participation was both encouraged and forthcoming.

Across the Assembly it has to be acknowledged that the quality and provenance of guest speakers was of a high order and several had spent hard years at the coalface of local governance with local authorities where standards had fallen and remedial and urgent action was required.

The smaller workshops by contrast promoted more personal and inter delegate communication often in the course of practical tests and joint working with preset situation examples.

There can be no doubt that the overriding theme of the Assembly centred on the uncertainties which presently confront Standards for England and, ultimately, Standards Committees. Dr Robert Chilton Chair of Standards for England closed his address to the Assembly with these words to Standards Committees “Just be excellent and you will have a future”.

[A fuller report on the Assembly is annexed to the Minutes of the Meeting of the Standards Committee held on the 23<sup>rd</sup> November 2009].

### **TRAINING**

A regular item on the agenda of the committee has been to review the training needs of members.

The Committee has not undertaken any formal training during the year 2009-2010. Two Code of Conduct sessions were arranged, but have been postponed pending the publication of the new Code of Conduct which is expected after the Parliamentary Election in 2010.

### **AWAY DAY**

In December 2009 the Committee held an informal session to examine a range of issues which has affected the work of the Committee. It was held in Crewe Municipal Buildings and attended by a representative of Chester and Cheshire West Standards Committee as well as Tim Leslie, the Director of Regulations for Standards for England. A wide range of topics were covered and there was a good attendance by members.

### **MAKING CONTACT**

Information about the Standards Committee including details of meetings, membership and the work of the committee is available from [carol.jones@cheshireeast.gov.uk](mailto:carol.jones@cheshireeast.gov.uk) or phone 01270 686471.

If anyone wishes to make a complaint, they are asked to contact the Council's Monitoring Officer at Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ, or phone 01270 686637 or e-mail [complaints.customerservices@cheshireeast.gov.uk](mailto:complaints.customerservices@cheshireeast.gov.uk).

Standards for England can provide members of the public with useful information about both the Code of Conduct and the work of Standards Committees.



## 5. Work Programme

The Standards Committee was set up in shadow form in 2008 and has carried out the following work since that time.

Month	Item
October 2008	<ul style="list-style-type: none"> <li>• Reports on recruitment of independent members, code of Corporate Governance and training</li> <li>• Recruitment of Parish Council representatives (on-going)</li> <li>• Standards Board for England Conference</li> <li>• Consideration of appointment of independent members.</li> </ul>
November	<ul style="list-style-type: none"> <li>• Feedback from Standards Board Annual Conference</li> <li>• Review of Code of Conduct Induction Sessions</li> <li>• "Whistle-blowing" Policy/Protocol</li> <li>• Website presence</li> <li>• Recruitment of Parish Council representatives</li> </ul>
January 2009	<ul style="list-style-type: none"> <li>• Induction for Independent Members and Parish Council representatives</li> <li>• Report on appointment of Chairman and Vice-Chairman of Sub-Committees</li> <li>• Training DVD</li> <li>• Notification to Parish Councils of changes with effect from 1<sup>st</sup> April 2009.</li> </ul>
March	<ul style="list-style-type: none"> <li>• Relationship with Parish Councils</li> <li>• Finalise Work Programme 2009/2010</li> <li>• Pilot Compact (trialled between Macclesfield BC and Cheshire Association of Local Councils)</li> <li>• Sub-Committees established</li> </ul>
May	<ul style="list-style-type: none"> <li>• Promotion of work of Standards Committee</li> <li>• Update on outstanding complaints from demised Councils</li> <li>• Training requirements for Members (standing item)</li> <li>• DVD</li> <li>• Pilot Compact (on-going) – Working Group established</li> </ul>
July	<ul style="list-style-type: none"> <li>• Pilot Compact (on-going)</li> <li>• Update from Publicity Working Group, including <ul style="list-style-type: none"> <li>• User-friendly publicity leaflet for wide distribution</li> <li>• User-friendly guide on personal and prejudicial</li> </ul> </li> <li>• Initial consideration of Complaints Form</li> </ul>

November	<ul style="list-style-type: none"><li>• Standards Committee dedicated web-page (update)</li><li>• Pilot Compact – final report of Working Group</li><li>• Feedback from the Annual Conference (including SBE evaluation of the original Pilot Compact)</li><li>• Publicity Working Group Update</li><li>• Issues arising out of Town and Parish Councils Conference on 13<sup>th</sup> October.</li></ul>
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## CHESHIRE EAST COUNCIL

### COUNCIL

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**Date of meeting:** 22<sup>nd</sup> April 2010  
**Report of:** Democratic Services Manager  
**Title:** Election of Mayor and Deputy Mayor for the 2010/11 Civic Year

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#### **1.0 Purpose of Report**

- 1.1 To consider nominations for the office of Mayor and Deputy Mayor for 2010/11.

#### **2.0 Decision Required**

- 2.1 Council is requested to:-

Resolve that Councillor G Baxendale be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election as Mayor and Deputy Mayor for Cheshire East for 2010/2011, at the Mayor Making ceremony to be held on 12<sup>th</sup> May 2010.

#### **3.0 Financial Implications for Transition Costs**

- 3.1 None.

#### **4.0 Financial Implications 2010/11 and beyond**

- 4.1 None.

#### **5.0 Legal Implications**

- 5.1 The meeting of Annual Council must formally elect the Mayor and appoint a Deputy Mayor.

#### **6.0 Risk Assessment**

- 6.1 There are no risks in respect of the recommendations. There is advantage in Council designating Members as Mayor and Deputy Mayor Elect in advance of the Annual Meeting, in order for there to be certainty prior to the beginning of the new civic year.

#### **7.0 Background and Options**

- 7.1 At the meeting of the Council held on 25<sup>th</sup> February 2010 a protocol for the selection of Mayor and Deputy Mayor and other Mayoral matters was approved. This made provision in respect of a number of matters relating to the

Civic Office and the Mayor and Deputy Mayor; including provision as to the election of the Mayor and the appointment of the Deputy Mayor.

- 7.2 This report asks Council to agree which Members will be elected as Mayor and appointed as Deputy Mayor, at the Annual Council meeting. Such a decision will give certainty to the proposed civic office holders and to officers, in making arrangements for the new civic year.

## **8.0 Reasons for Recommendation**

- 8.1 The reasons for the recommendations are to ensure that appropriate arrangements can be made for the Mayor Making ceremony on 12<sup>th</sup> May 2010 and to agree a process to ensure that matters affecting the Mayoralty can be agreed in a timely manner with appropriate Member input.

### ***For further information:***

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### ***Background Documents:***

*None*

**EXTRACT FROM GOVERNANCE AND CONSTITUTION COMMITTEE  
MINUTES 25 MARCH 2010**

**INDEPENDENT REMUNERATION PANEL: MID YEAR REVIEW OF  
MEMBERS' ALLOWANCES SCHEME**

The Committee considered the recommendations of the Independent Remuneration Panel in respect of the Cheshire East Council Scheme of Members' Allowances 2009/10 following a mid-year review held on 8<sup>th</sup> January 2010.

The Panel had proposed a number of amendments to the current Scheme, as well as the adoption of a draft Guide to Members' Allowances.

One of the Panel's recommendations was that Members' allowances be not increased with effect from 1<sup>st</sup> April 2010 but that the position be reviewed following agreement of the Local Government Employers pay award to Local Government employees for 2010/2011.

Members commented on the Panel's recommendation not to increase allowances from 1<sup>st</sup> April, and upon the rising costs incurred by Members and their increasing workloads. They asked that the Panel be invited to conduct a survey of Cheshire East Members with a view to gaining a fuller understanding of their work and responsibilities, and the costs incurred by them in performing their duties, so as to enable the Panel to make an informed judgement on Member allowances.

**RESOLVED**

That Council be recommended that

- (1) (a) save as below, no increase be applied to the 2009/2010 rates fixed by the Cheshire East Council Scheme of Members' Allowances for 2010/2011 with effect from 1 April 2010;
- (b) the position be reviewed following agreement of the Local Government Employers pay award to Local Government employees for 2010/2011;
- (c) the following statements be incorporated into the Scheme:
  - (i) the rate applicable to Subsistence claims made in respect of attendance at the Local Government Association (LGA) Annual Conference to be the rate applied to London and abroad, irrespective of where in the UK the event is held;
  - (ii) where elected Members are billed directly for a broadband/telephone line used or partly used for the purpose of carrying out Council duties, the associated line rental cost be reclaimable from the Members' Allowances Scheme on submission of a bill;

(iii) where a Member is acting in an official capacity at an event as the Council's representative, travel allowance will be paid. Travel and subsistence allowance may also be claimed where a Member is contributing to the business of a meeting in any of the following capacities:

- as a member of the body
- as a substitute for a member of the body
- as a local ward member in attendance for an agenda item
- having registered to speak
- being required to give evidence
- being expected to attend, eg Cabinet Members attending scrutiny meetings, Group Whips attending Governance and Constitution Committee Briefings, scrutiny chairmen and spokesmen attending Cabinet and Portfolio Holder meetings.

(iv) the right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance may be withdrawn by the Council while a Councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Council as a result of a breach of the Members' Code of Conduct in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part;

(d) the Scheme of Member Allowances as amended be adopted;

(2) subject to (1) above, the Guide to Members' Allowances 2010/2011 be approved and adopted with effect from 1 April 2010; and

(3) the Independent Remuneration Panel be invited to conduct a survey of the work of Cheshire East Members to help inform the Panel's future recommendations on Member allowances.

# CHESHIRE EAST COUNCIL

## Governance and Constitution Committee

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**Date of Meeting:** 25 March 2010  
**Report of:** Democratic Services Manager  
**Subject/Title:** Independent Remuneration Panel: Mid-Year Review of Members' Allowances Scheme

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### 1.0 Report Summary

- 1.1 The report contains the recommendations of the Independent Remuneration Panel in respect of the Cheshire East Council Scheme of Members' Allowances 2009/10 following a mid-year review held on 8<sup>th</sup> January 2010.
- 1.2 The recommendations of the Panel seek amendments to be made to the current Scheme and propose the adoption of a draft Guide to Members' Allowances.

### 2.0 Recommendation

- 2.1 Governance and Constitution Committee is invited to recommend to Council that
- (1) (a) save as below, no increase be applied to the 2009/2010 rates fixed by the Cheshire East Council Scheme of Members' Allowances for 2010/2011 with effect from 1 April 2010;
- (b) the position be reviewed following agreement of the Local Government Employers pay award to Local Government employees for 2010/2011;
- (c) the following statements be incorporated into the Scheme:
- (i) the rate applicable to Subsistence claims made in respect of attendance at the Local Government Association (LGA) Annual Conference to be the rate applied to London and abroad, irrespective of where in the UK the event is held;
- (ii) where a dedicated Broadband/telephone line is provided by the Council for the carrying out of Council duties, the associated line rental cost to be reclaimable from the Members' Allowances Scheme by elected Members billed directly for this service;

- (iii) the right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance may be withdrawn by the Council while a Councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Council as a result of a breach of the Members' Code of Conduct in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part; and

(2) subject to (1) above, the Guide to Members' Allowances 2010/2011 be approved and adopted with effect from 1 April 2010.

### **3.0 Reasons for Recommendations**

- 3.1 While the Scheme is working well, the Independent Remuneration Panel considers that additional clarification and guidance is required to achieve a consistent approach, assist Members in making claims for reimbursement in accordance with the Scheme, and meet the requirements of the Internal Auditor.

### **4.0 Wards Affected**

- 4.1 N/A

### **5.0 Local Ward Members**

- 5.1 N/A

### **6.0 Policy Implications**

- 6.1 The Guide to Members' Allowances is not a formal policy, but will enhance understanding of the Scheme's operation and assist with its administration.

### **7.0 Financial Implications**

- 7.1 The Independent Remuneration Panel had previously recommended that the Scheme should rise in line with the Retail Price Index (RPI). In light of changing economic conditions, the Panel has reconsidered this position and is recommending that no increase be applied to the Scheme at this time pending the outcome of the Local Government Employers Pay Award for 2010/2011.
- 7.2 The changes proposed to the Scheme would not incur any additional cost to the budget.



## **8.0 Legal Implications**

- 8.1 The Council is empowered to pay a range of Allowances to its Members in respect of their roles and responsibilities but must, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, appoint an Independent Remuneration Panel to offer advice and make recommendations on the Members' Allowances Scheme to Council. The report contains the advice from the Panel.

## **9.0 Risk Management**

- 9.1 Consideration of the report enables the Council to comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. The Guide to Members' Allowances will ensure consistency of approach in dealing with claims made under the Scheme thereby protecting the interests of individual Members and the Council.

## **10.0 Background**

- 10.1 On 14 July 2008, the Governance and Constitution Committee considered a report which set out recommendations with regard to the adoption of a Scheme of Members' Allowances for Cheshire East Council during its shadow year, based on the advice of Cheshire County Council's Independent Remuneration Panel. The Committee recommended the Scheme to Council on 30 July 2008; the scheme was subsequently adopted.
- 10.2 A new Independent Remuneration Panel was constituted later that year to make recommendations in respect of the Scheme of Members' Allowances which would apply to Cheshire East Council from Vesting Day (1 April 2009). Having met on a number of occasions, the Panel submitted its report initially to the Governance and Constitution Committee on 9 March 2009. The Panel's recommendations, together with an addendum (which included a requirement to review the Scheme's operation in late autumn), were approved by Council on 2 April 2009.
- 10.3 On 30 September 2009 the Governance and Constitution Committee resolved to reconvene the Independent Remuneration Panel for the purpose of -
- (i) Reviewing the Members' Allowances Scheme; and
  - (ii) Considering an additional paper relating to associated allowances.

## **11.0 Mid-Year Review of Members' Allowances Scheme**

11.1 The Independent Remuneration Panel (hereafter referred to as 'the Panel') met on 8 January 2010 to carry out the mid-year review. To inform the Panel's discussions, the Political Group Leaders had been invited to submit comments on the operation of the Members' Allowances Scheme (hereafter referred to as 'the Scheme'). In the absence of any representations, the Panel was satisfied that a fundamental review was not required at this time.

11.2 The mid-year review focused on four areas:

- (i) consideration of the Index which should be applied to the Scheme for 2010/2011;
- (ii) proposed additions to the Scheme;
- (iii) matters of interpretation pertaining to Members' Claims, and
- (iv) a draft Guide to Members' Allowances.

## **12.0 Index**

12.1 In its report to Council on 1 April 2009, the Panel had recommended that the Retail Price Index (RPI) should be applied to the 2008/2009 Scheme to uplift allowances for 2009/2010. Whilst Council had approved the recommendation, no reference had been included in the Scheme to identify the uplift mechanism, a position which needed to be addressed.

12.2 The Panel was not required to recommend the same index year on year and having considered a number of alternative indices concluded that, given the general uncertainty which existed in relation to public sector pay awards, no increase should be applied to the Scheme of Members Allowances for 2010/2011 but that the position be reviewed following agreement of the Local Government Employers (LGE) pay award for Local Government employees 2010.2011.

## **13.0 Proposed Additions/Changes**

13.1 Including the above, four additions/changes were proposed to the Scheme with effect from 1 April 2010 -

- (i) Identification of the mechanism by which the Members' Allowances Scheme would be uplifted for 2010/2011 (as per paragraphs 12.1 and 12.2 above);
- (ii) In recognition of the costs associated with the event, the rate of subsistence applicable to the Local Government Association (LGA) Annual Conference to be that applied to London and abroad, irrespective of where in the UK the event was held;

- (iii) A paragraph to be added to the effect that where a dedicated Broadband/telephone line is provided by the Council for the carrying out of Council duties, the associated line rental cost to be reclaimable from the Members' Allowances Scheme by elected Members billed directly for this service on submission of a bill; and
- (iv) In accordance with Part III of the Local Government Act 2000 or Regulations made under that Part, the insertion of the following paragraph relating to the suspension of allowances -

“The right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance may be withdrawn by the Council while a Councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Council as a result of a breach of the Members' Code of Conduct in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part.”

- 13.2 A draft Scheme of Members Allowances for 2010/2011, based on the above recommendations, is attached at **Appendix 1**.

#### **14.0 Matters of Interpretation**

- 14.1 To ensure consistency of approach, a number of questions were put to the Panel in order to reach agreement on how claims would be administered and the Panel's responses are reported in paragraph 15.1.

#### **15.0 Draft Guide to Members' Allowances**

- 15.1 A draft Guide to Members' Allowances was submitted to the Panel, which had been drawn up to assist Members in making claims for reimbursement and assist Officers in its administration. To satisfy internal audit requirements and make the claiming of allowances more consistent, the following operational changes were proposed which would be included in the Guide.

- (i) Claims for Allowance reimbursement would be required to be submitted to Democratic Services for processing no later than three months after the performance of the duty. Members requiring reimbursement of expenses which had not been submitted within this time would have the right of appeal to the Borough Solicitor in order to seek reimbursement of late submissions.
- (ii) Where a Member was acting in an official capacity i.e. on behalf of or at the request of the Council, Travel Allowance would be paid i.e. where a Member was required to attend a meeting to give evidence or had registered an intention to speak. Where attendance was voluntary, no allowance would be claimable.

- (iii) Co-opted (Independent/Parish) members of the Standards Committee would be entitled to claim an allowance of £30 for any meeting they were required to attend by the Chairman of the Standards Committee, whereas only claims for subsistence would be paid where the cost of attendance at an event had been met by the Council.
- (iv) Members to supply a business case supported by the Group Leader to justify the cost of travel over and above standard rail fare, irrespective of the mode of transport used.
- (v) Where IT consumables were replaced for urgent use, the cost to be reclaimed on submission of a receipt.

15.2 The draft Guide is attached at **Appendix 2**.

## **16.0 Conclusion**

16.1 The Panel was satisfied that the changes recommended above together with the adoption of the Guide to Members' Allowances from 1 April 2010 would satisfy the requirements of the Internal Auditor and provide a consistency of approach for the claiming of Members' Allowances.

## **17.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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Tel No: 01270 686476  
Email: [diane.moulson@cheshireeast.gov.uk](mailto:diane.moulson@cheshireeast.gov.uk)



## **SCHEME OF MEMBERS' ALLOWANCES**

**2010/2011**

**(as adopted by Council on #)**

**SCHEME OF MEMBERS' ALLOWANCES 2010/2011**

The following Scheme has been adopted by Cheshire East Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003. The effective date of operation of the Scheme is 1 April 2010.

In making the Scheme the Council has accepted the recommendations of the Independent Remuneration Panel contained in its report to Council on #.

No increase has been proposed to the 2010/2011 Scheme until such time as the Local Government Employees pay award is known, at which time the previous Index applied to the Scheme (Retail Price Index) will be reviewed.

Special Responsibility Allowances are paid at a percentage of Basic Allowance.

## **SCHEME OF MEMBERS' ALLOWANCES 2010/2011**

### **1. Basic Allowance**

- 1.1 The amount to be disbursed as Basic Allowance annually is **£907,200**.
- 1.2 Each Member of the Borough Council shall receive a sum of **£11,200** per annum (**£933** monthly).
- 1.3 Payment of Basic Allowance shall be monthly in arrears. If during this period, the term of office of a Member begins or ends, the entitlement to payment shall be based on calendar days per month.

### **2. Special Responsibility Allowances (SRA's)**

- 2.1 Special Responsibility Allowances are paid as a percentage of the basic allowance.
- 2.2 The amount to be disbursed as Special Responsibility Allowances in 2010/2011 is **£348,610**.
- 2.3 Special Responsibility Allowances shall be paid in accordance with Schedule 1 attached to this Scheme.
- 2.4 Only one Special Responsibility Allowance shall be payable to any individual Member. Where a Member holds two or more positions which attract an SRA payment the higher of the amounts shall be paid.
- 2.5 Payment of Special Responsibility Allowances shall be monthly in arrears. If during this period a Member takes up or relinquishes such responsibilities as entitle him/her to a Special Responsibility Allowance the entitlement to payment shall be based on calendar days per month.

### **3. Civic Allowances**

- 3.1 An allowance of **£14,000** per annum shall be paid to the Worshipful the Mayor of Cheshire East and an allowance of **£5,600** per annum shall be paid to the Deputy Mayor of Cheshire East to cover the expenses of the officer holder.
- 3.2 Although included in the Scheme for completeness, the allowances are not considered to be Special Responsibility Allowances in accordance with Sections 3 and 5 of the Local Government Act 1972.

**4. Travel and Subsistence Allowance – Elected Members**

- 4.1 Travel and Subsistence Allowances may be claimed on the submission of receipts for the performance of any duty specified in the 2003 Regulations and as set out in Schedule 2 attached to this Scheme.

**5. Travel and Subsistence Allowance – Co-opted Members**

- 5.1 Co-opted members serving on the Council's Committees are entitled to claim travel and subsistence reimbursement.
- 5.2 Parent Governor Co-opted members and School Appeal Panellists may claim reasonable travel expenses for attendance at the Cheshire Association of Governing Bodies meetings and School Appeals meetings respectively.
- 5.3 Co-opted (Independent/Parish) members of the Standards Committee are entitled to claim an allowance of £30 for any meeting they are required to attend by the Chairman of the Standards Committee, whereas only claims for subsistence will be paid where the cost of attendance at an event has been met by the Council.
- 5.4 Members of the Independent Remuneration Panel are entitled to claim travel and subsistence reimbursement and a meeting allowance of £30.

**6. Approved Duties**

- 6.1 The list of approved duties for which Allowances can be claimed is set out in Schedule 3 attached to this Scheme.

**7. Childcare and Dependants Carers' Allowance**

- 7.1 A Dependent Carers' Allowance will be paid to Members where actual costs are incurred for the care of dependants whether children, elderly people or people with disabilities whilst undertaking the duties specified in the Local Authorities (Members' Allowances) (England) Regulations 2003 and set out in Schedule 3 attached to this Scheme.
- 7.2 The amount payable in respect of a Carers' Allowance shall be up to a maximum of **£6,100** per calendar year on the production of receipts. A carer's (reasonable) expenses will also be paid.
- 7.3 The allowance or expenses is claimable only if the elected Member is the carer. The allowance will not be payable in respect of a member of the elected Member's own household.



## **8. Suspension of Allowances**

- 8.1 The right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance may be withdrawn by the Council whilst a Councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Council as a result of a breach of the Members' Code of Conduct in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part.

## **9. Telephone/Broadband Line Rental**

- 9.1. An Allowance to cover the cost of telephone calls made in the course of Council business has been included in the basic allowance payable Members. Where a dedicated Broadband/telephone line is provided by the Council for the carrying out of Council duties, the associated line rental cost can be reclaimed from the Members' Allowances Scheme by elected Members billed directly for this service on submission of a bill.

## **10. Other Provisions**

- 10.1 Claims for Allowance reimbursement are required to be submitted to Democratic Services no later than three months after the performance of the duty. Members requiring reimbursement of expenses which have not been submitted within this time have the right of appeal to the Borough Solicitor to seek reimbursement of late submissions.
- 10.2 A Member may request in writing to the Chief Executive (or an officer appointed by him in writing) that payment of Special Responsibility Allowance and Basic Allowance be paid at such intervals, in arrears, as the Member may specify but in any event within 1 month of the end of the financial year.
- 10.3 A Member may, by notice in writing to the Chief Executive (or an officer appointed by him in writing), elect to forgo all or any part of the entitlement to an allowance under this scheme.
- 10.4 The previous Scheme of Members' Allowances for 2009/2010 is hereby revoked.

**SPECIAL RESPONSIBILITY ALLOWANCES 2010/2011**

	<b>No.</b>	<b>Gear</b>	<b>SRA £</b>
<b>Basic Allowance</b>	<b>81</b>		<b>11200</b>
<b>The Worshipful the Mayor</b>			<b>14000</b>
<b>Deputy Mayor</b>			<b>5600</b>
<b>Council Leader</b>	<b>1</b>	<b>2.5</b>	<b>28000</b>
<b>Deputy Council Leader</b>	<b>1</b>	<b>1.5</b>	<b>16800</b>
<b>Cabinet Portfolio</b>	<b>8</b>	<b>1.25</b>	<b>14000</b>
<b>Licensing Committee – Chair</b>	<b>1</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chair</b>	<b>1</b>	<b>0.325</b>	<b>3640</b>
<b>Scrutiny Committee Chairman</b>	<b>5</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chairman</b>	<b>5</b>	<b>0.22</b>	<b>2460</b>
<b>Appeals Committee Chairman</b>	<b>1</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chairman</b>	<b>1</b>	<b>0.22</b>	<b>2460</b>
<b>Strategic Planning Board Chairman</b>	<b>1</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chairman</b>	<b>1</b>	<b>0.22</b>	<b>2460</b>
<b>Southern/Northern Planning Committee Chairman</b>	<b>2</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chairman</b>	<b>2</b>	<b>0.22</b>	<b>2460</b>
<b>Governance &amp; Constitution Committee Chairman</b>	<b>1</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chairman</b>	<b>1</b>	<b>0.22</b>	<b>2460</b>
<b>Staffing Committee Chairman</b>	<b>1</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chairman</b>	<b>1</b>	<b>0.22</b>	<b>2460</b>
<b>Standards Committee Chairman</b>	<b>1</b>	<b>0.65</b>	<b>7280</b>
<b>Vice Chairman</b>	<b>1</b>	<b>0.22</b>	<b>2460</b>
<b>Public Rights of Way Committee Chairman</b>	<b>1</b>	<b>0.5</b>	<b>5600</b>
<b>Vice Chairman</b>	<b>1</b>	<b>0.165</b>	<b>1850</b>
<b>Opposition Spokesperson</b>		<b>0</b>	<b>0</b>
<b>Main Opposition Leader</b>	<b>1</b>	<b>0.65</b>	<b>7280</b>
<b>Main Opposition Deputy Leader</b>	<b>1</b>	<b>0.325</b>	<b>3640</b>
<b>Opposition Leaders</b>	<b>2</b>	<b>0.5</b>	<b>5600</b>
<b>Cabinet Support Members</b>	<b>5</b>	<b>0.4</b>	<b>4480</b>
<b>Administration Whip</b>	<b>1</b>	<b>0.325</b>	<b>3640</b>
<b>Deputy Administration Whips</b>	<b>2</b>	<b>0.15</b>	<b>1680</b>
<b>Opposition Whips</b>	<b>3</b>	<b>0.15</b>	<b>1680</b>
<b>Carers Allowance (max)</b>		<b>0.55</b>	<b>6100</b>

## TRAVELLING, SUBSISTENCE AND OTHER ALLOWANCES/ REIMBURSEMENTS

### 1. Dependants' Carers' Allowance

A Dependents Carers' Allowance is payable in respect of approved duties on the basis of actual costs accrued only if the elected Member is the carer. The maximum total amount payable to an individual Member each year is £6,100 and claims should be supported by a receipt.

### 2. Travelling Reimbursement

#### 2.1 Car Rate per Mile

Miles per Annum	451 – 999 cc	1000 – 1199 cc	1200 cc+
per mile first 8,500	42.9p	47.7p	60.1p
<b>per mile after 8,500</b>	<b>32.3p</b>	<b>13.6p</b>	<b>15.8p</b>

#### 2.2 Rail Travel

Ordinarily train travel reimbursement is paid up to the open standard class fare unless exceptional circumstances apply as expenses should be at the minimum cost to achieve the purpose of the journey. Any case for first class rail travel greater than the open standard fare will require the submission of a business case supported by the Members' Group Leader.

#### 2.3 Motorcycle or Moped Allowance

	Rate per mile	Rate per mile
<b>Motorcycle</b>		
For the first 1,500 miles per annum	126 - 250cc	251 - 500cc
<b>Moped</b>		
For the first 1,500 miles per annum	27p	35 .5 p
	500cc+	Up to 125 cc Up to 50cc
	39.2p	18.8p 12.4p
Non motorised transport e.g. bicycle		11 pence
Additional rate for each passenger, not exceeding 4 to whom a Travelling Allowance would otherwise be payable		1.0 pence per mile
Expenditure on tolls, ferry or car parking		Actual Amount
Overnight garaging supplement, where the Member is absent overnight		Actual Amount

### **3. Subsistence Reimbursements**

Breakfast Allowance for a duty of more than 4 hours concluding before 12 noon	£8.29
Lunch Allowance for a duty of more than 4 hours concluding after 12 noon	£10.64
Dinner Allowance for a duty of more than 4 hours concluding after 6 p.m.	£16.69
Dinner Allowance (London and abroad) for a duty of more than 4 hours concluding after 6 p.m.	£34.57
Overnight accommodation outside London (to include breakfast)	£118.60
Overnight accommodation in London (to include breakfast)	£142.31

Note: The rate applicable to subsistence claims made in respect of attendance at the Local Government Association (LGA) Annual Conference will be the Dinner Allowance (London and abroad) irrespective of where in the UK the event is held.

The cost limitations on reimbursement are:

- |       |   |              |
|-------|---|--------------|
| (i)   | Absence of more than 4 but less than 8 hours      | 1 main meal. |
| (ii)  | Absence of 8 hours or more but less than 12 hours | 2 main meals |
| (iii) | Absence of 12 hours or more                       | 3 main meals |

### **4. Member's Surgeries**

Up to a maximum of £32 for room hire in connection with the conduct of a Member's Surgery, subject to a maximum of twelve such claims per annum and the submission of necessary receipts.

**CHESHIRE EAST COUNCIL: LIST OF APPROVED DUTIES**

- Attendance at meetings of Council, Committees, Sub-Committees, Cabinet meetings (including by invitation), Special Committees, Panels, Boards, Forums and Working/Task Groups
- Attendance at visits of inspection of sites and buildings arranged by any of the bodies listed above
- Attendance at meetings of bodies on which the Borough Council is invited to be represented and Outside Organisation meetings to which the Governance and Constitution Committee make appointments (excluding School Governing Bodies)
- The duties associated with the Chairman or Vice-Chairman of an Outside Organisation on which the Member is representing the Borough Council
- Conferences/Seminars
- Authorised briefings for Committees/Sub-Committees/Cabinet meetings including all meetings which are called by officers of the Council e.g. pre agenda meetings
- Duties undertaken by a Chairman/Cabinet Member
- Courtesy Visits e.g.
  - i) Civic duties of the Mayor and Deputy Mayor of the Council
  - ii) Service duties and visits undertaken by the Chairman/Vice Chairman of Committees and Sub-Committees and by Cabinet Members
  - iii) for individual Members, attendance at official openings, open days, presentations, meetings with VIPs, receptions (in line with associated guidance document), all of which take place outside the Electoral Ward
- Governors of FE/HE Colleges, Residential Special Schools and Independent Schools
- 'Nominated Member' Duties – Members covered by this element of the scheme are
  - Leaders
  - Deputy Leaders
  - Group Whips
  - Mayor and Deputy Mayor

and includes travel to the authority's administrative buildings for essential business arising from the office which they hold
- Attendance at Parish Council Meetings within the Electoral Ward
- Member Learning and Development Events

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# **GUIDE TO MEMBERS' ALLOWANCES**

**WITH EFFECT FROM  
1 APRIL 2010**

**FORWARD**

These notes are designed to assist you as a Member of Cheshire East Council in making your claim for Allowances and to guide officers in administering the Scheme. They are by no means comprehensive or definitive and you should consult Democratic Services as indicated below if you have any problems or queries not covered in this Guide.

For enquiries concerning the Scheme:

Paul Jones	Democratic Services Team Manager
Telephone:	01270 686458
Email:	<a href="mailto:paul.jones4@cheshireeast.gov.uk">paul.jones4@cheshireeast.gov.uk</a>

For enquiries concerning Claims:

Karen Bedford	Members' Secretary
Telephone:	01270 686474
Email:	<a href="mailto:Karen.bedford@cheshireeast.gov.uk">Karen.bedford@cheshireeast.gov.uk</a>



## INTRODUCTION

The Guide, which is divided into four sections, reflects the decision of Council when it approved the Scheme of Members' Allowances for 2010/2011 following advice from the Independent Remuneration Panel.

The Council's Governance and Constitution Committee is responsible for overseeing the Scheme and for monitoring its operation.

Periodically a revised paper version will be issued but for the most recent information please refer to the Intranet or the officers listed on page two.

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## **SECTION ONE: GENERAL MATTERS**

### **1. Audit/Legal Requirements**

- 1.1 Whilst Officers are happy to support and assist Members, Councillors remain personally responsible in law and under the Members' Model Code of Conduct for the accuracy of their claims. In order to satisfy Audit requirements all claims must be certified for payment by Democratic Services. You may therefore be asked from time to time to provide additional information if it is not clear whether a claim is eligible for payment.
- 1.2 Details of Members' Claims have to be available for public inspection. Each year the Council is required by law to publish details of its Members' Allowances Scheme and the amounts paid to each Member under the Scheme. A Notice to this effect is published in the local press as soon as is reasonably practical after the end of the financial year to which the Scheme relates and a summarised and cumulative record is produced annually and posted on the Council's website.
- 1.3 The Notice is open to inspection by any local government elector for the Council's area at any reasonable time. The elector is also entitled to make a copy of any part of the Notice and Members should note that the availability of this information could lead to coverage in the Press.

### **2. Submission of Claims**

- 2.1 Regular monitoring of expenditure by Members is essential for the efficient administration of the Scheme and for budget monitoring purposes. To assist in this, all claims for Allowance reimbursement are required to be submitted to Democratic Services for processing no later than three months after the performance of the duty. Members requiring reimbursement of expenses which have not been submitted within this time will have the right of appeal to the Borough Solicitor in order to seek reimbursement of late submissions.
- 2.2 You cannot take expenditure on travelling into account for the purposes of more than one claim, neither can you take any period of absence from your usual place of residence into account for the purposes of more than one claim, i.e. you cannot claim from more than one body for the same expense. The maximum overnight subsistence claimable within a 24 hour period is for bed and breakfast, lunch and dinner.

### **3. Pension Scheme**

- 3.1 The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria.

- 3.2 The rate of contributions is 6% payable by each Member accepted into the scheme, to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.
- 3.3 Separate guidance can be made available on the Pension Scheme provisions on request.

#### **4. Taxation/Benefits**

- 4.1 Detailed advice on taxation/benefits should be sought from the appropriate Government office but a brief summary is provided in the Guide (see Section 4) for information.

## **SECTION TWO: PRESENT ALLOWANCES**

### **2.1 Basic Allowance**

The Basic Allowance is paid to each Councillor on or around the 18<sup>th</sup> of each month and is intended to recognise the time devoted by Members to attending formal meetings, learning and development events, meetings with constituents, political group meetings and the use of their home and other incidental costs for which no other provision is made e.g. telephone calls made in respect of council business. If during this period your term of office begins (i.e. the date on which the Declaration of Acceptance of Office is signed) or ends (i.e. the date on which you resign as a Member or otherwise cease to be a Member), the entitlement to payment shall be based on calendar days per month. The Annual Basic Allowance for 2010/11 is **£11,200**.

### **2.2 Special Responsibility Allowance (SRA)**

Some Councillors may be eligible for an additional Allowance in recognition of specific special responsibilities. Those individuals who are entitled to claim more than one Special Responsibility Allowance (SRA) in accordance with the office they hold; will only be paid the higher amount. SRA's are paid to Members appointed to the office stated in the Scheme automatically without the need for further approvals.

The remuneration level of an SRA for any post can only be changed following advice from the Independent Remuneration Panel and the approval of full Council. Payment of SRA is on or around the 18<sup>th</sup> of each month. If during this period a Member takes up/relinquishes such responsibilities as entitle him/her to an SRA, the entitlement to payment shall be based on calendar days per month.

**Note:** During any period a Member is absent and unable to perform his/her Council duties due to sickness or holidays, the payment of Basic Allowance and Special Responsibility Allowance (where applicable) will continue automatically.

### **2.3 Suspension of Allowances**

The right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance may be withdrawn by the Council whilst a Councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Council as a result of a breach of the Members' Code of Conduct in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part.

## **2.4 Travel and Subsistence – Elected Members**

The Local Authorities (Members' Allowances) (England) Regulations 2003 allows local authorities to approve their own Travel and Subsistence Allowance arrangements as part of an overall Scheme, following advice from the Independent Remuneration Panel.

A description of what constitutes an approved duty for the payment of Travel and Subsistence reimbursements is included in the Scheme. A meeting/duty not included in the list needs the support of a formal resolution of the Governance and Constitution Committee. A meeting/duty has to be approved before it takes place – i.e. it cannot be approved retrospectively.

Where a Member is acting in an official capacity i.e. on behalf of or at the request of the Council, Travel Allowance will be paid i.e. where a Member is required to attend a meeting to give evidence or has registered an intention to speak. Where attendance is voluntary, no allowance will be claimable.

Where a Member uses his/her car for Council business the mileage rates to be applied are based per mile on that of the casual user rate under the NJC Occasional Allowance Scheme for officers. The setting of the officer rates is based on a well established approach nationally.

A Subsistence payment cannot be claimed for any period where the performance of an approved duty is less than four hours duration. Generally claims should relate to the cost of food and other refreshments, including when travelling abroad. The period of four hours includes travelling time. Members should provide receipts to support their claims.

You may, by notice in writing to the Borough Solicitor, elect to forgo any part of the above allowances. You are also entitled to claim less than the maximum rates.

## **2.5 Travel and Subsistence - Co-opted Members**

Co-opted members are entitled to claim travel and subsistence reimbursement.

Parent Governor Co-opted members and School Appeal Panellists may claim reasonable travel expenses for attendance at the Cheshire Association of Governing Bodies meetings and School Appeals meetings respectively.

Co-opted (Independent/Parish) members of the Standards Committee are entitled to claim an allowance of £30 for any meeting they are required to attend by the Chairman of the Standards Committee, whereas only claims for subsistence will be paid where the cost of attendance at an event has been met by the Council.

Members of the Independent Remuneration Panel are entitled to claim travel and subsistence reimbursement and a meeting allowance of £30.

## 2.6 **Claiming Travel Reimbursement**

You will normally be aware of meetings well in advance and so will, in most cases, be claiming for travel from your home or place of work. There may however be occasions particularly during the August Recess, when meetings are called at short notice for emergency purposes. The question of eligibility for allowances from other points of departure or where two journeys are completed for the same event (i.e. to avoid waiting time) requires careful consideration and, for this reason, you are advised to seek guidance from the officers indicated in the Guide well in advance of making the journey.

### a) Car Travel

It should be noted that, in deciding whether to travel by car or public transport for long journeys, car travel for return trips of up to 250 miles is acceptable. Beyond this limit the view is taken that public transport is likely to be more economical. Any journeys by car over the 250 mile threshold should be based on a business case supported by your Group Leader, taking into account sharing arrangements, health reasons, avoiding an overnight stop, or other exceptional grounds.

The Allowance for travel by your own vehicle is claimed at a maximum rate per mile. An additional rate of 1.0 pence per mile may be claimed for each passenger (up to a maximum of four) to whom Travel Allowance would otherwise be payable.

If you travel from your place of work to attend meetings held at a point between the place of work and home, no Travel Allowance will ordinarily be payable. If, on the other hand, the meeting is held at a point which requires that a detour is made from the normal route, the Travel Allowance will be restricted to additional mileage. In cases of doubt please seek guidance.

For regular travel routes where there is only a small expenditure (i.e. less than £5 for a return journey) then proof of purchase by way of receipts/tickets will only be required once. There will be no need to submit bundles of tickets for these journeys. Please contact a member of staff if in doubt.

**The Council requires that your private car insurance has comprehensive cover and includes the use of the vehicle for Council business.**

### b) Train Travel

Ordinarily train travel reimbursement is paid up to the open standard class fare unless exceptional circumstances apply as expenses should be at the minimum cost to achieve the purpose of the journey. Any case for first class rail travel greater than the open standard fare will require the submission of a business case supported by your Group Leader. Factors which a Member needs to take into account in making such a decision are whether other Members/officers of the party are travelling at the higher class, the need to undertake Council business on the train, length of journey, availability of accommodation and public perception.

Members undertaking train journeys on official business on behalf of the Council are asked to contact Democratic Services in advance of travel so that tickets can be arranged. Where the Member makes his/her own arrangements a ticket receipt should be submitted with your claim form.

On those occasions where Councillors purchase their own tickets, Members are expected to take advantage of special fare offers where appropriate. For those Members who are eligible; attention is drawn to the potential financial savings to the Council through use of a Senior Citizens Rail Card which enables the cost of all train journeys to be reduced by one third of the original price.

c) Air Travel

For journeys within the UK, air travel may be used if the cost is lower than the equivalent rail fare. If you wish to travel by this mode of transport, the request should be accompanied by a business case supported by your Group Leader.

d) Taxi/Hire Car

An Allowance may be claimed for travel by taxi but the amount of the actual fare on production of a receipt and any reasonable gratuity would only be payable in cases of urgency, in order to address disability issues or on health and safety grounds where no public transport is readily available. In any other case, only the fare for travel by appropriate public transport may be claimed.

Travel by hired car would not normally be claimable but if in exceptional circumstances a hire car is required you are asked to discuss your requirements with the Democratic Services Team Leader.

## 2.7 **Claiming Subsistence Reimbursement**

Subsistence is claimable to reimburse monies actually spent up to prescribed limits. There should be no perceived profit element in Subsistence claims which would leave Members open to possible criticism.

Subsistence may be payable for the approved duties listed in the Scheme based on the time of day the meal is taken and time away from home. Claims for meals and other expenses will be paid on the basis of expenditure and on production of a receipt except when the expenditure incurred is less than £5. Meals on trains, and abroad will only be reimbursed at the rates set out in Scheme and upon production of receipts as detailed above.

For overnight accommodation in London, reimbursement of actual costs up to £142.31 per night for bed and breakfast only will be made on production of a receipt. Similarly a maximum rate of £118.60 for Bed and Breakfast only can be claimed for stays outside London. In these circumstances a separate breakfast Allowance cannot be claimed unless breakfast is not included in the accommodation charge (although the maximum for bed and breakfast will continue to apply). Therefore by way of example, for a 24 hour absence in London only lunch and dinner can be claimed in addition to the bed/breakfast amount.

**Note:** Members who attend the Local Government Association Annual Conference, irrespective of the location within the UK where it is held, may claim expenses up to the maximum of the London and abroad Subsistence rates set out in the Scheme.

When attending an approved Conference you should discuss any queries relating to Subsistence Allowance with the person listed in the front of this Guide prior to attending. Where a block booking is made by the Council, the Council will pay directly for the hotel accommodation through the sponsoring Service.

## **2.8 Dependents Carers' Allowance**

This element of the Scheme is seen as an important factor in enabling Members to fulfill their duties whilst continuing to care for dependents.

A Dependent Carers' Allowance will be paid to Members where actual costs are incurred for the care of dependants whether children, elderly people or people with disabilities.

The amount payable in respect of a Carers' Allowance shall be up to a maximum of **£6,100** per calendar year on the production of receipts. A carer's (reasonable) expenses will also be paid.

The allowance or expenses is claimable only if the elected Member is the carer. The allowance will not be payable in respect of a member of the elected Member's own household.

## **2.9 Information Technology (IT) Allowance**

On election to the Council, all Members will be provided with IT equipment appropriate to their Council role/personal circumstances; which may include the installation of a dedicated telephone and/or Broadband line the cost of which will be paid directly by the Council. For Members whose lines were installed by the legacy authorities of Cheshire County, Congleton, Crewe and Nantwich and Macclesfield, and who are billed directly for this service the cost of Broadband/telephone line rental can be reclaimed from the Members' Allowances Scheme on submission of a bill.

IT consumables [cartridges, paper, toners etc] can be ordered from Karen Bedford having given advance notice. If you need to replace items which are not held in stock for your urgent use, the cost may be claimed back on submission of a receipt.

## **2.10 Members' Surgeries**

You may claim up to a maximum of £32 for room hire in connection with the conduct of a Surgery, subject to a maximum of twelve such claims per annum and the submission of necessary receipts.



## SECTION THREE: CLAIMS/PAYMENTS PROCEDURE

### 3.1 Making a Claim

A supply of Members Claim Forms is held by Karen Bedford in Democratic Services. Each month, on and around the 18<sup>th</sup>, a blank Claim Form will be emailed to you for completion and return in respect of the previous month's activities.

### 3.2 Submission Deadlines

You may find it helpful to fill in the Claim Form after each approved duty is carried out. The completed form should then be submitted to Karen Bedford as soon as possible; the deadline for submission being the 1<sup>st</sup> of each month to prevent delays in processing your claim. You are reminded that all claims for Allowance reimbursement are required to be submitted to Democratic Services for processing no later than three months after the performance of the duty. Members requiring reimbursement of expenses which have not been submitted within this time will have the right of appeal to the Borough Solicitor in order to seek reimbursement of late submissions.

### 3.3 Completing a Form

The following provides some general advice on how the Form should be used to claim the appropriate Allowances.

To begin with, enter your car details in the top section of the form. This will enable the correct mileage rates to be applied to your claim. Then complete the remainder of the form as follows -

Column 1	Insert the date on which the approved duty was carried out.
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Column 2	Description of approved duty. The name of the body will suffice but otherwise a fuller description is needed. Where more than one approved duty is carried out on that date, please ensure that all duties are listed.
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**[Please note that you cannot claim for Political Group business].**

Column 3	Identify the location of the meeting [the venue]. This information is particularly important when you are claiming for more than one activity during the course of a single day.
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Column 4	Calculate the number of miles travelled i.e. from where you departed for the meeting to where you returned
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Column 5	Any claims for car parking charges should be entered in Column 5. Relevant receipts should be attached to the form.
Column 6	Insert the cost of bus, rail or taxi fare incurred
Column 7	Enter your journey start time and end time. This information will be used to verify any claims for Subsistence Allowance.
Column 8	Include details of any Subsistence which is being claimed. Where the cost is above £5.00 a receipt must be attached.
Column 9	Claims made in accordance with the Scheme as set out in paragraph 2.9 must be supported by telephone bills
Bottom Row	If you have incurred additional out of pocket expenditures in line with the Scheme, enter the details in this column

You are reminded that you are personally responsible for completing the claim form and for the correctness of your claims, including the calculations.

### 3.4 **Payment of Allowances**

After you have completed and signed the form it can be posted, emailed or passed to Karen Bedford in Democratic Services.

Travel and subsistence claims for the preceding month will be paid on the 18<sup>th</sup> of each month (or first banking day thereafter) together with Basic and SRA payments for the month in question providing that they are received by Democratic Services **on or before** the 1<sup>st</sup> of each month.

Each calendar month's claim will be processed and paid into a bank or building society of your choice. An advisory statement is issued at the same time the payment is being credited to your account giving a detailed breakdown of the payment.

An Income Tax Form P60 will be sent to you at the end of the financial year summarising all taxable payments and deductions made during the previous 12 months. You should keep this safe as replacement copies will not be issued.

## SECTION FOUR: STATUTORY DEDUCTIONS AND BENEFITS

### 4.1 General Guidance

This section provides general guidance on the liability for income tax and national insurance contributions on payments made in respect of Allowances. Further detailed advice, taking into account individual personal circumstances, can be obtained from –

- **Income Tax** - HM Revenue & Customs, Sefton Area, Taxpayer Service Office, The Triad, Stanley Road, Bootle, Merseyside L75 1HW (quoting reference 083/CCC) Tel 0845 300 3939

- **National Insurance contributions** - HM Revenue & Customs, NI Contributions Office, Longbenton, Newcastle upon Tyne NE98 1ZZ Tel 0845 302 1479

- **State Benefits enquiries** - local office of the Department for Work and Pensions (DWP)

Alternatively, Members may wish to seek independent financial advice to discuss their personal circumstances.

Members are deemed to be 'office holders' under PAYE legislation and as such are liable to tax under Schedule E. The Allowances you receive from the Council will count as taxable income and should be added to all other income (including state and occupational pensions). To ensure that you are paying the correct level of tax, please contact HM Revenue & Customs. This will avoid tax arrears accumulating and potentially, demands from HM Revenue & Customs at a later date.

### 4.2 Taxable Allowances

All entitlements to Basic and Special Responsibility Allowance are subject to deductions for income tax and national insurance. Reimbursements made in respect of Travel Allowance over certain thresholds and Telephone Allowances not reimbursed by the Council have recently been determined as having a liability for income tax and national insurance. The income tax and national insurance due is deducted from pay each month as and when payment is made.

All other reimbursements of expenses actually and necessarily incurred including those in respect of fares, accommodation and Subsistence have no liability for either tax or national insurance.

#### 4.3 **Car Mileage Expenses**

Tax is only payable on the profit element (as determined by HM Revenue & Customs) of car allowances. For example at the 60.1p mileage rate (15.8p after 8,500 miles) the HM Revenue & Customs tax-free threshold is currently 40.04 p per mile travelled but can change from time to time (up or down) when motoring costs are reviewed. Any amount paid above this rate is liable for tax and NI deductions. After 10,000 miles per annum the tax-free threshold reduces to 25p per mile travelled. Any tax payable on Mileage Allowances is deductible at source.

#### 4.4 **Tax Relief**

Items which you may wish HM Revenue & Customs to consider as allowable for tax relief may be costs of postage, business telephone calls, stationery and office equipment and business accommodation provided that these are borne wholly and exclusively in the performance of duties associated with the Council. In these cases a written statement of expenses which have not been claimed and reimbursed by the Council should be submitted at the same time as completing your annual return to HM Inspector of Taxes.

#### 4.5 **National Insurance**

If you are self employed or have full time employment with another employer, you may separately pay more national insurance than is needed. If so you will need to contact HM Revenues and Customs, NI Contributions Office, Refunds Group to claim any refund after the year-end and when the total overpayment can be accurately assessed.

If you are over retirement age (65 years for a man, 60 years for a woman) you need pay no contributions, regardless of whether you are receiving a pension. However you must obtain a certificate of non-liability or a certificate of age exception from NI Contributions Office, Newcastle upon Tyne.

#### 4.6 **Benefits**

If you are in receipt of Benefits you should contact the DWP/Jobcentreplus to inform them of the Allowances you are in receipt of from the Council. The DWP /Jobcentreplus Office will be able to advise you on how this affects your entitlement to unemployment benefit.

If you or your spouse is in receipt of Incapacity Benefit you should note that all Allowances count as earnings whether or not they are actually being claimed and paid. Consequently, it is left to you to declare your 'earnings' to HM Revenue & Customs in cases where a state benefit is also being received.