

Constitution Committee

Agenda

Date:	Thursday, 23rd January, 2014
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

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

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding 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 are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 21st November 2013.

Contact: Paul Mountford, Democratic Services Officer
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

5. **Scheme of Members' Allowances: Report of the Independent Remuneration Panel** (Pages 7 - 46)

To receive the report of the Independent Remuneration Panel.

6. **Calendar of Meetings for 2014-15** (Pages 47 - 66)

To consider the draft Calendar of Meetings for Cheshire East Council for 2014 - 2015.

7. **Venue for Meetings of the Strategic Planning Board** (Pages 67 - 70)

To review the arrangements for determining the venue for meetings of the Strategic Planning Board following consideration of the matter by the Constitution Member Working Group.

8. **Work Programme** (Pages 71 - 74)

To review the Committee's work programme.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 21st November, 2013 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors Rhoda Bailey (for Cllr Groves), G Baxendale, D Bebbington (for Cllr Livesley), L Brown (for Cllr Andrew), J Jackson (for Cllr Hogben), S Jones, R Menlove, A Moran, B Murphy, D Newton, G Wait and P Whiteley

Officers

Brian Reed, Head of Governance and Democratic Services
Suki Binjal, Interim Head of Legal Services and Monitoring Officer
Julie Davies, Head of People and Organisational Development
Sally Gold, Barrister
Paul Mountford, Democratic Services Officer

Apologies

Councillors C Andrew, P Groves, S Hogben and W Livesley

17 DECLARATIONS OF INTEREST

Councillor J Jackson declared a non-pecuniary interest in an item on the remit of the Staffing Committee as a member of the GMB Union.

18 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

19 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 9th October 2013 be approved as a correct record.

20 FREQUENCY OF THE COUNCIL'S MEETINGS

The Committee considered whether the frequency of the Council's meetings should be reviewed.

Information had been obtained on the frequency of the formal public meetings held by comparator local authorities. From an initial inspection of the figures provided, Cheshire East Council appeared to have a similar

frequency of meetings to that of comparator authorities. However, Members felt that it would be helpful to have a further, in-depth review not only of the numbers of meetings held but also of the purpose and size of each body. It was also agreed that the content and process of Council meetings should be reviewed.

Members recognised that this work would require further investigation by the officers and that this should not delay the process for approving the calendar of meetings for next year.

RESOLVED

That

1. the Constitution Member Working Group be asked to undertake a further, in-depth review of the Council's meeting arrangements, focussing on the purpose and size of each body, the frequency of meetings, and the content and process of Council meetings, and report to the Committee; and
2. in the meantime, the calendar of meetings for 2014/15 should be submitted to Council for approval in accordance with the usual process and timetable.

21 VENUE FOR MEETINGS OF THE STRATEGIC PLANNING BOARD

The Committee was invited to review the arrangements for determining the venue for meetings of the Strategic Planning Board. This followed concern expressed by some members about the choice of venue for a recent meeting of the Board.

The Committee had originally considered the matter at its meeting on 20th September 2012. Having considered a number of options, the Committee had resolved:

“That Council be recommended to agree that the venue arrangements for meetings of the Strategic Planning Board should be as follows:

That the Capesthorpe Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with officers.”

Council at its meeting on 11th October 2012 had approved the recommendation as set out.

Since the new arrangements had come into effect, 10 meetings of the Strategic Planning Board had been held in Macclesfield and 11 had been held in Crewe.

The Committee considered whether there was merit in undertaking a more general review of the planning arrangements in Cheshire East to determine whether they were fit for purpose or whether suitable alternative models should be explored.

RESOLVED

That the Constitution Member Working Group be asked to

1. review the arrangements for determining the venue for meetings of the Strategic Planning Board; and
2. undertake a more general review of the planning arrangements in Cheshire East to determine whether they are fit for purpose or whether alternative arrangements should be explored;

and report to the Committee's next meeting.

22 STAFFING COMMITTEE REMIT

The Committee considered a report in response to the following motion which was proposed by Councillor B Murphy and seconded by Councillor A Moran at the Council meeting on 18th July 2013 and referred to the Constitution Committee:

"The Council requests an immediate review of the Staffing Committee's terms of reference with a view to widening its remit to encompass matters that are normally entailed in the work of a staffing committee such as corporate culture, employee relations and communications, senior appointment, disciplinary matters and management structures."

The report outlined the current terms of reference of the Staffing Committee as set out in the Constitution, together with the practice of the committee since its inception in 2009. It also provided comparisons with the arrangements of other authorities and briefly outlined a number of options.

Members felt that the Constitution Member Working Group should be asked to consider the matter in detail and report back to the Committee's next meeting.

RESOLVED

That the Constitution Member Working Group be asked to review the terms of reference and operation of the Staffing Committee with a view to submitting recommendations to the Committee's next meeting, the

Chairman and Vice-Chairman of the Staffing Committee to be invited to attend the Working Group's meeting.

23 WORK PROGRAMME

The Committee considered a report summarising its work programme to date, including progress with various work streams:

Scheme of Delegation

A revised scheme of delegation had been approved by Council on 17th October 2013. In approving the scheme, Council had authorised the Interim Head of Legal Services and Monitoring Officer, with the agreement of the Chairman of the Constitution Committee, to incorporate the new management structure into the scheme when all necessary aspects of the structure had been settled, with the scheme as amended being re-submitted to the Constitution Committee for confirmation. It was intended that the revised version of the scheme would be submitted to the Committee's meeting on 23rd January 2014.

The Member Working Group's review of the scheme of delegation was continuing and further proposals would be submitted to the Committee for consideration in due course.

Civic Sub-Committee Terms of Reference

The Constitution Member Working Group would be considering this matter at its meeting on 25th November.

Transparency and Openness

The Constitution Member Working Group would be considering this matter at its meeting on 25th November.

Review of Policy Development Groups and Scrutiny Committees

Following consultation with the political groups, the size and membership of the PDG/Scrutiny Member Working Group had now been determined as follows:

Councillor Peter Groves
Councillor Steve Hogben
Councillor Shirley Jones
Councillor David Marren
Councillor Rod Menlove
Councillor Arthur Moran
Councillor David Newton
Councillor Margaret Simon
Councillor Paul Whiteley

Proportionality: 5:2:1:1

The first meeting of the working group would be held shortly.

(Note: Councillor Menlove has since been replaced on the Working Group by Councillor Steve Wilkinson.)

Review of the Size and Structure of the Constitution

The officers were continuing to work with the Vice-Chairman to produce a concise, user-friendly version of the Constitution for the Committee's consideration. Alongside this work, the Interim Head of Legal Services had appointed an officer working group to undertake a review of the Constitution/finance and contract procedure rules. These two work streams were being co-ordinated with a view to submitting proposals for consideration in due course.

The Committee has previously expressed the view that a general review of the terms of reference of committees and the procedure rules within the Constitution would be beneficial. Such reviews would have implications for the work being undertaken on the size and structure of the Constitution. In order to make progress in all areas, it was suggested that the Constitution Member Working Group be asked to undertake the reviews, and any further reviews required from time to time, and report to the Committee in due course.

RESOLVED

That

- (1) the current progress with the various work streams be noted; and
- (2) the Constitution Member Working Group be asked to undertake reviews of the terms of reference of committees, the procedure rules, certain issues relating to executive decision-making, and any further reviews required from time to time, and report to the Committee in due course.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor A Martin (Chairman)

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 23rd January 2014
Report of: Head of Governance and Democratic Services
Subject/Title: Scheme of Members' Allowances: Report of the Independent Remuneration Panel

1.0 Report Summary

- 1.1 This report appends the Independent Remuneration Panel's 2013 review of Cheshire East Council's Scheme of Members' Allowances.

2.0 Recommendation

- 2.1 That the Constitution Committee note the Independent Remuneration Panel's report and refer the report to full Council.

3.0 Wards Affected

- 3.1 All

4.0 Local Ward Members

- 4.1 None

5.0 Policy Implications

- 5.1 None

6.0 Legal Implications

- 6.1 The Council is empowered to pay a range of allowances to its elected Members in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 in respect of their roles and responsibilities.
- 6.2 In accordance with the Regulations, the Council is required to appoint an Independent Remuneration Panel ('the Panel') to offer advice and make recommendations in respect of the Members' Allowances Scheme to Council. The appended report contains the advice of the Panel.

7.0 Background

- 7.1 In accordance with its roles and responsibilities, the Independent Remuneration Panel has decided to conduct a review of the current Scheme of Members' Allowances.

- 7.2 The outcomes of the review are appended, and Members are invited to consider the recommendations contained therein.

8.0 Access to Information

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

Name: Brian Reed
Designation: Head of Governance and Democratic Services
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Scheme of Members' Allowances 2013 Review



Report of The Independent Remuneration Panel

December 2013

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Forward by the Chairman of the Independent Remuneration Panel

At its meeting on 22 October 2012 the Independent Remuneration Panel (the 'Panel') agreed the scope of its review of Cheshire East Council's Scheme of Members' Allowances for 2013, confirming its intention to carry out an in-depth 'root and branch' review. To achieve this, the Panel has met on 11 occasions in 2013; namely 26 February, 2 April, 30 April, 11 June, 16 July, 27 August, 17 September, 8 October, 22 October, 5 November and 11 November.

The Panel wishes to record its thanks to those elected Members who took the time to share their views, both at the meeting on 22 October and throughout the review via the mailbox; also to those Chairmen who accepted Panel members as observers at their meetings. The Panel also met with the Leader of the Council, Councillor Michael Jones on 16 July 2013 to hear about issues emerging from the Council's new operating model of a Commissioning Council, which will impact on the Scheme and would like to thank him for his time.

Having concluded its review, the Panel continues to hold to the belief that every elected Member of Cheshire East Council should be expected to provide leadership and take on additional responsibility during the course of their term of office and that the basic allowance recognises this commitment. In addition, the Panel considers that the basic allowance should be regarded as being reflective of an elected Member's formal governance responsibilities and not their community representational role which, in line with current government thinking, should be regarded as voluntary.

The Panel also believes that, in certain situations, the level of additional responsibility is significant enough to lead to further recognition in the form of a Special Responsibility Allowance (SRA) but the Panel expects the Council to demonstrate that Councillors are being efficient and effective in their working practices and that the level of each allowance is justified. It is the view of the Panel that there is a difference between those who carry responsibility and those with full diaries, who are busy but have no defined responsibilities.

The Panel therefore considers that payment of a Special Responsibility Allowance can only be regarded as appropriate if the post requires significant additional responsibility over and above that expected of every elected Member, its criteria being constitutional responsibility, legislative responsibility, decision making powers, accountability to the public and delivery of projects within a defined period. As such, Chairmen and Vice Chairmen of advisory groups without decision making powers or constitutional responsibilities would not normally attract an SRA.

In carrying out the review the Panel has sought to measure each allowance against the criteria stated above and has found the current arrangements to be wanting. Having continued to have cognisance of the difficult financial environment within the country the Panel has made a number of recommendations through which it seeks to put right the situation.

The Panel wishes to ensure that the methodology and reasoning behind the award of each of the allowances is recorded in a clear fashion so as to aid understanding of its reasoning and enable better structured consideration of any changes in the future. To this end a great deal of work has gone into setting down the factors that influenced the recommendations in this report.

Finally, in the course of the review, a view was expressed by an elected Member that the recommendations of the Panel should be binding on the Council. In 2013, the Panel was able to contribute to the Communities and Local Government Select Committee report entitled "Councillors on the Frontline" which recommended to Government that the powers to make decisions on allowances should be removed from Councils and transferred to an independent body whose recommendations would be mandatory upon Councils.

This is a view which the Panel supports.

Janet Rushbrooke, Chairman of the Independent Remuneration Panel

Panel Members: **Khumi Burton**
 Alan Edgeworth
 Robin Lord
 Cynthia Speed

SECTION 1: BACKGROUND TO THE REVIEW

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, Cheshire East Council is required to appoint an Independent Remuneration Panel to consider and make recommendations on its Scheme of Members' Allowances, which the Council must have regard to.

Having been appointed in the spring of 2012 for a three year term, the Cheshire East Independent Remuneration Panel's ('the Panel') membership has remained as it was, namely:

- ◆ Mrs Janet Rushbrooke (Chairman)
- ◆ Mrs Khumi Burton
- ◆ Mr Alan Edgeworth
- ◆ Mr Robin Lord
- ◆ Mrs Cynthia Speed

The Panel met on 22 October 2012 to scope out its 2013 review of the Council's Scheme of Members' Allowances. As a result of its discussions the following work programme was agreed -

A 'root and branch' review divided into the following blocks -

- ◆ Block 1 Basic allowance
- ◆ Block 2 Special responsibility allowances
- ◆ Block 3 Travel and subsistence
- ◆ Block 4 Housekeeping (any other allowance contained within the scheme)

The Panel confirmed its intention not to review Civic Allowances in 2013, nor did it wish to reopen the debate in relation to elected Members joining the Local Government Pension Scheme (LGPS), in light of a government consultation exercise on the subject. However, it did agree that consideration should be given as to whether Councillors should be permitted access to the Scheme from 2015, pending the outcome of the government's reforms to the LGPS.

SECTION 2: COMMUNICATIONS

Background

Throughout the period covered by this report (February to November), the Panel has been working to extend the ways in which elected Members can contribute their thoughts and comments to them, to inform the review. This work arose in response to comments made to the Chairman of the Panel at a meeting of the Council's Constitution Committee held in November 2012.

The Panel has concentrated on three main areas:-

- i) Providing a means for Councillors to know when meetings of the Panel are to take place so they may submit comments and contribute to the debate;
- ii) Ensuring that the Panel is aware of any major changes to the Council's governance arrangements as soon as is possible to avoid unnecessary work on the Members' Allowances Scheme; and
- iii) Creating a specific presence for the Independent Remuneration Panel on the Cheshire East website.

♦ Communication with Councillors

The Panel requested and was provided with its own mailbox in the Cheshire East e-mail system in July 2013. Prior to this, comments from elected Members were collated by Democratic Services on behalf of the Panel. The mailbox is monitored by the Chairman of the Panel on a daily basis during the working week. Through the mailbox Councillors are advised of meeting dates and are invited to contribute their thoughts and comments on the topic under review. An acknowledgement is sent to each of those doing so and their contribution is shared with all members of the Panel.

Whilst it is unfortunately not practical for the Panel to meet individually with each of Cheshire East's 82 elected Members, where appropriate, Councillors are invited to attend meetings to expand on their comments.

♦ Changes to the Council's governance arrangements that might impact on the Members' Allowances Scheme

This year the Panel has been advising the Leader of the Council of the dates of each of its meetings. In addition, it has extended an invitation to the Leader to attend a meeting of the Independent Remuneration Panel on occasions when changes to the Council's governance arrangements are being proposed that might impact on the Members' Allowances Scheme. By being made aware that such changes may happen, the Panel hopes to avoid the possibility of carrying out work which then has to be aborted due to a change in the governance arrangements.

It is important to note that such meetings are undertaken for information gathering purposes only.

♦ **Creating a specific presence for the Independent Remuneration Panel on the Cheshire East website**

At the start of the year the only references to the Independent Remuneration Panel on Cheshire East Council's website were as part of the Constitution and in the minutes of the Council meeting when its 2012 report was discussed. Examination of a sample of the websites of other Councils showed that, Independent Remuneration Panels had a specific presence on the sites, often by way of a page dedicated to the Panel.

The current Panel felt that such a specific presence should be created for the Cheshire East Independent Remuneration Panel in order to raise its profile and to this end; the Panel has been working with the Council's web-team to implement this.

It is expected that the webpage will be live before the end of the year.

SECTION 3: METHODOLOGY

In accordance with its wish to carry out a 'root and branch' review, the Panel was provided with a series of reports with accompanying research which, to provide a framework for the review, followed the same format:

- ◆ Appropriate paragraphs from the Local Authorities (Members' Allowances) (England) Regulations 2003 pertaining to the allowance 'block' under review
- ◆ The 'legacy' position outlining current practice at Cheshire East Council together with information used by the 2009 Independent Remuneration Panel (where known) which may have shaped its recommendations to Council in respect of the scheme
- ◆ Matters for consideration by the Panel
- ◆ A summary of the budgetary position at Cheshire East Council
- ◆ Views and perceptions submitted by elected Members and public bodies

To aid the Panel's understanding of the roles held by elected Members who received a Special Responsibility Allowance, the Panel considered that it might be useful for Panel members to attend specific committee meetings to observe Chairmen and Vice Chairmen in action.

Having decided that they wished to observe the Policy Development Groups (PDG's), which met in private, the Panel was grateful to be extended an invitation to attend a PDG meeting(s) by the Chairmen. Subsequently, meetings of the Health and Adult Social Care Policy Development Group and Finance Policy Development Group were attended on 7 and 14 October 2013 respectively.

A summary list of all the background documents provided to and considered by the Panel in the course of its review is provided at Section 11 of this report, the specific documents considered at each stage being listed accordingly in sections four to eight.

SECTION 4: BASIC ALLOWANCE

4.1 Questions Considered by the Panel

- § *What is the purpose of the basic allowance?*
- § *What monetary value is considered appropriate recompense?*
- § *Should basic allowance be used as a tool to promote local democracy?*
- § *How should basic allowance be calculated?*
- § *How does Cheshire East compare with its Cipfa family/neighbouring authorities?*

4.2 Review of Allowance

The Panel began by noting that, in accordance with Part 2, Paragraph 4(1) of the Local Authorities (Members' Allowances) (England) Regulations 2003, an authority '*shall make a scheme in accordance with the regulations which **shall** provide for the payment of an allowance in respect of each year to each member of an authority and the amount of such an allowance shall be the same for each such member....*'.

Panel members had been asked to consider, via mailbox submissions, varying the amount of basic allowance according to the attendance level of the elected Member which the regulations did not permit; or providing the opportunity for elected Members to forgo allowances if they wished, which the regulations already allowed i.e. Part 3, paragraph 13 "*The scheme shall provide that a person may, by notice in writing given to the proper officer of the authority, elect to forgo his entitlement or any part of his entitlement to allowances*".

As part of its review, the Panel was invited to determine what it was the basic allowance was intended to cover. Having considered a number of statements from a variety of organisations including the Councillors Commission, House of Commons Communities and Local Government Select Committee, the Taxpayers Alliance and Central Government, the Panel concluded that the role could not and should not be compared to a full time post, as stated by the Secretary for State for Communities and Local Government in paragraph 4 of the Government's response to the House of Commons Communities and Local Government Select Committee's report 'Councillors on the Front Line' "*Councillors are and should fundamentally be volunteers, and (there should be no) move towards professionalizing the role through Councillors becoming full time salaried staff.*"

Nor did the Panel consider that it was within its remit to set a rate for basic to attract a wide range of candidates; rather national government or the political parties should take responsibility for removing any such barriers, although it accepted that individuals should not be out of pocket when standing for office.

This therefore, was the basis for its deliberation; the Panel stating that the allowance needed to balance adequate recompense against public expectation. The key issues were summarised as being

- § Achieving affordability for the tax payer *whilst*
- § ensuring no elected Member suffered hardship as a result of taking office

4.2.1 Calculating Basic – Examples

The Panel looked at basic over two meetings and reflected on i) the various methods used by other Councils; and ii) the elements which could be applied in its calculation.

Method 1: Local Government Group (LGG) average hours undertaken by elected Members in carrying out Council business¹ multiplied by national minimum wage

Method 2: Gross average weekly wage for public sector workers based on employees working 30 hours or more per week x 52 weeks, divided by 2

Method 3: LGG average hours/employee hours per week x annual regional salary x 100% less 33% voluntary element reduction x working weeks per year/weeks per year

Accordingly, the Panel considered that the following calculation should apply at Cheshire East –

Average salary less 50 % voluntary contribution x working weeks per year/weeks per year

4.2.2 Calculating Basic – Cheshire East Council

The Panel decided that figures from the North West region in respect of salaries should be used in any calculation as it would have more relevance to the local electorate **[Average Salary]**.

Panel members had been provided with a selection of reports from Independent Remuneration Panels across the country by way of background reading and the Chairman drew the Panel's attention to the report of Birmingham City Council's IRP published in March 2012 which stated that basic allowance should be regarded as being *"reflective of members' formal governance responsibilities and not their community representational role"*.

Following a lengthy discussion the Panel, having mind to the above and given that it concurred with the Secretary of State's position; arrived at a consensus - that the role of an elected Member should be divided equally between their formal governance role (50%) and their community representational role (50%) **[Voluntary Contribution]**.

In recognising the voluntary element of the role and that the role of a Councillor was not full time, the value attributed to working weeks had then to be considered. Based on examples from other authorities, the Panel considered that this factor should be set at 46 weeks to reflect holidays, bank holidays and the August recess which Cheshire East Council still observes **[Working Weeks per Year]**.

Resultant calculation

Average salary North West (2012) less 50% voluntary contribution x 46/52 weeks

$$\pounds 24435 - 50\% \times 46/52 = \pounds 10,808$$

¹ As per the National Census of Local Authority Councillors 2010 published in October 2011

Although the basic calculation indicated that a reduction to the allowance may be appropriate and mindful of the fact that the Council was operating in austere financial times, the Panel took into account comments from elected Members before recommending no change to the current level of basic allowance.

Recommendation 1: That a) the calculation - average salary North West less 50 % voluntary contribution x working weeks per year/weeks per year be adopted forthwith as the formula for calculating basic allowance at Cheshire East Council; and b) notwithstanding the outcome of the calculation at paragraph 4.2.2, the basic allowance of £11,200 remain unchanged for 2014-2015.

[Note 1: Having considered data from Cheshire East Council's fifteen nearest neighbour authorities, the Panel was of the opinion that Cheshire East continued to compare favourably with its CIPFA (Chartered Institute of Public Finance and Accountancy) family.]

4.3 Reasons for the Recommendation:

- a) The Panel agreed with the conclusions of both the Secretary of State for Communities and Local Government and Birmingham City Council i.e. that Councillors are and should fundamentally be regarded as volunteers and that basic allowance should be reflective of members' formal governance responsibilities and not their community representational role.
- b) Following lengthy discussions the Panel arrived at a consensus that the role of an elected Member should be divided equally between their formal governance role and their community representational role.
- c) Although the basic calculation adopted indicated that a reduction to the allowance may be appropriate and mindful of the fact that the Council was operating in austere financial times, the Panel concluded that no change should be made to the current level of basic allowance payable.

4.4 Evidence Considered:

- § Be a Councillor Campaign www.beacouncillor.org.uk 'Could I be a Councillor?' accessed 8 February 2013 (Note: the page has since been refreshed and the text used is no longer on the site)
- § Birmingham Independent Remuneration Panel: Annual Report 2011-2012 published March 2012
- § Chartered Institute of Public Finance and Accountancy Information Services (CIPFA): family group comparator information (aka nearest neighbour data) 2013
- § Cheltenham Independent Remuneration Panel: Report on Members' Allowances March 2007
- § Cheshire East Council: Council Constitution dated 11 September 2012
- § Cheshire East Council: Draft Guide to Members' Allowances 2013-2014
- § Cheshire East Council: Report to Cabinet/Council 'Becoming a Strategic Council – Review of Management Roles and Responsibilities' 4 February 2012 21 February 2013
- § Cheshire East Council: Summary of Budgetary Position 2013-2014
- § Councillors Commission: Representing the future - The report of the Councillors Commission published December 2007
- § Elected Member representations
- § Government: Response to House of Commons Communities and Local Government Select Committee: Councillors on the Frontline - Sixth report of session 2012-2013 Volume One 17 December 2013
- § Gov UK: National Minimum Hourly Wage as at 9 January 2013
- § Gov.UK: National Minimum Hourly Wage as at 1 October 2013
- § House of Commons Communities and Local Government Select Committee: Councillors on the Frontline - Sixth report of session 2012-2013 Volume One 17 December 2013
- § Independent Remuneration Panel: Mid Year Review of Scheme of Members' Allowances 27 January 2011
- § Independent Remuneration Panel: 'What is the usefulness of Councillors and who to' report 30 April 2013
- § Institute for Volunteering: Volunteer Investment and Value Audit (VIVA) Research published January 2011
- § Local Authorities (Members' Allowances) (England) Regulations 2003
- § Local Government Association: Guide to being a Councillor 2012-2013
- § Local Government Association: Local Government Pay Award 2013 dated 22 October 2012
- § Local Government Association: National Census of Local Authority Councillors 2010 published October 2011
- § Office for National Statistics: Statistics Bulletin 2012 Annual Survey of Hours and earnings published 22 November 2012
- § Taxpayers Alliance: Councillors' Allowances Research Note 116 published 29 August 2012
- § Taxpayers Alliance: Chief Executive's response to Select Committee's Findings 10 January 2013

SECTION 5: SPECIAL RESPONSIBILITY ALLOWANCES

5.1 Questions Considered by the Panel

- § Does each allowance in the Cheshire East scheme comply with the regulations?
- § Is the SRA reflective of the Council's governance arrangements?
- § What defines an allowance as special?
- § What value/relevance does an SRA have to the Council?

5.2 Review of Allowances

The Panel's consideration of Special Responsibility Allowances (SRA's) was divided into four areas - compliance with the regulations, governance arrangements, defining allowances (governance and political) and remuneration (governance and political).

5.2.1 Compliance with the Regulations

The payment of SRA's is discretionary under Part 2, paragraph 5(1) and 5(2) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (i.e. a Council may provide...), the exception being paragraph 5(2) (b) which requires an authority to pay an SRA to 'at least one person who is not a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f) of the regulations; provided that (i) the Members of an authority are divided into at least two political groups; and (ii) a majority of members of the authority belong to the same political group ("the controlling group").'

Notwithstanding the above, allowances paid under the scheme had to fall within one of the categories prescribed therein. Having considered the regulations, the Panel was of the opinion that the SRA's paid by Cheshire East Council were compliant, classifying them as follows i.e.

Table 1:

Post	Relevant Paragraph 5...	Classification agreed by the Panel ² 5...
Council Leader	1a	1a
Deputy Council Leader	1a	1a
Cabinet Member/Portfolio Holder	1b	1b
Cabinet Support Member	1b	1i
Committee Chairman	1c	1c
Committee Vice Chairman	1c	1i
Main Opposition Group Leader	2bii	2bii & 1a
Main Opposition Group Deputy Leader	2bii	2bii & 1a
Opposition Group Leaders	2bii	2bii
Administration Whip	1i	1i
Deputy Administration Whip	1i	1i
Opposition Whips	1i	1i

² Those in bold being changed by the Panel from the proposed classification set out in the report

The Panel was also of the opinion that those allowances paid under paragraph 5(1) (i) *“carrying out such other activities in relation to the discharge of the authority’s functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned in sub-paragraphs (a) to (h) (whether or not that activity is specified in the scheme)”* warranted particular scrutiny due to the “catch all” nature of this paragraph.

5.2.2 Governance Arrangements

Whilst the roles currently set out in the scheme were reflective of the governance arrangements at Cheshire East, there were a number of bodies which did not attract an SRA payment for the Chairman/Vice Chairman. For completeness; the Panel was asked to confirm if it wished to consider these bodies as part of its ‘root and branch’ review i.e.

- § Lay Members Appointments Committee
- § Local Authority School Governor Appointments Panel
- § Appeals sub-committee
- § Civic sub-committee
- § Licensing sub-committee
- § Community Governance Review sub-committee
- § Polling Arrangements Review sub-committee
- § Outside Organisations sub-committee
- § Local Service Delivery Committee Macclesfield
- § Health and Wellbeing Board

Having considered the constitutional standing of the bodies concerned, the Panel was satisfied that the majority of the above committees/sub-committees/panels did not meet its qualifying criteria of constitutional responsibility, legislative responsibility, decision making powers, accountability to the public and delivery of projects within a defined period and should not be included, two possible exceptions being Health and Wellbeing Board and Licensing sub-committees.

The Health and Wellbeing Board had been established in accordance with the Health and Social Care Act 2012, and although its terms of reference had not yet been formally agreed by Council, a draft document was shared with the Panel in order for it to make a determination. In the Panel’s opinion, the Board did not sufficiently meet its responsibility criteria as it was considered an advisory body with limited powers. On balance, the Panel concluded that it should not be added to the scheme.

The Panel requested further information on how it’s nearest and local neighbouring authorities remunerated members who sat on Licensing sub-committees with a view to determining whether there was merit in awarding an SRA or meeting allowance to the Chairman of a Licensing sub-committee in recognition of the role.

It was reported that there was no common approach in respect of payments to the Chairman/Vice Chairman i.e. 16 authorities paid an SRA to the Licensing Committee only; 3 to Licensing sub committee only with 6 making payments to Licensing Committee and Licensing sub-committee; Bedford being the only authority paying a meeting allowance.

Having discussed the matter and gained a better understanding of how an elected Member might come to chair a Licensing sub-committee; the Panel was minded not to recommend the awarding of an SRA or meeting allowance within the scheme.

5.2.3 Defining an Allowance as ‘Special’

The Panel considered that every member of Cheshire East Council should be expected to provide leadership and take on additional responsibility during the course of their term of office. On this basis, the payment of a Special Responsibility Allowance could only be regarded as appropriate if the post required significant additional responsibility over and above that expected of every elected Member.

Furthermore, whilst acknowledging some elected Members’ views that the payment of more than one allowance should be permitted; the Panel remained of the view, stated by the 2009 Independent Remuneration Panel and adopted by Council, that only one special responsibility allowance should be paid to any individual Councillor and where two or more positions were held which attracted an SRA the highest amount only should be paid.

5.2.4 Defining Responsibility – Governance Bodies

To help identify elected Members’ responsibilities, a matrix was developed by the Panel in which it compared the responsibilities of the decision making bodies as described in the Council’s Constitution against its own responsibility criteria i.e. constitutional, legislative, decision making powers, accountability to the public and delivery of projects to deadlines; the test being applied across the Panel’s lengthy considerations in respect of SRA’s. Once again, the Panel took care not to confuse those with full diaries and no responsibility, with those who met the criteria.

Having completed this exercise, the Panel went on to review the matrix (**Appendix 1**), to determine which SRA’s should be retained and which should be recommended for removal:-

Table 2:

Committee	Meets criteria?	SRA(s) to be retained
Planning Committees (Southern, Northern and Strategic Planning Board)	In full	Chairman/Vice Chairman
Public Rights of Way	In full	Chairman only
Staffing	In part	Chairman only
Scrutiny Committees	In part	Chairman only
Policy Development Groups	No	None
Licensing Committee	In full	Chairman/Vice Chairman
Constitution Committee	In part	Chairman/Vice Chairman
Audit and Governance Committee	In part	Chairman/Vice Chairman
Cabinet	In full	Portfolio Holders
Cabinet Support Member	No	None

[Note 2: Positions which did not meet the criteria in full, or had a narrow remit were subject to further discussion.]

Audit and Governance/Constitution Committees: Key words in the Panel's criteria did not match the Committees' terms of reference. In recognising their role in ensuring the smooth running of the Council's corporate governance, audit and administrative business the Panel felt that an SRA for the Chairman and Vice Chairman should be retained.

Cabinet Support Members: Having evaluated the role against the matrix and noting the evidence supplied as part of the 2012 review, the Panel concluded that in the absence of a job description or terms of reference, a Cabinet Support Member did not appear to have any individual *responsibility* in order to qualify for an SRA under its criteria. In the Panel's opinion, their role was to provide *support* to the Portfolio Holder and accordingly recommended that the allowance be removed.

Policy Development Groups (PDG's): The Panel first considered the payment of an SRA to the PDG's as part of its 2012 review. Having considered the evidence placed before it at that time, the Panel had concluded that there was a significant workload for the Chairmen and Vice Chairmen in establishing the groups in their inaugural year, which would support the awarding of an interim SRA. However, the Panel reserved final judgement until there was a historical record of the work of the Groups which could be reviewed.

The Panel was informed by the Council that a planned internal review of the PDG/Scrutiny arrangements had not taken place and in light of this, the Panel attended and observed two PDG meetings. In the Panel's opinion, some of the PDG's had not moved forward since they were first considered in 2012 and had failed to rate highly on the responsibility matrix. The Panel therefore felt that it would be impossible to recommend payment to one PDG and not to another and it did not consider that payment of an SRA should continue beyond Annual Council 2014.

Scrutiny Committees: Section 21 of the Local Government Act 2000 required the Council to maintain a scrutiny function under its strong Leader and Cabinet model of governance but it was felt that, as these were advisory rather than decision making bodies, an SRA should be paid to the Chairman only to reflect the Committees' role in holding the executive to account via the call-in procedure.

Staffing/Public Rights of Way: These bodies were both considered to have a narrow remit, therefore the level of responsibility was not considered to be so significant as to warrant payment of an SRA to both the Chairman and Vice Chairman; the Chairman only to retained.

5.2.5 Remuneration – Governance Bodies

The matrix format lent itself to the placing of allowances into bands as roles of similar responsibility levels could be grouped together. The Panel placed each retained role into one of four bands based on its findings and its discussions. The Panel acknowledged that whilst some Committees had limited responsibility but met frequently; others had a significant constitutional role but met less often.

Table 3:

Band (High to Low)	Post
One	Cabinet Member
Two	Licensing Committee, Audit and Governance Committee, Southern Planning Committee, Northern Planning Committee, Strategic Planning Board
Three	Constitution Committee , Scrutiny Committees, Staffing Committee
Four	Public Rights of Way Committee

In 2012-2013 and 2013-2014, Vice Chairmen received a flat rate of £1000 per annum and were entitled to claim £50 for each meeting chaired in the absence of the Chairman. In light of its deliberations, the Panel considered that this arrangement should be discontinued and that the Vice Chairmen of the Committees shown in bold in Table 3 should receive a percentage of the figure payable to their respective Chairman.

After a discussion, the Panel concluded that this percentage figure should be set at 15%, to reflect the responsibilities held and the probable number of times a Vice Chairman would be required to chair a meeting of the full Committee.

The Panel then moved on to consider the level of remuneration for the posts recommended for retention within the scheme. After much deliberation, the Panel decided that in this austere financial climate, the current levels of payment were neither sustainable nor justifiable when set against the background of continued savings to services provided in the community, cuts in government funding and the contraction of elected Members' responsibilities as services were transferred as part of the new governance arrangements.

Taking all the above into account, the Panel considered that the special responsibility allowances payable to the governance bodies retained should be reduced, the percentage reduction agreed being in the region of 10%, a figure widely used in industry at present where reductions were deemed to be necessary.

Table 4:

Band (High to Low)	Post	Current Allowance £	Proposed Allowance £	Proposed Vice Chairs ³ £
One	Cabinet Member	14000	12500	
Two	Chairman of Licensing Committee/ Audit and Governance Committee/ Southern Planning Committee/ Northern Planning Committee/ Strategic Planning Board	7280	6500	£975
Three	Chairman of Constitution Committee/ Scrutiny Committees/Staffing Committee	7280	5000	£750
Four	Public Rights of Way Committee	5600	3000	

[Note 3: It should be noted that, as it is not within the Panel's remit to make recommendations on budgetary matters, it is unable to make a recommendation as to any alternative use of savings achieved.]

Recommendation 2: That a) the roles and proposed allowances payable set out in Table 4 be adopted within Schedule 1 of the 2014-2015 Scheme of Members' Allowances; and b) the posts of Cabinet Support Member and Policy Development Committee Chairman and Vice Chairman be removed from the 2014-2015 scheme.

5.2.6 Defining Responsibility - Political Posts

A list of the 'political' SRA's payable under Cheshire East's scheme was provided for the Panel together with the nearest neighbour comparator data, the roles currently recognised within the Cheshire East scheme being Leader, Deputy Leader, main Opposition Group Leader, main Opposition Group Deputy Leader, minority Group Leader, main Group Whip, main Group Deputy Whip and minor Group Whip.

a) Leader of the Council/Deputy Leader

The current mechanism used in the calculation of allowances at Cheshire East was gearing, where posts were allocated a percentage of the allowance paid to the Leader of the Council. Panel members discussed, whether having been minded to recommend a move towards the banding of allowances for governance bodies, the same arrangements should apply to the political posts, a proposal which was supported.

³ Applies only to those Committees shown in bold in Table 4.

b) Main Opposition Group Leader

In accordance with Part 2, paragraph 5(1) and 5(2) of the Local Authorities (Members' Allowances) (England) Regulations 2003, authorities were required to pay an SRA to 'at least one person who is not a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f) of the regulations; provided that (i) the Members of an authority are divided into at least two political groups; and (ii) a majority of members of the authority belong to the same political group ("the controlling group")'.

As this was the position at Cheshire East, the Panel noted the requirement in its deliberations.

c) Main Opposition Group Deputy Leader/Minority Group Leaders

The Panel debated whether any form of restriction should apply to political roles; expressing particular concern that minority Group Leaders received the same allowance as the majority group irrespective of the number of elected Members they were responsible for.

d) Group Whips

In considering the nearest neighbour data, comment was made as to the absence of payments to Group Whips across the 15 authorities with only Cheshire West and Chester and East Riding still including these posts in their Scheme of Allowances. Without sight of the corresponding IRP reports, it was difficult for the Panel to establish the reasons for this.

Questions were raised as to the role of a Whip which, on face value, seemed to the Panel to be purely political. It was explained that whilst the role could be perceived as being primarily of benefit to the political groups, the Whips were a point of interface between Council officers and the political parties with regard to Council matters, committee appointments and code of conduct issues; these same points being expressed by elected Members during their representations.

5.2.7 Remuneration – Political Posts

Having applied a banding system to the governance bodies, the Panel agreed that the same arrangement should be applied to the political posts.

After much deliberation, the Panel again decided that in this austere financial climate, the current levels of payment were neither sustainable nor justifiable when set against the background of continued savings to services provided in the community, cuts in government funding and the contraction of elected Members' responsibilities as services were transferred as part of the new governance arrangements.

Taking all the above into account, the Panel considered that special responsibility allowances payable to these political posts should be reduced, the percentage reduction agreed being in the region of 10%, a figure widely used in industry at present where reductions were deemed to be necessary.

a) Leader of the Council/Deputy Leader

Although the remainder of the political posts within the scheme would be placed within bands, the Panel did not wish to 'band' the Leader and Deputy Leader roles, preferring to deal with them separately, in line with the reduction proposed i.e.

Table 5:

	Current Allowance £	Proposed Allowance £
Leader of the Council	28000	26000
Deputy Leader of the Council	16800	15000

b) Main Opposition Group Leader

In accordance with the regulations, the Panel retained the SRA for the main Opposition Group Leader, setting it within band three.

Table 6:

Band (High to Low)	Post	Current Allowance £	Proposed Allowance £
Three	Main Opposition Group Leader	7280	5000

c) Main Opposition Group Deputy Leader/Minority Group Leaders

To rebalance these allowances in line with responsibility, the Panel agreed that an SRA should be paid to the main Opposition Group Deputy Leader provided that the total number of members within their group exceeds 20% of the Council's total membership.

With regard to Minority Group Leader(s), the same arrangements would apply provided that the total number of members within their group exceeds 10% of the Council's total membership.

Table 7:

Band (High to Low)	Post	Current Allowance £	Proposed Allowance £
Four	Minority Group Leader	5600	3000
	Main Opposition Group Deputy Leader	3640	

Recommendation 3: That a) the roles and proposed allowances payable set out in Tables 5, 6 and 7 be adopted within Schedule 1 of the 2014-2015 Scheme of Members' Allowances; and b) from 2014-2015, a Special Responsibility Allowance only be paid to i) the main Opposition Group Deputy Leader provided that the total number of members within their group exceeds 20% of the Council's total membership; and ii) to Minority Group Leader(s) provided that the total number of members within their group exceeds 10% of the Council's total membership.

d) Group Whips

On balance, and based on the evidence considered, the Panel was not persuaded that the role's value to the Council outweighed its value to the political group, nor that the level of responsibility was significant enough to attract an SRA.

Recommendation 4: That, on the basis of the evidence considered, the posts of main Group Whip, main Group Deputy Whip and minor Group Whip be removed from the 2014-2015 Scheme of Members' Allowances.

5.3 Reasons for the Recommendations:

Defining Special Responsibility: The Panel wished to develop criteria against which additional responsibility could be measured. Following lengthy discussions, its defined criteria of constitutional responsibility, legislative responsibility, decision making powers, accountability to the public and delivery of projects to deadlines was applied to each governance and political post attracting a special responsibility allowance in the 2013 scheme for the purpose of identifying which roles should be taken forward.

Remunerating Posts: Banding allowances allowed posts to move more freely between bands as roles changed and elected Members' responsibilities contracted as services were transferred as part of the new operational model.

Since the allowances had been last examined thoroughly, much had changed in respect of how the Council operates. The Panel considered that allowances were no longer reflective of the posts to which they were being applied.

In this austere financial climate, the current levels of special responsibility allowance payable were neither sustainable nor justifiable when set against the background of continued savings to services provided in the community and cuts in government funding.

Opposition Group Deputy Leader/Minority Group Leader: The Panel considered that the level of responsibility was proportionate to the number of members in a group, therefore with a higher number of members the responsibility became such that an SRA should be paid.

Group Whips: As the role's primary value was to the political groups and not to Council, the level of responsibility was not considered significant enough to attract an SRA.

5.4 Evidence Considered:

- § Chartered Institute of Public Finance and Accountancy Information Services (CIPFA): Family group comparator information (aka nearest neighbour data) 2013
- § Cheshire East Council: Council Constitution dated 11 September 2012
- § Cheshire East Council: Health and Wellbeing Board 27 August 2013
- § Cheshire East Council: Scheme of Members' Allowances 2013-2014
- § Cheshire East Council: Summary of Budgetary Position 2013-2014
- § Elected Member representations
- § HMRC: Office of Deputy Prime Minister Local Government Councillors and Civic Dignitaries in England Guidance (definition of special responsibility allowance)
- § Independent Remuneration Panel: Observations of PDG meetings 30 October 2013
- § Independent Remuneration Panel: Responsibilities Matrix created 27 August 2013
- § Local Government Act 2000 Chapter 22 Part II Section 21 Overview and Scrutiny Committees
- § Local Government Association: Finding Your Way – A Guide to New Councillors 2013/2014 published May 2013 (extract key roles)
- § Local Authorities (Members' Allowances) (England) Regulations 2003
- § Middlesbrough Independent Panel: Annual Report on Allowances 2013-2014 published 7 May 2013
- § Peterborough Telegraph: Post submitted to article "*Councillors vote for pay freeze*" published 31 January 2013

SECTION 6: TRAVEL EXPENSES

6.1 Questions Considered by the Panel

- § *Do the approved duties set out in schedule 3 of the Cheshire East scheme comply with the regulations?*
- § *Are current mileage rates appropriate or should they be amended?*
- § *Should any changes be made to arrangements for rail travel, bicycles, motorcycles, air travel, taxis and other expenditure?*

6.2 Review of Allowances

In accordance with Part 2, paragraph 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the payment of travel and subsistence allowances for the performance of an approved duty is discretionary, which allows local authorities to approve their own travel and subsistence arrangements as part of an overall scheme.

Amongst the views expressed by elected Members, comment was made that all expenses should be included in the basic allowance to save administrative costs. The Panel felt that the varied nature of an elected Member's personal circumstances made such an arrangement inequitable and did not consider it further.

6.2.1 Approved Duties

Travel allowances could only be claimed for attendance at an approved duty and the Panel agreed that Schedule 3 of the Scheme, which listed the qualifying events, was compliant with the regulations. For the avoidance of doubt as to what was permissible by way of claims, the Panel suggested that elected Members be reminded of the content of the list.

6.2.2 Car Mileage

In the past three years, Cheshire East had given consideration to varying its mileage rates to equalise claims i.e. introducing a single rate of 40p per mile, or payment of a lump sum, neither of which had been adopted.

Despite having looked at it last year, the Panel reviewed this issue afresh. Whilst it acknowledged an elected Member's concerns that the present cost of motoring was probably higher than the current mileage rates payable in the scheme, it could see no argument for moving away from the present arrangements and did not consider that the rates of 45p (HMRC rate), 46.9p and 52.2p per mile should be amended (this to include the 1p per mile claimable for additional passengers up to 4 people).

Scrutiny of the nearest neighbour data had indicated a trend towards paying allowances for travel outside of the authority's area only but as these Councils tended to be metropolitan boroughs which were significantly smaller than Cheshire East, the Panel did not consider it a feasible option for this authority to consider.

Following an invitation from the Chairman to elected Members to submit comments on the issue of travel, the Panel had been asked to consider whether car breakdown cover for elected Members should be included in the scheme. The Panel considered that this aspect was already covered in the basic allowance and no further consideration was given to the matter.

Recommendation 5: That no change be made to the car mileage and passenger rates set out in the 2013-2014 Scheme of Members' Allowances.

6.2.3 Rail Travel

Members (and officers) were expected to travel standard class when travelling to a meeting or conference and the Panel was of the opinion that this should remain the case. It also considered that elected Members should be reminded of the need to inform the Business Support Unit (BSU) at the earliest opportunity of their travel needs in order to take advantage of lower cost fares.

Recommendation 6: That the following wording be inserted into the Guide to Members' Allowances *"Elected Members who have need to make travel arrangements, should inform BSU at the point their attendance at an event or notice of the meeting to be attended is confirmed"*.

6.2.4 Bicycles

Bicycle rates had been brought into line with those paid to employees as part of the 2012 review, which had been adopted by Council. As it was this Panel which had made the recommendation, and as the Cycle to Work scheme was still in place, it did not wish to make any changes to the current arrangements.

6.2.5 Motorcycles

Rates for motorcycles had also been brought into line with those paid to employees but no claims had been received under this provision. The Panel was invited to consider whether there was merit in its retention within the scheme.

Section 174 of the Local Government Act 1972 allowed elected Members to travel to meetings either inside or outside of the UK by *"any reasonable means"*. Although the legislation had been repealed, the "reasonableness" test was still considered to be relevant. On these grounds, the Panel made no changes to the current arrangements.

6.2.6 Other Expenditure

Expenditure on car parking, tolls, ferries and overnight garaging (where the elected Member was absent overnight) was reimbursed at actual cost paid on production of receipts as these were 'out of pocket' expenses. As the Panel had, at the beginning of its review stated that Councillors should not be out of pocket in the performance of their duties, the Panel made no changes to the current arrangements.

6.2.7 Air Travel

The option to travel by air could be considered inappropriate, due to the perceived cost of travel but, anecdotal evidence had indicated that fares from Manchester to London were often cheaper than the same journey by rail. On the grounds that air travel was only permitted provided that the cost was lower than the equivalent rail fare for the journey and providing the journey met the “reasonableness” test, the Panel concluded that this mode of transport should be retained in the scheme.

6.2.8 Taxis

The occasional use of taxis was regarded as an ‘out of pocket expense’ reimbursable on production of receipts. For all other claims, a ‘business case’ was required to be completed before short or long term use of taxis was permitted. As any arrangements agreed were regularly reviewed by officers, the Panel was satisfied that appropriate steps were being taken to ensure that use of this facility was reasonable and appropriate.

Recommendation 7: That the current arrangements and levels of recompense in respect of bicycles, motorcycles, car parking, tolls, ferries, overnight garaging, air travel and taxis in the 2013-2014 Scheme of Members’ Allowances remain unchanged.

6.3 Reasons for the Recommendations:

Car Mileage/Passenger Rates: Having considered the matter afresh, the Panel found no strong case for changing the current arrangements.

Rail Travel: Strengthening the wording in the Guide to Members’ Allowance emphasises that elected Members are expected to take all possible advantage of advance and reduced fares to keep costs down.

Travel Expenses: The Panel accepts that individuals should not be out of pocket when performing their duties as a Councillor provided that the costs incurred could be considered reasonable, the same principle to apply in respect of approving business cases submitted for short-long term taxi use.

6.4 Evidence Considered:

- § Automobile Association: Car Running costs 2013-2014 as at 30 April 2013
- § Automobile Association: Motoring Costs 2013 Diesel and Petrol Cars as at 11 September 2013
- § Chartered Institute of Public Finance and Accountancy Information Services (CIPFA): Family group comparator information (aka nearest neighbour data) 2013
- § Cheshire East Council: Cycle to Work Scheme 2013
- § Cheshire East Council: Draft Guide to Members' Allowances 2013-2014
- § Cheshire East Council: Scheme of Members' Allowances 2013-2014
- § Cheshire East Council: Summary of Budgetary Position 2013-2014
- § Crewe Chronicle: CEC members claim £1.3m in expenses article published 3 September 2013
- § Elected Member representations
- § HMRC: Mileage and Fuel Allowances 2011-2012
- § HMRC: Tax Relief for Travel and Subsistence 2013
- § Independent Remuneration Panel: Cheshire East Council Allowances Scheme 1 April 2009
- § Local Authorities (Members' Allowances) (England) Regulations 2003
- § National Joint Council: Car Allowances Technical Advisors report issued March 2010
- § Office of National Statistics: UK Counties and Authorities Map 2011
- § Taxpayers Alliance: West Midlands Research Note 1 - Mileage Allowances and HMRC

SECTION 7: SUBSISTENCE ALLOWANCE

7.1 Questions Considered by the Panel

- § *Is the current level of subsistence reasonable or should it be amended?*
- § *Should the 'four hour' requirement be retained, amended or abolished?*
- § *Should accommodation costs be limited on bookings made by the Council?*
- § *Should elected Members be permitted to stay overnight when attending a one day conference?*

7.2 Review of Allowance

The Panel was invited to consider current arrangements for the payment of subsistence allowance, which for ease of consideration was separated into two distinct areas i) food and refreshments; and ii) accommodation.

7.2.1 Food and Refreshments

Amongst the views expressed by elected Members, comment had been made that subsistence should only apply when Councillors were '*away from home*' and that when attending meetings at Council venues, individuals should make their own arrangements, a suggestion which found some support amongst the Panel. An extension of this view, again expressed by elected Members, was that lunch should not be claimable as subsistence.

Limits had been imposed in the scheme up to which claims could be submitted for breakfast, lunch and dinner. Panel members initially considered that the rates were high but some were not aware that it covered claims for both hot and cold meals. As monies were only reimbursed on actual cost incurred, the Panel concluded that, other than to round the figures up/down to the nearest pound, no change be made as it was felt reasonable for elected Members who were away from home for a significant period of time to claim back the cost of a meal.

The scheme also stipulated that claims could only be made where an elected Member was away from home for a period exceeding four hours. Whilst time limits had once been common practice in the civil service/local government, this no longer seemed to be the case as evidenced by the nearest neighbour data. Nevertheless, the Panel considered that it was reasonable for a limit to be applied and proposed that the four hour test be retained, given that this was in line with similar standards applied in industry and commerce.

Recommendation 8: That from 2014-2015 a) the subsistence rates set out in the 2013-2014 Scheme of Members' Allowances be amended to breakfast £8.00, Lunch £11.00, Dinner outside London £17.00, Dinner London and abroad £35.00; and b) the four hour limit described in the scheme be retained.

7.2.2 Accommodation

As there were numerous issues which could influence the choice of overnight accommodation at conference or other events, the Panel considered that it was unreasonable to impose cost limits on ad-hoc/planned bookings but that elected Members and the Council should be reminded, via the Guide to Members' Allowances, of the need to select accommodation which gave the best value for money.

In light of its recommendation in respect of food and refreshments, the Panel concluded that, other than to round the figures up/down to the nearest pound, no change be made.

Recommendation 9: That from 2014-2015, the rates for accommodation set out in the 2013-2014 Scheme of Members' Allowances be amended to i) overnight accommodation outside London (to include breakfast) £120; ii) overnight accommodation in London (to include breakfast) £145.

7.3 Reasons for the Recommendations:

Food/Refreshments: Having mind to rising commodity costs and that monies were only reimbursed based on actual costs incurred, the Panel considered that the present rates were not unreasonable.

Accommodation: As it was impracticable to impose a cost limit to cover all circumstances, the inclusion of appropriate wording in the Guide to Members' Allowances would reinforce the need to achieve value for money for the Council when booking accommodation.

7.4 Evidence Considered:

- § Chartered Institute of Public Finance and Accountancy Information Services (CIPFA): Family group comparator information (aka nearest neighbour data) 2013
- § Cheshire East Council: Summary of Budgetary Position 2013-2014
- § Cheshire East Council: Travel and Expenses Policy, HR Policy and Strategy Team June 2013
- § Elected Member representations
- § HMRC: Employment Income- scale of expenses, subsistence table of benchmark scale rates as at 6 April 2009
- § HMRC: Tax Relief for Travel and Subsistence 2013
- § Independent Remuneration Panel: Cheshire East Council Allowances Scheme 1 April 2009
- § Local Authorities (Members' Allowances) (England) Regulations 2003
- § Local Government Association: National Joint Council Green Book Frequently Asked Questions published October 2012

SECTION 8: HOUSEKEEPING ALLOWANCES

8.1 Questions Considered by the Panel

- § *Should the Council continue to impose a limit of £6100 for Dependants' Carers' allowance claims or should it be amended?*
- § *Is there any merit in moving to an hourly rate?*
- § *Should any distinction be made between child care and adult care?*
- § *Should co-optees be able to claim travel and subsistence in line with other non-elected individuals e.g. School Appeal/Independent Persons/Independent Remuneration Panel members?*
- § *Should the Council continue to reimburse out of pocket expenses such as surgeries, IT sundries and broadband or should payment be made as part of the basic allowance?*

8.2 Review of Allowances

The term 'housekeeping' allowances had been used to draw together the remaining allowances payable under the scheme i.e. dependants' carers' allowance, co-optees and out of pocket expenses which, together with Local Government Pension Scheme arrangements for elected Members, did not fall under any other category.

8.2.1 Local Government Pension Scheme (LGPS)

The Department for Communities and Local Government was undertaking a consultation exercise on future arrangements for the LGPS which could result in elected Members no longer having access to the fund from 2014. In light of this, the Panel confirmed its position that it would not review this element of the scheme pending the outcome of the consultation but would note elected Members' comments in this regard for future consideration.

8.2.2 Dependants' Carers' Allowances

Dependants' Carers allowance was paid for a "child, spouse or parent" up to £6,100 per annum on production of receipts and satisfactory evidence of care provided. The Panel considered whether this was reasonable or whether payment at an hourly rate was more appropriate. Information relating to child care costs in the North West region was provided, Panel members noting that whilst there was a plethora of information relating to adult care, no financial statistics were immediately available.

The Panel considered that the two types of care were sufficiently different to warrant separation and that the imposition of an hourly rate would be too restrictive. On the basis that care provision would only be sought to enable elected Members to undertake an approved duty, the current per annum figure was considered high based on an average of 4 hours care a day over a 46 week period⁴. The Panel considered that, in relation to child care, this figure should be lowered to a maximum of £4000 per annum. However, as adult and specialist services tended to cost more, the Panel proposed that this limit be set at £6000 to include children with disabilities and special needs. The Panel also agreed that supporting evidence of the care provided should continue to be requested when the allowance was first claimed.

⁴ Page 10, basic allowance, paragraph 4.2.2. refers

Recommendation 10: That from 2014-2015, a) the Dependents' Carers' Allowance as set out in the 2013-2014 Scheme of Members' Allowances be divided into i) child care and ii) adults/children with disabilities and/or special needs; and b) the limits be set at £4000 for (i) and £6000 for (ii) respectively.

8.2.3 Co-optees

Under the Local Government Act 2000, which had introduced the Executive/Scrutiny model of governance, Councils were allowed to co-opt representatives to sit on Scrutiny Committees which dealt with educational matters, Cheshire East co-opting two faith representatives. Following the introduction of Policy Development Groups at Cheshire East in 2012, the two co-optees who had originally been appointed to the Children and Families Scrutiny Committee now sat on Corporate Scrutiny Committee but did not receive any payment for this role.

In noting the above, the Panel considered that co-optees should be alerted to the fact that they were able to claim travel and subsistence in line with other non-Council individuals and it was agreed that suitable wording be included in the Scheme of Members' Allowances and in the Guide to Members' Allowances to acknowledge this.

Recommendation 11: That the following wording be included in the 2014-2015 Scheme of Members' Allowances and Guide to Members' Allowances "*individuals co-opted onto a Council Committee are entitled to claim travel and subsistence allowances in accordance with the scheme*".

8.2.4 Out of Pocket Expenses

Out of pocket expenses typically covered such matters as surgery fees and payment of emergency IT sundries. The Panel agreed to retain these elements in the scheme with the existing provisions i.e. that reasonable expenses could be reclaimed on the production of receipts.

Recommendation 12: That no change be made to the 2014-2015 Scheme of Members' Allowances in respect of claims for out of pocket expenses.

8.2.5 Members' Broadband

To assist elected Members in their Council duties, I T equipment was provided following their election (aka 'I T offer'). The Panel noted that some Councillors chose not to host additional equipment in their home and in these circumstances, the cost of broadband line rental/calls made when conducting Council business was reimbursed.

The Panel was strongly of the opinion that claims for the cost of using a private broadband line for Council business should only be permitted in exceptional circumstances and that elected Members should be required to accept Council equipment. Given that an internal review of the I T offer was currently underway, the Panel asked that its opinion be conveyed to those carrying out the review. Notwithstanding this, no changes to the current arrangements were proposed.

Recommendation 13: That no change be made to the 2014-2015 Scheme of Members' Allowances in respect of claims for broadband expenses pending the outcome of the internal review.

8.3 Reasons for the Recommendations:

Dependants' Carers': Setting separate per annum limits recognised the diverse cost structures associated with the different types of care.

Co-optees: The inclusion of the suggested wording would provide consistency across the scheme.

Out of Pocket Expenses: The Panel accepted that individuals should be refunded for any incidental expenses incurred when performing their duties as a Councillor.

Broadband: Whist feeling strongly that, to ensure the integrity and standardisation of Council IT, elected Members should be required to accept Council equipment, the Panel wished to wait until the internal review was concluded before deciding if it would be appropriate to make a recommendation in this regard.

8.4 Evidence Considered:

- § Age UK: Paying for Care and Support at Home Fact Sheet 46 published April 2013
- § Chartered Institute of Public Finance and Accountancy Information Services (CIPFA): Family group comparator information (aka nearest neighbour data) 2013
- § Cheshire East Council: Scheme of Members' Allowances 2013-2014
- § Cheshire East Council: Summary of Budgetary Position 2013-2014
- § Daycare Trust: Childcare Costs Survey 2013 published February 2013
- § Elected Member representations
- § Gov UK: National Minimum Hourly Wage as at 9 January 2013
- § Gov.UK: National Minimum Hourly Wage as at 1 October 2013
- § Health and Social Services and Social Security Adjudications Act 1983: Section 17 Charges for Local Authority Services in England and Wales
- § Local Authorities (Members' Allowances) (England) Regulations 2003
- § Localism Act 2011 Chapter 7 Paragraph 7: Independent Person
- § Oxford Dictionary Online: definition of Co-opt 4 October 2013
- § School Appeals (Admission Arrangements) (England) Regulations 2012: Regulation 6
- § Schools Standards and Framework Act 1998: Regulation 7 Section 94 (5A) Payment of Allowances to School Appeals Panel Members
- § Volunteering England: Thinking about Volunteering Information Sheet 2011 last reviewed May 2011

SECTION 9: SUMMARY OF RECOMMENDATIONS

Recommendation 1: That a) the calculation - average salary North West less 50 % voluntary contribution x working weeks per year/weeks per year be adopted forthwith as the formula for calculating basic allowance at Cheshire East Council; and b) notwithstanding the outcome of the calculation at paragraph 4.2.2, the basic allowance of £11,200 remain unchanged for 2014/2015;

Recommendation 2: That a) the roles and proposed allowances payable set out in Table 4 be adopted within Schedule 1 of the 2014-2015 Scheme of Members' Allowances; and b) the posts of Cabinet Support Member and Policy Development Committee Chairman and Vice Chairman be removed from the 2014-2015 scheme;

Recommendation 3: That a) the roles and proposed allowances payable set out in Tables 5, 6 and 7 be adopted within Schedule 1 of the 2014-2015 Scheme of Members' Allowances; and b) from 2014-2015, a Special Responsibility Allowance only be paid to i) the main Opposition Group Deputy Leader provided that the total number of members within their group exceeds 20% of the Council's total membership; and ii) to Minority Group Leader(s) provided that the total number of members within their group exceeds 10% of the Council's total membership;

Recommendation 4: That, on the basis of the evidence considered, the posts of main Group Whip, main Group Deputy Whip and minor Group Whip be removed from the 2014-2015 Scheme of Members' Allowances;

Recommendation 5: That no change be made to the car mileage and passenger rates set out in the 2013-2014 Scheme of Members' Allowances;

Recommendation 6: That the following wording be inserted into the Guide to Members' Allowances *"Elected Members who have need to make travel arrangements, should inform BSU at the point their attendance at an event or notice of the meeting to be attended is confirmed"*;

Recommendation 7: That the current arrangements and levels of recompense in respect of bicycles, motorcycles, car parking, tolls, ferries, overnight garaging, air travel and taxis in the 2013-2014 Scheme of Members' Allowances remain unchanged;

Recommendation 8: That from 2014-2015 a) the subsistence rates set out in the 2013-2014 Scheme of Members' Allowances be amended to breakfast £8.00, Lunch £11.00, Dinner outside London £17.00, Dinner London and abroad £35.00; and b) the four hour limit described in the scheme be retained;

Recommendation 9: That from 2014-2015 the rates for accommodation set out in the 2013-2014 Scheme of Members' Allowances be amended to i) overnight accommodation outside London (to include breakfast) £120; ii) overnight accommodation in London (to include breakfast) £145;

Recommendation 10: That from 2014-2015 a) the Dependants' Carers' Allowance as set out in the 2013-2014 Scheme of Members' Allowances be divided into i) child care and ii) adults/children with disabilities and/or special needs; and b) the limits be set at £4000 for (i) and £6000 for (ii) respectively;

Recommendation 11: That the following wording be included into the 2014-2015 Scheme of Members' Allowances and Guide to Members' Allowances "*individuals co-opted onto a Council Committee are entitled to claim travel and subsistence allowances in accordance with the scheme*";

Recommendation 12: That no change be made to the 2014-2015 Scheme of Members' Allowances in respect of claims for out of pocket expenses;

Recommendation 13: That no change be made to the 2014-2015 Scheme of Members' Allowances in respect of claims for broadband expenses pending the outcome of the internal review.

SECTION 10: ELECTED MEMBER CONSULTATIONS

Twelve elected Members contributed comments towards the Panel's discussions via the group mailbox during the review (July to November) with 28 separate comments being submitted in total. All comments and views were both acknowledged to the correspondent and discussed by the Panel.

The Panel met with the Leader of the Council on 16 July 2013 for the purpose of gathering information on the Council's new operating model of a Commissioning Council.

Based on their contributions, five elected Members (a Committee Vice Chairman, Group Whip, Cabinet Support Member, Policy Development Chairman and a Ward Member) were invited to attend a meeting of the Panel on 22 October 2013 to expand on their views. These meeting were most constructive and interesting. The Panel wishes to thank those who were prepared to spend the time to speak to them.

SECTION 11: LIST OF BACKGROUND DOCUMENTS

- § Age UK www.ageuk.org.uk: Paying for Care and Support at Home Fact Sheet 46 published April 2013
- § Automobile Association www.theaa.com: Car Running costs 2013-2014 as at 30 April 2013
- § Automobile Association www.theaa.com: Motoring Costs 2013 Diesel and Petrol Cars as at 11 September 2013
- § Be a Councillor Campaign www.beacouncillor.org.uk 'Could I be a Councillor?' Accessed 8 February 2013 (Note: the page has been refreshed and the text used is no longer on the site)
- § Birmingham Independent Remuneration Panel: Annual Report 2011-2012 published March 2012
- § Chartered Institute of Public Finance and Accountancy Information Services (CIPFA): Family group comparator information (aka nearest neighbour data) 2013
 - Bath and North East Somerset Council
 - Bedford Borough Council
 - Central Bedfordshire Council
 - Cheshire West and Chester Council
 - East Riding of Yorkshire Council
 - Herefordshire Council
 - North Somerset Council
 - Shropshire Council
 - Solihull Metropolitan Borough Council
 - South Gloucestershire Council
 - Stockport Council
 - Trafford Council
 - Warrington Borough Council
 - Wiltshire Council
 - York City Council
- § Cheltenham Independent Remuneration Panel: Report on Members' Allowances March 2007
- § Cheshire East Council: Report to Cabinet/Council 'Becoming a Strategic Council – Review of Management Roles and Responsibilities' 4 February 2012 21 February 2013
- § Cheshire East Council: Council Constitution dated 11 September 2012
- § Cheshire East Council: Cycle to Work Scheme 2013
- § Cheshire East Council: Draft Guide to Members' Allowances 2013-2014
- § Cheshire East Council: Health and Wellbeing Board 27 August 2013
- § Cheshire East Council: Scheme of Members' Allowances 2013-2014
- § Cheshire East Council: Summary of Budgetary Position 2013-2014
- § Cheshire East Council: Travel and Expenses Policy, HR Policy and Strategy Team June 2013
- § Councillors Commission: Representing the future - The report of the Councillors Commission published December 2007
- § Crewe Chronicle: CEC members claim £1.3m in expenses article published 3 September 2013
- § Daycare Trust www.daycaretrust.org.uk: Childcare Costs Survey 2013 published February 2013

Background Documents (continued)

- § Elected Member Representations received via www.CECIRP@cheshireeast.gov.uk between 5 April 2013 and 25 October 2013
- § Government: Response to House of Commons Communities and Local Government Select Committee: Councillors on the Frontline - Sixth report of session 2012-2013 Volume One 17 December 2013
- § Gov UK www.gov.uk: National Minimum Hourly Wage as at 9 January 2013
- § Gov.UK www.gov.uk: National Minimum Hourly Wage as at 1 October 2013
- § Health and Social Services and Social Security Adjudications Act 1983: Section 17 Charges for Local Authority Services in England and Wales
- § HM Revenues and Customs www.hmrc.gov.uk: Employment Income- scale of expenses, subsistence table of benchmark scale rates as at 6 April 2009
- § HM Revenues and Customs www.hmrc.gov.uk: Mileage and Fuel Allowances 2011-2012
- § HM Revenues and Customs www.hmrc.gov.uk: Office of Deputy Prime Minister Local Government Councillors and Civic Dignitaries in England Guidance
- § HM Revenues and Customs www.hmrc.gov.uk: Tax Relief for Travel and Subsistence 2013
- § House of Commons Communities and Local Government Select Committee: Councillors on the Frontline - Sixth report of session 2012-2013 Volume One 17 December 2013
- § Independent Remuneration Panel: CEC Allowances Scheme 1 April 2009
- § Independent Remuneration Panel: Mid Year Review of Scheme of Members' Allowances 27 January 2011
- § Independent Remuneration Panel: Observations of PDG meetings 30 October 2013
- § Independent Remuneration Panel: Responsibilities Matrix created 27 August 2013
- § Independent Remuneration Panel: 'What is the usefulness of Councillors and who to' report 30 April 2013
- § Institute for Volunteering Research www.ivr.org.uk: Volunteer Investment and Value Audit (VIVA) Research published January 2011
- § Local Authorities (Members' Allowances) (England) Regulations 2003
- § Local Government Act 2000 Chapter 22 Part II Section 21 Overview and Scrutiny Committees
- § Local Government Association www.local.gov.uk: Finding Your Way – A Guide to New Councillors 2013/2014 published May 2013
- § Local Government Association www.local.gov.uk: Guide to being a Councillor 2012-2013
- § Local Government Association www.local.gov.uk: Local Government Pay Award 2013 dated 22 October 2012
- § Local Government Association: National Census of Local Authority Councillors 2010 published October 2011
- § Local Government Association www.local.gov.uk: National Joint Council Green Book Frequently Asked Questions published October 2012
- § Localism Act 2011 Chapter 7 Paragraph 7: Independent Person
- § Middlesborough Independent Panel: Annual Report on Allowances 2013-2014 published 7 May 2013
- § National Joint Council: Car Allowances Technical Advisors report issued March 2010

Background Documents (continued)

- § Office for National Statistics www.ons.gov.uk: Statistics Bulletin 2012 Annual Survey of Hours and earnings published 22 November 2012
- § Office of National Statistics www.ons.gov.uk: UK Counties and Authorities Map 2011
- § Oxford Dictionary Online www.oxforddictionaries.com: definition of ‘co-opt’ accessed 4 October 2013
- § Peterborough Telegraph www.peterboroughtoday.co.uk: Post submitted in response to article “*Councillors vote for pay freeze*” published 31 January 2013
- § School Appeals (Admission Arrangements) (England) Regulations 2012: Regulation 6
- § Schools Standards and Framework Act 1998: Regulation 7 Section 94 (5A) Payment of Allowances to School Appeals Panel Members
- § Taxpayers Alliance www.taxpayersalliance.com: Councillors’ Allowances Research Note 116 published 29 August 2012
- § Taxpayers Alliance www.taxpayersalliance.com: Chief Executive’s response to Select Committee’s Findings 10 January 2013
- § Taxpayers Alliance www.taxpayersalliance.com: West Midlands Research Note 1 - Mileage Allowances and HMRC
- § Volunteering England www.volunteering.org.uk: Thinking about Volunteering Information Sheet 2011 last reviewed May 2011

**RESPONSIBILITY MATRIX:
THE PANEL'S CRITERIA COMPARED TO PART 3 OF CHESHIRE EAST COUNCIL'S
CONSTITUTION – RESPONSIBILITIES AND FUNCTIONS**

Panel's criteria	Approx no. of meetings per year	Constitutional responsibility	Legislative responsibility	Decision making powers	Accountability to public	Delivery of projects within defined period	Decision
Committee/Post							
Strategic Planning Board Chair	13	Y	Y	Y	Y	Y	Y
Strategic Planning Board Vice-Chair	13	Y	Y	Y	Y	Y	Y
Southern/Northern Planning Chair	13	Y	Y	Y	Y	Y	Y
Southern/Northern Planning Vice-Chair	13	Y	Y	Y	Y	Y	Y
Public Rights of Way Chair	4	Y	Y	Y	Y	Y	Y
Public Rights of Way Vice-Chair	4	Y	Y	Y	Y	Y	Y
Staffing Chair	4	Y	Y	Y	N	Y	Y
Staffing Vice- Chair	4	Y	Y	Y	N	Y	N
Scrutiny Chair	12	Y	Y	N	N	N	Y
Scrutiny Vice-Chair	12	Y	N	N	N	N	N
Policy Development Group Chair	10	N	N	N	N	N	N
Policy Development Group Vice-Chair	10	N	N	N	N	N	N
Licensing Chair	6	Y	Y	Y	Y	Y	Y
Licensing Vice-Chair	6	Y	Y	Y	Y	Y	Y
Constitution Chair	6	Y	N	Y	N	N	Y
Constitution Vice-Chair	6	Y	N	Y	N	N	Y
Audit & Governance Chair	5	Y	Y	Y	N	Y	Y
Audit & Governance Vice-Chair	5	Y	Y	Y	N	Y	Y
Cabinet Member/Portfolio Holder	13	Y	Y	Y	Y	Y	Y
Cabinet Support Member	13	N	N	N	N	N	N

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 23rd January 2014
Report of: Head of Governance and Democratic Services
Subject/Title: Calendar of Meetings for 2014-15

1.0 Report Summary

- 1.1 This report includes a draft Calendar of Meetings for Cheshire East Council for 2014 - 2015.
- 1.2 The Committee is invited to recommend the draft calendar to Council for approval.

2.0 Recommendation

- 2.1 That the Committee resolve that the draft Calendar of Public Meetings for Cheshire East Council 2014-2015 be recommended to Council for approval.

3.0 Reasons for Recommendations

- 3.1 The Council is required to give public notice of its meetings in order to fulfil its legal obligations under the Access to Information Rules set out in the Constitution and to meet its obligations under the Local Government Act 1972. The Calendar will assist the Council in meeting these requirements.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

- 5.1 All Ward Members

6.0 Policy Implications

- 6.1 None identified.

7.0 Financial Implications

- 7.1 None identified.

8.0 Legal Implications

- 8.1 There are no specific legal implications other than those identified in the main body of the report.

9.0 Risk Management

- 9.1 A published calendar of meetings enables effective business planning and decision making procedures.

10.0 Background and Options

- 10.1 As set out in its Constitution (Part 4 – Council Procedure Rule 1) the Borough Council is required to decide when its meetings will take place and these will be contained in a calendar of meetings.

It is for full Council to approve the calendar.

- 10.2 Under Part 3 of the Constitution, the Constitution Committee is responsible for:

“overseeing, monitoring, co-ordinating and implementing the Council’s administrative and political business, including....administrative arrangements forthe Council and other meetings.”

10.3 Calendar

Attached at Appendix 1 and Appendix 2 are a summary timetable and a more detailed month-by-month calendar.

10.4 Scheduling of Meetings

Whilst the Constitution Committee will be undertaking further work in order to establish whether changes should be made to the scheduling of meetings and other matters relating to meeting arrangements, the frequency of meetings has followed the practice previously adopted. As far as possible, only one Committee per day has been scheduled and where possible, meetings of each Committee have been scheduled on the same weekday. Where possible Fridays have been avoided for Committee meetings; these are to be used for Member development sessions as and when required.

Scheduling of meetings has taken into account the business planning/performance reporting cycles. In addition, dates have been scheduled for financial briefing/budget engagement events.

Meetings which do not form part of the formal decision-making process will be omitted from the public calendar but will be added to the Members’ diary for convenience. These include Policy Development Groups, financial briefings/budget consultation events, Member development sessions and meetings of the Fire Authority.

The Corporate Leadership Board (CLB) meets on Wednesday morning and where possible no meetings have been scheduled on this morning in order to ensure that CLB members are available to attend.

No meetings have been scheduled on the Tuesday afternoons when the Cabinet pre-agenda briefing is scheduled to take place.

August has been retained as a recess except for Planning Meetings.

10.5 Council

Meetings of full Council have been scheduled so as not to fall during school holidays.

Council will meet at venues around the Borough.

10.6 Cabinet Meetings

Cabinet meetings have been scheduled for Tuesday afternoons and will take place in the Committee Suite at Westfields to enable the meetings to be webcast. Other venues do not have the requisite ICT connectivity.

No meeting of Cabinet has been scheduled for August.

10.7 Portfolio Holder Meetings

Portfolio Holder meetings have not been scheduled into specific dates, but for ease Committee Suite 1+2 at Westfields has been reserved on Monday mornings between 9 am and 11 am to allow them to take place when required. However, meetings will be arranged at the most appropriate venue, following consultation with Portfolio Holders.

10.8 Planning Committees

Strategic Planning Board, Northern Planning Committee and Southern Planning Committee are scheduled on a four weekly cycle of meetings on Wednesday; with any site visits taking place the Friday before the meeting.

The Strategic Planning Board will commence at 10.30 am, with the Northern Planning Committee at 2.00 pm and Southern Planning Committee commencing at 1.00 pm.

10.9 Sub-Committees

There are a number of sub-committees and other bodies which meet on an ad-hoc basis and are therefore not included in the calendar.

10.10 Consultation

The following have been consulted:

- Corporate Management Team
- Cabinet
- Committee Chairmen
- Group Leaders
- Group Whips

10.11 Subject to any additional recommendations which Members may wish to make, the Committee is asked to refer the calendar to Council at its meeting to be held on 27th February 2014 for approval.

11.0 Access to Information

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

Name: Rachel Graves

Designation: Democratic Services Officer

Tel No: 01270 686473

Email: rachel.graves@cheshireeast.gov.uk

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Council (Thursday)	14		17			16		11		26		23	20
Cabinet Bodies													
Cabinet (Tuesday 2 pm)	27	24	22		16	14	11	9	6	3	3 31	28	
Portfolio Holders (Monday am)	Monday mornings have been identified as an option for Portfolio Holder meetings but notice will be given as and when these meetings are arranged												
Shared Services Joint (Friday, Winsford) (<i>to be agreed with CWAC</i>)	23		25		26		21		23		27		
Corporate Bodies													
Constitution Committee (Thursday 2 pm)		19			25		27		29		26		
Audit and Governance Committee (Thursday 2 pm)		26			18		20		22		19		
Staffing Committee (Tuesday or Thursday 2 pm)			24			23			15			21	
Appeals Sub Committee (Various)	1	5	3, 31		4	2	13	12	26	24	23	30	
Regulatory Bodies													
Licensing Committee (Monday 2 pm)		9			8		17		19		9		
Public Rights of Way Committee (Monday 2 pm)		16			15			8			16		
Strategic Planning Board (Wednesday 10.30 am)	28	25	23	20	17	15	12	10	21	18	18	15	
Southern Planning (Wednesday 1 pm)	7	4	2 30	27	24	22	19	17	28	25	25	22	

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Northern Planning (Wednesday 2 pm)	21	11	9	6	3	1 29	26		7	4	4	1 29	
Scrutiny Bodies													
Corporate (Mon, Tue or Thu 2 pm)	6	23	21		11	7	10	2	5	2	2 30	27	
Health and Wellbeing (Thursday 10 am)	8	12	10		11	9	6	4	8	5	5	2	
Community Safety (Thursday 10.30 am)	29	26	24		25	23	20	18	22	19	26	30	
Others													
Health and Wellbeing Board (Tuesday 2 pm)	29		29		23		18		27		24		
Local Authority School Governor Appointments Panel (Friday 10.30 am)		6				24				6			
Policy Development Groups													
Children and Families		2 30			1 29		3	1	29	12	10		
Environment and Prosperity		5	7		4	2	6	4	8	5	5		
Health and Adult Social Care		3	15		9	13	24	18	13	10	19		
Finance		12	10		22	6	4	15	12	9	12		
Communities		19	14		18	9	13	15	15	12	12		

Member Training Sessions		13	11,16 23		5 10	3 8	5 28	3	7, 8, 9 14	11	6 11		
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CALENDAR OF MEETINGS 2014-15

MAY 2014	
1	2.00 pm Appeals Sub Committee
2	(Planning Site Visits)
3	
4	
5	Bank Holiday
6	2.00 pm Corporate Scrutiny
7	1.00 pm Southern Planning Committee
8	10.00 am Health and Wellbeing Scrutiny Committee
9	
10	
11	
12	
13	
14	11.00 am Annual Council
15	
16	(Planning Site Visits)
17	
18	
19	
20	
21	2.00 pm Northern Planning Committee
22	European Parliament Elections
23	(Planning Site Visits) 1.30 pm Shared Services Joint Committee
24	
25	
26	Bank Holiday
27	2.00 pm Cabinet
28	10.30 am Strategic Planning Board
29	10.30 am Community Safety Scrutiny Committee 2.00 pm Health and Wellbeing Board
30	(Planning Site Visits)
31	

Note: School Holidays 26 – 30 May 2014

JUNE 2014	
1	
2	2.00 pm Children and Families PDG
3	2.00 pm Health and Adult Social Care PDG
4	1.00 pm Southern Planning Committee
5	10.30 am Environment and Prosperity PDG
	2.00 pm Appeals Sub Committee
6	(Planning Site Visits)
	10.30 am LA School Governors Appointment Panel
7	
8	
9	2.00 pm Licensing Committee
10	
11	2.00 pm Northern Planning Committee
12	10.00 am Health and Wellbeing Scrutiny Committee
	2.00 pm Finance PDG
13	(Member Training)
14	
15	
16	2.00 pm Public Rights of Way Committee
17	
18	Cheshire Fire Authority
19	10.30 am Communities PDG
	2.00 pm Constitution Committee
20	(Planning Site Visits)
21	
22	
23	2.00 pm Corporate Scrutiny Committee
24	2.00 pm Cabinet
25	10.30 am Strategic Planning Board
26	10.30 am Community Safety Scrutiny Committee
	2.00 pm Audit and Governance Committee
27	(Planning Site Visits)
28	
29	
30	2.00 pm Children and Families PDG

Note: Cheshire Show 17 and 18 June 2014

JULY 2014	
1	
2	1.00 pm Southern Planning Committee
3	2.00 pm Appeals Sub Committee
4	(Planning Site Visits)
5	
6	
7	2.00 pm Environment and Prosperity PDG
8	
9	2.00 pm Northern Planning Committee
10	10.00 am Health and Wellbeing Scrutiny Committee
	2.00 pm Finance PDG
11	(Member Training)
12	
13	
14	2.00 pm Communities PDG
15	2.00 pm Health and Adult Social Care PDG
16	(Member Training)
17	4.00 pm Council
18	(Planning Site Visits)
19	
20	
21	2.00 pm Corporate Scrutiny Committee
22	2.00 pm Cabinet
23	10.30 am Strategic Planning Board
	(Member Training)
24	10.30 am Community Safety Scrutiny Committee
	2.00 pm Staffing Committee
25	(Planning Site Visits)
	1.30 pm Shared Services Joint Committee
26	
27	
28	
29	2.00 pm Health and Wellbeing Board
30	1.00 pm Southern Planning Committee
31	2.00 pm Appeals Sub Committee

Note: Tatton Flower Show: 24-27 July 2014
 Nantwich Show: 30 July 2014
 School Holidays 24 July – 29 August 2014

AUGUST 2014	
1	(Planning Site Visits)
2	
3	
4	
5	
6	2.00 pm Northern Planning Committee
7	
8	
9	
10	
11	
12	
13	
14	
15	(Planning Site Visits)
16	
17	
18	
19	
20	10.30 am Strategic Planning Board
21	
22	(Planning Site Visits)
23	
24	
25	Bank Holiday
26	
27	1.00 pm Southern Planning Committee
28	
29	(Planning Site Visits)
30	
31	

Note: School Holidays 24 July – 29 August 2014

SEPTEMBER 2014	
1	2.00 pm Children and Families PDG
2	
3	2.00 pm Northern Planning Committee
4	10.30 am Environment and Prosperity PDG
	2.00 pm Appeals Sub Committee
5	(Member Training)
6	
7	
8	2.00 pm Licensing Committee
9	2.00 pm Health and Adult Social Care PDG
10	(Member Training)
11	10.00 am Health and Wellbeing Scrutiny Committee
	2.00 pm Corporate Scrutiny Committee
12	(Planning Site Visits)
13	
14	
15	2.00 pm Public Rights of Way Committee
16	2.00 pm Cabinet
17	10.30 am Strategic Planning Board
18	10.30 am Communities PDG
	2.00 pm Audit and Governance Committee
19	(Planning Site Visits)
20	
21	
22	2.00 pm Finance PDG
23	2.00 pm Health and Wellbeing Board
24	Cheshire Fire Authority
	1.00 pm Southern Planning Committee
25	10.30 am Community Safety Scrutiny Committee
	2.00 pm Constitution Committee
26	(Planning Site Visits)
	1.30 pm Shared Services Joint Committee
27	
28	
29	2.00 pm Children and Families PDG
30	

OCTOBER 2014	
1	2.00 pm Northern Planning Committee
2	10.30 am Environment and Prosperity PDG 2.00 pm Appeals Sub Committee
3	(Member Training)
4	
5	
6	2.00 pm Finance PDG
7	2.00 pm Corporate Scrutiny Committee
8	(Member Training)
9	10.00 am Health and Wellbeing Scrutiny 2.00 pm Communities PDG
10	(Planning Site Visits)
11	
12	
13	2.00 pm Health and Adult Social Care PDG
14	2.00 pm Cabinet
15	10.30 am Strategic Planning Board
16	2.00 pm Council
17	(Planning Site Visits)
18	
19	
20	
21	
22	1.00 pm Southern Planning Committee
23	10.30 am Community Safety Scrutiny Committee 2.00 pm Staffing Committee
24	(Planning Site Visits) 10.30 am Local Authority School Governor Appointments Panel
25	
26	
27	
28	
29	2.00 pm Northern Planning Committee
30	
31	

Note: School Holidays 27 – 31 October 2014

NOVEMBER 2014	
1	
2	
3	2.00 pm Children and Families PDG
4	2.00 pm Finance PDG
5	(Member Training)
6	10.00 am Health and Wellbeing Scrutiny
	2.00 pm Environment and Prosperity PDG
7	(Planning Site Visits)
8	
9	
10	2.00 pm Corporate Scrutiny Committee
11	2.00 pm Cabinet
12	10.30 am Strategic Planning Board
13	10.30 am Communities PDG
	2.00 pm Appeals Sub Committee
14	(Planning Site Visits)
15	
16	
17	2.00 pm Licensing Committee
18	2.00 pm Health and Wellbeing Board
19	1.00 pm Southern Planning Committee
20	10.30 am Community Safety Scrutiny Committee
	2.00 pm Audit and Governance Committee
21	(Planning Site Visits)
	1.30 pm Shared Services Joint Committee
22	
23	
24	2.00 pm Health and Adult Social Care PDG
25	
26	2.00 pm Northern Planning Committee
27	2.00 pm Constitution Committee
28	(Member Training)
29	
30	

DECEMBER 2014	
1	2.00 pm Children and Families PDG
2	2.00 pm Corporate Scrutiny Committee
3	(Member Training)
4	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Environment PDG
5	(Planning Site Visits)
6	
7	
8	2.00 pm Public Rights of Way Committee
9	2.00 pm Cabinet
10	10.30 am Strategic Planning Board Cheshire Fire Authority
11	2.00 pm Council
12	(Planning Site Visits) 10.30 am Appeals Sub Committee
13	
14	
15	2.00 pm Finance PDG 2.00 pm Communities PDG
16	
17	1.00 pm Southern Planning Committee
18	10.30 am Community Safety Scrutiny Committee 2.00 pm Health and Adult Social Care PDG
19	
20	
21	
22	
23	
24	
25	CHRISTMAS DAY
26	BOXING DAY
27	
28	
29	
30	
31	

Note: School Holidays 22 December 2014 – 2 January 2015

JANUARY 2015	
1	NEW YEAR'S DAY
2	(Planning Site Visits)
3	
4	
5	2.00 pm Corporate Scrutiny Committee
6	2.00 pm Cabinet
7	2.00 pm Northern Planning Committee
8	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Environment and Prosperity PDG
9	(Member Training)
10	
11	
12	2.00 pm Finance PDG
13	2.00 pm Health and Adult Social Care PDG
14	(Member Training)
15	10.30 am Communities PDG 2.00 pm Staffing Committee
16	(Planning Site Visits)
17	
18	
19	2.00 pm Licensing Committee
20	
21	10.30 am Strategic Planning Board
22	10.30 am Community Safety Scrutiny Committee 2.00 pm Audit and Governance Committee
23	(Planning Site Visits) 1.30 pm Shared Services Joint Committee
24	
25	
26	2.00 pm Appeals Sub Committee
27	2.00 pm Health and Wellbeing Board
28	1.00 pm Southern Planning Committee
29	10.30 am Children and Families PDG 2.00 pm Constitution Committee
30	(Planning Site Visits)
31	

FEBRUARY 2015	
1	
2	2.00 pm Corporate Scrutiny Committee
3	2.00 pm Cabinet
4	2.00 pm Northern Planning Committee
5	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Environment and Prosperity PDG
6	10.30 am Local Authority School Governor Appointments Panel
7	
8	
9	2.00 pm Finance PDG
10	2.00 pm Health and Adult Social Care PDG
11	(Member Training) Cheshire Fire Authority
12	10.30 am Communities PDG 2.00 pm Children and Families PDG
13	(Planning Site Visits)
14	
15	
16	
17	
18	10.30 am Strategic Planning Board
19	10.30 am Community Safety Scrutiny Committee
20	(Planning Site Visits)
21	
22	
23	
24	2.00 pm Appeals Sub Committee
25	1.00 pm Southern Planning Committee
26	2.00 pm Council
27	(Planning Site Visits)
28	

Note: School Holidays 16 – 20 February 2015

MARCH 2015	
1	
2	2.00 pm Corporate Scrutiny Committee
3	2.00 pm Cabinet
4	2.00 pm Northern Planning Committee
5	10.00 am Health and Wellbeing Scrutiny Committee 2.00 pm Environment and Prosperity PDG
6	(Member Training)
7	
8	
9	2.00 pm Licensing Committee
10	2.00 pm Children and Families PDG
11	(Member Training)
12	10.30 am Communities PDG 2.00 pm Finance PDG
13	(Planning Site Visits)
14	
15	
16	2.00 pm Public Rights of Way Committee
17	
18	10.30 am Strategic Planning Board
19	10.30 am Health and Adult Social Care PDG 2.00 pm Audit and Governance Committee
20	(Planning Site Visits)
21	
22	
23	2.00 pm Appeals Sub Committee
24	2.00 pm Health and Wellbeing Board
25	1.00 pm Southern Planning Committee
26	10.30 am Community Safety Scrutiny Committee 2.00 pm Constitution Committee
27	(Planning Site Visits) 1.30 pm Shared Services Joint Committee
28	
29	
30	2.00 pm Corporate Scrutiny Committee
31	2.00 pm Cabinet

APRIL 2015	
1	2.00 pm Northern Planning Committee
2	10.00 am Health and Wellbeing Scrutiny Committee
3	BANK HOLIDAY
4	
5	
6	BANK HOLIDAY
7	
8	
9	
10	(Planning Site Visits)
11	
12	
13	
14	
15	10.30 am Strategic Planning Board
16	
17	(Planning Site Visits)
18	
19	
20	
21	2.00 pm Staffing Committee
22	Cheshire Fire Authority 1.00 pm Southern Planning Committee
23	4.00 pm Council
24	(Planning Site Visits)
25	
26	
27	2.00 pm Corporate Scrutiny
28	2.00 pm Cabinet
29	2.00 pm Northern Planning Committee
30	10.30 am Community Safety Scrutiny Committee 2.00 pm Appeals Sub Committee

Note: School Holidays 7 April – 17 April 2015

MAY 2015	
1	
2	
3	
4	Bank holiday
5	
6	
7	Cheshire East Council Elections
8	
9	
10	
11	Induction for New Councillors
12	Induction for New Councillors
13	Induction for New Councillors
14	Induction for New Councillors
15	Induction for New Councillors
16	
17	
18	
19	
20	11.00am Annual Council
21	
22	
23	
24	
25	Bank Holiday
26	
27	
28	
29	
30	
31	

Note: School Holidays 25 – 29 May 2015

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 23rd January 2014
Report of: Head of Governance and Democratic Services
Subject/Title: Venue for Meetings of the Strategic Planning Board

1.0 Report Summary

- 1.1 This report invites Members to review the arrangements for determining the venue for meetings of the Strategic Planning Board following consideration of the matter by the Constitution Member Working Group.

2.0 Recommendations

- 2.1 That the Committee recommend to Council that
- a. the revised arrangements for determining the venue for meetings of the Strategic Planning Board as recommended by the Constitution Member Working Group and set out in Paragraph 4.9 of this report be approved; and
 - b. the Constitution be amended to incorporate the arrangements into the Committee Procedure Rules and to allow any consequential amendments.
- 2.2 That the Committee note that the Constitution Member Working Group will report to a future meeting on the outcome of its review of the terms of reference of the Strategic Planning Board and the planning arrangements in general.

3.0 Reasons for Recommendations

- 3.1 To ensure that the arrangements are practicable and appropriate.

4.0 Background

- 4.1 The Committee originally considered this matter at its meeting on 20th September 2012 following a motion to Council, proposed by Councillor D Brickhill and seconded by Councillor S Hogben, "That when the Strategic Planning Board agenda contains a majority of items from the south of the Borough, the meeting will be held in Crewe or Sandbach". The motion had been referred to the Committee for consideration.
- 4.3 Having considered the matter, the Committee had resolved as follows:

“That Council be recommended to agree that the venue arrangements for meetings of the Strategic Planning Board should be as follows:

That the Capesthorne Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with officers.”

- 4.4 Council at its meeting on 11th October 2012 had approved the recommendation as set out.
- 4.5 Since the revised arrangements came into effect, 10 meetings of the Strategic Planning Board have been held in Macclesfield and 14 have been held in Crewe (figures updated since the Committee’s meeting in November).
- 4.6 The Committee reviewed the arrangements at its meeting on 21st November 2013 following concern expressed by some members about the choice of venue for a recent meeting of the Board.
- 4.7 The Committee also considered whether there was merit in undertaking a more general review of the planning arrangements in Cheshire East.
- 4.8 The Committee resolved that the Constitution Member Working Group be asked to
 - 1. review the arrangements for determining the venue for meetings of the Strategic Planning Board; and
 - 2. undertake a more general review of the planning arrangements in Cheshire East to determine whether they are fit for purpose or whether alternative arrangements should be explored.
- 4.9 The Working Group has reviewed the arrangements for determining the venue for meetings of the Strategic Planning Board and has recommended that the arrangements should be amended to the following:

“That the Capesthorne Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with the Vice-Chairman of the Board and officers, provided that in exercising such discretion, the Chairman will have regard to the following considerations:

- § the number of planning matters which are to be considered at the meeting in question and the proximity of the development sites to the two meeting venues;
- § the scale of the proposed development associated with the applications to be dealt with at the meeting in question; the complexity of issues associated with, or the controversial nature of, the proposed development, and the likely consequential public interest;

and that, once the Chairman has chosen a venue for the meeting, the Chairman's full reasons in support of that choice shall be summarised and communicated to all members of the Council via the notification email for the meeting."

- 4.10 At present, the arrangements for determining the venue for meetings of the Strategic Planning Board are not included in the Constitution, although there is reference in the Planning Public Speaking Protocol to the Board usually meeting in Macclesfield. The Committee may wish to recommend to Council that the Constitution be amended to incorporate the revised arrangements into the Committee Procedure Rules and to allow a consequential amendment to the Planning Public Speaking Protocol.
- 4.11 The Member Working Group is currently reviewing the terms of reference of the Strategic Planning Board and the Council's wider planning arrangements and a further report will be submitted to a future meeting.

5.0 Wards Affected

- 5.1 All

6.0 Local Ward Members

- 6.1 All

7.0 Policy Implications

- 7.1 None

8.0 Financial Implications

- 8.1 None

9.0 Legal Implications

- 9.1 The Constitution Committee is responsible for overseeing, monitoring, co-ordinating and implementing the Council's administrative and political

business, including the administrative arrangements for and the conduct of the Council and other meetings.

10.0 Risk Management

10.1 None

11.0 Access to Information

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

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 23rd January 2014
Report of: Head of Governance and Democratic Services
Subject/Title: Work Programme

1.0 Report Summary

1.1 This report reviews the Committee's work programme.

2.0 Recommendations

2.1 That

1. the work programme and the progress referred to therein be noted; and
2. the Civic Sub-Committee be asked to review the Mayoralty Code of Practice.

3.0 Reasons for Recommendations

- 3.1 To enable the Committee to monitor progress with the work programme and make any desired changes.
- 3.2 To enable the Committee to consider the recommendation of the Constitution Member Working Group with regard to the Civic Sub-Committee.

4.0 Wards Affected

4.1 N/A

5.0 Local Ward Members

5.1 N/A

6.0 Background

6.1 An updated work programme including progress to date is set out below.

1. Civic Sub-Committee Terms of Reference

At the Committee's request, the Constitution Member Working Group has reviewed the terms of reference of the Civic Sub-Committee. The Group at its meeting on 25th November 2013 resolved to advise the Committee that:

1. the existing terms of reference of the Civic Sub-Committee are considered fit for purpose and do not require amendment; and
2. the Civic Sub-Committee Should be asked to review the Mayoralty Code of Practice.

2. Strategic Planning Board and the Council's Planning Arrangements

(See report elsewhere on agenda.)

3. Frequency of Meetings

The Constitution Member Working Group has been asked by the Committee to undertake a detailed review of the Council's meeting arrangements, focussing on the purpose and size of each body, the frequency of meetings and the content and process of full Council meetings. The Working Group will be commencing this review shortly.

4. Transparency

The Constitution Member Working Group has agreed to recommend that the Council's publications scheme be included in the Constitution together with a statement to the effect that there is a general presumption that committee meetings and papers will be open to the public. The Group has asked for a further report in order to consider the detailed implications before making a formal recommendation to the Committee.

5. Review of Policy Development Groups and Scrutiny Committees

The PDG/Scrutiny Member Working Group held its first meeting just before Christmas and will be meeting again towards the end of January.

6. Officer Scheme of Delegation

Council on 17th October 2013 authorised the Interim Head of Legal Services and Monitoring Officer, with the agreement of the Chairman of the Constitution Committee, to incorporate the new management structure into the scheme of delegation when all necessary aspects of the structure had been settled, with the scheme as amended being re-submitted to the Constitution Committee for confirmation. It is intended that the revised version of the scheme will be submitted to the Committee's meeting on 4th March 2014.

The Constitution Member Working Group has considered the legal role and powers of the Chief Executive in agreeing performance-related payments to senior managers. The Group has asked for a further report to its next meeting.

7. Staffing Committee Terms of Reference

The Constitution Member Working Group has concluded that the current terms of reference of the Staffing Committee are inadequate and in need of revision. The Group has asked for a further report to its next meeting.

8. Officer Code of Conduct

The Constitution Member Working Group has begun a review of the Officer Code of Conduct and has agreed a number of amendments. The Group has asked for a further report to its next meeting on certain aspects of the Code such as politically-restricted posts, the obligations placed on officers when submitting planning applications and the position regarding officers who belong to organisations such as the freemasons.

9. Audit and Governance Committee Terms of Reference

The Constitution Member Working Group has begun a review of the terms of reference of the Audit and Governance Committee. The Group has taken the view that the terms of reference of the Committee in their present form do not allow the Committee to act in a proactive way by initiating its own reviews and investigations; it largely responds to and notes officer reports. The Working Group has agreed to consider the matter further with a view to strengthening the role of the Committee.

10. General Review of the Content, Size and Structure of the Constitution

The aim of this work, which has been commissioned by the Committee's Vice-Chairman, is to produce a shorter, more accessible reference document for Members which will sit alongside but refer back to the full version of the Constitution. Consideration will also be given to the overall structure of the full Constitution and whether this can be improved, as well as to how the online version of the Constitution can be made more user-friendly. This work is ongoing and will be co-ordinated with the work of the Constitution Member Working Group.

11. Other matters to be reviewed

In addition to the above, the following matters are to be reviewed:

- § Terms of Reference of Committees in general
- § Procedure Rules
- § Local Ward Member Protocol
- § Finance and Contract Procedure Rules (this review is being carried out by an officer working group and the outcome will be reported to the Constitution Member Working Group in the first instance to ensure that it is co-ordinated with other work streams)

The Constitution Member Working Group is empowered to undertake further reviews from time to time as it sees fit.

7.0 Policy Implications

7.1 None identified

8.0 Financial Implications

8.1 None identified

9.0 Legal Implications

9.1 None identified

10.0 Risk Management

10.1 None identified

11.0 Access to Information

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

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