

ANNUAL GENERAL MEETING OF THE COUNCIL AGENDA



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Date: Thursday 28th May 2015

Time: 7:15pm

Venue: Council Chamber, Causeway House, Bocking End, Braintree, CM7 9HB

Membership:

Councillor J Abbott	Councillor J Goodman	Councillor R Ramage
Councillor J Allen	Councillor A Hensman	Councillor F Ricci
Councillor C Bailey	Councillor P Horner	Councillor B Rose
Councillor M Banthorpe	Councillor D Hufton-Rees	Councillor V Santomauro
Councillor J Baugh	Councillor D Hume	Councillor W Scattergood
Councillor J Beavis	Councillor H Johnson	Councillor W Schmitt
Councillor D Bebb	Councillor A Kilmartin	Councillor P Schwier
Councillor R Bolton	Councillor S Kirby	Councillor C Siddall
Councillor K Bowers	Councillor D Mann	Councillor G Spray
Councillor L Bowers-Flint	Councillor J McKee	Councillor P Tattersley
Councillor G Butland	Councillor R Mitchell	Councillor C Thompson
Councillor S Canning	Councillor J Money	Councillor M Thorogood
Councillor J Cunningham	Councillor Lady Newton	Councillor R van Dulken
Councillor M Cunningham	Councillor J O'Reilly-Cicconi	Councillor L Walters
Councillor T Cunningham	Councillor I Parker	Councillor S Wilson
Councillor M Dunn	Councillor S Paul	
Councillor J Elliott	Councillor J Pell	

Members of the Council are requested to attend this meeting to transact the business set out in this agenda.

Invitees: Mr A French and Mr K Stubbings, Independent Persons
Mr D Dyson, Mr D Johnson, Mr R Wilkins and Mrs F Coulson Members
for the Independent Remuneration Panel.

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team – 01376 552525
email: demse@braintree.gov.uk

N BEACH
Chief Executive

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INFORMATION FOR MEMBERS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest:-

Any Member with a Disclosable Pecuniary Interest or other Pecuniary Interest to indicate in accordance with the Code of Conduct. Such Member must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

PUBLIC SESSION:

Pages:

1. **Apologies for Absence**

2. **List of Chairman's Engagements.**

To be
tabled

To note the list of engagements carried out by the Chairman of the Council, Councillor Sue Wilson during her term of office.

3. **Chairman's address to Council.**

Councillor Sue Wilson, the outgoing Chairman, will address the Council.

4. **Presentation to the outgoing Chairman of the Council.**

5. **To elect the Chairman of the District Council for the Civic Year 2015/16.**

The new Chairman of the Council will receive the Chain of Office and sign the Declaration of Acceptance of Office.

Acceptance address by the new Chairman of Braintree District Council.

6. **To elect the Vice Chairman of the District Council for the Civic Year 2015/16.**

The new Vice Chairman of the Council will receive the Chain of Office and sign the Declaration of Acceptance of Office.

Acceptance address by the new Vice Chairman of Braintree District Council.

7. **To receive any announcements from the Chairman of the Council.**

8. **Presentation by the Chairman of citations to former Councillors.**

9. **Minutes.**

To approve as a correct record the Minutes of the Council meeting held on 13th April 2015 (copy to be circulated).

10. **Declarations of Interest.**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

11. Appointment of the Leader of the Council.

To appoint the Leader of the Council for the four year term of Council.

12. Leader's Announcements.

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a) The Leader of the Council to notify Full Council of the names and portfolio areas of the Members of the Cabinet including Deputy Cabinet Members.

b) To note the Leader of the Council's Scheme of Delegation for 2015/16, including appointments to Cabinet Sub-Committees.

13. Appointments to Committees of Council.

16

To consider the Political Balance and appoint Members to the Committees of Council.

14. Independent Remuneration Panel.

To note the current membership of the Panel comprises D Dyson, D Johnson, B Wilkins and F Coulson.

(The Panel may comprise up to 5 Independent Members).

15. Independent Persons.

To note that A French and K Stubbings are the Council's Independent Persons further to the Localism Act 2011.

16. Appointment to Outside Bodies for the Civic Year of 2015/16

22

To make Council appointments to Outside Bodies.

17. Report of the Independent Remuneration Panel on the Members' Allowance Scheme

26

To receive the report and recommendations of the Independent Remuneration Panel

18. Annual Timetable of Meetings 2015/16.

To confirm the following dates of Council meetings (as set out in the Annual Timetable):

Ordinary meetings of the Council start at 7.15pm on:-

6th July 2015
14th September 2015
19th October 2015
14th December 2015
22nd February 2016
18th April 2016

The Annual General Meeting will be held on 9th May 2016.

ANNUAL GENERAL MEETING
28th May 2015



LEADER'S ANNOUNCEMENTS – CABINET MEMBER PORTFOLIOS AND SCHEME OF DELEGATION AND APPOINTMENTS TO CABINET SUB COMMITTEES		Agenda No: 12
Report presented by: Councillor G Butland Leader of the Council		
Report prepared by: Ian Hunt Head of Governance		
Background Papers: Constitution.		Public Report
Options: To note the appointments		Key Decision: No
Executive Summary: Further to the appointment of the Leader they are required to appoint Members of the Cabinet. The Cabinet must consist of at least three Members and no more than 10 Members. It is not subject to the rules of political proportionality. The Leader may set delegations and areas of responsibility for Cabinet Members in accordance with the Constitution. This report sets out the Cabinet Members and their areas of responsibility. The Leader can appoint Cabinet Sub Committees to consider issues within the terms of reference set by the Leader. These appointments are in accordance with the terms of reference set out in the scheme of delegation. NOTE: This report is contingent on the appointment of Councillor Graham Butland as Leader of the Council at agenda item 11.		
Decision: That Council notes the appointments and delegations set out in this report.		
Purpose of Decision: To note the Leader's appointments to the Cabinet and his scheme of delegation.		

Any Corporate implications in relation to the following should be explained in detail	
Financial:	Cabinet Members are required to operate within the limits of the relevant budgets, or to undertake virement between budgets as appropriate.
Legal:	The Leader must appoint at least two Members to the Cabinet and the Cabinet may consist of a maximum of 10 Members.
Safeguarding	Safeguarding issues will be considered by Cabinet Members in the performance of their duties.
Equalities/Diversity	Equalities issues will be considered by Cabinet Members in the performance of their duties.
Customer Impact:	The Leader has considered the appointments to ensure appropriate management of service delivery and oversight.
Environment and Climate Change:	Environment and Climate Change issues will be considered by Cabinet Members in the performance of their duties.
Consultation/Community Engagement:	None directly arising from this report.
Risks:	None directly arising from this report.
Officer Contact:	Ian Hunt
Designation:	Head of Governance
Ext. No.	2629
E-mail:	ian.hunt@braintree.gov.uk

1. Background:

- 1.1 The Leader has the personal right to set the size and composition of the Cabinet within the statutory limits. In addition the Leader may set an appropriate scheme of delegation for Cabinet Members.
- 1.2 The Leader wishes to note that at all meetings of the Cabinet a Member of the Labour, Halstead Residents Association and Green Groups are invited to attend the meeting and participate. No voting rights can be extended as a consequence of the legislation governing the meeting. In addition the Chairman of the Overview and Scrutiny Committee is also invited to attend and participate on the same terms. The Leader also encourages other Members to attend Cabinet meetings
- 1.3 The Leader has the right to appoint such Sub Committees of the Cabinet as he may choose to undertake work on behalf of the Leader and the Council in accordance with the Terms of Reference set for the groups. These are detailed within the report.

2. Leader's Appointments and Portfolio Areas:

- 2.1 The Leader makes the following appointments to Cabinet and allocates as follows portfolio areas.

OVERALL CORPORATE STRATEGY AND DIRECTION		
		<i>Portfolio Areas:</i>
Leader of the Council	Cllr. Graham Butland	Overall Vision and Strategic Direction Strategic Partnerships Devolution Strategic Economic Growth Promotion of the District External Relations
ENVIRONMENT AND PLACE		
		<i>Portfolio Areas:</i>
Cabinet Member and Deputy Leader	Cllr. Wendy Schmitt	Clean and Green Street cleansing and parks Landscapes and Countryside Regulatory functions (licensing, environmental health, building control) Community Safety Emergency Planning
<i>Deputy Cabinet Member</i>	<i>Cllr. Robert Mitchell</i>	<i>Carbon and Energy Management Waste Management/Recycling Highways and Parking</i>

PLANNING AND HOUSING		
		Portfolio Areas:
Cabinet Member	Cllr. Lady Newton	Local Plan Infrastructure, Planning and Development Development Management Planning Enforcement Affordable Housing Housing/Homelessness Welfare Reform
<i>Deputy Cabinet Member</i>	<i>Cllr. Lynette Bowers-Flint</i>	
ECONOMIC DEVELOPMENT		
		Portfolio Areas:
Cabinet Member	Cllr. Tom Cunningham	Economic Development Strategy Regeneration Business Engagement and Support Broadband Enterprise centres Inward Investment Town Centres Apprenticeships Skills Education Improvement
HEALTH AND COMMUNITIES		
		Portfolio Areas:
Cabinet Member	Cllr. Joanne Beavis	Health Improvement and Well-being External Funding Equality and Diversity Neighbourhood Budgeting Safeguarding Older People Children and Young People Voluntary sector Heritage Rural communities Local community engagement Member support and development
<i>Deputy Cabinet Member</i>	<i>Cllr. Peter Tattersley</i>	<i>Community transport Leisure and Sport Community facilities and support</i>

FINANCE AND PERFORMANCE		
		Portfolio Areas:
Cabinet Member	Cllr. David Bebb	Financial and Treasury Management Investment Strategy Revenue budget Capital programme Efficiency and Improvement Programme Income Generation Commercialisation Performance management
CORPORATE SERVICES AND ASSET MANAGEMENT		
		Portfolio Areas:
Cabinet Member	Cllr. John McKee	Asset Management Information Technology Corporate Governance Communication Procurement Risk Management Health and Safety Customer Services HR and Organisational Development

3. Detailed delegations and limitations:

3.1 All executive functions are vested in the Leader of the Council.

3.2 The Leader makes the following detailed delegations in relation to all Cabinet Members:

1 **Authorising Action to Enable Matters Previously Approved (by Cabinet) in Principle**

Power to authorise the officers to conclude any matter, process or transaction the undertaking of which, in principle, has previously been considered and authorised by the Cabinet.

2 **Consultation Responses**

Power to authorise a response by or on behalf of Braintree District Council to a consultation by a Minister of the Crown, Government Department, other public sector body or local authority on matters falling within the purview of the Cabinet; provided that;

(a) if the officers, or the Cabinet Member, when consulted, consider that any consultation raises issues of Council wide interest or significance, it shall be referred to the Cabinet, or appropriate committee, to agree a response; and,

(b) if the consultation is concerned only with, and calls for a response on matters of a very technical professional nature then officers may deal with it without reference to a Cabinet Member.

3 Fees and Charges

(a) Following the Cabinet agreeing general guidance on the approach to be taken to setting fees and charges in the budget strategy each year, power to agree, with the relevant officers, the achievable options for income generation for each appropriate service undertaken by the Council; which are within the control of the Cabinet;

(b) Following these options having been reported to and agreed by the Cabinet, power to agree the appropriate detailed charges with the relevant officers, in accordance with the options agreed by the Cabinet.

4 Plans and Strategies

To make changes to plans and strategies provided that those changes do not conflict with an approved policy, do not raise new issues of policy, are within the approved budgets and do not exceed any of the financial limits set out in the Financial Procedure Rules that are applicable to Cabinet Members.

5 Further Delegations

To take decisions that promote the strategic objectives within their portfolio consistent with the Constitution and subject to the limitations below.

3.3 Notwithstanding the delegations in 3.2 above all delegations are subject to the following limitations:

- 1 No Cabinet Member may make a decision which is reserved to the Cabinet meeting as a whole.
- 2 A decision in accordance with this scheme may not be taken by an individual Cabinet Member unless it is concerned with or relates to any Council function, activity or business falling within the portfolio of work allocated to that individual Cabinet Member by the Council/Cabinet. Where a matter requiring a decision affects more than one portfolio of work the decision sought by the officers shall be taken by the Cabinet Members with the lead for the issue in consultation with any additional Member, or the terms of the decision will be split to enable two separate complimentary decisions to be made.

- 3 A decision in accordance with this scheme may not be taken by an individual Cabinet Member otherwise than in response to a written report from the appropriate Council officer.
- 4 The record of decisions taken on any occasion by a Cabinet Member pursuant to this scheme shall be notified to all Members of the Council by publication on the Cabinet agenda.
- 5 A record of the decisions to be taken by Cabinet Members in accordance with this scheme shall be published in the Decision Planner.

3.4 Further delegations in respect of the Cabinet Member for Environment and Place are as follows:

- 1 To have overall responsibility for the Council's responsibilities and functions under Scrap Metal Dealers Act 2013 including agreeing a procedure for the determining of applications which are subject to representations.
- 2 The Cabinet Member in consultation with the Corporate Director to determine any matter arising from any further subordinate legislation including regulations and statutory Guidance.

4. Transitional Provisions

- 4.1 In relation to any decision of the Council, or Cabinet taken prior to the 28th May 2015 which delegated action to a Cabinet Member the following transitional provisions will apply:

Where the delegation was to the Cabinet Member for:	It shall be read as meaning:
Place	Cabinet Member for Environment and Place
Planning and Prosperity	For matters relating to Asset Management, the Cabinet Member for Corporate Services and Asset Management. In all other matters Cabinet Member for Planning and Housing or Economic Development as appropriate
People and Participation	Cabinet Member for Health and Communities
Performance and Efficiency	In relation to: Financial and Treasury Management, Business Efficiency and Transformation, and Revenues, the Cabinet Member for Finance and Performance

	In relation to: Customer Services, HR and Organisational Development, Procurement, Risk management, Health and Safety and Information Technology, the Cabinet Member for Corporate Services and Asset Management
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5. Cabinet Sub Groups

5.1 The Leader Appoints the following Sub Groups of the Cabinet with the Membership set out as below:

Sub-Committee Name: **Local Plan Sub-Committee**

Terms of Reference:

To be responsible for the development of the Local Plan to include:

1. Consideration of studies and reports.
2. Adoption of evidence to the formal evidence base in preparation for examination.
3. Consideration of draft Local Plan Documents and to make recommendations to Full Council as to their adoption.
4. To receive and to give consideration to responses to public consultations in relation to the Local Plan and to make recommendations to the Full Council in relation to these.
5. Where relevant to make recommendations to the Cabinet in respect of any corporate implications arising from the development of the Local Plan, including any recommendations for consideration in the budget setting process.

Membership:

Councillor L Bowers-Flint (Chairman)
Councillor W Scattergood (Vice Chairman)
Councillor D Bebb
Councillor G Butland
Councillor T Cunningham
Councillor D Hume
Councillor J Money
Councillor Lady P Newton
Councillor M Thorogood

Sub-Committee Name: **Developing Democracy Group**

Terms of Reference:

To be responsible for the consideration of matters relating to:

1. The promotion of democracy and democratic accountability.

2. Consideration of amendments to the Constitution and to make recommendations to Full Council as to their adoption.
3. Consideration of matters relating to the administration of elections and electoral balance and to make recommendations to Full Council as to their adoption.
4. To consider other matters relevant to the purposes of the group including consultations and make recommendations to Cabinet or Council as appropriate.
5. To consider matters in relation to the management of parish boundaries including the grouping of parishes as well as community governance reviews and to make recommendations to the Full Council in relation to these.

Membership:

Councillor G Butland (Chairman)
Councillor J Abbott
Councillor J Beavis
Councillor D Mann
Councillor J Pell
Councillor C Siddall
Councillor G Spray

Sub-Committee Name: **Member Development Group**

Terms of Reference:

1. To regularly review the member development strategy to ensure that it continues to meet the needs of individual members and the Council.
2. To approve the methods of identifying and assessing member development needs.
3. To identify factors either within or outside the Council that may create training needs such as changes to service delivery mechanisms or legislation.
4. To identify the appropriate training required as relevant to the various roles undertaken by members.
5. To identify which member may have the skills and knowledge to act in a role as trainer or facilitator for other members and provide the support required to undertake this role.
6. To recommend suitable and cost-effective development programmes including the annual member development plan.
7. To monitor how training and development is being carried out, and its effectiveness.
8. To monitor member involvement in the training and development provided and take relevant action, as required, to improve attendance.
9. To consider the annual report to cabinet advising on achievements and future priorities.
10. To monitor the use of resources required to support the member development programme.
11. To report to Cabinet as required.

Membership:

Councillor J Beavis (Chairman)
Councillor K Bowers
Councillor S Canning
Councillor J Goodman
Councillor J Pell
Councillor G Spray
Councillor S Wilson

Sub-Committee Name: **Mi Community**

Terms of Reference:

1. To manage and implement the Mi Community Scheme in accordance with the published terms of the scheme.
2. To assess applications and make awards in line with the scheme terms.
3. To recommend amendments to the terms of the scheme to the Cabinet.

Membership:

Councillor G Spray (Chairman)
Councillor J Allen
Councillor J Elliott
Councillor A Hensman
Councillor D Mann
Councillor B Rose
Councillor C Thompson

ANNUAL GENERAL MEETING
28th May 2015



APPOINTMENTS TO COMMITTEES OF COUNCIL		Agenda No: 13
Report presented by: Councillor G Butland – Leader of the Council		
Report prepared by: Ian Hunt, Head of Governance		
Background Papers:		Public Report
None		
Options:		Key Decision: No
To appoint or not to appoint in accordance with the schedules.		
Executive Summary:		
<p>The Council has a number of Committees and Sub-Committees which are appointed to by the Council. This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats to political groups on a politically proportionate basis.</p> <p>Council is asked to set the proportions for each Committee and to appoint Members as set out in the report.</p>		
Decision:		
That the Council:-		
<ol style="list-style-type: none"> 1. Notes the political balance requirements; 2. Agrees the size of the individual Committees and Sub-Committees to be subject to proportional balance and the allocation of seats to political groups in accordance with this report; and 3. That the schedule set out in Appendices A be adopted regarding the appointments to Committees 4. That Council approves the allocation of the Chairmanship of the Overview and Scrutiny Committee as being from the majority group and suspends the convention that this appointment is an opposition Member stated in the Overview and Scrutiny Procedure Rules for the current municipal year. 5. That the appointment of Chairman and Vice-Chairman of the Committees be as set out in Appendix B. 		

Purpose of Decision:	
To comply with legislation and to enable the Council to discharge its functions through Committees and Sub-Committees.	

Corporate Implications	
Financial:	None
Legal:	Covered in the report Article 4 Section 1.1.6 of the Constitution states that it is a function of Council to make appointments to Committees unless the appointment is a Cabinet function or has been delegated by Council to a committee or officer.
Safeguarding	None.
Equalities/Diversity	None
Customer Impact:	None
Environment and Climate Change:	None
Consultation/Community Engagement:	Consultation with Group leaders as to the allocation of seats and membership of committees.
Risks:	The political balance rules can only be departed from if there is no dissenting vote at Council. Failure to comply would result in a breach of statutory duty which could be the subject of judicial review proceedings.
Officer Contact:	Ian Hunt
Designation:	Head of Governance
Ext. No.	2629
E-mail:	ian.hunt@braintree.gov.uk

1. INTRODUCTION

This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees and Sub-Committees to political groups on a politically proportionate basis. The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 apply with some exceptions to any committees established under the Constitution.

2. POLITICAL BALANCE REQUIREMENTS

- 2.1 The allocation of seats on ordinary Committees must be in the same proportion as the number of members of the group bears to the membership of the Authority as a whole.
- 2.2 The Council has a duty when allocating or reviewing the allocation of seats on Committees to give effect so far as is reasonably practicable to the following four principles:-
- (i) all the seats are not allocated to the same political group;
 - (ii) the majority of the seats go to the political group in the majority on the full Council;
 - (iii) subject to the above two principles, the total number of seats on the ordinary Committees of the Authority are allocated to each political group in the same proportion as the group's representation on the full Council; and
 - (iv) subject to the above three principles, the number of seats on each Committee are allocated to each political group in the same proportion as the group's representation on the Council.
- 2.3 Following the election the Council currently has three political groups, and one Green Member.

Therefore the membership of the Council for the purpose of the allocation of seats is broken down as follows:-

- 44 - Conservative Group
- 2 - Labour Group
- 2 - Halstead Residents Association
- 1 - Green Member

3. COMMITTEE AND SUB COMMITTEE ALLOCATIONS

- 3.1 Given the size of the Labour and Halstead Residents Association Groups and the Green Party Member, on each Committee one seat is to be allocated to the opposition, with all the additional seats allocated to the Conservative Group.

- 3.2 The Conservative Group whilst permitted to appoint to all seats allocated to them from within the group, may appoint opposition Members over and above the requirements of the scheme, however this is at their discretion.
- 3.3 Following negotiations with group leaders the following allocations have been agreed to meet the requirements of the proportionality rules:

Overview and Scrutiny Committee: 12 Members: 11 Conservative, 1 Labour
Planning Committee: 13 Members: 12 Conservative*, 1 Green * The Leader has allocated one Conservative seat to the Labour Group who have accepted this, therefore the allocation is: 13 Members: 11 Conservative, 1 Green, 1 Labour
Licensing Committee: 13 Members: 12 Conservative, 1 Halstead Residents Association
Governance Committee: 7 Members: 6 Conservative, 1 Labour
Standards Sub Committee: 3 Members (3 Substitutes): 2 Conservative, 1 Halstead Residents Association
Appeals Committee: 3 Members (3 Substitutes): 2 Conservative, 1 Labour

Nominations for appointments to give effect to the above are listed in Appendix A.

- 3.4 Following a Council decision on 19th February 2007 all Members who sit on the Planning Committee and the Licensing Committee (including Hearing Panels) are appointed on the basis that all Members shall participate in appropriate training before undertaking their duties and continue to participate in ongoing training.
- 3.5 The Chairman and Vice Chairman of Committees and Sub-Committees are usually appointed from the majority group.
- 3.6 There is a convention that the Chairman of the Overview and Scrutiny Committee is appointed from the Members not forming the majority group. This is enshrined in the Constitution in the Overview and Scrutiny Procedure Rules section 3. The opposition Groups have advised that no Member of those groups is able to take this role at the present time, accordingly Council is asked to confirm that the Chairman of the Overview and Scrutiny Committee is provided from the Conservative Group notwithstanding they are the majority group.
- 3.7 The nomination for Chairman and Vice Chairman of Committees and Sub-Committees are listed in Appendix B.

AGM APPOINTMENTS 2015 – 2016 - COMMITTEES AND PANELS

<u>PLANNING COMMITTEE</u> 13 Councillors		<u>LICENSING COMMITTEE</u> 13 Councillors		<u>OVERVIEW AND SCRUTINY COMMITTEE</u> 12 Councillors		<u>GOVERNANCE COMMITTEE</u> 7 Councillors		<u>STANDARDS SUB COMMITTEE</u> 3 + 3 Substitutes	
J ABBOTT	G	J ALLEN	C	C BAILEY	C	M DUNN	C	J O'REILLY-CICCONI	C
R BOLTON	C	M BANTHORPE	C	K BOWERS	C	J ELLIOTT	C	J PELL	HR
L BOWERS-FLINT	C	J BAUGH	C	J GOODMAN	C	J GOODMAN	C	S WILSON	C
P HORNER	C	S CANNING	C	P HORNER	C	D HUFTON-REES	C	SUBSTITUTES	
H JOHNSON	C	J ELLIOTT	C	D HUFTON-REES	C	V SANTOMAURO	C	R BOLTON	C
S KIRBY	C	J GOODMAN	C	D MANN	L	M THOROGOOD	L	D MANN	L
D MANN	L	A HENSMAN	C	S PAUL	C	R VAN DULKEN	C	V SANTOMAURO	C
LADY P NEWTON	C	H JOHNSON	C	R RAMAGE	C				
J O'REILLY-CICCONI	C	J MONEY	C	F RICCI	C			<u>APPEALS COMMITTEE</u> 3 + 3 Substitutes	
I PARKER	C	J PELL	HR	B ROSE	C				
R RAMAGE	C	R VAN DULKEN	C	P SCHWIER	C				
W SCATTERGOOD	C	L WALTERS	C	C SIDDALL	C				
G SPRAY	C	S WILSON	C					A KILMARTIN	C
								D MANN	L
								P TATTERSLEY	C
								SUBSTITUTES	
								J ABBOTT	G
								F RICCI	C
								VACANCY	

C = Conservative**L** = Labour**HR** = Halstead Residents**G** = Green

AGM APPOINTMENTS 2015 – 2016 - CHAIRMAN AND VICE CHAIRMAN OF COMMITTEES AND PANELS

Committee	Chairman	Vice-Chairman
Planning	W SCATTERGOOD C	J O'REILLY-CICCONI C
Licensing	M BANTHORPE C	J BAUGH C
Overview & Scrutiny	C SIDDALL C	D MANN L
Governance	J ELLIOTT C	V SANTOMAURO C
Appeals Panel	P TATTERSLEY C	-
Standards Sub Committee	J O'REILLY-CICCONI C	-

C = Conservative **L** = Labour **HR** = Halstead Residents **G** = Green

ANNUAL GENERAL MEETING
28th MAY 2015



Appointment to Outside Bodies for the Civic Year of 2015/16		Agenda No: 16
Report presented by: Councillor Graham Butland – Leader of the Council		
Report prepared by: Emma Wisbey Governance and Member Manager		
Background Papers:		Public Report
Options: To appoint or not to appoint in accordance with schedule at Appendix A.		Key Decision: No
Executive Summary: In accordance with Article 4.1.1.6 of the Constitution Full Council are invited to make appointments to the Outside Bodies as set out in Appendix A this report. Full Council may make appointments to Committees and nominate representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by Council to a Committee or an officer. Cabinet will make further appointments to Outside Bodies on 15 th June 2015. It is proposed that some appointments, where indicated in Appendix A, will be Community Representatives. At the present time it is not intended to appoint to those bodies in Appendix B. The appointments are for the 2015/16 civic year only and will remain under review for the next civic year.		
Decision: That Full Council agrees to appoint Members in accordance with the schedule as set out in Appendix A.		
Purpose of Decision: Full Council discharges its functions in accordance with Article 4 of the Constitution.		

Corporate Implications	
Financial:	<p>Members appointed to serve on outside bodies are entitled to claim expenses in accordance with the Member Allowance Scheme in attending meetings of the outside bodies as the Council's representative.</p> <p>Community Representatives will be able to claim mileage for attending meetings of the outside bodies.</p> <p>This will be met from the existing budget for Member Allowances.</p>
Legal:	As set out in the report.
Safeguarding	None.
Equalities/Diversity	None arising out of this report.
Customer Impact:	None arising out of this report.
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	Appointments will be confirmed with the external bodies following the AGM.
Risks:	Should the Council decline to make an appointment, the Council will be unrepresented on the respective external body.
Officer Contact:	Emma Wisbey
Designation:	Governance and Member Manager
Ext. No.	2610
E-mail:	emma.wisbey@braintree.gov.uk

Appointment to Outside Bodies for the Civic Year of 2015/16

Outside Bodies	Proposed Appointment/s
Braintree and Bocking Community Association	Cllr J Baugh Cllr R Ramage
Braintree College – Colchester Institute Governing Body	Cllr J Baugh
Braintree District Access Group	Cllr Lady P Newton Cllr L Bowers-Flint (as Deputy)
Braintree United Charities	Cllr J Baugh Cllr L Walters Cllr S Paul Cllr V Santomauro Mr McNee
Campaign to Protect Rural Essex	Cllr P Schwier
Dedham Vale & Stour Valley Advisory Committee	Cllr R Bolton Cllr W Scattergood
Earls Colne Airfield Liaison Committee	Cllr G Spray
Earls Colne and Halstead Educational Charity	Cllr C Siddall
Friends of Bocking Windmill	Tony Everard as Community Representative
Friends of Halstead Public Gardens	Cllr J Pell Jennie Sutton as Community Representative
Greenfields Community Housing Board	Cllr M Banthorpe Cllr D Mann Cllr B Rose* *This appointment is subject to interview with the Chairman of GCHB
Maltings Lane Forum	Cllr J Money Cllr C Thompson
Notley Green Community Association	Cllr F Ricci
Rivenhall Playing Field Association	Cllr K Bowers Cllr J Abbott

Outside Bodies	Proposed Appointment/s
Witham United Charities	Cllr J Goodman Cllr P Horner Cllr J Money Cllr S Wilson Margaret Galione as Community Representative

Appendix B

At the present time it is not intended to appoint to the following outside bodies.

Braintree District Arts Council
Braintree District LSP Executive
Coggeshall Old People's Welfare Association
Eastern Arts Board Local Government Forum (Eastern Region)
Halstead Area Crime Prevention Panel
Home-Start Braintree and Witham
South Anglia Group - Essex Action Group
Witham Age Concern
Witham Community Association (Executive Committee)
Witham Park - Management Advisory Group

REPORT OF THE INDEPENDENT REMUNERATION PANEL ON THE MEMBERS' ALLOWANCE SCHEME		Agenda No: 17
Report presented by: Councillor Butland, Leader of the Council Report prepared by: Charlotte Miller, Governance Business Officer		
Background Papers:		Public Report
None		
Options:		Key Decision: No
To approve or not to approve the Members' Allowance Scheme.		
Executive Summary: <p>The Independent Remuneration Panel has undertaken a review of the Council's Members' Allowance Scheme. The report with its full findings and detailed recommendations is attached.</p> <p>The panels key recommendations are:</p> <ul style="list-style-type: none"> • That the Basic Allowance remains at £4,635.00; • That the Special Responsibility Allowances be retained at their current rates; • That the Carer's Allowance be split into two categories - Childcare Allowance and Dependent Carer's Allowance. The Childcare Allowance be kept at a maximum of £10.00 per hour and the Dependent Carer's Allowance is based on actual cost recovery; • That the payable mileage rates for approved duties remains the same; • That the current broadband allowance be removed; • That a Communications Allowance is created at a fixed rate of £20 per month to support Members to provide their preferred technology to manage their role as Councillors; <p>The panel recommends that the revised scheme of Member Allowances attached with their report be adopted and to be applied from the 11th May 2015.</p> <p>The panel recommends that they undertake a review during the course of the municipal year to assess the impact of the ward boundary changes on Member work load.</p>		

The panel currently has one vacancy, Members have previously delegated the appointment of Panel members to the Head of Governance in consultation with the existing Members of the panel, and it is recommended that this process is continued.	
Decision:	
<ol style="list-style-type: none"> 1. To adopt the Member Allowances Scheme attached to the report with effect from the 11th May. 2. To authorise the Head of Governance to incorporate the scheme within the constitution and make such typographic amendments as are necessary to do this. 3. To authorise the current members of the Independent Remuneration Panel, together with the Head of Governance, to form an interview panel to interview candidates and to delegate to the Head of Governance on behalf of that panel to appoint to vacant positions. 	
Purpose of Decision: To approving the recommendations of the Independent Remuneration Panel on the Council's Members' Allowance Scheme.	

Corporate implications	
Financial:	The Panel's recommendations are within the current budget for member allowances.
Legal:	None arising from this report.
Safeguarding	None.
Equalities/Diversity	The Panel seeks to enable all sectors of society to become Members and support their work, this has been recognised in the difference in carer fees during this review.
Customer Impact:	None arising from this report.
Environment and Climate Change:	None arising from this report.
Consultation/Community Engagement:	The Panel has consulted in detail with Members. The Panel itself is made up of members of the community.
Risks:	None arising from this report.
Officer Contact:	Charlotte Miller
Designation:	Governance Business Officer
Ext. No.	2604
E-mail:	charlotte.miller@braintree.gov.uk



REPORT OF THE INDEPENDENT REMUNERATION PANEL ON THE MEMBERS' ALLOWANCE SCHEME

March 2015

1. Executive Summary

The Council's Constitution states that Members are entitled to receive allowances as set out in the Members' Allowance Scheme. The scheme is reviewed in full every four years and amendments are made to the scheme following recommendations made by the Independent Remuneration Panel that are approved by Council.

The Local Authorities (Members' Allowances) Regulations 2003 provide for local authorities to establish and maintain an Independent Remuneration Panel. There is a duty to consider the findings of an Independent Remuneration Panel before determining any scheme for the payment of allowances to Councillors of the authority.

In accordance with the above the Independent Remuneration Panel has reviewed the Council's Members' Allowance Scheme.

The Panel recommends the following key recommendations with regards to the Council's Members' Allowance Scheme:

- That the Basic Allowance be held at £4,635.00;
- That the Special Responsibility Allowances be held at their current rates;
- That the Carer's Allowance be split into two categories - Childcare Allowance and Dependent Carer's Allowance. The Childcare Allowance be kept at a maximum of £10.00 per hour and the Dependent Carer's Allowance is based on actual cost recovery;
- That the payable mileage rates for approved duties remains the same;
- That the current broadband allowance be removed;
- That a Communications Allowance is created at a fixed rate of £20 per month to support Members to provide their preferred technology to manage their role as Councillors;
- Whilst no change is proposed to the Basic Allowance, given the Ward boundary changes, the situation should be reassessed by February 2016 to consider what impact the change has had on Members.

The Council's Independent Remuneration Panel

The Panel Members are independently appointed and consist of David Dyson (Chairman), David Johnson, Robert Wilkins and Frances Coulson. The Panel met on the 27 January 2015 to undertake Member interviews and discuss their thoughts. This report has been considered by the panel and represents their recommendations to the Council.

Frances Coulson and Andrew Green were appointed as Panel Members following a recruitment campaign in October 2014. Andrew Green resigned as a Panel Member on 14th January 2015.

2. Research

The Panel obtained information from a number of sources in support of its review. This work included meetings with a range of Members including those in receipt of a range of special responsibility allowances.

A Member survey was conducted in November 2014, the results of which were analysed and discussed by the Panel. Further information was received on the committee structure, average meeting duration and attendance at meetings by Members.

Data with comparative information on allowances in other similar authorities across the UK as well as comparative information from Essex authorities was considered to enable benchmarking and comparative analysis.

3. Basic Allowance

The basic allowance in Braintree District is currently £4,635.00. The Panel were presented with details of basic allowances across Essex and also in CIPFA equivalent authorities.

The basic allowance is payable to all Members and has been linked with the Local Government Pay Award for many years. This was deemed by the Panel to be an appropriate benchmark for annual adjustment and it is recommended that this link is retained.

The Panel were presented with data that compared Braintree's basic allowance with that of other Essex authorities and CIPFA equivalents. Braintree's basic allowance was lower than average on both accounts. Compared to the Essex authorities Braintree District Council was £297 lower than the average (5 out of 12 authorities), against the CIPFA equivalents Braintree District Council was £99 lower than the average (10 out of 16 authorities).

The Panel also assessed responses from the Member survey whereby 83% agreed that the basic allowance was appropriate/fair. This opinion was widely shared amongst members during interviews.

The Panel noted that its recommendations to link the basic allowance to training had been agreed by Council on 23rd April 2014 and have incorporated the relevant provisions into their considerations. For clarity, it is recommended that the scheme commence at the same time as the related charges to the scheme proposed by the Independent Remuneration Panel.

The Panel was made aware of the reduction in the number of Members due to the ward boundary changes. During the interviews some Members advised of how they felt the ward changes would impact their roles and whether they thought amendments to allowances needed to reflect this. This was countered by other Members who were less sure that there would be a material change. The panel considers that this is a matter which cannot be assessed at present and should be reviewed once there is experience to draw on.

The basic allowance was therefore considered to be appropriate and the Panel recommends no change to the amount. The link to staff pay awards was considered appropriate and should be retained.

The Panel recommends that there was a need to reassess the situation by February 2016, for the next financial year in order to gauge the impact the changes have had (if any) on Member workloads.

4. Special Responsibility Allowance

Special Responsibility Allowances are paid to those Members who hold special responsibilities in relation to the Authority. This is paid in addition to the basic allowance, however only one special responsibility allowance can be claimed at any one time.

The Panel considered the findings of the Member survey which asked Members how fair/appropriate each special responsibility allowance was. The Panel discussed the role requirements of special responsibility positions whilst interviewing members to aid their recommendations.

The Panel compared special responsibility allowances with other authorities in Essex and the CIPFA equivalents. The conclusion was that they were broadly in line with others, although it was acknowledged that there is considerable variation in the way roles are structured and therefore it is not always straightforward to undertake direct comparisons.

The Panel considered the list of special responsibility positions and concluded that the current list and levels are appropriate.

5. Travelling Expenses/Subsistence Allowance Claims

Subsistence allowances were deemed appropriate by the Panel.

Travel expenses are intended to reimburse Members for expenditure incurred when undertaking approved duties.

The Panel were presented with the current amounts payable for travel expenses (set at HMRC rates). The Panel agreed that these amounts were appropriate and should remain the same.

Following interviews with Members it was agreed that attendance at Parish Council meetings within a Councillor's ward continue to be an approved duty, but that changes to the wording of this section of the scheme are required to provide clarity for Members, Officers and the public as to what is an approved duty.

The Panel received representations that all mileage conducted by Members in visiting any constituent should be recoverable. The Panel formed the view that this was not appropriate as there are a number of options open to Members in handling this type of issue. It was further considered that this would be impossible to verify and would lead to the potential for misuse. On this basis it was considered that the concept of approved duties should be maintained and that other travel should

continue to be part of the basic allowance.

The Panel recommends that the subsistence and travel rates remain constant.

6. Carer's Allowance

The Carer's Allowance is payable to Members who incur expenditure for the care of their children or dependent relative whilst the Member is undertaking approved duties such as attending meetings.

The Panel noted that the Carer's Allowance had been increased in April 2013 based on their previous recommendations. They noted however that there should be a monetary distinction between a Carer's Allowance for childcare and one for dependents (child and adult) where there were sometimes substantially higher costs due to complex care requirements.

All Members agreed that a distinction should be made, as otherwise members of the public could be denied the opportunity to become a Member due to financial issues with care provision.

The Panel recommends that the Carer's Allowance be split into two categories: Childcare Allowance and Dependent Carer's Allowance. The Childcare Allowance be kept at a maximum of £10 per hour and the Dependent Carer's Allowance be paid at the reasonable cost of provision in the circumstances.

7. IT/Broadband Allowance

It was agreed by the Panel that broadband and IT was an area whereby substantial change was required, based on the comparative information from other authorities, the Member Survey and interviews. The Panel agreed that the additional broadband monthly allowance be removed and replaced with a Communications Allowance, allowing Members (excluding Cabinet) to claim for a fixed amount of £20 per month.

The Panel was advised that the Council is moving to a system where Members are supported to use their own equipment to access core information and technology. This would be supported by Member support and software resources.

Whilst consideration was given to the possibility of allowing costs to be reclaimed, it was considered that the ease and transparency of an allowance enabled an easier delivery of the scheme reducing the support cost for the scheme.

The Panel recommends that the broadband allowance be removed, to be replaced with a Communications Allowance at a fixed rate of £20 per month, and that this allowance can be claimed for up to two years in advance as a capital payment provided that the Member agrees to repay any element for any period where they cease to be a Member.

8. Claims and Payments

It was agreed that claims for reimbursement should continue to be made no later

than two calendar months following the date of the approved duty. The Panel agreed that only in extenuating circumstances should payment be re-considered if the claim date exceeds two calendar months, examples of this would be substantial illness or being absent for a substantive period for work or military deployment. For clarity the panel accepted the current practice of working in whole months, enabling ease of management for a monthly claim process.

The Panel recommends that there are no changes to the two calendar month reimbursement criteria. The Panel recommends that where extenuating circumstances occur payment should be considered.

9. Conclusions and Recommendations

The Panel agreed that should Council approve their recommendations with regards to the current Member's Allowance Scheme, that the scheme be implemented from the commencement of the new Council on the 11th May 2015 and that the Panel re-visit the scheme by February 2016 to review the impact of changes to the ward boundaries.

The panel attaches a consolidated scheme for adoption by the Council.

10. Acknowledgements

The Panel is grateful to all the Members and officers who provided evidence and answered questions, for the provision of background information and the organisation of the meetings.

Members' Allowance Scheme

1. Scheme and Commencement

- 1.1. This Members' Allowances Scheme is set further to the Local Authorities (Members' Allowances) (England) Regulations 2003 and takes effect from the 11th May 2015 and supersedes previous schemes.
- 1.2. The scheme will continue until reviewed, either in accordance with the terms of the scheme or by way of amendment by Council.
- 1.3. This Scheme may be amended at any time by the Council but may only be revoked with effect from the beginning of a civic year.
- 1.4. Before the Council makes a new Scheme or amends this Scheme it shall have regard to the recommendations made in relation to it by its Independent Remuneration Panel.

2. Basic Allowance

- 2.1. All Councillors will be entitled to receive the Basic Allowance, of £4,635 per annum, subject to the Member Development Link in section 3 and any notice under section 6.

3. Member Development Link

- 3.1. Part of the Basic Allowance is linked to training and development undertaken by Members during each municipal year. The monthly Members' allowance will be reduced by one twelfth per month and an amount equivalent to a monthly allowance will be directly linked to Member's attendance at Member Development Evening Programme events on a sliding scale as detailed in the following table:

Percentage annual attendance	Less than 10%	10 – 25%	Over 25% – 50%	Over 50 – 75%	Over 75%
Percentage of one month's allowance	0%	25%	50%	75%	100%
Value of attendance allowance	£0	£96.56	£193.13	£289.69	£386.25

- 3.2. Members attending 75% or more of the scheduled Member Development Evening Programme events will receive the full allowance.
- 3.3. Attendance will be reviewed based on attendance at relevant Member Development Evening Programme Events within the financial year, with payment of the additional sum made in March
- 3.4. The Member Development Link only applies to the Basic Allowance and does not impact on any Special Responsibility Allowance, Communications Allowance or other claim.

4. Special Responsibility Allowance

- 4.1. A Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in Table 1.
- 4.2. This Allowance is paid in recognition of the extra duties which they are expected to perform.
- 4.3. Subject to Paragraph 6, the amount of each such Allowance shall be the amount specified against that special responsibility in Table 1.
- 4.4. No Councillor is able to claim more than one Special Responsibility Allowance, and they are entitled to whichever allowance is the highest.

Table 1:

Special Responsibility	Additional Allowance
Chairman of the Council (Basic Allowance x1)	£4,635
Leader of the Council (Basic Allowance x3)	£13,905
Deputy Leader of the Council (Basic Allowance x2.5)	£11,589
Member of the Cabinet (Basic Allowance x2)	£9,270
Deputy Cabinet Members (Basic Allowance x1)	£4,635
Chairman of the Overview and Scrutiny Committee (Basic Allowance x1)	£4,635
Chairman of each Overview and Scrutiny Committee Task and Finish Group (Basic Allowance x1)	£4,635
Chairman of the Governance Committee (Basic Allowance x1)	£4,635
Chairman of the Planning Committee (Basic Allowance x1)	£4,635
Minor SRA to all Members of the Planning Committee provided they attend at least 75% of called meetings of the committee (Basic Allowance x0.185)	£857.48
Chairman of the Local Plan Sub-Committee (Basic Allowance x1)	£4,635
Chairman of the Licensing Committee (Basic Allowance x1)	£4,635
Chairman of the Mi Community Scheme (Basic Allowance x1)	£4,635
Leader of the Largest Opposition Group (Basic Allowance x1)	£4,635
Leader of Other Opposition Groups of more than 5 members (Basic Allowance x0.25) (Note no SRA is payable to Leaders of groups of less than 5 Members)	£1,158
Chairman of the Independent Remuneration Panel (Basic Allowance x 0.125)	£579.47

5. Communications Allowance

- 5.1. All Members (excluding Cabinet Members) shall be entitled to a fixed sum of £20 per month to support their communication costs, including the cost of providing computer equipment.

- 5.2. Councillors can by agreement with the Head of Governance claim in advance for up to two years of this element of the allowance in a single lump sum to support capital purchases, provided that the Councillor agrees to repay any overpayment if they cease to be a Councillor.

6. Renunciation

- 6.1. A Councillor may, by notice in writing to the Head of Governance, elect to forego any part of his/her entitlement to an allowance under this Scheme.

7. Increases in Entitlements

- 7.1. The Basic Allowance and the Special Responsibility Allowances shall be increased in line with the local government staff annual pay award, and in line with its provisions as to payment.

8. Part-year Entitlements

- 8.1. The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended, or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- 8.2. In respect of a Basic Allowance, where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a civic year, the entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which the term of office as a Councillor bears to the number of days in that civic year, taken together with the Member Development Link in the same relative proportions.
- 8.3. Where a Councillor has during part of, but not throughout, a whole year such special responsibilities as entitle them to a Special Responsibility Allowance, that Councillor's entitlement shall be to a payment of such part of that Special Responsibility Allowance as bears to the whole the same proportion as the number of days during which they had such special responsibilities bears to the number of days in that civic year.
- 8.4. Where an amendment to this Scheme is made which affects an allowance payable for the civic year in which an amendment is made, the entitlement to such allowance, as amended, may apply with effect from the beginning of the civic year in which the amendment is made.

9. Claims and Payments

- 9.1. Any and all claims for travelling expense reimbursement and/or subsistence payment under this Scheme shall be made in writing on the relevant forms not later than two months following the date of the approved duty in respect of which the entitlement to the payment arises EXCEPT THAT where the approved duty is undertaken in March in any year then all claims shall be submitted no later than the following 1st May. No reimbursement or payment

under this Scheme shall be made where these time limits have not been complied with unless there are extenuating circumstances.

- 9.2. A claim for travelling expense reimbursement and/or subsistence payment under this Scheme shall include, or be accompanied by, a statement by the Councillor claiming the payment, that they are not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under this Scheme.
- 9.3. Payments shall be made by bank transfer on or after the 20th day in each month.
- 9.4. Basic, Special Responsibility and Communication Allowances are paid in twelve equal instalments and apportioned for part-year entitlement where applicable subject to the Member Development Link.
- 9.5. Allowances and claims will be taxed according to the prevailing taxation rules including for PAYE and National Insurance. Councillors are responsible for meeting any tax liabilities which relate to their circumstances.

10. Membership of another Authority

- 10.1. Where a Councillor is also a Member of another Authority, that Councillor may not claim expenses from more than one Authority in respect of the same duties.

11. Childcare Allowance

- 11.1. The Council has agreed that a Childcare allowance shall be paid.
- 11.2. An allowance may be claimed for costs incurred when a carer for a child has been engaged to enable a Councillor to undertake an approved duty. The actual cost of care will be reimbursed up to a maximum of £10 per hour provided that no Councillor may claim for more than two meetings per week up to a maximum of 8 hours.
- 11.3. An allowance will be payable in respect of any child being cared for who normally lives with the Councillor as part of that Councillor's family and who should not be left unsupervised.
- 11.4. The carer must not be an immediate member of the Councillor's family or be someone who normally lives with the Councillor as part of that Councillor's family.
- 11.5. Councillors who claim a childcare allowance are required to certify that the amounts claimed have actually been incurred and that neither the Councillor nor the person being cared for has received an allowance for care from any other source.

12. Dependent Carer's Allowance

- 12.1. The Council has agreed that a Dependent Carer's allowance shall be paid.
- 12.2. An allowance may be claimed for costs incurred when a carer for a dependent person has been engaged to enable a Councillor to undertake an approved duty. The actual cost of care will be reimbursed at a reasonable cost of provision in the circumstances provided that no Councillor may claim for more than two meetings per week up to a maximum of 8 hours.
- 12.3. An allowance will be payable in respect of any dependent being cared

for who normally lives with the Councillor as part of that Councillor's family and who should not be left unsupervised.

- 12.4. The carer must not be an immediate member of the Councillor's family or be someone who normally lives with the Councillor as part of that Councillor's family.
- 12.5. Members who claim a dependent carer's allowance are required to certify that the amounts claimed have actually been incurred and that neither the Councillor nor the person being cared for has received an allowance for care from any other source.

13. Travelling Expenses/Subsistence Allowance Claims

- 13.1. For travelling expense reimbursement and subsistence allowance purposes, any claim for payment must be in respect of the previous undertaking of an Approved Duty as set out in in section 14.
- 13.2. Expenditure must have been incurred in the performance of duties that were designated as approved before the duty was performed.
- 13.3. Any claim will be paid for actual expenditure up to the limits set out in this scheme. Any sum expended over this is not recoverable. Receipts must be submitted for all expenditure, including any parking, tolls or other fees.
- 13.4. When booking public transport where any low cost or reduced travel fare is available, it must be used. Standard class accommodation should be used.
- 13.5. Councillors would not normally be expected to use their own vehicles for journeys outside the District boundary unless it can be demonstrated that the cost to the Council would be less than travel by train, e.g. where a number of Councillors are going to the same destination and will be travelling in the same car. There may also be cases where it would be more practical to use a Councillor's own vehicle. In such cases a claim may be made equivalent to the cost of the most economic method of travel.
- 13.6. Where Councillors and officers are travelling to the same destination the least number of cars necessary to safely undertake the journey shall be used. Where any one or more of the officers has a lease car then a lease car must be used for the journey. Where this is not the case but an officer has a car purchased with the benefit of a loan from the Council then this car must be used. If there is no lease car or car purchased with the benefit of a loan available then agreement shall be reached between all those travelling as to the car which will be used.
- 13.7. Any penalty charges for failure to pay for sufficient parking, tolls or other charges are the responsibility of the Councillor and may not be claimed for.

14. Approved Duties

- 14.1. The attendance at a meeting of the Authority, or of any Committee or Sub-Committee of the Authority, or of any other body to which the Authority makes appointments or nominations and for which the Councillor making the claim is the appointed nominee, or any Committee or Sub-Committee of such a body.
- 14.2. The attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authority, or a Joint Committee of the Authority and one or more Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-

Committee of such a Joint Committee provided that:-

- 14.2.1. Where the Authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
- 14.2.2. if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.
- 14.2.3. the attendance at a meeting of any association of authorities of which the Authority is a member.
- 14.3. The attendance at a meeting of the executive or any of its Committees.
- 14.4. Duties undertaken on behalf of the Authority:-
 - 14.4.1. in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened;
 - 14.4.2. in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises
- 14.5. Pre-agenda briefings.
- 14.6. Training authorised under the Members' Training Programme which has been pre- booked through the Council's Training Administrator.
- 14.7. Attendance at Parish Council meetings within a Councillor's ward for the sole purpose of representing the District Council.
- 14.8. Previously arranged meetings with officers of the Council at Council premises regarding constituency or relevant Council matters.
- 14.9. Site meetings at any location detailed in the agenda/minutes of a Committee with or without the attendance of a Council officer.
- 14.10. Non-social public relations events.
- 14.11. Any other duty approved by the Authority, or any duty of a class so approved for the purpose of, or in connection with, the discharge of the functions of the Authority, or any of its Committees or Sub-Committees.
- 14.12. Attendance at meetings of organisations (e.g. the Local Government Association) are approved by the Council for travel and subsistence claims SUBJECT to approval by the relevant Member's political group leader (if any); and appropriate arrangements being in place for reporting back from the relevant meeting
- 14.13. Attendance at conferences has been approved under Section 175 of the Local Government Act 1972 for the payment of travel and expenses claims SUBJECT to approval by the relevant Member's political group leader (if any), completion in advance of the appropriate Member Nomination Form (obtained from the Governance Team or Human Resources); and appropriate arrangements being in place for reporting back from the relevant conference

15. Exclusions to Approved Duties

- 15.1. The Council excludes the following activities from being Approved Duties even if they may also fit within a relevant definition:-
 - 15.1.1. Political meetings whether national, local, group or parish
 - 15.1.2. Ward visits including research except in accordance with paragraph 9 of this Appendix
 - 15.1.3. Civic hospitality, social events, funerals and functions (receptions, official openings, sporting occasions) where invitations are personal and not as a representative of the Council

- 15.1.4. Conferences and seminars of interest where the member attends on a personal basis rather than as a representative of the Council
- 15.1.5. Visits by Members to the Council offices except in accordance with paragraph 14.8 of this Appendix; and
- 15.1.6. Surgeries

16. Approved Millage rates

- 16.1. For Motor cars 45p a mile
- 16.2. For Motorcycles 24p a mile
- 16.3. Pedal cycles 20p a mile
- 16.4. The rates specified for Motor Cars and Motorcycles shall be increased by 5p per mile for each additional passenger, who would be able to claim mileage under this scheme

17. Taxis

- 17.1. The use of taxis or mini-cabs should be kept to a minimum. They should only be used when public transport operations in the area visited are unknown, not reasonably available or in cases of urgency. In these cases the actual fare will be reimbursed.
- 17.2. Where public transport is available but the Member chooses to use a taxi or mini- cab, reimbursement will limited to the equivalent public transport ordinary second class fare.
- 17.3. In limited circumstances, a Member may be reimbursed for the actual cost of a taxi within the District. Except for Members with a disability which prevents them from using public transport, travel from home to council offices (or vice versa) is excluded from this arrangement.
- 17.4. The limited circumstances are:-
 - 17.4.1. If there is insufficient time for a Member to travel from one approved duty to another in the District and the use of other forms of transport would result in the Member arriving late to the second approved duty;
 - 17.4.2. For reasons of safety; and
 - 17.4.3. Where a Member has a disability which prevents them from using public transport

18. Air Travel

- 18.1. Air travel is only to be approved where there are no reasonable alternatives taking into account availability and cost. The rate of travel by air shall in each case be individually considered by the Chief Executive and the Leader of the Council and if approved, booked by the office of the Chief Executive.

19. Subsistence Allowances

- 19.1. The payment of subsistence allowances is subject to the principle that expenditure on meals / accommodation has actually been incurred. Members will be reimbursed the actual expenditure incurred up to the maximum rates set out in the scheme. All claims must be supported by receipts or third party documentation.
- 19.2. No claim for subsistence is permitted where refreshments are provided,

- either by the venue or through the Council.
- 19.3. In the case of an absence, not involving absence overnight from the usual place of residence:
- 19.3.1. Breakfast allowance (more than 4 hours away from normal place of residence) - £6.68
- 19.3.2. Lunch allowance (more than 4 hours away from normal place of residence, including the lunchtime between 12 noon and 2 p.m.) £9.22
- 19.3.3. Tea allowance (more than 4 hours away from normal place of residence, including 3-6 p.m.) - £3.64
- 19.3.4. Evening meal allowance (more than 4 hours away from the normal place of residence, ending after 7 p.m.) - £11.42
- 19.4. In the case of an absence overnight from the usual place of residence, the reasonable expenses that are incurred up to a maximum of £90.61 and for such an absence overnight in London, £103.35. If this is claimed, no claim can be made in respect of 19.3.
- 19.5. For the purpose of this scheme, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.
- 19.6. Notwithstanding the provisions of section 19.4, where accommodation is booked directly by the Council the full cost of the accommodation will be funded by the Council, although subsistence may only be claimed to the stated limits including the cost of the accommodation.