

COUNCIL

AGENDA

WEDNESDAY 2 MARCH 2016 AT 1000

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	Apologies for Absence	
2.	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B)4(b) of the Local Government Act 1972	
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:- a) any business on the agenda b) any additional urgent items to be considered c) any matters arising out of the business of those items and withdraw from the meeting at the relevant time, if appropriate.	
4.	Questions (a) Questions submitted by the Public pursuant to Rule 4.1.10 of the Council Procedure Rules.	None
	(b) Questions submitted by Members pursuant to Rule 4.1.10 of the Council Procedure Rules.	None

- | | | |
|-----|--|-----------------|
| 5. | <p>Reports on special urgency decisions</p> <p>In any event the Leader will submit reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.</p> | None |
| 6. | <p>Minutes of Last Meeting</p> <p>To approve and the Chairman to sign the minutes of the Council meeting held 3 February 2016.</p> | See Minute Book |
| 7. | <p>Minute Book</p> <p>Members may put questions for clarification in respect of the minutes contained within the latest Minute Book dated 2 March 2016.</p> | To Follow |
| 8. | <p>Member Development Minutes</p> <p>To note the minutes from the meetings on 17 December 2015 and 28 January 2016</p> | 5-13 |
| 9. | <p>Recommended Items</p> <p>None.</p> | |
| 10. | <p>Review of Electoral Arrangements
<i>Recommendations on page 17</i></p> <p><i>The item will also include a presentation from Professor Paul Wiles, Lead Commissioner, Local Government Boundary Commission for England</i></p> | 14-49 |
| 11. | <p>Devolution – Sheffield City Region and North Midlands Proposals
<i>Report to follow</i></p> | |
| 12. | <p>Level of Council Tax 2015/16
<i>Recommendations on page 56</i></p> | 50-57 |

- | | | |
|-----|--|---------|
| 13. | Pay Policy Statement
<i>Recommendations on page 60</i> | 58-72 |
| 14. | Members Allowance Scheme
<i>Recommendations on page 74</i> | 73-101 |
| 15. | Chairman’s Announcements

To receive any announcements that the Chair of the Council may desire to lay before the meeting. | |
| 16. | PART 2 – EXEMPT ITEMS

<i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a.</i> | |
| 17. | <u>Paragraph 1, 3 and 4</u>

Legal Services Restructure
<i>Recommendations on page ?</i> | 104-134 |

MEMBER DEVELOPMENT WORKING GROUP

Notes of a meeting of the Member Development Working Group of the Bolsover District Council held in Chamber Suite 3, The Arc, Clowne on Thursday 17th December 2015 at 1000 hours.

PRESENT:-

Members:-

Councillor H.J. Gilmour in the Chair

Councillors R. Bowler, S. Fritchley, R.A. Heffer and D.S. Watson

Officers:-

M. Kane (Governance Manager), N. Blaney (ICT Manager), M. Derbyshire (Members IT and Training Officer), S. Chambers (Communications Manager) and A. Brownsword (Governance Officer)

1. APOLOGY

An apology for absence was received from Councillor S. Peake

2. NOTES – 8TH OCTOBER 2015

Moved by Councillor H.J. Gilmour and seconded by Councillor R.A. Heffer **AGREED** that the notes of a meeting of the Member Development Working Group held on 8th October 2015 be approved as a true and correct record.

3. MATTERS ARISING

There were no matters arising from the Notes of the 8th October 2015 meeting.

4. FEEDBACK REPORTS

(a) Planning Advisory Service Defensible Decisions – 12th October 2015

The Governance Manager presented the report which provided Members with details of the feedback received following the Planning Advisory Service briefing on Defensible Decisions delivered at North East Derbyshire District Council on 12th October 2015.

The briefing had been offered to Bolsover District Council Members and three Members had attended. Feedback was positive and it was noted that Planning remained a high priority for Member Development in the coming years.

MEMBER DEVELOPMENT WORKING GROUP

AGREED that the report be noted.

(b) Planning Training Session – 14th October 2015

The Governance Manager presented the report which gave feedback from the Planning Training Session on 106 Agreements held on 14th October 2015.

The session was positively received with Members being able to take practical knowledge to assist them when making future planning decisions.

AGREED that the report be noted.

(c) Member Development Session – 1st December 2015

The Governance Manager presented the report which gave feedback from the Member Development Session held on 1st December 2015. Three presentations were considered; Introduction to Universal Credit, Dealing with Constituent's Personal Data and Overview and Implications of the Housing and Planning Bill.

The sessions were very well received and areas for improvement were around the notification and timing of the sessions and equipment.

AGREED that the report be noted.

5. MEMBER DEVELOPMENT OPPORTUNITIES

The Governance Manager noted that the Council had been asked whether it would like to be involved in a shared training session on the Practise of Scrutiny with North East Derbyshire District Council and Chesterfield Borough Council. An external speaker would be used and it would be a good opportunity to network and share best practise

It was noted that it would be useful to include Parish and Town Councils in training and the Governance Manager noted that this was being looked at through the Parish Council Liaison Group.

Moved by Councillor R.A. Heffer and seconded by Councillor R. Bowler

AGREED that the possibility of a shared training session on the Practise of Scrutiny with North East Derbyshire District Council and Chesterfield Borough Council be supported.

MEMBER DEVELOPMENT WORKING GROUP

6. ICT SECURITY AWARENESS

The ICT Manager presented the report which contained a briefing to raise awareness of the current activities carried out by the Council to ensure best practice ICT security principles are in use to protect the Council's systems, data and business continuity.

Training for staff was mandatory and the ICT Manager suggested that guidance on security awareness be made available to Members. A discussion took place on the need for Members to be aware of ICT security and whether this should be done online or directly to Members.

Moved by Councillor S.W. Fritchley and seconded by Councillor R.A. Heffer **AGREED** that (1) the ICT Security Briefing be presented to all Members at a meeting of Council,

(2) the Members IT and Training Officer deliver ICT Security Awareness Training to all Members at a meeting of Council.

7. TIMING OF MEETINGS

The Governance Manager noted that the issue of timing of meetings had been raised at Labour Group and this was a good time to look at it as there were new Members with different work commitments. There were very few days with double meetings and the majority of meetings were concentrated on Mondays, Tuesdays or Wednesdays.

The Chair noted that Members had already decided that they would not support evening meetings due to potential clashes with Parish Council meetings and the impact that it would have on staff. More afternoon meetings were seen as preferable.

A discussion took place regarding the timing of meetings and possible solutions. The Governance Manager suggested that a survey be sent to all Members to gauge opinion.

AGREED that a survey be sent to all Members to gauge opinion on the timing of meetings.

8. MEMBERS PERSONAL DEVELOPMENT PLANS UPDATE

The Governance Manager noted that the majority of PDPs had been undertaken and were now being typed up. The results of the finalised PDPs would be used to inform a Member Training Plan.

MEMBER DEVELOPMENT WORKING GROUP

The Chair thanked the Governance Officers for their support.

AGREED that the report be noted.

9. BUDGET UPDATE

The Governance Manager noted that there was around £2,500 left in the budget, following payments to external training providers etc.

AGREED that the report be noted

10. COMMUNICATIONS UPDATE

(a) InTouch Magazine

The Communications Manager explained that the format of the InTouch magazine was to change to create a more balanced publication. There would be two pages for Corporate Aims and four pages of features, including events and a page for Parish events.

(b) Website Review

The current website was under review and it was hoped to introduce more GIS information to the public. It was hoped to change the structure, reduce the number of headings and concentrate more on Growth. More online services were to be introduced and it was hoped to re-launch at the end of Summer.

Members queried why the review would take so long and it was noted that this was due to current resource issues.

(c) Social Media

The Council's use of social media was also under review and a new Instagram account had been added to enable more video content to be used.

AGREED that the Communications Update be noted.

11. ICT UPDATE

The Members IT and Training Officer noted that now that all Members had received their iPads, supporting them had become a full time job and not much training was being offered however, one to one training was always available on request.

MEMBER DEVELOPMENT WORKING GROUP

The Chair noted that one to one sessions were always appreciated and noted that group sessions could also be requested by Members.

AGREED that the ICT Update be noted.

12. ANY OTHER BUSINESS

Members requested more training on budgets including public sector finance.

13. DATE OF NEXT MEETING

The next meeting of the Member Development Working Group would be held on Thursday 28th January 2016 at 1400 hours in Meeting Room 4.

The Chair wished everyone a Merry Christmas and a prosperous New Year and the meeting concluded at 1125 hours.

MEMBER DEVELOPMENT WORKING GROUP

Notes of a meeting of the Member Development Working Group of the Bolsover District Council held in Meeting Room 3, The Arc, Clowne on Thursday 28th January 2016 at 1400 hours.

PRESENT:-

Members:-

Councillor HJ. Gilmour in the Chair

Councillors R.J. Bowler, S.W. Fritchley and S. Peake

Officers:-

M. Kane (Governance Manager), M. Derbyshire (Members' IT and Training Officer) and A. Brownsword (Governance Officer)

1. APOLOGIES

Apologies for absence were received from Councillors T. Connerton, R.A. Heffer and D.S. Watson. An apology was also received from S. Chambers (Communications Manager)

2. NOTES – 17TH DECEMBER 2015

Moved by Councillor R.J. Bowler and seconded by Councillor H.J. Gilmour **AGREED** that the notes of a Member Development Working Group held on 17th December 2015 be approved as a true and correct record.

3. MATTERS ARISING

Note No. 5 – Member Development Opportunities

It was noted that the shared session on the Practise of Scrutiny was in the process of being arranged and it was likely to be held at Chesterfield Borough Council Offices, possibly in June.

Note No. 6 – ICT Security Awareness

It was noted that the ICT Security Awareness Training would now be held on the next Member Development Session on 1st March 2016.

MEMBER DEVELOPMENT WORKING GROUP

Note No. 10 – Communications Update – (a) InTouch Magazine

The Chair noted that an email had been received from the Communications Department asking for articles for the next edition of the InTouch Magazine.

AGREED that the reports be noted.

4. MEMBER DEVELOPMENT OPPORTUNITIES

The Governance Manager presented the report which informed Members of training opportunities circulated. It was noted that some of the sessions were in Melton Mowbray, which Members felt was too far to travel.

There was interest in the possibility of adding a Speed Reading course to a future Member Development Session.

A question was asked regarding training for Parish Councils and the Governance Manager confirmed that an event was being planned in conjunction with the Partnerships Team.

Moved by Councillor S. Peake and seconded by Councillor R.J. Bowler
AGREED that the report be noted.

5. TIMING OF MEETINGS SURVEY RESULTS

The Governance Manager presented the report which gave details of the outcomes of the recent survey carried out with Members.

20 responses had been received by the deadline and it was noted that the general trend was that current arrangements were convenient for the majority of Members. The main change suggested was to hold Labour Group prior to Executive, in order to give all Members an opportunity to comment on the Executive reports. A further report would be submitted to Council in March.

Moved by Councillor S.W. Fritchley and seconded by Councillor H.J. Gilmour
AGREED that the outcomes of the survey concerning the timing of meetings, be noted.

6. MEMBER PDP UPDATE

The Governance Manager informed the meeting that 20 PDPs had been completed and were fully signed off. Some were awaiting signature and there were a few outstanding.

MEMBER DEVELOPMENT WORKING GROUP

The Members IT and Training Officer noted that none of those who had requested IT training and been emailed had been in touch.

The Chair thanked the Governance Officers for their work on the PDPs.

Moved and seconded

AGREED that the update be noted.

7. BUDGET UPDATE

The Governance Manager noted that there was £1,362 remaining in the budget, but the Safeguarding Awareness Training had not yet been paid for. A buffet was also required for the next Member Development Session.

Moved and seconded

AGREED that the report be noted.

8. COMMUNICATIONS UPDATE

No update was available.

9. ICT UPDATE

1. IPad Training

The Members IT and Training Officer noted that an email had been sent to all Members offering dates and times for IPad training in February. It was up to Members to book the sessions, either as one to ones or in a group.

2. Planning Portal

The Members IT and Training Officer noted that instructions for how to use the Planning Portal were now available on the website and Members Extranet.

Moved and seconded

AGREED that the report be noted.

10. ANY OTHER BUSINESS

Digital Derbyshire

The Chair noted that following the presentation to Council regarding broadband speeds and high speed fibre optic broadband in Derbyshire, it would benefit Members to get in touch to see what the benefits were.

MEMBER DEVELOPMENT WORKING GROUP

Moved and seconded

AGREED that the report be noted.

11. DATE OF NEXT MEETING

The date of the next meeting of the Member Development Working Group was scheduled for Monday 21st March 2016 at 1000 hours in Chamber Suite 1.

The meeting concluded at 1445 hours.

Bolsover District Council

Council

2 March 2016

Review of Electoral Arrangements

Report of the Chief Executive

This report is public

Purpose of the Report

- To advise members of the planned electoral review of Bolsover District.
- To seek relevant delegations to the Chief Executive to take forward the review in line with statutory timescales.

1 Report Details

- 1.1 The Local Government Boundary Commission for England (LGBCE) has advised that as part of its work programme over the next two years, it intends to carry out a full review of the electoral arrangements in Bolsover. *(A similar review will also be carried out in North East Derbyshire during the same time period).*
- 1.2 Under the LGBCE guidelines if either of the following conditions are found to exist, then consideration is given to the need for a review:-
- Any local authority with a ward that has an electoral variance in excess of 30%. This means a ward having at least 30% more (or less) electors in it than the average for the authority as a whole; and/or
 - Any local authority where more than 30% of the wards have an electoral variance in excess of 10% from the average for that authority.

In Bolsover five wards currently have an electoral variance of 10% or greater from the average.

- 1.3 The Commission must conduct its review in accordance with statutory criteria and is bound to have regard to the following:
- a) The need to secure equality of representation;
 - b) The need to reflect the identities and interests of local communities; and
 - c) The need to secure effective and convenient local government.

1.4 The purpose of the review is to address the imbalances in the electoral variances in accordance with the statutory criteria. In so doing, the Commission will decide the pattern of wards for the entire Council including as follows:-

- Total number of councillors (council size)
- Number of wards
- Names of wards
- Boundaries of wards

The proposed review timetable is as follows:-

Stage	Date
Preliminary Meetings	February-March 2016
Draft Council size submission deadline	2 nd September 2016
Final Council size submission deadline	7 th October 2016
Council Size Meeting	15 th November 2016
Warding Patterns Consultation	22 nd November 2016 - 30 th January 2017
Draft recommendations Commission Meeting	21 st March 2017
Draft recommendations Published	11 th April 2017
Draft recommendations Consultation	11 th April 2017-19 th June 2017
Final recommendations Commission meeting	16 th August 2017
Final recommendations published	5 th September 2017
Order Laid	October 2017
Implemented	Elections 2019

The LGBCE will, during the preliminary period, assist the Council in the preparations which are needed to participate in the review work, including meeting with councillors.

The lead commissioner for the review, Professor Paul Wiles, will be attending the Council meeting on 2nd March 2016, to discuss the management of the process. A copy of the presentation and members briefing prepared by the Boundary Commission is attached.

- 1.5 There are two key stages within the timetable, namely the submission of proposals relating to the Council size (meaning the appropriate number of councillors for Bolsover District) and the subsequent pattern of electoral ward arrangements once the Council size is determined by the Commission. It should be noted that any person or organisation may submit proposals relating to Council size and electoral warding arrangements.
- 1.6 The first stage of the process for the Council is to submit its proposals in relation to the Council size. The submission must provide a good rationale and evidence to support the number of councillors which the Council believes is required for effective and convenient local government.
- 1.7 In determining the right Council size, the Commission will consider three areas:-
- The governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities.
 - The Council's scrutiny functions relating to its own decision making and the Council's responsibilities to outside bodies.
 - The representational role of councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations.
- 1.8 All issues should be considered against future trends or plans as well as current arrangements.

2 Conclusions and Reasons for Recommendation

- 2.1 To advise members of the planned electoral review of Bolsover District and seek relevant delegations to the Chief Executive to take forward the review in line with statutory timescales.

3 Consultation and Equality Impact

- 3.1 Details of proposed consultation are set out in the timetable contained within paragraph 1.4 of the report.

4 Alternative Options and Reasons for Rejection

- 4.1 The options are explained in the report.

5 Implications

5.1 Finance and Risk Implications

Members should note that the review comes at a time when the elections team is managing a Police and Crime Commissioner election in May 2016, an EU Referendum on 23 June 2016 as well as County Council and possible Mayoral Combined Authority elections in 2017. The usual annual canvass arrangements

and the continued impact of Individual Electoral Registration must also be managed during this time.

To assist in taking forward the review, the Chief Executive has commissioned the assistance of a former Association of Electoral Administrators consultant, Peter Smith, who has managed a number of local authority electoral reviews. The cost of this will be met from the Transformation Fund.

5.2 Legal Implications including Data Protection

As set out in the report.

5.3 Human Resources Implications

The main human resource implications will be staff time from the Elections, Governance and ICT/GIS Teams.

6 Recommendations

6.1 That Council delegate to the Chief Executive, following consultation with the Leader of the Council, power to:

- (a) Co-ordinate the Council’s response to the Local Government Boundary Commission’s review of Bolsover District’s electoral arrangements.
- (b) Formulate and recommend to the Council submissions to the LGBCE, in accordance with the timetable, relating to the Council size and the electoral warding arrangements.
- (c) Advise the Council on the Local Government Boundary Commission’s draft and final recommendations, as appropriate, during the review process.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No.
District Wards Affected	All.
Links to Corporate Plan priorities or Policy Framework	N/A

8 Document Information

Appendix No	Title
-------------	-------

A	Presentation	
B	Members' Briefing	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
None.		
Report Author		Contact Number
P Smith and M Kane		



Taking part in the

Electoral review of Bolsover District Council

A guide for councillors



A message from Colin Mellors: Chair of the Local Government Boundary Commission for England

This briefing tells you all you need to know about the electoral review of your council. It tells you what an electoral review is, why we are conducting it and how you can influence the outcome.

The electoral review is an opportunity for you to shape your council for the future. On council size, the review will help you decide how you will represent communities in the future and ensure that your governance arrangements reflect your long term ambitions. When we come to consider boundaries, we will aim to build wards that reflect communities and lock in electoral fairness for future elections.

The outcome of the review is not pre-determined. The Commission will only take decisions after giving careful consideration to the evidence provided by you, your council and local communities throughout the process.

Your local knowledge will be valuable in helping us come to our conclusions. The best electoral reviews are those where councillors engage with the process. The Commission will take decisions on the strength of evidence provided during the review after we have assessed all submissions against our statutory criteria. It doesn't matter whether evidence comes from the council, council groups or individual councillors, we have an open mind about which proposals we will put forward as formal recommendations.

The electoral arrangements of your council will change. Our experience of electoral reviews clearly shows that changing boundaries in one part of your area will inevitably have an impact on other areas. Most wards are likely to experience a change to one or more of their boundaries, name or number of councillors representing them. We will look to you to influence the nature of those changes.

We will make it as easy as possible for you to influence the process. In addition to our preliminary dealings with the council, we will hold at least two phases of public consultation before we finalise the recommendations of the review. We encourage you to engage with your communities about the review so we can get the broadest possible spread of evidence.

I hope you find this briefing helpful.

Colin Mellors

Electoral review timetable

The timetable for your electoral review is set out below. Timescales occasionally change during the review but you can keep up to date with developments by looking at the dedicated page for your review on our website: www.lgbce.org.uk

Stage of review	Date/duration	Description	Note	Outputs
Preliminary stage	March 2016 – November 2016	Commission gathers information about the council e.g. electorate forecasts and briefs group leaders, the full council and parishes/community groups on the process.	<p>This is the council's opportunity to put forward its view on future council size: the total number of councillors to be elected to the council.</p> <p>We will also work with council staff to build electorate forecasts for the next 5/6 years as required by law.</p>	<p>The Commission expects to receive submissions from the council and/or council groups at the end of this phase which provides a rationale, backed up with evidence, for a proposed council size.</p> <p>The Commission will consider the council's submission(s) from the preliminary phase before deciding on a number which will form the basis of its work to draw up new ward boundaries.</p> <p>In some circumstances, for example where a major change in council size is proposed, the Commission will consider holding a public consultation on the proposal.</p>
Stage One	22 November 2016 – 30 January 2017	Public consultation on new ward boundaries.	<p>The Commission will publish a council size which it is 'minded to' recommend and invite warding proposals based on that council size.</p> <p>The council size will provide us with an optimum councillor: elector ratio to build wards which deliver electoral fairness.</p>	The Commission usually receives a council scheme for proposed new wards across the local authority. We will also consider localised evidence from organisations and members of the public on the most appropriate pattern of wards. We use that evidence to help us draw up our draft recommendations.

Stage of review	Date/duration	Description	Note	Outputs
Draft recommendations consultation	11 April 2017 – 19 June 2017	Publication of draft recommendations on new wards for the local authority and a public consultation on them.	The Commission will publish full draft proposals for new electoral arrangements: new wards, ward boundaries and ward names for public comment.	We will gather views on our draft proposals where they support the recommendations or whether they propose alternative warding patterns. The Commission will then finalise its recommendations after considering all the evidence received at each stage of the review.
Publication of final recommendations	15 August 2017	Once the consultation on draft recommendations has concluded, the Commission will consider all the evidence before drawing up its final recommendations for new electoral arrangements.	This stage marks the end of the Commission's direct involvement with your authority on the review. Once we have published final recommendations, we are unable to amend them.	We will produce a draft order – the legal document which will bring into force the final recommendations – in preparation for laying in Parliament.
Parliamentary scrutiny	October 2017	A draft order seeking the implementation of the final recommendation will be laid in both Houses of Parliament under the negative resolution procedure	The draft order will be placed in both Houses of Parliament for 40 days (with possible gaps depending on recesses) for the consideration of members. Parliament can accept or reject the recommendations. It cannot modify them.	Subject to parliamentary scrutiny, the Commission will 'make' the order at the end of the 40 days and inform the council that order is now complete so that you can prepare for elections on the new arrangements.
Implementation	May 2019	New electoral arrangements: council size, ward boundaries and ward names come into effect at the elections.	Council staff will have prepared electoral registers and other arrangements on the basis of the order e.g. polling districts and polling stations.	New electoral arrangements for your area come into effect.

Local Government Boundary Commission for England

The Local Government Boundary Commission for England is an independent body established by Parliament in April 2010. We are not part of government and are accountable to Parliament through the Speaker's Committee.

Our organisation consists of the Chair of the Commission and four Commissioners who are supported by approximately 25 members of staff.

What is an electoral review?

An electoral review examines and proposes new electoral arrangements for the whole local authority. These are:

- The total number of councillors to be elected to the council: council size.
- The names, number and boundaries of wards.
- The number of councillors to be elected from each ward.

The review is likely to have implications for the whole local authority not just areas with high levels of electoral inequality.

Why Bolsover?

The Commission is conducting the review to deliver electoral equality for voters in local elections.

Bolsover District Council triggers the electoral review criteria. One ward, Shirebrook East, has a variance of -30%.

Electoral review process

The electoral review will have two distinct parts:

- **Council size** – before we re-draw ward boundaries, the Commission will come to a view on the total number of councillors to be elected to the council in future. We will come to a conclusion on council size after hearing the council's (and/or councillors') views during the preliminary phase.
- **Ward boundaries** – we will re-draw ward boundaries so that they meet our statutory criteria (see page 9). You will have an opportunity to put forward your ideas in two phases of public consultation.

You, and the communities you represent, can influence the review. Please refer to the timetable on pages 3-4 to find out when you can have your say.

Part one: council size

Key date:

Deadline for council and/or council groups' submission on council size:

Draft submission: 2 September 2016

Final submission: 7 October 2016

The first part of the review will determine the total number of councillors to be elected to the council in the future. We call this 'council size'. We will not consider ward boundaries until we have completed this phase.

By the end of the preliminary stage of the review, we expect the council and/or its political groups, to present the Commission with a case for a council size that they believe is right for their authority.

The Commission will make its judgment on council size by considering three broad areas:

- We will look at the **governance arrangements** of the council and how it takes decisions across the broad range of its responsibilities.
- The Commission will look at the council's **scrutiny functions** relating to its own decision making and the council's responsibilities to outside bodies.
- We will also consider the **representational role of councillors in the local community** and how they engage with people, conduct casework and represent the council on local partner organisations.

If you plan to make a submission to us on council size (whether it's for an increase, reduction or maintaining current arrangements), you should make sure you address these areas and that your view is backed up by evidence.

Below, we explain more about the three areas:

Governance arrangements

The Commission aims to ensure that councils have the right number of councillors to take decisions and manage the business of the council in an effective way now and in the future.

To support your view, the Commission is looking for evidence about cabinet and/or committee responsibilities, number of committees and their workload, delegation to officials, other bodies and plans for the future.

Scrutiny functions

Every local authority has mechanisms to scrutinise the executive functions of the council and other local bodies. They also have significant discretion over the kind (and extent) of activities involved in that process. In considering council size, the Commission will want to satisfy itself that these responsibilities can be administered in a convenient and effective way.

To support your view, the Commission is looking for evidence about the number of councillors your authority needs to hold the decision makers to account and ensure that the council can discharge its responsibilities to other organisations (e.g. other public sector bodies, partnerships, trusts and).

Representational role of councillors

The Commission understands that there is no single approach to representation and members will represent and provide leadership to their communities in different ways. However, we are interested in hearing about the extent to which members routinely engage with communities and how this affects workload and responsibilities.

To support your view, the Commission is looking for evidence about how councillors interact with their communities, their caseloads and the kind of support they need effectively to represent local people and groups.

Making an effective representation

When you put forward a council size, we will assess your number (or range of numbers) against your 15 'nearest neighbour' authorities as set out by CIPFA:
www.cipfastats.net/resources/nearestneighbours/profile.asp?view=select&dataset=england.

If your proposal means that your council size would be well above or below the average of your statistical neighbours, you need to ensure your case for that council size is particularly strong. In some cases, your current council size could put you outside the range of your neighbours so we would need a strong case to retain the *status quo*.

If you want to make sure your case on council size is as strong as possible, you should:

- Make sure you address the three main areas outlined on pages 7 and 8.
- Support your case with evidence e.g. of councillor workload, volume of decisions and councillor representation in the community.
- Ensure that you have taken into account future trends and that the council size you suggest will still be right in future years.
- Find out more about council size in our more detailed guide for councillors and council staff at: www.lgbce.org.uk/guidance-policy-and-publications/guidance

Part two: warding patterns

Key dates:

Stage One - public consultation on new ward boundaries:

22 November 2016 – 30 January 2017

Draft recommendations - public consultation

11 April 2017 – 19 June 2017

We will carry out two phases of public consultation when we will invite you to present your proposals for new ward boundaries.

The first phase will be our Stage One consultation which will ask for proposals on new ward boundaries. We will use responses to that consultation to draw up draft recommendations for new boundaries across your area and we will hold a second phase of consultation on those proposals during which time you will be able to comment on them and propose alternatives.

The Commission will draw up new electoral arrangements that provide the best balance of our statutory criteria. The criteria include three main elements:

Statutory criteria

- **Delivering electoral equality for local voters** – this means ensuring that each councillor represents roughly the same number of voters so that the value of your vote is the same regardless of where you live in the local authority area.
- **Interests and identities of local communities** – this means establishing electoral arrangements which, as far as possible, avoid splitting local ties and where boundaries are easily identifiable.
- **Effective and convenient local government** – this means ensuring that the wards can be represented effectively by their elected representative(s) and that the new electoral arrangements as a whole, including both the council size decision and warding arrangements, allow the local authority to conduct its business effectively.

You should ensure that any proposal you make to the Commission, during either phase of consultation, takes into account the statutory criteria. The most persuasive cases are those that are also supported by evidence. Over the next five pages, you will find further explanation about the types of evidence the Commission usually receives under each of the criteria. This might help you build your own submission.

Delivering electoral equality for local voters

The Commission aims to deliver a pattern of wards where each councillor represents approximately the same number of electors.

We base decisions on the number of electors in a ward and not the total population. The Commission's obligation, set out in law, is to deliver electoral equality where councillors represent a similar number of electors. This could not be achieved if we considered population statistics rather than electoral register totals.

Once the Commission has taken a view on council size, it gives us, and anyone interested in submitting proposals to the review, a clear idea of the target for achieving electoral equality for future patterns of wards.

Although we strive for perfect electoral equality for all wards, we recognise that this is unlikely to be exactly achieved. If you propose a boundary that would lead to an electoral variance for the ward (see exhibit 1), the Commission will need to see evidence that such electoral inequality is justified on the grounds of the Commission's other statutory criteria. The higher the level of electoral variance you are proposing for a ward, the more persuasive your evidence will need to be.

The Commission has an obligation, set out in law, to consider electorate forecasts five years after the completion of the review. The purpose of the forecasts is to try and ensure that the review delivers electoral equality for voters in the longer term. We will work with council officers to draw up realistic forecasts for your authority. Further guidance on how we calculate projected electorates are available on our website at:

[www.lgbce.org.uk/ documents/lgbce/guidance-policy-and-publications/guidance/electorate-forecasts-guidance-2012.pdf](http://www.lgbce.org.uk/documents/lgbce/guidance-policy-and-publications/guidance/electorate-forecasts-guidance-2012.pdf)

Exhibit 1, over the page, shows how the Commission calculates and presents electoral variances in its reports.

Table A1: Final recommendations for the London Borough of Hackney

	Ward name	Number of councillors	Electorate (2012)	Number of electors per councillor	Variance from average %	Electorate (2017)	Number of electors per councillor	Variance from average %
1	Brownswood	2	6,009	3,005	3%	6,617	3,309	9%
2	Cazenove	3	8,777	2,926	0%	8,922	2,974	-2%
3	Clissold	3	9,282	3,094	6%	9,506	3,169	5%
4	Dalston	2	5,726	2,863	-2%	6,017	3,009	-1%
5	De Beauvoir	2	6,116	3,058	5%	6,604	3,302	9%
6	Hackney Central	3	8,751	2,917	0%	9,000	3,000	-1%
7	Hackney Downs	3	8,819	2,940	1%	9,019	3,006	-1%
8	Hackney Wick	3	8,199	2,733	-7%	8,351	2,784	-8%
9	Haggerston	3	8,748	2,916	0%	9,061	3,020	0%
10	Homerton	3	8,120	2,707	-7%	8,274	2,758	-9%
11	Hoxton East & Shoreditch	3	7,941	2,647	-9%	8,389	2,796	-8%
12	Hoxton West	3	8,573	2,858	-2%	8,791	2,930	-3%

Exhibit 1: shows an extract from our final recommendations report for new electoral arrangements for Hackney Council.

You can see from the table how the Commission calculates electoral variances for each proposed ward based on the current electorate and forecast electorate.

You can read the full report, which includes the complete table of wards at:

http://www.lgbce.org.uk/_documents/lgbce/reviews/hackney/final/hackney-final-recs-report-april-2012-final.pdf

Interests and identities of local communities

Unlike electoral equality, it isn't possible to measure levels of community identity so we will be looking for evidence on a range of issues to support your reasoning. The best evidence for community identity is normally a combination of factual information such as the existence of communication links, facilities and organisations along with an explanation of how local people use those facilities.

Below are some issues that we often use to assess community interests and identity. You may wish to use some of these examples to tell us why you are putting forward your view:

Transport links – Are there good communication links within the proposed ward? Is there any form of public transport? If you are proposing that two areas (e.g. streets, estates or parishes) should be included in the same ward together, how easily can you travel between them?

Shared interests – Are there particular issues that affect your community which aren't necessarily relevant to neighbouring areas that might help us determine where a ward boundary should be drawn? For example, many local authorities contain areas which have urban, suburban and rural characteristics. Each of those areas may have different needs and interests though they could be located next to each other. One area might be more affected by urban issues such as the local economy while an adjacent area might be more concerned with local transport matters. We would like to hear evidence about what those issues are and how they mean boundaries should combine or separate the areas in question.

Community groups – Is there a residents' group or any other local organisation that represents the area? What area does that group cover? What kind of activities do they undertake and are there any joint-working relationships between organisations that could indicate shared community interests between different geographical areas?

Facilities – Where do local people in your area go for shopping, medical services, leisure facilities etc? The location of public facilities can represent the centre or focal point of a community as do some service arrangements such as NHS commissioning groups. We would like to hear evidence from local people about how they interact with those facilities so that we can understand the shape of local communities and the movement and behaviours of their residents.

Identifiable boundaries – Natural features such as rivers can often provide strong and recognisable boundaries. Similarly, constructions such as major roads, railway lines or commercial developments can also form well known and effective barriers between communities.

Parishes - In areas where parishes exist, the parish boundaries often represent the extent of a community. In fact, the Commission often uses

parishes as the building blocks of wards. Parishes which share a secretariat or other arrangements often fit together well in the same ward.

These are issues you may wish to consider when proposing a pattern of wards or if you are commenting on the Commission's proposals. It is not – and is not intended to be – an exhaustive list of matters the Commission will consider when coming to a conclusion on wards and their boundaries. Similarly, the Commission attaches no specific weighting to any of the issues above when taking decisions. This guide simply intends to provide some prompts for you to be able to have your say.

There are also a number of things the Commission does **not** consider to be strong evidence when it takes decisions. For example, an area's history and tradition may be the basis of a sense of community identity. However, communities change over time and perceptions can vary between individuals as to the nature of those ties. The Commission would need to hear how and why those traditional arrangements reflect communities **now**.

In addition, whilst social and economic data (e.g. from the census or other statistical sources) can tell you a lot about individuals living in an area, it doesn't necessarily explain the nature of communities and is often a poor guide their interests and identities. The Commission considers that this kind of evidence can provide useful background information for an area but we will treat it with caution when proposing new wards.

Effective and convenient local government

We also consider whether a warding pattern would help deliver effective and convenient local government to people. If you are providing evidence to the Commission, there are a number of issues you might want to consider so that our recommendations can help us meet this obligation.

Size of ward – we will look at the geographic size of the ward and try to ensure that it is not so large that it would be difficult for a councillor to represent. Similarly, in urban areas, a ward might be so small in area that its councillor might not be able to contribute effectively to the wider business of the council.

Ward names - councils and their communities are usually able to suggest appropriate names for wards that reflect community identities and mean something to local people. In determining names for wards, we aim to avoid causing confusion amongst local electors and ensure that names are distinct and easily identifiable. For example, our preference is for names that are short rather than those which attempt to describe an area exhaustively.

Internal access – recommendations for ward boundaries will normally provide for people to move between all parts of the ward without having to venture outside of the ward. This normally means vehicular access by road. However, there may be occasions when parts of a community are linked not by vehicular routes but by footpaths, footways, pedestrianised streets etc. These will be more likely to be acceptable in densely populated residential areas of towns or cities.

Barriers – transport links such as roads and railway lines can unite communities or serve to divide them. For example, a parade of shops can act as the focal point for an area but a main road can signify the division between communities. The Commission will aim to reflect these differences in its recommendations.

'Doughnut' wards – we occasionally receive proposals for a pattern of wards which propose an 'inner' ward and an 'outer' ward for a settlement. We will not normally recommend this kind of pattern because the communication links between the north and south of the outer ward are usually poor and we also often find that people in the northern part of the outer ward share higher levels of community identity with residents in the north of the inner ward than with residents in the south of the outer ward. Where we need to divide a settlement or an estate to achieve electoral equality, we will usually seek an alternative to this pattern.

Detached wards – the Commission is sometimes presented with proposals to include two geographically separate areas in the same ward. We will not usually accept a proposal of this kind, except in extraordinary geographical circumstances such as for offshore islands, as it is unlikely to meet our criteria for promoting community identity and interests or delivering effective and convenient local government.

Number of councillors for each ward

There is no limit, in law, to the number of councillors that can be elected to represent a ward. However, as a matter of policy, the Commission will not accept a proposal for more than three councillors to represent a ward as we do not think such an arrangement would promote effective and convenient local government or local accountability.

For councils that hold whole-council elections every four years, the Commission is able to propose any pattern of wards that it believes best meets its statutory criteria. This is usually a mixture of single-, two- and three-member wards.

How to have your say

An electoral review is a consultative process. You, and your community, can influence the outcome. We have an open mind about adopting proposals from groups or individuals that are supported by evidence and complement the statutory criteria.

In addition to the preliminary phase of the review, when we gather information about the council and assess your views on council size, we will hold at least two phases of public consultation.

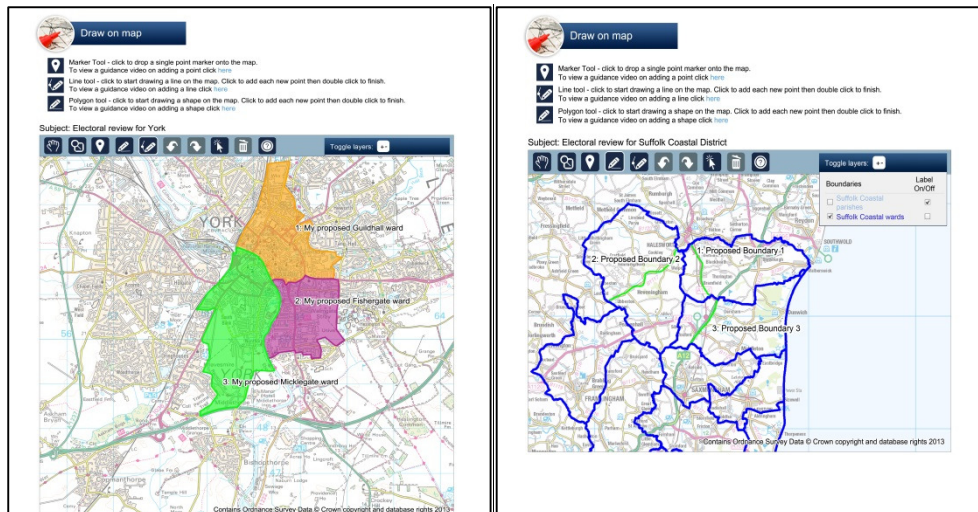
We encourage councillors to take part in each phase of consultation, as individuals or as groups, and we hope that elected members can also encourage communities to take part in consultation.

We are only able to consider evidence that is made to us in writing as all decisions are taken by formal meetings of the whole Commission. The best evidence includes the reasons why you agree with our proposals or why you disagree with them. If you do not think our proposals are right for your area, we would welcome alternative suggestions for boundaries that meet our criteria.

There are several ways in which you can keep up to date with the progress of the review and to have your say:

Website: you can keep track of the electoral review for your area through our website at www.lgbce.org.uk. We set up a dedicated web page for each review where you will find details of its timetable, our reports, maps, proposals and guidance. You can comment on our proposals directly through our website or by emailing: reviews@lgbce.org.uk. And you can write to us at the address shown on the contacts page (see page 25). We also publish all the submissions we receive so you can see what kind of evidence we relied on to make our decisions.

Interactive consultation portal: the portal allows you to view and interact with our maps as well as comment on our proposals directly. By logging on to consultation.lgbce.org.uk you will be able to view our proposals down to street level, draw your own pattern of wards or annotate the maps to tell us about the nature of community interests and identities in your area. Over the page, you can see what the site looks like and how you might be able to put forward your views.



Log on to consultation.lgbce.org.uk to find out how you can interact with our mapping

Parishes and/or residents groups: if your area has parish councils, we will offer to hold a briefing meeting locally at the start of an electoral review with representatives of the parishes. Alternatively, we will consider offering a briefing meeting for residents associations at the start of a review to brief them on the process.

Members of Parliament: the Commission offers to brief all local MPs at each phase of consultation and will keep them updated on the progress of the review.

Lead commissioner: one of our commissioners will be appointed as lead commissioner for the review and will represent the Commission in meetings with the council though all decisions are taken by the Commission collectively. The lead commissioner and key staff will also conduct at least one tour of the local authority area to assess the issues 'on the ground' and areas of contention as we draw up recommendations.

Publicity: we will issue a press release at every stage of an electoral review to local press and media to encourage engagement in the process by local people. We will also ask the council to publicise the review. We will produce posters at each stage to be displayed in council offices, libraries and by local organisations and we will ensure that we produce hard copies of all our reports and maps for display in council buildings and libraries for those who do not have internet access. Follow us on Twitter [@LGBCE](https://twitter.com/LGBCE).

Community groups: at the start of a review, we will ask your local authority for information and contact details for local community groups and organisations that might be interested in the review and who might also wish to contribute to it. We will write to all those groups with information about the review at each stage and invite evidence from them. We will also ensure that we make contact with local organisations that represent minority groups that might otherwise have been excluded from the consultation process. We will provide translations and accessible versions of our material on request.

Making an effective representation

A persuasive representation to the Commission will usually:

- **Be submitted at the right time.** If you have a view on ward boundaries, don't just wait until we have published draft recommendations. Make a submission during the Stage One consultation to ensure we can build in your proposal at the earliest possible stage.
- **Take account of our statutory criteria** (see page 9). The Commission will judge all submissions, and make recommendations, based on those criteria.
- **Consider the consequences of the proposal across the wider area.** Most proposals will have a knock on effect elsewhere in the district.
- **Be based on evidence.** Tell us *why* your view should be accepted and *how* your suggestion meets the criteria.
- **Suggest an alternative.** If you are objecting to a proposal, tell us where we should draw the boundaries.

Finally, the Commission welcomes submissions that support its recommendations as much as those that propose alternatives. It is very likely that people who oppose our draft recommendations will get in touch with the Commission to put forward their alternative proposals. So, if you support our recommendations, you should make sure you tell us so that we can balance the evidence.

Recent reviews

The Commission's rolling programme of reviews means that many other local authorities have been through the process in recent years. You may find their experiences useful for a number of reasons:

- Read their council size submissions to find out what arguments they put to the Commission and the evidence they provided.
- Find out how councils put their warding patterns together and which proposals the Commission found persuasive.
- Look at the submissions we received from groups and individuals during consultation.

Our website includes dedicated web pages for all previous electoral reviews and you can read all the evidence we received as well as our draft and final recommendations reports.

Some specific examples of recent reviews include:

Tower Hamlets

The review recommended a reduction of six councillors.

The Commission proposed a mixed pattern of single-, two- and three-member wards across the borough as part of its final recommendations to replace the previous uniform pattern of three-member wards.

You can find all the submissions, reports and maps associated with the review at:

www.lgbce.org.uk/all-reviews/south-east/greater-london/tower-hamlets-fer

York

The review proposed to maintain a council size of 47 councillors. The Commission proposed a mixed pattern of wards across the city

Read all the papers here:

www.lgbce.org.uk/all-reviews/yorkshire-and-humberside/north-yorkshire/city-of-york-fer

Milton Keynes

The Commission agreed to increase the council size to 57 (from 51). The final recommendations put forward a uniform pattern of three-member wards as the authority elects by thirds.

Find out more here:

www.lgbce.org.uk/all-reviews/south-east/buckinghamshire/milton-keynes-fer

Frequently asked questions

What characterises a good electoral review?

The best electoral reviews are those where the council and councillors have engaged with the process at an early stage.

On council size, authorities that have thought seriously about how they want to manage the business of the council and represent local people for the long term, usually put forward strong submissions.

Where local authorities and/or members have put together a warding pattern that meets our statutory criteria and where the proposals are supported by evidence, we tend to be able to draw up recommendations that are largely built on consensus.

Councils that have been able to gain input from local groups and individuals on their proposals usually put forward a strong submission especially where it is supported by evidence.

What don't you consider in an electoral review?

Polling districts, school catchment areas, addresses and postcodes are not matters the Commission will take into account when drawing new ward boundaries. Although some existing wards may have strong boundaries and reflect local communities, we start with a clean sheet of paper when drawing up recommendations.

We take no account of parliamentary constituency boundaries (see below for more details).

Similarly, we do not take into account possible political implications of our recommendations.

Why can't you consider boundaries at the same time as the number of councillors?

The Commission will make a judgment on council size before we consider ward boundaries. This means that everybody who wishes to take part in the consultation will know the optimum number of electors per councillor which we need to achieve to deliver electoral equality in our pattern of wards. If you do not know the total number of councillors who will be elected to the council, it makes it very difficult to come up with a proposal for a warding pattern that will deliver this crucial statutory criterion.

On some occasions, the Commission will alter its view on council size in its draft or final recommendations by one councillor if that number provides for a scheme of wards which better reflects our statutory criteria.

How much will the review cost?

The Commission does not charge local authorities to undertake an electoral review and our funding is agreed by the Speaker's Committee in the House of Commons.

Every review is different and some are more resource intensive than others. For example, a county will require more resources than a small district in terms of the quantity of maps, time spent drawing up recommendations and consultation materials.

Like most other public sector organisations, the Commission is under an obligation to reduce costs. Since 2010, the Commission has reduced its budget by around 30% in real terms and will make further savings in the coming years.

My ward has the right number of electors already. Will it change?

Changes to ward are usually extensive in every review we conduct. For example, if we propose to change council size in a significant way, it is unlikely that your ward will then contain the optimum councillor: elector ratio. In addition, the knock on effects of changing boundaries in one part of the local authority can have an impact elsewhere which usually leads to substantial changes.

If you wish to retain an existing boundary, you should tell us why such an arrangement complements the statutory criteria.

Will you look at the external boundaries of the council?

No. The electoral review will only consider internal ward boundaries. External boundaries can only be changed through a different type of review: a Principal Area Boundary Review (PABR).

More details on PABRs can be found on our website at <http://www.lgbce.org.uk/documents/lgbce/guidance-policy-and-publications/guidance/pabr-web-version-jul11.pdf>

Will parliamentary constituency boundaries be affected?

Reviews of constituency boundaries are the responsibility of the Boundary Commission for England which is a separate body and operates under different legislation. You can find out more about their work on their website at: boundarycommissionforengland.independent.gov.uk/.

The Commission has no obligation to consider constituency boundaries as we draw up recommendations. As such, there is a possibility that new wards could cross constituency boundaries.

Will parishes be affected?

We have no powers to alter the external boundaries of local parishes. However, if our recommendations propose to divide parishes between wards, we will alter the electoral arrangements of that parish to create parish wards. We can also make changes to the years in which parish council elections take place so that they do so in the same years as district elections in their associated wards.

More information about possible implications for parishes are set out in our technical guidance: http://www.lgbce.org.uk/_documents/lgbce/guidance-policy-and-publications/guidance/technical-guidance-july-2013-web-version.pdf.

Can the council veto your recommendations?

No. We will work consultatively with you throughout the review and seek to build consensus. However, the final recommendations of the review are those of the Commission. After we publish our final recommendations, we will lay a draft order – the legal document that seeks to implement the recommendations – in both Houses of Parliament. It is up to Parliament to approve or reject that draft order before it is implemented.

Will you hold public meetings and/or meet with political groups during the process?

We will always brief a meeting of the full council in the early stages of the review. We will also offer a briefing meeting with local parishes and/or residents groups.

During the rest of the review, we will not usually offer to meet any groups or individuals. We try to ensure that everyone has an equal chance of influencing the Commission during consultation and, as such, we do not want to be seen to favour any group by holding meetings to which other interested parties do not have access.

Why don't you consider the population of wards and not just the electorate?

The Commission has a statutory obligation under the *Local Democracy, Economic Development and Construction Act 2009* 'to secure that the ratio of the number of local government electors to the number of members of the council to be elected is, as nearly as possible, the same in every electoral area of the council'. This means that we can only consider the number of local government electors when we draw up boundaries which will deliver electoral equality.

In what forms do you accept submissions?

The Commission only accepts submissions which are made in writing by hard copy, email or through our website. The Commission takes decisions collectively and will consider every submission received before coming to a conclusion.

You can also use our consultation portal to draw your own boundaries and submit them directly to the Commission. You are strongly advised to include an explanation of why the boundaries you are putting forward are appropriate and complement our statutory criteria.

Submissions to the Commission are rarely persuasive if they are not supported by an explanation of how the proposal meets the Commission's statutory criteria. As such, petitions which simply object to a proposal do not usually constitute strong evidence on which the Commission can base alternative recommendations. In the same way, resolutions of council which do not provide for alternative arrangements that are supported by a rationale will not normally prove to be persuasive.

To what extent do you change your recommendations during the process and as a result of consultation?

Since the establishment of the Commission as a stand-alone body in April 2010, the Commission has made amendments to its draft recommendations in most cases as a result of submission received during consultation. We consider every submission and believe the electoral review process is strongest where local authorities have engaged in it.

How will you involve local people in the review?

We will engage with local press and media at every stage of consultation through press releases and social media. We also publish all relevant information on our website, including every submission we receive. Our online consultation portal allows users of the site to draw their own boundaries and engage in the process in a detailed way.

If your area has parishes, we will engage directly with them through a briefing meeting and via correspondence to alert them to each phase of consultation. Similarly, we have asked the council for their help in identifying local residents groups and organisations so we can write to them with advice and guidance on the review.

We have also asked the council to help us publicise the review by using its own communication channels with residents and local groups and we will provide posters to display in council buildings. We hope elected members can also use their networks to engage communities in the process.

Contacts

The key contacts for the electoral review of Bolsover District Council are:

Tim Bowden – Review Manager
tim.bowden@lgbce.org.uk

Tel: 0330 500 1270

Mark Pascoe – Review Officer
mark.pascoe@lgbce.org.uk

Tel: 0330 500 1278

If you want to send in a submission on the review:

Address:
Local Government Boundary
Commission for England
14th Floor, Millbank Tower
Millbank
London SW1P 4QP

Send us views directly through the
online consultation portal:
consultation.lgbce.org.uk

Website:
www.lgbce.org.uk

Email:
reviews@lgbce.org.uk

Twitter:
[@LGBCE](https://twitter.com/LGBCE)

Further reading:

Our website: www.lgbce.org.uk – here you will be able to find the dedicated web page for your review which will tell you the timetable, representations received and all reports, maps and other information on the review.

Our consultation portal: consultation.lgbce.org.uk – here you can have your say directly at each stage of public consultation. Interactive maps will be available as we prepare new boundaries where you can draw your own wards and send them to us.

Technical guidance: www.lgbce.org.uk/documents/lgbce/guidance-policy-and-publications/guidance/technical-guidance-july-2013-web-version.pdf - is our formal guidance on electoral reviews.

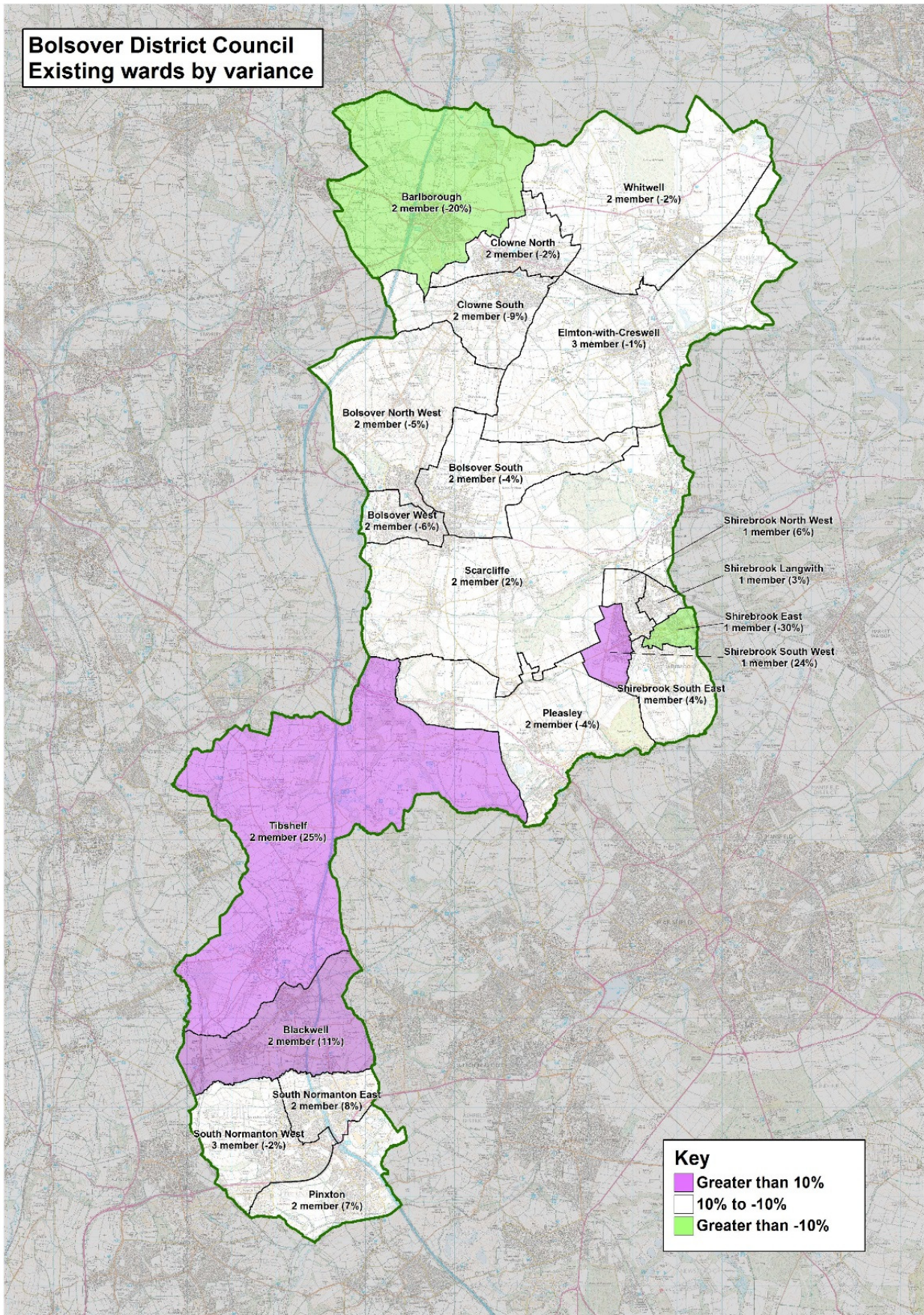
Council size guide: www.lgbce.org.uk/guidance-policy-and-publications/guidance - a more detailed guide on how to approach council size which includes some prompts to stimulate debate.

Wards in Bolsover

Name of ward	Cllrs	Electorate 2014	Variance 2014
Barlborough	2	2,490	-20.2%
Blackwell	2	3,464	11.0%
Bolsover North West	2	2,970	-4.8%
Bolsover South	2	2,994	-4.0%
Bolsover West	2	2,924	-6.3%
Clowne North	2	3,058	-2.0%
Clowne South	2	2,855	-8.5%
Elmton-with-Creswell	3	4,634	-1.0%
Pinxton	2	3,336	6.9%
Pleasley	2	3,001	-3.8%
Scarcliffe	2	3,169	1.6%
Shirebrook East	1	1,092	-30.0%
Shirebrook Langwith	1	1,599	2.5%
Shirebrook North West	1	1,658	6.3%
Shirebrook South East	1	1,617	3.6%
Shirebrook South West	1	1,940	24.3%
South Normanton East	2	3,365	7.8%
South Normanton West	3	4,601	-1.7%
Tibshelf	2	3,891	24.7%
Whitwell	2	3,067	-1.7%

Number of Wards > 10%	5	% Wards > 10%	25%
Number of Wards > 20%	4	% Wards > 20%	20%
Number of Wards > 30%	1	% Wards > 30%	5%
Number of Wards > 40%	0	% Wards > 40%	0%
Overall no of single-member wards	5	Overall number of wards	20
Overall number of 2-member Wards	13	Overall number of Councillors	37
Overall number of 3-member Wards	2	Overall Electorate	57,725
		Overall Electors per Councillor	1,560
Overall Outlier (+)	25%	Overall Outlier (-)	-30%

**Bolsover District Council
Existing wards by variance**



Key

- Greater than 10%
- 10% to -10%
- Greater than -10%

Bolsover District Council

Council

2nd March 2016

Devolution –Sheffield City Region and North Midlands Proposals

Report of the Joint Chief Executive Officer

This report is public

1. Purpose of the Report

To seek Council's endorsement of the Devolution Deal proposals for the Sheffield City Region and the North Midlands and to determine the preferred membership status for the respective Combined Authorities.

2. Recommendations

It is recommended that Council:

- (a) Note the significant work undertaken in the development of both Devolution Deal proposals and the key elements contained within each Deal document,
- (b) Consider and endorse the Sheffield City Region Devolution agreement,
- (c) Consider and endorse the proposed North Midlands Devolution agreement,
- (d) Determine the preferred 'membership status' option for the respective Combined Authorities as follows;
 - i. Option 1 – Constituent membership of SCR Combined Authority and non constituent membership of proposed North Midlands Combined Authority
 - ii. Option 2 - Constituent membership of proposed North Midlands Combined Authority and non constituent membership of SCR Combined Authority,
- (e) Authorise the Chief Executive, in consultation with the Leader to continue discussions to (i) finalise the relevant constitutional provisions and voting arrangements for delivery and separation of Mayoral and Combined Authority functions across the two respective areas, and (ii) develop proposals for the overlapping economic areas,
- (f) Authorise the Chief Executive, in consultation with the Leader to consent to the necessary enabling orders.

3. Reports details

The report sets out the background and details of the themes within each proposed Devolution Deal, the current position and the proposed timetables. It also summarises the potential governance arrangements and relevant statutory provisions. Additionally the report sets out the short and potential long-term benefits to the Council from the overlapping economic geography and the significant risks and

uncertainties going forward. In view of the significance of the required decisions Council is advised to give due regard to the information contained within the report. In addition to this report the Leader and Chief Executive invited all Councillors to attend update seminars throughout the development of the Deal proposals with these being held in October and on 15 February. Further details of the proposed deals are set out as follows.

3.1 **Sheffield City Region Devolution Deal background and proposals**

In April 2014 the SCR Combined Authority was established (SCR CA). The SCR CA membership comprises of the four South Yorkshire Councils who are the constituent members. These four South Yorkshire Councils make up the constituent membership area footprint of the Combined Authority.

3.2 In addition there are five non constituent members of the SCR CA comprising of Bolsover District Council, Chesterfield Borough Council, Derbyshire Dales District Council, and North East Derbyshire District Council from Derbyshire, and Bassetlaw District Council from Nottinghamshire. These five Councils make up the non constituent membership area footprint of the SCR CA which covers northern areas of Derbyshire and Nottinghamshire. Together the constituent and non constituent membership area footprints cover the economic area of the Sheffield City Region Local Enterprise Partnership.

3.3 The present constitutional arrangements within the SCR CA enable the constituent member Councils to agree when the non constituent Council members vote on functions of the Combined Authority. Additionally under the present SCR CA constitutional arrangements the Combined Authority and the SCR Local Enterprise Partnership are supported by five themed executive boards with District Councils Chairing the Infrastructure and Housing Boards.

3.4 On 2 October the Leaders from the four constituent member Councils signed an 'in principle' Devolution Deal with government. Further details of the proposed deal can be viewed at <http://sheffieldcityregion.org.uk/2014/12/city-region-agrees-devolution-deal/>

3.5 The deal proposal involves devolution of power from government to the SCR CA together with an annual gain-share funding pot of £30m per year over a projected 30 year period. This gain-share would comprise of 60% capital funding and 40% revenue and would be subject to a five year gateway assessment by a government appointed panel. This money can be spent on projects outside the South Yorkshire area but the spend must benefit it.

3.6 The terms of the proposed deal require formal endorsement by the SCR CA membership by end March 2016, in order for the first gain share payment to be received from April 2016. Consultation has been undertaken on the Deal proposals which included a six week formal online exercise across the SCR CA constituent and non constituent member's areas. During this period there were 245 responses and a summary of the consultation process can be viewed on the Council's website alongside this report.

3.7 The key trends from the formal consultation responses were:

- Positive support for the principle of stronger local control of decision making
- Recognition of the impact that specific policy areas could have on the SCR CA and the local economy
- Negative perceptions of the need for an Elected Mayor and the creation of additional bureaucracy, complexities with the existing arrangements, and the outcome of the 2012 City Mayor referenda
- Need for clarity about the geographical scope of the Mayoral arrangements and powers particularly for the East Midlands districts
- Positive about the potential for more devolution once the current set of proposals have been implemented

3.8 The SCR CA proposed deal is based around a number of themes including governance, skills and employment, housing, planning and public assets, innovation and advanced manufacturing, business growth and transport. The Deal also contains a proposed business rate growth retention pilot scheme. The proposed deal is dependent on the adoption of a directly elected Mayor over the Combined Authority area with the first elections in May 2017. Based on the present constituent membership footprint of the SCR CA this Mayoral area comprises of the four South Yorkshire Councils. In summary the themes and principles within the proposed Deal are:

- *Governance - clarification of constitutional provisions for voting and separation of Mayoral and Combined Authority functions*
- *Skills - Area Based Review to provide better access and link to skills need (expected completion April 2016)*
- *Employment - Co-design with DWP and Health of programmes e.g. Ambition programme for 18-24 unemployed to access work*
- *Housing and Planning - more influence to improve local plan alignment through SCR area spatial framework*
- *Transport - devolved transport and highways budget for the constituent member Council areas based on a multi-year settlement, potential franchising of bus services within South Yorkshire (subject to further legislation)*
- *Business rates - ongoing discussions with government for retention of growth income across the SCR economic area and determination of arrangements for percentage re-distribution*
- *Trading and Investment - enhanced promotion and opportunities to show wider investment offer / opportunities of the SCR economic area*
- *Innovation – delivery of a National Institute for Infrastructure within Doncaster (potential for alignment with new National college for High Speed Rail)*
- *Business Growth and Support - Growth Hub for simple access to advice and funding, potential additional Enterprise Zones*

4. **Sheffield City Region Devolution Deal current position, governance arrangements and timetable**

The current position requires constituent members and non constituent members of the SCR CA to formally ratify their support for the proposed deal by end of March, in order that the first instalment of gain-share money is released by government from 1 April 2016. At this point the non constituent members can make a choice about their membership status in order to inform the SCR CA and Mayoral geography at the May 2017 elections. If non constituent members choose to retain their existing

membership status then they could, at a later stage decide to seek constituent status, but this wouldn't give sufficient time to form part of the May 2017 Mayoral geography.

- 4.1 Provisions within the Cities and Local Government Devolution Act 2016 remove the geographical restrictions in relation to Combined Authorities subject to approval of the Secretary of State. In simple terms the provisions require the Secretary of State to have regard to the likely effect of the change to the Combined Authorities area on the exercise of functions within its area, or any neighbouring Combined Authority's area, or proposed neighbouring Combined Authority's area. The test would also require regard to be given to the likelihood of improving the exercise of statutory functions in the areas, the need to reflect the identities and interests of local communities and to secure convenient and effective local government. Therefore, although the legislation enables the District Councils to make a choice on membership status, the final decision is made by the Secretary of State, who will consider if this improves the exercise of statutory functions across the SCR CA area and the proposed North Midlands CA area.
- 4.2 This decision would require consultation to give regard to the views of a range of relevant public and private sector stakeholders together with those of residents across the two areas. Such a decision would need to give regard to the impact of the proposals for the North Midlands Combined Authority, its powers and functions, Mayoral footprint and the amalgamation of the Derbyshire and Nottinghamshire Police and Crime Commissioner roles and the transfer of transport and highways powers. The decision of the Secretary of State can be challenged by way of the judicial review process.
- 4.3 In determining membership status of the SCR CA the Council needs to consider that constituent membership (subject to Secretary State approval) would expand the proposed Mayoral footprint beyond South Yorkshire so that it covered areas within Derbyshire. Additionally if the Council did successfully seek constituent status the County Council transport and highways powers would need to be transferred as part of the need to co-ordinate these activities across the SCR CA constituent membership footprint area. A change in the Councils membership status would also require that further consultation was undertaken as a consequence of the proposed change to the Combined Authority area. This would need to be reflected in the proposed timescale for the SCR CA in order to have the necessary arrangements in place for the May 2017 Mayoral election.
- 4.4 The timeline for the proposed deal is set out below:
 - 2016 - March SCR CA Councils to formally ratify support for proposed deal
 - Districts can make a membership upgrade choice at this point requiring consultation to be undertaken June to August prior to a Secretary of State decision
 - Constitutional provisions for Mayoral and CA functions to be agreed
 - SCR CA meets to formally ratify full deal proposal
 - SCR CA produces 'Assurance framework' for management of £30m gain share
 - April - first instalment of £30m gain-share paid to SCR CA
 - April to June - details of Mayoral Order agreed in principle with government
 - June - Order agreed by SCR CA Authorities and put to Parliament
 - October - Mayoral CA Order ratified by Parliament

- December - Secretary of State decision on any potential Membership status changes
- 2017 - January Mayoral election preparations commence across SCR constituent member footprint area
- May - Mayoral election across South Yorkshire area (based on current SCR constituent membership footprint area)

5. **North Midlands proposed Devolution Deal background and proposals**

In December 2013 the ten Councils from across Derbyshire established the Derbyshire Economic Prosperity Committee (EPC). Also at that time the nine Nottinghamshire Councils agreed the establishment of the Nottinghamshire Economic Prosperity Committee. Together the areas covered by these Committees reflect the economic area of the D2N2 Local Enterprise Partnership. In March 2015 discussion commenced between the two EPCs and government regarding a potential Devolution Deal. These discussions indicated a deal requirement by government for only one Combined Authority across the respective areas. The proposed deal would also be dependent on the adoption of a directly elected Mayor over the one Combined Authority area with the first elections in May 2017. Based on a North Midlands Combined Authority (NM CA) with a 19 constituent membership the Mayoral footprint would cover Derbyshire and Nottinghamshire. The deal proposals include the merger of the Nottinghamshire and Derbyshire Police Commissioner roles with that of the Mayor for the NM CA area. A 19 constituent membership footprint would comprise of the following Councils:

Derbyshire	Nottinghamshire
Amber Valley Borough Council	Ashfield District Council
Bolsover District Council	Bassetlaw District Council
Chesterfield Borough Council	Broxtowe Borough Council
Derby City Council	Gedling Borough Council
Derbyshire County Council	Mansfield District Council
Derbyshire Dales District Council	Newark and Sherwood District Council
Erewash Borough Council	Nottinghamshire County Council
High Peak Borough Council	Nottingham City Council
North East Derbyshire District Council	Rushcliffe Borough Council
South Derbyshire District Council	

- 5.1 In September 2015 an initial deal North Midlands Deal prospectus was submitted to government and following discussions with DCLG and HM Treasury a revised version was submitted in December, which has formed the basis for subsequent dialogue. Further details of the proposed deal can be viewed at:

5.2 The deal proposal involves devolution of power from government to a North Midlands Combined Authority, together with an annual gain-share funding pot over a projected 30 year period. This gain-share would comprise of 100% revenue and would be subject to a five year gateway assessment by a government appointed panel. This money can be spent on projects outside the NM CA proposed area but the spend must benefit it. At this time the size of the gain-share pot has not been confirmed but negotiations have been based on a figure of at least £30m in line with the SCR CA deal.

5.3 The governance arrangements for delivery of the proposed NM CA are based around a number of themed boards with district council leaders each assigned a portfolio of responsibility. It is anticipated that these themed boards would have delegated authority to allocate resources and would influence and deliver the Combined Authority work programmes. The NM CA proposed deal is based around a number of themes including governance, skills, apprenticeships, employment, housing and planning, transport, business support, trade and investment, SMART infrastructure, and Public Service Reform. In summary the themes and principles within the proposed deal are:

- *Governance - clarification of constitutional provisions for voting and separation of Mayoral and Combined Authority functions, PCC powers and responsibilities transfer*
- *Skills - Area Based Review to provide better access and link to skills need, local commissioning of 19+ Adult Skills Budget and full devolution of funding from 2018/19,*
- *Apprentices - responsibility for Apprenticeship Grant for Employees and ability to vary grant criteria to meet local need, increased apprenticeship numbers by 110,000 by 2020*
- *Employment - co-deliver, location and integration with DWP for delivery of focused National Work and Health programmes*
- *Housing and Planning - greater co-ordination of public estate through Joint Asset Board, Housing Investment Fund of £200m over ten years to unlock housing growth*
- *Transport - devolved transport and highways budget based on a multi-year settlement, potential franchising of bus services (subject to further legislation), further investment in the rail network*
- *Business Support, Trade and Investment - Growth Hub for simple access to advice and funding, Free Trade Zone East Midlands Airport enhanced promotion and opportunities to show wider investment offer / opportunities of the SCR economic area*
- *SMART Infrastructure - increased Broadband coverage and speed in excess of 10Mbps by 2020*
- *Public Sector Reform – to establish a Public Sector Reform Board to explore health, blue light services, mental health, crime and community protection*

5.4 **North Midlands proposed Devolution Deal current position, governance arrangements and timetable**

The current position requires the 19 Councils from across the proposed NM CA area to formally ratify their support for the proposed deal by end of March. At this point each Council can make a choice about their membership status. The timetable enables the Councils to make an 'in-principle' non-binding decision of constituent status. This non-binding decision could be reversed providing this was done in sufficient time to revise the enabling Orders for the establishment of Combined Authority and the Mayoral geography. Enquires indicate any reversion of an 'in principle' decision for constituent status would have to be made before October.

5.5 Constituent status would require the statutory test to be satisfied. However the proposed NM CA area would not require the transfer of transport and highways powers, or create complexities with the Mayors Police and Crime Commissioner role not being reflected across parts of the NM CA Mayoral footprint. Discussions with government in the development of the NM CA proposals have been based around a NM CA Mayoral footprint of Derbyshire and Nottinghamshire in order to reflect convenient and effective local government and consistency with the principles of the statutory test within the legislation.

5.6 If the districts councils in the overlapping economic areas chose to make such an 'in principle' decision they would not be able to also seek constituent status of the SCR CA, as the legislation does not provide for constituent membership of two Combined Authorities.

If Councils chose at this time not to seek constituent status of the NM CA they cannot reverse this decision and seek constituent membership status in time for the May 2017 elections, as the proposed timeline and preparation and agreement of necessary enabling Orders does not facilitate this. However they could participate as non constituent members and subsequently seek constituent status in time for the next set of Mayoral elections, subject to the relevant process for altering the Combined Authority and Mayoral footprints. Dependant on the finalised composition of the SCR CA and proposed NM CA then Secretary of State approval may be required.

5.7 In determining membership status of the NM CA the Council needs to consider that proposed constituent membership would mean the Mayoral footprint would cover Derbyshire and Nottinghamshire (based on a 19 Council constituent membership). If the constituent membership was different then this would be reflected in the Combined Authority and Mayoral geography. The timeline for the proposed deal is set out below:

- March - clarification of NM CA membership status and formal ratification of support for proposed deal agreement
- Councils make 'in principle' decision for constituent membership status or seek non-constituent status
- Deal agreement finalisation with government and deal 'in principle' sign off by Chancellor
- April – participating constituent member Councils sign the Deal in principle

- September – constituent membership ‘in-principle’ decisions can be reversed
- October - draft Order and deal agreed by all constituent member Councils
- Constitutional provisions for Mayoral and CA functions to be agreed
- November / December - 2016 Combined Authority and Mayoral Order ratified by Parliament
- December 2016 North Midlands CA established
- NM CA meets to formally ratify full deal proposal
- 2017 NM CA produces ‘Assurance framework’ for management of gain share
- 2017 April - first instalment of gain-share paid to NM CA
- 2017 - January Mayoral election preparations commence across NM CA constituent member footprint area
- May - Mayoral election across Derbyshire and Nottinghamshire area (based on current 19 constituent membership footprint area)

6. **Short and long-term potential benefits of the proposed deals**

The Council has worked successfully for many years with its neighbouring District Councils. It has also worked well as a participant in the SCR CA maintaining a positive relationship with the four South Yorkshire Councils. Additionally the Council has played an active role in the development of the proposed North Midlands Devolution Deal. Evidence of the short terms benefits of these relationships are:

- Delivery of the 2 year Ambition and Talent Match programmes with the SCR CA providing employment and in work support for 18-24 year old (£13m across the SCR CA)
- Delivery of the three year Skills Made Easy initiative with the SCR CA to support for SMEs to access high quality training and apprenticeships (£23m across the SCR CA)
- Growth Hub Funding packages across SCR CA and North Midlands CA areas providing significant funding (£50m low carbon technology and business support, £19m innovation fund and £5.5m rural business economy)
- Derbyshire Broadband initiative with £2.17m D2N2 local growth funding to support roll out of superfast broadband across Derbyshire
- Seymour Link extension delivery with Derbyshire County Council (DCC), D2N2, and SCR CA to open 33 HA of additional employment land with Enterprise Zone status
- A61 corridor enhancements and improvement with DCC and D2 N2

6.1 The longer term benefits that could be achieved from participation in the SCR CA and the proposed NM CA and the respective devolution deals are:

- Transport – Improved rail network and electrification, A61 and wider highways infrastructure e.g. Callywhite Lane access - North East Derbyshire District, Glapwell by-pass – Bolsover District
- Skills and employment – access to post 16 learning and continued Ambition and Talent match schemes including DWP and health provision
- Enterprise – Access to more funding and support for businesses, two Growth Hubs for advice and help. Increased micro businesses and SMEs accessing support and finance

- Built Environment – potential Coallite remediation and infrastructure funding to unlock housing and employment site development, Housing investment fund and HRA flexibility on borrowing for building
- SMART Infrastructure – Better broadband access and speed and improved and phone coverage
- Trading and Investment - enhanced promotion of the overlap areas competitive advantage internationally

7. **Risks and uncertainties**

The Cities and Local Government Devolution Act received Royal Assent on 28 January 2016. This legislation provides for the election of Mayors for the areas of Combined Authorities and enables powers to be devolved from government. As the legislation is new and there are uncertainties about either deal the significant areas of risk and uncertainty are:

SCR CA and proposed deal risk and uncertainties

- Support for the deal has not yet been formally endorsed by the constituent Councils
- Constituent status for districts of the SCR CA enables a transport levy
- Constituent status would extend SCR CA Mayoral geography beyond the County line
- There is uncertainty of some Districts membership intentions
- The SCR CA Spatial Framework has potential for housing overspill to address demand
- A decision on 'membership status' has a short timescale if required for May 17 elections
- Membership status upgrade requires a Secretary of State decision and is not guaranteed. This decision is challengeable through the Judicial review process
- Constituent status requires the transfer of County Council transport powers
- Constituent status would have implications for the proposed NM CA and Mayor due to the merged Police and Crime Commissioner role
- Clarity of Post-16 education delivery is likely to be affected in the overlap areas
- Resources are likely to focus on the Mayoral geography
- Non constituent status could restrict influence
- If the North Midlands constituent membership is sought and that deal is not secured then constituent status of SCR CA cannot be achieved until next Mayoral election
- Overlap arrangements are not yet resolved

NM CA and proposed deal risk and uncertainties

- Support for the deal has not yet been formally endorsed by all potential constituent Councils
- The footprint of the Combined Authority and Mayoral geography are not yet agreed
- There is uncertainty of some Districts membership intentions
- Constituent status decision 'in principle' is required without deal being finalised
- A decision on membership status has a short timescale for May 17 elections
- A decision at this stage is in principle and non binding

- If constituent status is not sought at this stage then it cannot be achieved until the next Mayoral Election
- The PCC role of the Mayor may match the Police force areas
- Overlap arrangements are not yet resolved

8. **Conclusions and Reasons for Recommendation**

Since the development of the Sheffield City Region Combined Authority the Council has had non constituent membership status. This arrangement enables the five District Councils that overlap in the Sheffield City Region area to have a vote on Combined Authority matters subject to the agreement of the four Constituent South Yorkshire Councils. Dialogue in the development of the Devolution Deal for Sheffield, and the relevant constitutional arrangements to support this, have indicated that this arrangement can remain in place. However safeguards would need to put in place to prevent the administration of the Mayor's powers within the South Yorkshire area being restricted or negated by the non constituent District members.

- 8.1 The Council could seek constituent status of the SCR CA however this would be subject to the Secretary of State's approval, would alter Mayoral geography and create complexities in relation to the administration of the Police and Crime Commissioner role in the overlap areas. Additionally powers relating to highways and transport would have to be transferred from the respective County Council.
- 8.2 In relation to the North Midlands Deal the District Council could propose to 'in principle' participate as a Constituent Member of the NM CA. As such the Combined Authority footprint area would form the North Midlands Mayoral geography. However at this time the membership intentions of all 19 potential constituent member Councils have not been finalised and additionally government have not officially agree the proposed deal.

9. **Consultation and Equality Impact**

The Sheffield City Region Combined Authority undertook consultation on the proposed deal for a six week period ending on 15 January. A total of 245 responses were received to this consultation. The consultation was publicised on the District Council's website and details were also provided to Members and all relevant partners at that time. In respect of the North Midlands Devolution Deal and proposals for a Combined Authority further consultation is required. It is anticipated that this consultation will run between March and September and focus on the deal proposals and the potential deal geography. There are no equality implications arising from the report.

- 9.1 Alongside the developments of the devolution proposals the Council Leader sought clarification from the Secretary of State for Communities and Local Government of the intentions within the Cities and Local Government Devolution Bill, particularly those relating to geographical restrictions and membership status. In response to this letter Minister for Local Government, Marcus Jones MP, confirmed on 21 January that the provisions within the legislation aimed to give flexibility to deliver economical sensible Devolution Deals and prevent any one Council having an unreasonable veto over sensible and generally agreed changes. In his letter the Minister indicated that he did not see why such flexibilities would derail what would be an important Devolution Deal for the North Midlands or alter the Councils

relationship that had been established with the Sheffield City Region. A copy of this letter has been provided to all Councillors.

10. Alternative Options and Reasons for Rejection

The alternative options to determining membership status would be for the Council to determine a non participative approach to either Combined Authority or proposed deal. This would significantly restrict ability to influence and access funding streams to support the delivery of the growth agenda particularly in respect of delivering employment land, residential development and skills and employment opportunities.

- 10.1 As present government policy focuses on a reduction in local authority grant funding, and the replacement of this through growth related income, such as business rates, council tax, and new homes bonus, a lack of access to funding to support growth is likely to negatively impact on the Councils ability to protect frontline services.
- 10.2 A further alternative to supporting either proposed deal and/or participation in Combined Authorities would be to consider local government structure and geography, subject to the relevant legislative requirements, consensus across participating authorities and consultation. If this process was considered the likely timescale could hinder access to any gain-share funding for some considerable time restricting the ability to grow the local economy and enhance skills provision across the area.

11. Finance and Risk Implications

In addition to the information set out in the report the revenue element of the gain-share presents an opportunity to generate more funding through borrowing, subject to prudential borrowing principles within the Cities and Local Government Devolution Act. This could enable growth of investment capacity particularly in relation to unlocking housing growth and delivery of key infrastructure requirements.

- 11.1 As set out in the report the allocation of gain-share funding is subject to five year gateway assessments by a government appointed Panel, in order to confirm its contribution to growth. Therefore the continuance of gain-share allocation is not guaranteed indefinitely and would be subject to subsequent inclusion in government spending plans.

The risk implications are set out in the body of the report.

12. Legal Implications including Data Protection

As set out in the body of the report.

13. Human Resources Implications

There are no direct Human Resources implications.

.....

Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
Dan Swaine – Chief Executive	01246 242262 01246217001

Bolsover District Council

Council

2 March 2016

Level of Council Tax 2016/17

Report of the Executive Director - Operations

This report is public

Purpose of the Report

- The Localism Act 2011 requires the billing authority to calculate a Council Tax requirement for the year.
- The approved demand on the Collection Fund for this Council should be **£3,324,255**. The Council has now received all of the Parish Precept demands which total **£2,387,172** which together mean the total demand on the Collection Fund in 2016/17 will be **£5,711,427**.
- In order to calculate the Council Tax requirement for the area at the relevant bands, the demands of the County Council, Police Authority, Fire Authority and parish councils will also need to be taken into account.
- The Council has now received all the relevant precept demands from the other local authorities that precept upon this Council as the billing authority for Council Tax.
- It should be noted that this report will be subject to a recorded vote.

1 Report Details

- 1.1. It should be noted that the Chief Financial Officer has calculated the following amounts as the Council Tax Base for the year 2016/17.
- **20,617.53** being the amount calculated by the Council, in accordance with section 31B of the Local Government Finance Act 1992, as amended.
 - The following being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which special items relate.

<u>Parish</u>	Parish Tax Base
AULT HUCKNALL	385.54
BARLBOROUGH	1,076.48
BLACKWELL	1,189.61
CLOWNE	2,265.30
ELMTON	1,365.25
GLAPWELL	452.64
HODTHORPE	178.44
LANGWITH	786.19
OLD BOLSOVER	3,092.13
PINXTON	1,526.59
PLEASLEY	702.45
SCARCLIFFE	521.04
SHIREBROOK	2,174.06
SOUTH NORMANTON	2,789.46
TIBSHELF	1,037.33
WHITWELL	1,075.02
Total	20,617.53

1.2. Calculate the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Parish Precepts) is **£3,324,255**.

1.3. That the following amounts be now calculated by the Council for 2016/17 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (as amended):

- a) **£42,082,629** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils (Note – this is the District Council's Gross Expenditure including Parish Precepts).
- b) **£36,371,202** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (Note – this is the District Council's Gross Income).
- c) **£5,711,427** being the amount by which the aggregate at 1.3(a) above exceeds the aggregate at 1.3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Note: - this sum is the total of the District's requirements of **£3,324,255** plus the total parish precepts of **£2,387,172**).
- d) **£277.02** being the amount at 1.3(c) above divided by item 1.1 calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (Note – this is a calculated average for the District Council and the Parish precepts).
- e) **£2,387,172** being the aggregate amount of all special items referred to in

Section 34(1) of the Act (as per 1.3c) (Note – this is the total Parish Precepts amounts that will be raised through Council Tax).

- f) **£161.23** being the amount at 1.3(d) above less the result given by dividing the amount at 1.3(e) by the amount at 1.1, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates (Note – this is the District Council Band D charge for Council Tax for 2016/17).

- g) Part of the Council's Area

The following being the amounts calculated by adding the amount at 1.3(f) to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned in 1.3(d) divided in each case by the amount at 1.1(b). Calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate (Note – this is the sum of the District Council Band D and the individual Parish Band D).

Parish	Council Tax at Band D £
Ault Hucknall	251.49
Barlborough	252.75
Blackwell	256.38
Clowne	283.47
Elmton	276.28
Glapwell	273.67
Hodthorpe	288.60
Langwith	299.97
Old Bolsover	234.73
Pinxton	264.67
Pleasley	253.27
Scarcliffe	266.88
Shirebrook	372.85
South Normanton	247.61
Tibshelf	282.96
Whitwell	339.65

- h) being the amounts given by multiplying the amounts at 1.3.(f) and 1.3(g) by the number which in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in the different valuation bands (Note – this is the same as above but shown over all Valuation Bands).

Part of the Council's Area	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
AULT HUCKNALL	167.66	195.61	223.55	251.49	307.38	363.27	419.16	502.99
BARLBOROUGH	168.50	196.59	224.67	252.75	308.92	365.09	421.26	505.51
BLACKWELL	170.92	199.41	227.90	256.38	313.36	370.33	427.31	512.77
CLOWNE	188.98	220.48	251.98	283.47	346.47	409.46	472.46	566.95
ELMTON	184.19	214.89	245.59	276.28	337.68	399.08	460.47	552.57
GLAPWELL	182.45	212.86	243.27	273.67	334.49	395.31	456.12	547.35
HODTHORPE	192.40	224.47	256.54	288.60	352.74	416.87	481.01	577.21
LANGWITH	199.98	233.31	266.64	299.97	366.64	433.30	499.96	599.95
OLD BOLSOVER	156.49	182.57	208.65	234.73	286.90	339.06	391.22	469.47
PINXTON	176.45	205.86	235.27	264.67	323.49	382.31	441.12	529.35
PLEASLEY	168.85	196.99	225.13	253.27	309.56	365.84	422.12	506.55
SCARCLIFFE	177.92	207.58	237.23	266.88	326.19	385.50	444.81	533.77
SHIREBROOK	248.57	290.00	331.43	372.85	455.71	538.57	621.42	745.71
SOUTH NORMANTON	165.08	192.59	220.10	247.61	302.64	357.67	412.69	495.23
TIBSHELF	188.64	220.08	251.52	282.96	345.85	408.73	471.61	565.93
WHITWELL	226.44	264.18	301.92	339.65	415.13	490.61	566.09	679.31

1.4 That it be noted that for the year 2016/17 Derbyshire County Council, the Police and Crime Commissioner for Derbyshire and the Derbyshire Fire and Rescue have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Act 1992 for each of the categories of dwellings shown in the following table:

The government have amended the regulations to allow adult social care authorities to charge an additional precept of up to 2% in order to fund adult social care activities. Derbyshire County Council has decided to charge this additional precept.

Precepting	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Derbyshire County Council	761.84	888.81	1,015.79	1,142.76	1,396.71	1,650.65	1,904.60	2,285.52
DCC – Adult Social Care	14.94	17.43	19.92	22.41	27.39	32.37	37.35	44.82
Police & Crime Commissioner	118.05	137.72	157.40	177.07	216.42	255.77	295.12	354.14
Fire & Rescue Service	47.45	55.36	63.27	71.18	87.00	102.82	118.63	142.36
	942.28	1,099.32	1,256.38	1,413.42	1,727.52	2,041.61	2,355.70	2,826.84

- 1.5 That, having calculated the aggregate in each case of the amounts at 1.3(h) and 1.4, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2016/17 for each of the categories of dwellings (Note – this is the total charge for 2016/17 i.e. when all the individual precepts are added together.)

Part of the Council's Area	Valuation							
	A £	B £	C £	D £	E £	F £	G £	H £
AULT HUCKNALL	1,109.94	1,294.93	1,479.93	1,664.91	2,034.90	2,404.88	2,774.86	3,329.83
BARLBOROUGH	1,110.78	1,295.91	1,481.05	1,666.17	2,036.44	2,406.70	2,776.96	3,332.35
BLACKWELL	1,113.20	1,298.73	1,484.28	1,669.80	2,040.88	2,411.94	2,783.01	3,339.61
CLOWNE	1,131.26	1,319.80	1,508.36	1,696.89	2,073.99	2,451.07	2,828.16	3,393.79
ELMTON	1,126.47	1,314.21	1,501.97	1,689.70	2,065.20	2,440.69	2,816.17	3,379.41
GLAPWELL	1,124.73	1,312.18	1,499.65	1,687.09	2,062.01	2,436.92	2,811.82	3,374.19
HODTHORPE	1,134.68	1,323.79	1,512.92	1,702.02	2,080.26	2,458.48	2,836.71	3,404.05
LANGWITH	1,142.26	1,332.63	1,523.02	1,713.39	2,094.16	2,474.91	2,855.66	3,426.79
OLD BOLSOVER	1,098.77	1,281.89	1,465.03	1,648.15	2,014.42	2,380.67	2,746.92	3,296.31
PINXTON	1,118.73	1,305.18	1,491.65	1,678.09	2,051.01	2,423.92	2,796.82	3,356.19
PLEASLEY	1,111.13	1,296.31	1,481.51	1,666.69	2,037.08	2,407.45	2,777.82	3,333.39
SCARCLIFFE	1,120.20	1,306.90	1,493.61	1,680.30	2,053.71	2,427.11	2,800.51	3,360.61
SHIREBROOK	1,190.85	1,389.32	1,587.81	1,786.27	2,183.23	2,580.18	2,977.12	3,572.55
SOUTH NORMANTON	1,107.36	1,291.91	1,476.48	1,661.03	2,030.16	2,399.28	2,768.39	3,322.07
TIBSHELF	1,130.92	1,319.40	1,507.90	1,696.38	2,073.37	2,450.34	2,827.31	3,392.77
WHITWELL	1,168.72	1,363.50	1,558.30	1,753.07	2,142.65	2,532.22	2,921.79	3,506.15

- 1.6. That the persons named below are hereby authorised in accordance with Section 223 of the Local Government Act 1972 to:

- a Collect and recover any Council Tax due to the Council.
- b Prosecute and appear on behalf of the Council at the hearing of any legal proceedings by way of an application for the issue of a liability order or warrant for the issue of a liability order or warrant of commitment in respect of unpaid Council Tax.
- c Collect and recover any Community Charges and National Non Domestic Rates due to the Council.
- d Prosecute and appear on behalf of the Council at the hearing of any legal proceedings by way of an application for the issue of a liability order or warrant of commitment in respect of unpaid National Non Domestic Rates.
- e Prosecute and appear on behalf of the Council at the hearing of any legal proceedings by way of an application for the issue of a distress warrant of commitment in respect of unpaid rates of Section 97, 102 and 103 respectively of the General Rates Act 1967.

- f Prosecute and appear on behalf of the Council at the hearing of any legal proceedings in the County Court or High Court in respect of unpaid National Non Domestic Rates, Benefit Overpayments or Sundry Debts.

Miss J. Lapins Billing & Recovery Manager

Mrs J. Lyons Senior Court Officer

Mr G Clarke Senior Recovery Officer

Given that the officers performing this role may change during the course of the financial year it is recommended that delegated powers be granted to the Council's Chief Financial Officer to authorise amendments to the above list should this prove necessary.

2 Conclusions and Reasons for Recommendation

- 2.1 This report set out for approval by Council the precepts of the relevant public authorities operating in the area of Bolsover District Council in order for Council to agree the Council Tax liability for local residents in respect of 2016/17.

3 Consultation and Equality Impact

- 3.1 There are no consultation and equality impact implications from this report.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council is legally obliged to approve the council tax for the financial year 2016/17.

5 Implications

5.1 Finance and Risk Implications

Bolsover District Council administers the Collection Fund for all of the precepting authorities operating within the area of Bolsover. In order to pay the amounts requested by the various precepting authorities – including Bolsover District Council – it is necessary to set a Council Tax which raises sufficient funding to ensure that the Collection Fund can meet the financial demands placed upon it.

5.2 Legal Implications including Data Protection

The Council is legally required to set a council tax for its area.

5.3 Human Resources Implications

There are no human resource implications arising directly out of this report.

6 Recommendations

- 6.1 That, Council formally approves the Council Tax for the Financial Year 2016/17 as set out in this report.
- 6.2 The Council authorises the officers as set out in section 1.6 above to undertake the identified duties in accordance with section 223 of the Local Government Act 1972, and delegates to the Council's Chief Financial Officer the authority to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	Unlocking our growth potential. Providing our customers with excellent services. Supporting our communities to be healthier, safer, cleaner and greener. Transforming our organisation.

8 Document Information

Appendix No	Title
None	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Local Government Finance Act 1992	
Localism Act 2011	
Estimate Working Papers	

Report Author	Contact Number
Chief Accountant	01246 242458

Bolsover District Council

Council

2 March 2016

Draft Pay Policy Statement 2016/17

Report of Joint Assistant Director HR & Payroll

This report is public

Purpose of the Report

- To ask Council to consider and approve for publication the draft Pay Policy Statement attached at **Appendix One**.
- To ask Council to agree that when confirmation is received about the national pay award for Chief Executives, any updates to the Pay Policy Statement which relate to the Chief Executive's salary during the 2016/17 financial year can be made without further reference to Council.

1 Report Details

- 1.1 The first Pay Policy Statement was produced in 2012 for Bolsover District Council, and this is updated annually, taking account of available guidance.
- 1.2 The Pay Policy Statement for the Council has now been reviewed and updated for 2016/17.
- 1.3 The information contained within the original Pay Policy Statement was collated from a variety of difference sources, but there was no new information that had not been through an appropriate process of approval at the Council.
- 1.4 Whilst some guidance was provided on the nature of the information that should be contained within the Pay Policy Statement, much was left to individual Councils in terms of style and content.
- 1.5 Final agreement has not yet been reached about the national pay award and so the figures shown are as last year until we receive confirmation of any increases. It is anticipated there will be a 1% pay award effective from 1 April 2016. Council is asked to agree that the figures in the Pay Policy can be updated without further reference to this meeting when such confirmation has been received.
- 1.6 A few amendments have been made to update the document and these are shown in the attached appendix as tracked changes.
- 1.7 Attached at Appendix One is a copy of the draft Pay Policy Statement for the Council for the year beginning 1 April 2016, showing tracked changes.

2 Conclusions and Reasons for Recommendation

- 2.1 Under the Localism Act 2011 the Council is required to publish a pay policy statement, with particular reference to the pay of its chief officers and its lowest paid employees.

3 Consultation and Equality Impact

- 3.1 None arising from the report.

4 Alternative Options and Reasons for Rejection

- 4.1 N/A

5 Implications

5.1 Finance and Risk Implications

None arising from the report.

5.2 Legal Implications including Data Protection

'Relevant authorities' as defined by the Localism Act 2011 are required to prepare a pay policy statement for each financial year. This statement must set out an authority's approach to a range of issues relating to the pay of its workforce, particularly its chief officers and its lowest paid employees.

An authority's pay policy statement must be published on the authority's website, and in any other manner that the authority thinks appropriate, in order to be accessible for citizens and enable local taxpayers to take an informed view of whether local decisions on all aspects of remuneration are fair and make best use of public funds.

5.3 Human Resources Implications

None arising from the report.

6 Recommendations

- 6.1 That Council consider and approve for publication the draft Pay Policy Statement 2016/17 attached at Appendix One.
- 6.2 That Council agree that when confirmation is received about the national pay award any updates to the Pay Policy Statement which relate to salary changes as a result of a national pay award during the 2016/17 financial year can be made without further reference to Council.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
1	Pay Policy Statement 2016/17
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Sara Gordon HR & Payroll Operations Manager	01246 217677

Bolsover District Council – Pay Policy Statement 2016/2017

Pay Policy

1. Introduction

This Pay Policy for Bolsover District Council has been prepared in accordance with regulation 38 (1) of the Localism Act 2011.

The Council's Pay Policy for Chief Officer which covers appointments, remuneration and terms and conditions of appointment are set at Full Council before they come into force and are prepared annually. The responsibility to approve the Pay Policy cannot be delegated from Council.

This Policy relates to the period from 1st April 2016 to 31 March 2017 and may be amended by Council during this time.

2. Scope

The Pay Policy relates to Chief Officers as defined by the Local Government and Housing Act 1989 and includes the following posts:-

- Head of Paid Service (Chief Executive Officer)
- Monitoring Officer
- Statutory Chief Officer under Section 151 of the Local Government Act 1972
- Non Statutory Chief Officers who report directly to the Head of Paid Service
- Deputy Chief Officers who report directly to a Statutory or Non Statutory Officer

3. Background

3.1. This Council is committed to the principle of equal pay.

3.2. Whole Workforce

3.2.1. In order to secure equal pay within the organisation, job evaluation was applied to all posts (including Chief Officers). Chief Officers carrying out the role of Heads of Service were included in a new grading structure implemented for the whole workforce in April 2009. This grading structure placed Heads of Service who scored more than 741 points on Grade 12 within the Grading Structure at Appendix One. Grade 12 applies to Chief Officers who do not have joint post as described at point 3.3 below. Other

Heads of Service scoring less than 741 points were placed within Grade 11 and are not conditioned to the JNC National Agreement for Chief Officers.

3.3. Shared Management Team

- 3.3.1. With a view to reducing expenditure and increasing efficiency, this Council has formed a Strategic Alliance with North East Derbyshire District Council
- 3.3.2. In respect of salaries payable for the senior managers appointed to joint posts, Full Council made the decision that payment would be based on North East Derbyshire District Council pay scales, which had been set following an independent review carried out of salaries payable to senior managers in 2008.
- 3.3.3. The costs of shared management posts are met on a 50/50 basis between the two Councils.

4. Remuneration

4.1. Regulation 43 (6) of the Localism Act defines remuneration to include salary, bonus, charges, fees and allowances, benefits in kind, increases / enhancements of pension entitlement (if resolved by the Council) and payments on ceasing to hold officer (other than those payable by any enactment).

4.1.1. The remuneration details given in this section refer to salary only, the reasons for this are:-

- 4.1.1.1. The Council does not pay bonuses, charges and allowances.
- 4.1.1.2. Fees are only related to the Returning Officer
- 4.1.1.3. Benefits in kind are minimal and exact details are prepared for the HMRC returns following the year end and not available at the time of preparing the pay multiple in March each year. However the amounts for Chief Officers are published in the Statement of Accounts.

4.2. The majority of the Council's Chief Officers which include the Joint Chief Executive Officer, Joint Executive Directors and Joint Assistant Directors hold joint appointments with North East Derbyshire District Council. The Grading Structure for these post are set out below:-

4.2.1. Joint Chief Executive and Joint Executive Directors

The shared management team salary scale for the Chief Executive of the Council ranges from £106,000 to £115,000, with increments of £3,000.

The Executive Directors' salaries are based on a scale of £70,014 to £78,374 with increments of just over £2,000. The incremental scale is shown below:-

Incremental points	Chief Executive	Executive Directors
1	£106,000	£70,014
2	£109,000	£72,104
3	£112,000	£74,194
4	£115,000	£76,284
5	N/A	£78,374

4.2.2. Joint Assistant Directors

Assistant Director level posts are characterised by their relatively high level of responsibilities, and deputise, as appropriate, in the absence of the Director. This is an important element in the Council's succession planning and leadership development processes, as well as providing valuable strategic input. At the time of the 2008 review at North East Derbyshire District Council, it was suggested that the market would support an appropriate salary scale of £46,000 to £52,000, with increments of just over £1,400, i.e. approximately 70% of the Chief Officers' salary. The incremental scale is shown below:-

Incremental Points	Assistant Director
1	£49,010
2	£50,473
3	£51,936

Incremental Points	Assistant Director
4	£53,399
5	£54,862

4.2.3. Chief Officer without a Joint Role

The pay scale which relates to all employees of the Council includes the salary range for the Chief Officer whose duties relate solely to Bolsover District Council. An extract which relates to the Chief Officer range is set out below:-.

Grade	Incremental Points	Chief Officer
<i>Grade 12</i>	<i>37</i>	£45,731
<i>Grade12</i>	<i>38</i>	£46,659
<i>Grade 12</i>	<i>39</i>	£47,586

4.2.4. Remuneration of The Council's Lowest Paid

The Council adopted the Living Wage with effect from 1st December 2013. The annual full time equivalent value of the Living Wage from 1 November 2015 is ~~£15,144~~ £15,917.

4.2.4.1. With reference to point 5.4 below, ~~since during~~ 2014/2015 ~~and 2015/2016~~ the Council will operate an Apprenticeship Scheme. The pay under this scheme has not been used to determine the pay multiple because of the special nature of the apprenticeship scheme.

4.3. Relationship between the Remuneration of Chief Officers and employees who are not Chief Officers.

4.3.1. The following tables show the ratio between the Officer Grades paid in ~~2014/2015~~ 2015/16 based on full time equivalent salary records at 12th February 2015. An asterisk signifies that this Grade relates to

Joint Chief Officers who are paid by North East Derbyshire District Council and there are no Chief Officers on the same Grade at Bolsover District Council. In which case the median salary and the lowest paid salary relates to those employees paid by Bolsover District Council only.

Chief Officer Grade	Point	Amount (£)	Median salary (£)	Pay Multiple
CEO**	43	115,000	22,153	5.2:1
Executive Director	5	78,374	22,153	3.5:1
Assistant Director	1	49,010	22,153	2.2:1
Assistant Director	2	50,473	22,153	2.3:1
Assistant Director	3	51,936	22,153	2.3:1
Assistant Director	5	54,862	22,153	2.5:1
Chief Officer Grade	Point	Amount (£)	Lowest Paid salary (£)	Pay Multiple
CEO**	13	106,000 115,000	15,144	4.8:1 7.6:1
Executive Director*	5	78,374	15,144	5.2:1
Assistant Director	1	49,010	15,144	3.3:1
Assistant Director*	2	50,473	15,144	3.3:1

Formatted: Centered

Formatted: Centered

Formatted: Centered, Tab stops: Not at 7.96 cm + 15.92 cm

Formatted: Centered, Tab stops: Not at 7.96 cm + 15.92 cm

Formatted: Font: Not Bold

Formatted: Left, Indent: Left: 0 cm, Tab stops: Not at 7.96 cm + 15.92 cm

Chief Officer Grade	Point	Amount (£)	Median salary (£)	Pay Multiple
Assistant Director	3	51,936	15,144	3.4:1
Assistant Director	5	54,862	15,144	3.6:1

Formatted: Font: Not Bold

4.4. The tables in section 4 are available in a CVS file in the Transparency Section of the Council's Website.

5. Definition of Lowest-paid employees

5.1. Following the implementation of Single Status and the NJC Job Evaluation Scheme, local grades were implemented as set out at Appendix One to the Pay Agreement. The lowest paid employee is determined by those whose job evaluation score was below 301 points. These employees were placed on Grade 1, which is a fixed point grade.

5.2. The Council adopted the Living Wage with effect from 1st December 2013. The pay rates for Grades 1 or 2 of the local grades are lower than the Living Wage therefore employees who are evaluated on Grades 1 and Grade 2 are paid the Living Wage.

5.3. The annual full time equivalent value of the Living Wage from [December 2014](#) [November 2015](#) is ~~£15,917~~**£15,144**. This will be updated when the Living Wage is reviewed in November ~~2016~~**5**.

5.4. With funding from the residual Working Neighbourhoods Fund, the Council will be engaged in an Apprentice scheme during [2014/2015](#)~~2016/17~~ for a number of eligible 16 to 18 year olds. To reflect the nature and duration of their employment, this group of employees will not be paid in accordance with the local grades pay scale and will be paid the minimum wage rate for their age and not the national minimum wage for apprentices. The annual full time equivalent values of the minimum wage for these age groups are ~~£7,312~~~~£7,466.71~~ and ~~£9,897~~~~£10,225.73~~.

6. This section sets out the Council's Policies relating to the requirements under Regulation 38(4) of the Localism Act.

6.1. The level and elements of remuneration of each Chief Officer

6.1.1. This is set out in section 4.2.

6.2. Remuneration of Chief Officers on recruitment

6.2.1. Decisions on the appropriate appointment within the grade for Chief Officer with a joint appointment are recommended to Full Council by an Appointments Panel.

6.3. For Chief Officers without a joint role, recruitment will normally be to the first point of the grade, or in exceptional circumstances (as agreed with the Joint Assistant Director ~~Head of~~ Human Resources and Payroll) will reflect a level commensurate with candidates existing skills ~~and existing skills~~ and experience in the job.

6.4. Increases and additions to remuneration of each Chief Officer

6.4.1. Incremental progression for joint posts are applied at 1st April each year subject to there being at least 6 months service in post at this date, otherwise the increment will be applied between 2nd April and 30th September once 6 months service has been achieved

6.4.2. Incremental progression for non joint posts for new recruits or existing employees who apply for and are appointed to a new post (including secondments). In both cases, increments will only become due from 1st of the month following completion of 12 month's service with the Council from appointment to post. Following this future increments will be awarded automatically on the anniversary of the first increment until the top of the grade is reached. (from pay agreement 2.2.3)

6.4.3. Honoraria and ex gratia payments

6.4.3.1. The Council does not make ex gratia payments.

6.4.3.1.1. A honorarium is payable in circumstances where an employee temporarily takes on duties and responsibilities which are at a higher level than those carried out within their substantive post. This is known as an 'Acting Up Allowance' and details of how this is applied to all employees, including Chief Officers is set out in Paragraph 5.2 on page 15 of the Pay Agreement.

6.5. The Council does not use performance related remuneration.

6.6. The Council does not pay any bonuses.

6.7. Payment to Chief Officers on ceasing to hold office or employment with the Council

6.7.1. In the case of redundancy, the policy of the Council is to use its discretions under (The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) to pay compensation on the basis of actual weekly pay (Regulation 5);

6.7.2. However as the Senior Management of the Council work on a shared basis with North East Derbyshire District Council, whose policy on redundancy uses a multiplier on the national redundancy table, compensation is calculated on the basis of a combination of both schemes as follows:

6.7.2.1.1. Service up to date of joint appointment: based on original Council's scheme.

6.7.2.1.2. Service after date of joint appointment: based on 50% per each Council's scheme.

6.8. The publication of and access to information relating to remuneration of Chief Officers.

6.8.1. The Council will publish this pay policy statement within the transparency section on its website.

6.8.2. The tables in section 4 are available in a CVS file in the Transparency Section of the Council's Website.

6.8.3. For further information about this pay policy statement please contact the Councils on 01246 242424 and ask for the HR and Payroll Section.

7. Other Terms and Conditions

7.1. Place of Work

7.1.1. The principal place employment shall be the main offices of both Councils. If required to work at a different location no relocation payment is made. Travel expenses for journeys between the main Council offices will not attract expense payment unless the purpose of the journey is to attend a meeting.

7.2. Hours of Work

7.2.1. The hours of work are a minimum of 37 hours per week, for joint posts this is across both Councils. Due to the nature of the post the precise

[hours](#) cannot be specified, generally it is expected that a reasonable amount of hours is worked necessary to carry out duties of the post and will include evening and weekend meetings as appropriate and bank holiday working in an emergency.

7.3. Secondary Employment

7.3.1. Notification of any additional employment must be given to the Council or Councils for joint post. This is to ensure that there is no conflict of interest and to meet the Council obligations under the working time regulations.

7.4. Holiday Entitlement

7.4.1. For joint posts the annual leave entitlement across both Councils is 36 days per year plus 3 days per annum to cover the Christmas closedown period. The leave year runs from 1st April to 31 March annually.

7.4.2. For non joint post the annual leave entitlement is 31 days plus 3 days per annum to cover the Christmas closedown.

7.4.3. All Chief Officers are entitled to 8 bank holidays plus any additional bank holidays agreed at national level.

7.5. Pensions

7.5.1. Chief Officers are contractually enrolled into the Local Government Pension Scheme. The contribution rates for employees are set nationally and [re](#)viewed each year. The employer's contribution rate is determined by an actuary at the tri-annual fund valuation.

7.5.2. Employees may opt out of the Pension Scheme and if this happens the Council has to comply with the obligations of the Auto Enrolment.

7.5.3. Full details of the types of early retirement/flexible retirement are available in the Council's Re-deployment/Early Retirement Policy available on our website at www.bolsover.gov.uk.

7.5.4. Local Government Pension Scheme Employer Discretions

There are a number of discretions available under the Local Government Pension Scheme applicable to all employees. These are set out as follows:-

7.5.4.1. The Council has a general policy not to exercise these discretion as they represents a significant cost to the Council:-

- Whether to augment membership of an active member (by up to 10 years)
- Whether to grant additional pensions to a member (by up to £5,000 per annum)
- Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement
- Whether to grant application for early payment of benefits on or after age 55 and before age 60
- Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early
- Whether to contribute to a shared cost Additional Voluntary Contribution (AVC) arrangement
- Whether to increase the number of weeks redundancy pay (up to 104 weeks)

7.5.4.2 In respect of the following discretion, the Council -has a general policy that any flexible retirement must normally be at no cost to the Council.

- Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).

7.5.4.3 The Council has a policy to apply the following discretion:-

- Whether to base redundancy payments on the employee's actual weeks pay rather than limit a weeks pay to the statutory maximum.

7.5.5. Re-employment of employees in receipt of a pension

Under the terms of the Local Government Pension scheme, an employee who has retired from local government service and is in receipt of a pension may reapply for local government employment. However where

this happens the pension is subject to abatement, i.e. if the pension added to the new salary is higher than the original salary then the amount of pension will be reduced accordingly. There are currently no re-employed pensioners in senior management positions.

7.6. Car Allowances

- 7.6.1. North East Derbyshire Chief Officers are entitled to claim the lowest band of the national car allowances in the National Car Allowance Scheme for Chief Officers. Currently a lump sum of £846 per annum and 36.9p per mile to 8,500 miles and 13.7p thereafter for business journeys.
- 7.6.2. Bolsover District Council pay the HMRC rates for business journeys (currently 45p per mile and 5p per mile for passengers)
- 7.6.3. Chief Officers with joint post may choose which car allowance scheme to be paid under.

8. Terms and Conditions of Service

The Chief Executive is employed under the terms and conditions of service of the Joint Negotiating Committee for Chief Executives of Local Authorities, and Directors under the terms and conditions of service of the Joint Negotiating Committee for Chief Officers of Local Authorities. There are currently no additional local agreements relating to the employment of Chief Officers that represent a charge on the public purse, with the exception of election duties (see following paragraph).

8.1. Election Duties

The fee for Returning Officer duties at the District and Parish Elections in May 2011 was based on calculations included within the Local Elections Fees scales determined by Derbyshire County Council so that they are implemented on a county wide basis. In 2011 the fee paid for the designated Counting Officer was prescribed by central government by means of a Fees and Charges Order.

9. Other financial benefits

The Chief Executive and the Council's Directors and Assistant Directors are not in receipt of any financial benefits that are not also available to other employees.

Chief Officers are exempt from receiving the following benefits which other employees receive:

- Shift Allowance
- Weekend Working
- Bank Holiday Working
- Overtime Payments
- Standby/Call Out Payments
- Flexible Working

Bolsover District Council

Council

2 March 2016

Members' Allowances

Report No ADGMO/--/15-16/MK of the Assistant Director – Governance and Monitoring Officer

This report is public

Purpose of the Report

- To advise of the Members' Allowance Scheme for 2016/17.

1 Report Details

- 1.1 This report is to set the Members' Allowance Scheme for the year from 1st April 2015 to 31st March 2016 in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003. Regulation 10 (1) and 10 (2) requires authorities to make their Members' Allowance Scheme before the beginning of the year to which it relates.
- 1.2 Under the regulations the Scheme cannot be made or amended without the Authority having regard to the recommendations of an Independent Remuneration Panel. This report does not make any changes to the basis of the scheme which has previously been agreed.
- 1.3 A copy of the proposed new Scheme is attached at Appendix A. Any necessary changes are highlighted as tracked changes. Changes include removal of provisions for members to pay into the Local Government Pension Scheme which was repealed by Government last year.

2 Conclusions and Reasons for Recommendation

- 2.1 To comply with the requirements of legislation.

3 Consultation and Equality Impact

- 3.1 None.

4 Alternative Options and Reasons for Rejection

- 4.1 None.

5 **Implications**

5.1 **Finance and Risk Implications**

5.1.1 The financial implications of this report have been taken into account in the budget process.

5.2 **Legal Implications including Data Protection**

5.2.1 The Local Authorities (Members Allowances) (England) Regulations 2003 sets out the statutory principles governing the creation of Members Allowance Schemes and Independent Remuneration Panels.

5.3 **Human Resources Implications**

5.3.1 None.

6 **Recommendations**

6.1 That the Members' Allowance Scheme for the year 2014/15 be implemented with effect from 1 April 2016 in accordance with the rates set out in this report.

6.2 That the scheme be published in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

6.3 That the Members' Allowance Scheme contained within the Council's Constitution is updated to reflect the changes approved in this report as set out in Appendix A.

6.4 That the details of the Members' Allowance Scheme as set out in Appendix A are updated on the Council's Web page.

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	None

8 **Document Information**

Appendix No	Title
N/A	

Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
Report Author	Contact Number
M Kane Governance Manager	01246 217753

AGIN -- (COUNCIL 0302) Members' Allowances

6 MEMBERS ALLOWANCE SCHEME

Formatted

1. Scheme

The Bolsover District Authority, in exercise of the duty conferred on it by the Local Authorities (Members' Allowances) (England) Regulations 2003, as amended, hereby make the following Scheme:

- (1) This Scheme may be cited as the Bolsover District Authority Members' Allowances Scheme, and shall have effect from 1st April ~~2013~~2016.
- (2) In this Scheme -
 - (i) "Member" means a "Member" of the Bolsover District Authority.
 - (ii) "scheme year" means the 12 months ending with 31 March.
 - (iii) "Regulation" refers to a regulation contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.

2. Basic Allowance

Subject to paragraph 9 of this Scheme, a Basic Allowance of £9902.44 will be paid to each Member.

3. Special Responsibility Allowance

- (1) For each year a Special Responsibility Allowance shall be paid to those Members who hold special responsibilities in relation to the Authority.
- (2) Subject to paragraph 9 of this Scheme, the amount of each such allowance shall be the amount specified against that special responsibility.
- (3) No Member shall be entitled to receive more than one Special Responsibility Allowance.
- (4) The following are specified as having special responsibilities in respect of which Special Responsibility Allowances are payable and the amounts of those allowances are specified in the second column:-

Member with Special Responsibility	Annual Allowance £	Effective Date
Leader of the Authority	14, 672.16	01/04/ 2015 2016
Deputy Leader of the Authority	9,781.44	01/04/ 2015 2016
Members of the Executive (Members with Special responsibility – full rate)	4,890.72	01/04/ 2015 2016
Chair of the Scrutiny Committee (Members with Special responsibility – full rate)	3,260.48	01/04/ 2015 2016
Vive Chair of Scrutiny Committee (member with Special responsibility)	1,630.24	01/04/ 2015 2016
Largest Opposition Political Group Leader (member with Special responsibility – full rate)	4,890.72	01/04/ 2015 2016
Chairs of Planning Committee (Members with Special responsibility – partial rate)	4,890	01/04/ 2015 2016
Vice Chair of Planning Committee	2,445	01/04/ 2015 2016
Chair of Licensing Committee	2,445	01/04/ 2015 2016
Vice Chair of Licensing Committee	1,222	01/04/ 2015 2016
Chair of Standards Committee (co-optee)	£1,222.00	01/04/ 2015 2016
Chair of Audit Committee (co-optee)	£1,467.00	01/04/ 2015 2016

- (5) The following rules apply to payments of Special Responsibility Allowances in relation to the Leader/Deputy Leader or person acting as the spokesperson of an opposition political group:-
- (i) Either where there are two or more opposition political groups and one of these opposition groups is larger than any of the others the Leader of that group only will be paid a Special Responsibility Allowance of £4,890.72
 - (ii) Or where there are two or more opposition political groups and there is no one larger group because 2 or more of those political groups are equal in size, the Leaders of the largest political groups will receive £4,890.72 divided equally amongst them, and

- (iii) In (i) or (ii) above no payment of a Special Responsibility Allowance will be made to any other opposition group.
- (iv) Where there is one opposition political group the Leader of that group will be paid a Special Responsibility Allowance of £4,890.72 in total.

4. Travelling allowance and subsistence reimbursement

- (1) Travelling allowance and subsistence reimbursements shall be paid to Members for carrying out approved duties under the categories set out in Appendix A to this scheme.
- (2) Co-optees shall be entitled to the same rates of travelling allowance and subsistence arrangements as Members.
- (3) Members shall claim for travelling allowance and subsistence reimbursements and in doing so shall be expected to satisfy themselves that they are entitled to receive the allowances claimed.
- (4) The rates of travelling allowance and subsistence reimbursements applicable to Members shall be the same as the rates applicable to the officers of the Authority.
- (5) Travelling allowance and subsistence reimbursements shall be paid in accordance with Appendix C & D.

5. Co-optees' allowance

- (1) An annual allowance of £500 shall be paid to Co-optees for their duties on Standards and £250 for their duties on Audit Committee.
- (2) The above allowances are subject to the Co-optee not receiving payment from any other source for the same duties.
- (3) If someone is a Co-optee of both the Standards and Audit Committee, he/she shall be entitled to both the £500 and £250 allowance in respect of both Committees.
- (4) If a non co-opted member other than the Chair is called on to chair a meeting of the Audit Committee, then a session relief payment of £366.75 is payable. If a non co-opted member other than the Chair is called on to chair a meeting of the Standards Committee, then a session relief payment of £203.67 is payable.

6. Carer's dependents allowances

- (1) An hourly rate equivalent to the national minimum wage (21+ rate (See Minute No. 878 – Authority – July 2011) for a maximum of 4 hours per day is payable in respect of approved duties, this includes up to 30 minutes travelling time each way.
- (2) Prior approval to claim this allowance must be obtained from the Chief Executive.

7. Adjustment of allowances

Where changes are retrospectively made to allowances or pay on which allowances under this scheme are based the following shall apply:-

Allowances under this scheme shall have the same effective date where the change is within the scheme year provided that Members are not worse off as a result of the retrospective amendment.

8. Election to forgo allowance

A Member may, by notice in writing given to the Chief Executive Officer elect to forego any part of his entitlement to an allowance under this scheme, and a copy will be forwarded to the Payroll Section.

9. Part year entitlements

- (1) The provisions of this paragraph shall have effect to regulate the entitlements to Basic, Special Responsibility and Co-optees Allowances where, in the course of a year, this scheme is amended or that individual to whom the allowances applies, becomes, or ceases to be, a Member or Co-optee, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- (2) If an amendment to this Scheme changes, the amount to which a Member is entitled by way of a Basic Allowance or a Special Responsibility Allowance, or the amount to which a Co-optee is entitled to a Co-optees Allowance, then in relation to each of the periods:-
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, and
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be determined by the following formula:-

$$\text{entitlement} = \frac{A}{B} \times C$$

Where A = number of days for which claim for allowance is being made

B = 365 days

C = appropriate yearly rate for Special Responsibility Allowance, Basic Allowance or Co-optees Allowance.

- (3) If an amendment to this Scheme changes the duties specified in the Schedule as approved duties, or the amount payable by way of Travelling allowance and subsistence reimbursements, the entitlement to such allowances shall be to the payment of the amount of the allowance under the Scheme as it has effect when the duty is carried out.
- (4) Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Member to a Basic Allowance shall be determined as set out in *paragraph 9(2)*.
- (5) Where the term of office of a Co-optee begins or ends otherwise than at the beginning or end of a year, the entitlement of that Co-optee to a Co-Optees Allowance shall be determined as set out in *paragraph 9(2)*.
- (6) Where a Member has during part of but not throughout a year, such special responsibilities as entitle him or her to a Special Responsibility Allowance that Members entitlement shall be determined as set out in *paragraph 9(2)*.

10. Claims and payments

- (1) Subject to *paragraph 9* of this Scheme, Basic, Special Responsibility and Co-optees Allowances shall be paid by monthly instalments of one twelfth of the amount specified in this scheme on the 26th day of each month.
- (2) Where a payment of one-twelfth of the amount specified in this Scheme in respect of these Allowances would result in the individual receiving more than the amount to which, by virtue of *paragraph 9* and its sub-paragraphs, the Member is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

- (3) Claims for Travelling allowance, subsistence reimbursements, and dependent carers covering a calendar month are required to be submitted by the 6th of the following month.
 - (i) Payment of these claims received by the due date shall be made on the 26th day of the month in which they are received.
 - (ii) Payment of claims received after the due date shall be made on the 26th day of the following month.
 - (iii) Members expense claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the Director of Corporate Resources.

11. Level of allowances

- (1) The level of allowances payable under the Scheme were set following the recommendations of an independent panel which was appointed to review the remuneration paid to Members of this Authority.
- (2) ~~The level of these allowances has been fixed until July 2015. (See Minute No. 221 — Authority — 21st July 2011)~~

12. Repayment of allowances

Where payment of any allowance has already been made in respect of any period during which the Member or Co-optee concerned :-

- (i) ceases to be a Member or Co-optee of the Authority,
- (ii) is in any other way not entitled to receive the allowance in respect of that period.

The Authority may require that such part of the allowance as relates to the period be repaid.

13. Duplication of allowances

Where a Member of this Authority is also a Member of another authority or body, that Member may not receive allowances from more than one authority or body in respect of the same duties.

14. Pensions

- (1) ~~The option to join the Local Government Pension Scheme shall be open to all eligible Members.~~

(2) ~~Both Basic Allowance and Special Responsibility Allowances shall be treated as pay for pension purposes.~~

MEMBERS' ALLOWANCES - GUIDANCE

6.1 Introduction

- (1) The aim of this section is to provide Members with a guide to the expenses and allowances that are payable to them under the Members' Allowance Scheme.
- (2) Any queries not addressed by this section should be directed to the Assistant Director of Governance and Monitoring Officer.
- (3) The official duties carried out by the Chairman and Vice-Chairman of the Authority are civic duties of the civic leader of the Authority and are not covered by the Members' Allowance Regulations. Expenses for these duties are met from the Chairman's Allowance.
- (4) The work of the Independent Persons are governed by the Localism Act 2012 and not covered by the Members' Allowance Regulations.
- (5) In accordance with the recommendations of the Independent Remuneration Panel on Members' Allowances the monitoring is carried out in respect of Members.

6.2 Allowances/Reimbursements

- (1) The Authority's Members' Allowance Scheme (from page 437) ("the Scheme") made under the provisions of the Regulations for the payment of the following allowances:-
 - Special Responsibility Allowances,
 - Basic Allowance
 - Travelling Allowance and Subsistence Reimbursements
 - Cooptees Allowance
 - Dependent/Carers Allowance

6.3 Publishing

- (1) The Regulations require that the Authority publish within the Authority's area:-
 - (i) The Scheme.
 - Following any amendment or making of a Scheme
 - Every twelve months
 - (ii) In respect of each year, details of the amounts of allowances paid under the Scheme to each member.

- (2) The Freedom of Information Act 2000 requires the Authority to produce its publication scheme which has been approved by the Information Commissioners' Office, an independent body that reports directly to Parliament and monitors the Data Protection Act 1998 and the Freedom of Information Act 2000.

6.4 Payment Restrictions

- (1) Certain bodies pay their own expenses and allowances. Members should therefore claim their expenses from these bodies direct and not from this Authority.
- (2) Certain duties necessarily carried out by Members of the District Authority are not duties for the purposes of claiming Members' Allowances (see Appendix B).
- (3) Where a Member is a Member of more than one local authority or public body payment of Members' Allowances will, in general, be made by the local authority or public body, for which the approved duty is undertaken. For example:-

if a Member serves as a co-opted Member on a County Authority Committee the allowances will be payable by the County Authority.

6.5 Special Responsibility Allowances

These allowances are paid to such Members of the Authority who hold positions with a special responsibility under the provisions of the Regulations; the positions in this Authority are listed in the Scheme.

6.6 Basic Allowances

- (1) This allowance is intended to recognise the time devoted by Members to their work as elected representatives, including inevitable calls on their time such as meetings with constituents, Member's surgeries and political group meetings. It is also intended to cover incidental costs incurred in the course of a Members work.
- (2) This allowance is payable to all Members, each Member receiving the same amount of allowance.

6.7 Travel Allowances/Expenses – See Appendix C

- (1) See Appendix C for information on Car Parking and Travel Fees.
- (2) Criteria for the use of taxis are detailed below:

- (i) The rate for taxi fares must not exceed the amount of the actual fare and any reasonable gratuity paid. Reimbursement will only be made on the production of receipts.
- (3) Where a Member travels in his own car any fixed penalty parking fines or other traffic violation fines are the personal responsibility of that Member.
- (4) Where a Member travels with an officer or other Member who is entitled to claim allowances, the Member may not claim travelling allowances for that journey.
- (5) When mileage allowances are claimed the miles claimed must be based on the most reasonable route. However, in respect of home to The Arc mileage, the miles claimed will always be in accordance with the approved schedule. Prior to making their claim for home to The Arc mileage, the Member must seek from Audit Services the acceptable number of miles.
- (6) Private mileage must not be included in the claim.
- (7) Where Members have to travel between their place of work and the Authority Offices to carry out approved duties the mileage allowance or travel expenses claimable shall be the lesser of:-
- Home to approved duty
 - Work to approved duty
- (8) Members, in their own interests, must ensure that their car insurance policy covers them for use on official business for the Authority. The Assistant Director of Human Resources and Payroll will carry out spot checks of insurance certificates to ensure full compliance.

Members Car Insurance / Business Mileage

Members are required to have car insurance that covers them for **business use** and they must sign the declaration on the claim form to confirm this.

The extract below explains the different types of insurance cover and the importance of having the correct cover.

What are the different use types?

REMEMBER - it is important that you have the right use for your car, if you have the wrong use you may find that your insurance company will not pay out on a claim.

- Social, Domestic & Pleasure - this covers you for normal day to day driving, such as driving to visit family or friends, or shopping.
- Commuting - this covers you to drive back and forth to a permanent place of work. Please note that travelling to a railway station, where you park your car, is classed as commuting.
 - Business Use - this covers you to use the car in connection with your job, driving to different sites, travelling to training courses or prearranged meetings away from your normal place of work.

Commercial Travelling - This covers the car to be used for such things as door-to-door sales.

Insurance cover for commuting does **not** cover business use. Members work from home; this means that journeys between their home and the Authority offices are **not** classed as commuting if the journeys are made during the course of their duties.

- (9) Travel expenses may be subject to income tax and national insurance contributions.
- (i) Members are deemed to have two places of work and as such the HMRC guidance states that Members can receive tax (and NI free) home to work payments where:-

The Member routinely uses their homes to see constituents (and not merely used for reading Council papers, correspondence etc) and
 - (ii) The mileage allowance paid does not include any element of profit and is dealt with under the HMRC's approved mileage allowance payments.
 - (iii) If the criteria in (i) and (ii) above are not met the home to work travel expenses will be subject to tax and national insurance.
 - (iii) The Council must hold relevant documentation to demonstrate that any Members paid home to work mileage free from tax have confirmed that they meet the relevant criteria. Where this is the case, Members will need to complete a declaration to confirm this.

- (iv) Additionally the declaration on the Members' Allowance Claim form requires Members to indicate where the travel claim is classed as non taxable.

6.8 Subsistence Reimbursements

- (1) In order to claim a Subsistence Reimbursement a Member must have personally incurred expenditure on subsistence. (See Appendix C for further information)
- (2) Third parties (including spouse/partner) accompanying a Member on business trips:-

Where a Member is accompanied by a spouse, partner or a third party and there is an additional cost, the extra cost should be reclaimed from the Member. This would not be the case if the spouse, partner or third party is also representing the Authority. It is the Members responsibility to indicate on their claim form where reclaims from Members Allowances are due for this reason.

6.9 Royal Garden Party

- (1) The HMRC do not consider that attendance at a Royal Garden Party is part of the duties of any Authority Member and as such expenses incurred would not be classed as business expenses for PAYE purposes.
- (2) This does not affect the Authority's decision to include this as an approved duty.
- (3) Any travel and subsistence costs (reimbursement or payment made directly by the Authority) have to be subject to income tax and national insurance when paid.

6.10 Approved Duties outside the UK – See Appendices A, B & C

- (1) There are no specific provisions covering payments of Members' Allowances in connection with overseas visits.
- (2) Reasonable travelling expenses are paid by the Authority direct or reimbursed to the member on submission of a claim.
- (3) Officers are required to keep a record of expenditure that they make on behalf of Members.
- (4) Where possible details of amounts paid on the Members behalf including name of any officer of the Authority who has made any payments during the foreign visit.

6.11 Cash Advances

Cash advances can be arranged on request. In such cases the person receiving the advance must keep records of all expenditure made and whenever possible must obtain receipts. As soon as possible after the visit, the balance of the advance (if any) and/or the full record of the expenditure made together with the receipts must be returned to the creditors section of Financial Services.

6.12 Members' Surgeries

Members' Allowances are not payable in respect of the time spent on Member' surgeries. It has been agreed that an allowance is made, however, under section 111 of the Local Government Act 1972, to cover the cost of advertising and operating Members surgeries. Members should make their own arrangements for advertising and accommodation and, upon presentation of properly certified invoices, the Governance Team will reimburse up to the limit of approved allowances in any one year.

6.13 Making Claims

(1) Expenses and Allowances

There are rules enabling you to claim expenses and allowances in connection with some of your duties as a Member. These rules must be scrupulously observed.

(2) Frequency of Claiming

Members are requested to claim monthly as this helps in reducing administration costs. This is particularly important at the month ending 31st March, when prompt submission is required in order to assist with the closing down of the accounts, and also for income tax purposes.

(3) Method of Payment

Payments are made direct to a Members bank account.

(4) Making a Claim (see 6.8 (2) re persons accompanying Members)

- (i) Where, a Member performs approved duties for more than one local authority or public body the amount that is claimed from the different bodies must not exceed the amount that would be claimed had the duty been carried out as a member of only one of these bodies.

- (ii) A Member is not entitled to receive Members' Allowances under the Local Authorities (Members' Allowances) (England) Regulations 2003 in addition to any comparable allowances under any other enactment, in the same period of twenty-four hours for the same duties.
- (iii) A claim for Members' Allowance is made by completing a Members' allowance claim form. The claim form is based on a statutory format and contains all the declarations required by law. The form is available via the Intranet.
- (iv) The following details should be entered on the form in the appropriate columns:-

Name and address

Vehicle registration mark and cubic capacity of the motor vehicle (on the back of the form) if a mileage claim is made.

Date of approved duty.

Time approved duty started. This will be the time the Member left home or work to undertake the approved duty.

Place of Departure

Details of the approved duty (e.g. committee, etc.)

Place of return

Time the approved duty ended – including reasonable travelling time.

To claim a mileage allowance, enter the date, number of miles travelling on the approved duty, whether the expenses is taxable or non-taxable, the mileage rate claimed and the amount claimed.

The amount of other approved expenses (e.g. bus/train fare) indicating whether the expense is taxable or non taxable

If the journey had involved travel by more than one method of transport it is necessary to use a separate line for each such method.

The totals for each allowance claim should be entered at the bottom of each column.

The Declaration at the foot of the claim form must be signed. The certification is required by law and Members should read it carefully and ensure that the statements they are signing are correct. If in any doubt, Members should consult the Chief Executive Officer or the Head of Human Resources and Payroll.

VAT receipts must be attached for all reimbursements.

Pre dated VAT receipts for fuel must be attached where mileage is claimed.

- (v) The completed form should be forwarded to the Personal Assistant to the Chief Executive Officer.

(5) Cases of Doubt

Where doubt arises, which cannot be settled between the Member and the Chief Executive Officer, the matter can be referred to the appropriate body.

(6) Checks Applied to a Members' Claim

- (i) In Members own interest, the Personal Assistant to the Chief Executive Officer, checks as far as possible the attendance at official meetings, insofar as attendance records are available. It is therefore important for Members to ensure they sign the attendance sheet.
- (ii) This check does not in any way relieve the Member from personal responsibility for the correctness of the claim for allowances.
- (iii) An attendance register will be circulated at each meeting of the Authority, Executive and Scrutiny Committees, and every Member present at such meeting shall record their attendance thereat by signature. The attendance sheet together with the minutes will be the official record of attendance at meetings and will be used for the purpose of authorising payments of Members attendance allowances. Members may consider it prudent to maintain a personal diary recording more details of approved duties than is shown on their claim form. This would assist them personally should any query be made by objectors, or the External Auditor, possibly at a much later date.
- (iv) All claims are subject to scrutiny by the External Auditor and the statutory record of Members allowances is open for public inspection.

6.14 Statutory Sick Pay – effect on Members

- (1) The provisions of the above came into force for 'Employees' on 6th April 1984. It has now been stated in a circular issued by the Department of the Environment that Members who are in receipt of Members' Allowances are considered to be 'employed' by their authority and will also be included where they meet the conditions of the scheme. The reasoning behind this is that these payments are subject to National Insurance contributions where they are greater than the lower earnings limit and consequently there may be an entitlement to State Incapacity Benefit from the Department of Social Security. As Statutory Sick Pay replaces State Sickness Benefit, Members whose allowances attract National Insurance contributions may qualify for this payment. The regulations are complex and wide-ranging, and although it is unlikely that the provisions of Statutory Sick Pay (SSP) will have any widespread relevance to Members of this Authority, it is felt, nevertheless, that all Members should be aware of the entitlement.
- (2) Where Members wish to make a claim for payment of SSP it is essential that they notify the Human Resources & Payroll Section, telephone 01246 242474 on the first day of absence due to sickness.
- (3) Further advice and documentation will then be issued. Also further details of SSP can be obtained from the Payroll Section.

6.15 Income Tax and National Insurance Contributions

- (1) Income Tax and National Insurance contributions are deducted from Members' Allowances in accordance with the Authority's statutory obligations.
- (2) The PAYE system operates for Members' Allowances. New Members who cannot supply a tax form P45 will be required to complete a form P46. This form can be obtained from the Payroll Office.
- (3) Her Majesty's Revenue and Customs (HMRC) is sent an annual schedule giving details of allowances and expenses paid to each member.
- (4) HMRC has allowed Members to receive an additional tax free pay allowance per annum to be used against Members' allowances; this is included in the Members tax coding.

- (5) Reduced or no National Insurance contributions are payable by the Member if the Member is aged over state pensionable age, or is a married woman with a right to opt for reduced rate contributions (this option has now ceased but protected rights exist), or where the Member will pay the maximum amount of National Insurance contributions due to earnings from another job.
- (6) Members must provide the payroll office with a certificate, which is obtained from the Members local contributions agency before no or reduced rate National Insurance contributions are deducted from a Members' Allowance.

6.16 Social Security Benefits

(including Housing Benefit and Authority Tax Benefit)

- (1) The benefit system is very complicated and it is difficult to know exactly how the payments a Member is entitled to receive or does receive will affect any benefits payable to that Member.
- (2) Members claiming any benefit are advised to keep their benefit provider informed about any Members' Allowances they are **ENTITLED** to receive or do receive.

6.17 Insurance Cover for Members, provided by the Authority.

The following types of insurance cover are provided for Members:-

(1) Officials Indemnity

To indemnify the Assured against legal liability for damages as a result of a claim or claims made arising out of any negligent act, error or omission committed or alleged to have been committed by or on behalf of the Assured in or about the conduct of the Assured's business.

Including indemnity to all employees and elected Members of the Authority or any co-opted Members of any committee or sub – committee.

(2) Public Liability

Indemnity against legal liability for accidental bodily injury to any person or loss of or damage to material property.

Only applicable when representing the Authority.

(3) Libel and Slander

To indemnify the assured in respect of any amount the assured shall become legally liable to pay as damages resulting from any libel and slander committed in any form whilst undergoing the conduct of the Assured's business.

Members should be aware that statements made in official meetings are only covered by qualified privilege and that accordingly a Member may be sued on a defamatory statement made in such a meeting.

APPENDIX A

CATEGORIES OF APPROVED DUTIES

Travelling Allowance and *Subsistence Reimbursements (Exceptional circumstances only – see Appendix D)

Travelling and Subsistence may be paid to Members for certain types of meeting the categories of which are defined in the Local Authorities (Members' Allowances) (England) Regulations 2003. The following is a list of those categories as defined.

Some of the categories allow for discretion to be exercised. In particular category 5 allows the Authority to approve a class of duty for the payment of Travelling allowance and subsistence reimbursements. The classes of duty approved by this Authority are listed below number 5. Any meeting which falls within that class of duty as defined under category 5 automatically qualifies for payment of Travelling allowance and subsistence reimbursements and does not need to be approved by Authority or Committee.

- (1) Authority and committee meetings where expenditure necessarily incurred in connection with the performance of an approved duty.**
- (2) Meetings of outside bodies to which the Authority makes appointments and nominations and where the member has been nominated by the Authority and where expenditure is necessarily incurred in connection with the performance of an approved duty.**
- (3) Meetings the holding of which is authorised in advance and where Members of both political groups have been invited and where expenditure is necessarily incurred in connection with the performance of an approved duty.**
- (4) Meetings of associations where the Authority is a Member of the association and where expenditure is necessarily incurred in connection with the performance of an approved duty.**
- (5) A duty or class of duty approved for the purpose of or in connection with the discharge of functions:**
 - (a)** Any partnership of which the Authority is a partner and to which the member is appointed by the Authority.
 - (b)** Formal liaison meetings with other local authorities, representatives of other bodies and individuals.
 - (c)** With the prior approval of the committees concerned visits, official visits, site visits and inspections within the Authority's area.

- (d) Visits by Members of Executive to the Authority's offices to discuss Authority business.
 - (e) Any duty of a Chairman of a Committee within the Authority's area.
 - (f) Any duty of a Vice-Chairman of a Committee within the Authority's area.
 - (g) Visits by Leaders and Deputy Leaders of each party (and who are nominated as such to the Chief Executive Officer) to the Authority's offices to discuss Authority business. Such visits by a Leader and Deputy Leader to be additional to the visits permitted as Chairman or Vice Chairman of a Committee of the Authority.
 - (h) Visits by Members (other than Leaders, Deputy Leaders and Chairmen of Committees) to the Authority's Offices to discuss Authority business or to attend, by prior agreement of the appropriate Chairman, a meeting of a Authority Committee of which the Member is not a member.
 - (i) Attendances at commercially provided conferences and seminars as approved by the Chief Executive Officer including externally provided training held at the Authority offices.
 - (j) Attendances at internally provided training held at the Authority offices.
 - (k) Attendance at public meetings and public inquiries with the prior approval of the appropriate Committee.
 - (l) Attendance with **the prior written approval** of the Chief Executive Officer at any meeting or visit not otherwise provided for in the scheme where the Chief Executive Officer considers it appropriate and necessary on the grounds of urgency or in the interests of the Authority's improvement and learning agenda, grant such approval in the interests of efficient conduct of the Authority's affairs **provided** such approval is reported to the next available meeting of Authority together with reasons. Such attendance is additional to any entitlements contained in other headings in this scheme.
 - (m) Working Parties of this Authority with prior approval.
- (6) **Conferences inside or outside the UK to discuss matters relating to the interest of the area or the inhabitants or any part, provided conference is not organised by a commercial operator or political party provided the attendance is in connection with discharging the duties of the Authority or its Committees or Sub Committees.**

- (7) Meetings inside or outside the UK to discuss matters relating to the interests of the area or the inhabitants or any part provided meeting is not organised by a commercial operator or political party provided the attendance is in connection with discharging the duties of the Authority or its Committees or Sub-Committees.

EXAMPLES OF MEETINGS WHERE TRAVELLING ALLOWANCE AND SUBSISTENCE REIMBURSEMENTS ARE PAYABLE

N.B. Subsistence Reimbursements are not payable for duties carried out at The Arc, Bolsover

- (1) Authority and Committee Meetings where expenditure is necessarily incurred in connection with the performance of an approved duty – includes for example:

Strategic Alliance Joint Committee
Bolsover Conservation Area Joint Advisory Committee

- (2) Meetings of outside bodies to which the **Authority** makes appointments and nominations and where the Member has been nominated by the Authority and where expenditure is necessarily incurred in connection with the performance of an approved duty – includes for example:

Isabella Smithson's Charity

- (3) Meetings, the holding of which is authorised in advance and where Members of both political groups have been invited and where expenditure is necessarily incurred in connection with the performance of an approved duty.

Duties under this category are to be approved at Committee prior to the duty being performed.

- (4) Meetings of associations where the Authority is a member of the association and where expenditure is necessarily incurred in connection with the performance of an approved duty- including for example:

Association of District Authorities

- (5) A duty or class of duty approved for the purpose of or in connection with the discharge of functions.
- (a) Any partnership of which the Authority is a partner and to which the Member is appointed by the Authority.
 - (b) Any formal liaison meetings with other local authorities, representatives of other bodies and individuals.

- (c) With the prior approval of the Committees, official visits, site visits and inspections within the Authority's area.
- (6) Meetings of outside bodies to which the **Executive** makes appointments and nominations and where the Member has been nominated by the Authority and where expenditure is necessarily incurred in connection with the performance of an approved duty – including for example:

Chesterfield and District Crematorium Joint Committee
Groundwork Creswell
- (7) Members should seek advice from Legal Services if they are unsure of any of the above.

APPENDIX B

DUTIES WHICH ARE NOT “APPROVED DUTIES” FOR MEMBERS’ ALLOWANCE PURPOSES

Governing Bodies of Nursery, Primary and Secondary Schools

Local/Town/Parish Authority Meetings

Members Surgeries

Party Political Meetings

Visits to Authority Officer to collect correspondence, etc.

Youth Centre Management Committees

APPENDIX C

REIMBURSEMENT OF EXPENDITURE

- (1) Meal Allowances
 - (i) Reimbursement of expenditure for meals (subsistence) will no longer be paid.
 - (ii) Exceptionally, where attendance at a seminar or similar does not include the provision of meals, reimbursement of reasonable expenses, subject to submission of receipts, may be subject to the prior approval of the Leader or Deputy Leader.
 - (iii) No reimbursement of expenditure is payable for Members attending qualification training courses.
- (2) Overnight Accommodation
 - (i) For Members, overnight accommodation is currently booked through the Governance Team as part of the training and seminar booking procedure. There is no current limit on overnight accommodation, but the Leader or Deputy Leader who signs the booking form must ensure that the expenditure is reasonable.
 - (ii) In exceptional circumstances, where the Authority is not being invoiced directly by the hotel, payment of expenditure will be in arrears, subject to the prior approval of the Leader or Deputy Leader and subject to submission of receipts. The expenses should be deemed to be reasonable in the circumstances.
- (3) Car Parking
 - (i) Fees will be paid at actual costs but they must be supported by receipts.
- (4) Travel Fees
 - (i) In determining the mode of transport to be used for business journeys, employees must take into account economic and environmental issues.
 - (ii) The rate for public transport should not exceed the ordinary fare. Or in the case of rail travel, the second class rate. In exceptional circumstances, first class rail fare may be permitted with the prior approval of the Leader or Deputy Leader. Receipts and/or tickets must support all retrospective claims for travel fares.
 - (iii) Reimbursement of expenditure will not be paid in relation to mileage incurred in relation to qualification training courses.
 - (iv) With effect from 1st April 2013 the mileage rates will be the HMRC mileage rate (currently £0.45p)

(5) **Medical Expenses**

- (i) Medical expenses incurred with their approved duties will be made in accordance with the relevant Authority Policy, e.g. Eye Tests.

APPENDIX D

MILEAGE RATES –

Allowance for the performance of approved duties

- | (1) Travelling allowances from 1st April 201~~6~~5

Mileage will be paid at the HMRC rate

- (2) Overnight Absence from Home – Overnight Garaging Allowances

Not more than the amount of any expenditure incurred in tolls, ferries, or parking fees.