

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 2nd October 2012

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Standards Committee of Bolsover District Council to be held in Committee Room 1, Sherwood Lodge, Bolsover, on Wednesday 10th October 2012 at 1400 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 to 3.

Yours faithfully,




Chief Executive Officer

To: Chairman & Members of the Standards Committee

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Chief Executive Officer: Wes Lumley, B.Sc., F.C.C.A.



The Government Standard

STANDARDS COMMITTEE AGENDA

Wednesday 10th October 2012 at 1400 hours in Committee Room 1

Item No.		Page No.(s)
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u> 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.	<u>Declarations of Interest</u> 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 urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the Minutes of a meeting held on 15 th August 2012.	4 to 12
5.	Recommended Item from Licensing Committee held on 1st August 2012 – Minute Number 281; Authorisation of Officers. Recommendation on page 13.	13 to 15
6.	Recommended Item from Scrutiny Management Board held on 20 th August 2012 – Minute Number 342; Amended Terms of Reference for the Scrutiny Management Board. Recommendation on page 16.	16 to 17
7.	Recommended Item from Scrutiny Management Board held on 20 th August 2012 – Minute Number 343; Amended Scrutiny Procedure Rules. Recommendation on page 18.	18 to 26
8.	Update on Parish and Town Councillors registration of Disclosable Pecuniary Interests.	To Follow

9.	Office of the Surveillance Commissioners Inspection Report into the Council's use of RIPA.	To Follow
10.	Member Complaints Log.	To Follow
11.	Update on District Councillors' registration of Disclosable Pecuniary Interests.	Verbal Update
12.	Update on Parish and Town Councils position in relation to the new Ethical Framework	To Follow
13.	District Councillors' training on the new Ethical Framework.	To Follow
14.	Changes to Part 6 of the Constitution – Members Allowances.	27 to 56
15.	Constitution Review and Membership of the Constitution Working Party – Update.	Verbal Update
16.	Annual Review report on the Employee Gifts and Hospitality Register.	To Follow

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in Committee Room 1, Sherwood Lodge, Bolsover, on Wednesday 15th August 2012 at 1400 hours.

PRESENT:-

Members:-

Councillors M.G. Crane, M.J. Dooley, H.J. Gilmour, A.M. Syrett and G.O. Webster.

Officers:- S.E.A. Sternberg, (Solicitor and Monitoring Officer), A. Turner (Deputy Monitoring Officer), K. Shillitto (Principal Solicitor) and A. Bluff (Democratic Services Officer).

Also in attendance at the meeting was Mr M. Wood (Independent Person) observing.

319. ELECTION OF CHAIR FOR MEETING

Moved by Councillor M.G. Crane, seconded by Councillor G.O. Webster
RESOLVED that Councillor H.J. Gilmour be elected Chair for the meeting.

Councillor H.J. Gilmour in the Chair

The Chair introduced and welcomed Mr M Wood to the meeting who had been recently appointed by Council as one of the 2 Independent Persons in accordance with the Localism Act 2011.

Mr Wood introduced himself to the Committee.

320. ELECTION OF CHAIR

It was noted that at Council on 25th July 2012, Mr John Yates (Cooptee), had been elected as Chair of Standards Committee for the ensuing year.

321. APPOINTMENT OF VICE CHAIR

It was noted that at Council on 25th July 2012, Mrs Jean Ruth Jaffray (Cooptee), had been appointed as Vice Chair of Standards Committee for the ensuing year.

STANDARDS COMMITTEE

322. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor D.S. Watson, J. Yates and R.J. Jaffray.

323. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

324. ADDITIONAL ITEM OF BUSINESS

The Solicitor informed the meeting of an additional item of business to be considered in relation to the Review of the Council's Constitution. This would be discussed as the last item on the agenda.

325. DECLARATIONS OF INTEREST

There were no declarations of interest made.

326. TERMS OF REFERENCE

Moved by Councillor M.G. Crane, seconded by Councillor M. J. Dooley
RESOLVED that the Terms of Reference be accepted.

327. MINUTES – 19TH JUNE 2012

Minute 134 – Gifts and Hospitality Advice Review

The Solicitor to the Council advised the meeting that an Annual Review report on the employee Gifts and Hospitality Register would be presented to the next meeting. She further advised the meeting that the Authority now kept a Members Register for Gifts and Hospitality.

Moved by Councillor A.M. Syrett, seconded by Councillor H.J. Gilmour
RESOLVED that the minutes of a Standards Committee held on 19th June 2012 be accepted as a correct record.

STANDARDS COMMITTEE

328. MINUTES – 29TH JUNE 2012

Councillor Gilmour noted that her submitted apologies for the special meeting held on 29th June had been omitted from the minutes.

Councillor Crane raised concern that he had received only one day's notice for the special meeting held on 29th June and had been unable to attend as he was already committed to a previous engagement on the same day. He felt that the short notice for the meeting was unconstitutional. Councillor Gilmour raised that she had been in the same position as Councillor Crane and had been unable to attend the meeting.

The Solicitor to the Council advised Members that special Standards Committee on 29th June had been called at short notice, and legally, because Standards Committees under the previous regime would no longer exist after 30th June 2012; this meant the meeting could not have been called the following week.

Moved by Councillor M.J. Dooley, seconded by Councillor A.M. Syrett

RESOLVED that subject to the inclusion of Councillor Gilmour's apologies, the minutes of a special Standards Committee held on 29th June 2012 be accepted as a correct record.

(Head of Democratic Services)

329. RECOMMENDED ITEM FROM IMPROVEMENT SCRUTINY COMMITTEE HELD ON 9TH JULY 2012 – REVIEW OF TERMS OF REFERENCE

The Deputy Monitoring Officer presented a recommended item from Improvement Scrutiny Committee held on 9th July 2012 with regard to a review of the Terms of Reference for Improvement Scrutiny Committee.

In relation to item 6 in the Terms of Reference, it had been agreed that the Committee's 4 year Work Plan be changed to the Committee's *annual* Work Plan.

Moved by Councillor H.J. Gilmour, seconded by M.G. Crane

RECOMMENDED that Council be recommended to approve that the wording at item 6 in the Terms of Reference for Improvement Scrutiny Committee be changed as follows;

*"To carry out the reviews in the Committee's **annual** Work Plan in a timely and efficient manner".*

(Monitoring Officer / Head of Democratic Services)

STANDARDS COMMITTEE

330. RECOMMENDED ITEM FROM SAFE AND INCLUSIVE SCRUTINY COMMITTEE HELD ON 10TH JULY 2012 – REVIEW OF TERMS OF REFERENCE

The Deputy Monitoring Officer presented a recommended item from Safe and Inclusive Scrutiny Committee held on 10th July 2012 with regard to a review of the Terms of Reference for Safe and Inclusive Scrutiny Committee.

In relation to item 6 in the Terms of Reference, it was agreed that the words “the Committee’s 4 year Work Plan” be changed to the Committee’s *annual* Work Plan.

Moved by Councillor M.J. Dooley, seconded by Councillor H.J. Gilmour
RECOMMENDED that Council be recommended to approve that the wording at item 6 in the Terms of Reference for Safe and Inclusive Scrutiny Committee be changed as follows;

*“To carry out the reviews in the Committee’s
annual Work Plan in a timely and efficient manner”.*

(Monitoring Officer / Head of Democratic Services)

331. RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE HELD ON 11TH JULY 2012 – REVIEW OF TERMS OF REFERENCE

The Deputy Monitoring Officer presented a recommended item from Sustainable Communities Scrutiny Committee held on 11th July 2012 with regard to a review of the Terms of Reference for Sustainable Communities Scrutiny Committee.

In relation to item 6 in the Terms of Reference, it was agreed that the words, “the Committee’s 4 year Work Plan”, be changed to the Committee’s *annual* Work Plan.

In relation to item 7 in the Terms of Reference, it was agreed that the words, “to carry out the Scrutiny Review of Health”, be removed as the responsibility for scrutiny of Health had passed to the Scrutiny Management Board in 2011 due to the capacity of Sustainable Communities Scrutiny Committee already covering the Corporate Plan Aims of Regeneration and Environment.

Moved by Councillor H.J. Gilmour, Seconded by Councillor G.O. Webster
RECOMMENDED that (1) Council be recommended to approve that the wording at Item 6 in the Terms of Reference for Sustainable Communities Scrutiny Committee be changed as follows;

*“To carry out the reviews in the Committee’s
annual Work Plan in a timely and efficient manner”.*

STANDARDS COMMITTEE

(2) Council be recommended to approve that the wording, 'To carry out the Scrutiny Review of Health', at Item 7 in the Terms of Reference for Sustainable Communities Scrutiny Committee be removed as the responsibility for scrutiny of Health had passed to the Scrutiny Management Board in 2011 due to the capacity of Sustainable Communities Scrutiny Committee already covering the Corporate Plan Aims of Regeneration and Environment.

(Monitoring Officer / Head of Democratic Services)

332. RECOMMENDED ITEM FROM COUNCIL HELD ON 25TH JULY 2012 – ETHICAL FRAMEWORK

The Deputy Monitoring Officer presented the report to and minutes from Council held on 25th July 2012 in relation to the Council's Ethical Framework under the Localism Act 2011.

The Localism Act 2011 had made substantial changes to the Ethical Framework which governed Members behaviour when acting as Councillors. At Council held on 20th June 2012, authority had been delegated to the Monitoring Officer to recommend a Code of Conduct for Members, the procedures and the necessary appointments.

Further to discussions at meetings of the Derbyshire Monitoring Officers Group and also with Members via Cabinet, the Monitoring Officer had produced a proposed Code of Conduct for Members, which was based on the LGA draft with some modifications. The Code was intended to be user friendly but would require back up in the form of guidance on some aspects and also training for Members.

The proposed Code referred to the statutory list of Disclosable Pecuniary Interests from the Regulations and included other interests that the Council may decide to apply.

Further information regarding Member Interests under the new regime was circulated to the meeting by the Deputy Monitoring Officer and included a flow chart in relation to the Standards Complaints procedure.

The Deputy Monitoring Officer referred to Minute 260 from Council held on 25th July which had been sent to Members as a separate item to the agenda. He took the meeting through the resolutions in the Minute that Members had passed.

Members raised concerns at still being required to make declarations in respect of bodies to which they had been appointed or nominated to by the Council.

The Monitoring Officer advised the meeting that she had spoken to the Leader and Deputy Leader about this and that the provisions of the Code had subsequently been approved at Cabinet and at Council.

STANDARDS COMMITTEE

The Monitoring Officer advised the meeting that she would speak to the Leader and Deputy Leader regarding Members concerns.

The Monitoring Officer also advised the meeting that as recommendations 7 and 11 of Council Minute 260 were changes to the Constitution these would need recommending back to Council;

- *Recommendation 7 - Members delegate to the Monitoring Officer the authority to select three Members of Standards Committee to sit on a Hearing Panel with power to determine allegations that a Councillor has breached the relevant Code of conduct.*
- *Recommendation 11 - Members delegate to the Monitoring Officer, in consultation with the Independent Person, authority to grant dispensations to Members to allow them, in accordance with the legislative requirements, to participate in and vote upon items in which they have a Disclosable Pecuniary Interest or other Interest.*

Moved by Councillor A.M. Syrett, seconded by Councillor M.J. Dooley

RECOMMENDED that (1) Council be recommended to include in the Council's Constitution, the Monitoring Officer's delegated authority to select three Members of Standards Committee to sit on a Hearing Panel with power to determine allegations that a Councillor has breached the relevant Code of Conduct.

(2) Council be recommended to include in the Council's Constitution the Monitoring Officer's delegated authority, in consultation with the Independent Person, authority to grant dispensations to Members to allow them, in accordance with the legislative requirements, to participate in and vote upon items in which they have a Disclosable Pecuniary Interest or other Interest.

(Head of Democratic Services)

333. PERSONAL INTERESTS GUIDANCE FROM THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

The Monitoring Officer presented a copy of guidance for Councillors produced by the Department for Communities and Local Government on openness and transparency on personal interests under the new standards arrangements.

Members asked questions.

A discussion took place.

The Monitoring Officer advised the meeting that subject to modifications, Register of Interest forms would be sent out to all Members in the following weeks.

STANDARDS COMMITTEE

Members agreed that the Monitoring Officer's version of the guidance would be clearer for Members to understand.

Moved and seconded

RESOLVED that the guidance received from the Department for Communities and Local Government be noted.

334. DRAFT STANDARDS COMMITTEE WEB PAGES

The Monitoring Officer presented draft Standards Committee Web Pages to the meeting for Members consideration.

Members were asked to provide their comments on the draft Web Pages, if any, to the Monitoring Officer within two weeks of the date of this meeting.

A short discussion took place.

Members approved the web pages and agreed that they were ready to go on the Council's internet.

Moved and seconded

RESOLVED that the Standards Committee Web Pages be approved and be put on the Council's Internet pages.

(Monitoring Officer / Communications Officer)

335. MEMBERS JOB DESCRIPTIONS

The Principal Solicitor presented a report regarding revisions made to Members roles and responsibilities which were attached to the agenda for Committee's consideration.

The draft roles and responsibilities had been prepared following consultation with the Solicitor to the Council and Member Development Working Group.

The revisions had been aimed at creating greater consistency between the differing Member roles, accounting for changes to officer titles following the implementation of the Strategic Alliance, and reflecting the recent changes to the Standards regime.

The roles which had been reviewed were;

- Leader of the Council
- Members of the Executive
- Members of Scrutiny Committees
- Chair of the Council
- All District Councillors

STANDARDS COMMITTEE

- Deputy Leader of the Council
- Opposition Leader
- Chair of the Scrutiny Management Board
- Chairs of Planning / Licensing Committees
- Chair of Standards Committee
- Vice-Chairs of all Committees

The descriptions of Members' roles had also been reviewed to create a more comprehensive description.

Standards Committee approval was sought on the draft roles and responsibilities together with a recommendation for inclusion in the Council's Constitution.

A discussion took place.

Members welcomed the revisions and sought clarification that the term 'roles and responsibilities' would be used and not 'job descriptions' as Member's were not employed by the Council. The Principal Solicitor replied that the term 'job description' would not be used in the Constitution. He also added that other authorities had been looked at for comparison purposes when the review was carried out.

Moved by Councillor M.J. Dooley, seconded by Councillor A.M. Syrett
RESOLVED that the revised roles and responsibilities be approved as drafted,

RECOMMENDED that Council be recommended to approve the amended roles and responsibilities for Members and these be included in the Council's Constitution.

(Monitoring Officer / Head of Democratic Services)

336. MEMBER COMPLAINTS NUMBERS FINAL REPORT UNDER THE PREVIOUS REGIME

The Monitoring Officer presented a report in relation to complaints made against Members. It was noted that this would be the final report in this format under the previous regime.

A revised format of the report under the new regime was circulated at the meeting for Members consideration.

A short discussion took place.

Members made suggestions as to information to be included in the new format.

Moved and seconded.

RESOLVED that the revised format of the report for complaints made against Members under the new Standards regime be accepted.

(Monitoring Officer)

STANDARDS COMMITTEE

337. ADDITIONAL ITEM OF BUSINESS - REVIEW OF CONSTITUTION

The Monitoring Officer reported that an review of the Constitution was being carried out. As part of the review it would be helpful to have a Member working group, to meet on an ad hoc basis, to discuss proposed amendments to the Council's Constitution, prior to their referral for approval.

A short discussion took place.

The Monitoring Officer would raise this issue with the Leader of the Council in terms of the majority group representation.

The Monitoring Officer suggested that an Independent Member also be invited to sit on the working party. Councillor Webster nominated Councillor Watson to sit on the working party as the Independent Member.

The Deputy Monitoring Officer advised the meeting that training sessions on the new Standards regime would be arranged for Standards Committee Members and would then be rolled out to other Members of the Council.

The meeting concluded at 1500 hours.

Recommended Item from Licensing Committee held on 1st August 2012.

281. AUTHORISATION OF OFFICERS

The Licensing and Enforcement Officer presented the report seeking authorisation of officers under the Local Government (Miscellaneous Provisions) Act 1976 due to the recent decision to test Private Hire and Hackney Carriage vehicles at the Riverside Depot.

It was noted that administration staff were included in order for them to be able to call in vehicles for testing, when necessary.

Moved by Councillor K. Bowman and seconded by Councillor R. Turner

RECOMMENDED that the staff identified in Schedule 1 below, be authorised under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Schedule 1

Officers to be authorised under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Geoff Allcock	Licensing & Enforcement Officer
Glenn Fowers	Enforcement & Admin Officer
Pam Burrows	Depot & Resources Manager
Dawn Cooper	Admin Assistant (Garage)
Alric Bwye	Mechanic
Christopher Yarnall	Mechanic
John Arkinstall	Mechanic
Andrew Troke	Mechanic

(Licensing and Enforcement Officer/Democratic Services Officer)

Committee:	Licensing Committee	Agenda Item No.:	6.
Date:	1 st August 2012	Category	
Subject:	Authorisation of Officers	Status	Open
Report by:	Licensing and Enforcement Officer.		
Other Officers involved:	Principal Solicitor		
Director	Health & Wellbeing		
Relevant Portfolio Holder	Councillor D McGregor Portfolio Holder for Corporate Efficiencies		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure through the testing of Private Hire Vehicles and Hackney Carriages to assert their fitness to be used as such.

TARGETS

Not applicable

VALUE FOR MONEY

Not applicable

THE REPORT

In order to carry out certain duties under the Local Government (Miscellaneous Provisions) Act 1976 it is necessary for Officers acting on behalf of the Council are authorised to carry out their duties.

The testing of Private Hire Vehicles and Hackney Carriages will, in the near future, be carried out at the Riverside Depot, Doe Lea by staff at the depot.

Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 states: -

‘Any authorised officer of the council (authorised officer” means any officer of a district council authorised in writing by the council for the purposes of this Part of this Act) in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied’.

It is therefore necessary for the persons listed in Schedule 1 to this report to be authorised to undertake these duties.

ISSUES FOR CONSIDERATION

Members are requested to determine the authorisations as outlined in the body of the report.

IMPLICATIONS

Financial :	None
Legal :	Under the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Committee must authorise officers to carry out functions within the Act.
Environmental:	None
Human Resources :	None

RECOMMENDATION;

That Members' authorise the staff identified in Schedule 1 to this report under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

ATTACHMENT:	No
FILE REFERENCE:	N/A
SOURCE DOCUMENT:	Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Schedule 1

Officers to be authorised under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Geoff Allcock	Licensing & Enforcement Officer
Glenn Fowers	Enforcement & Admin Officer
Pam Burrows	Depot & Resources Manager
Dawn Cooper	Admin Assistant (Garage)
Alric Bwye	Mechanic
Christopher Yarnall	Mechanic
John Arkinstall	Mechanic
Andrew Troke	Mechanic

Recommended Item from Scrutiny Management Board held on 20th August 2012

342. TERMS OF REFERENCE

Amended Terms of Reference for the Scrutiny Management Board were circulated to the meeting for approval.

Moved by Councillor M. Dooley, seconded by Councillor H. J. Gilmour

RECOMMENDED that the Terms of Reference for the Scrutiny Management Board be approved.

(Head of Democratic Services- Standards Committee)

Recommended Item from Scrutiny Management Board held on 20th August 2012

343. SCRUTINY PROCEDURAL RULES

Amended Scrutiny Procedural Rules were circulated to the meeting for approval.

Moved by Councillor M. Dooley, seconded by Councillor H.J. Gilmour
RECOMMENDED that the Scrutiny Procedural Rules be approved

(Head of Democratic Services – Standards Committee)

Committee:	Standards Committee	Agenda Item No.:	14.
Date:	10 th October 2012	Category	*
Subject:	Changes to Part 6 of the Constitution – Members Allowances	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Payroll Manager Democratic Services Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Not applicable – as this relates to all Members		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation by ensuring that Members have clear and effective guidance on what and how to claim allowances and expenses.

TARGETS

This does not relate to any target in the Corporate Plan but is part of the Constitution Review being undertaken at the current time.

VALUE FOR MONEY

This relates to the guidance Members are given about claiming allowances and expenses and is not recommending any change to what can be claimed for.

THE REPORT

In line with the current review of the Constitution, streamlining has taken place relating to Part 6 – Members Allowances. No substantive changes have been made to the content of the Allowance Scheme, as these would have to be subject to the recommendations of an Independent Remuneration Panel report to Council; however this is a fundamental restructuring of the section in order to make it more user friendly.

This means that a direct comparison with the existing section is not possible.

In addition the opportunity has been taken to remove references to legislation relating to the previous ethical framework.

ISSUES FOR CONSIDERATION

The draft revised version is attached for consideration.

IMPLICATIONS

Financial: None – there are no changes proposed to the amounts to be paid.
Legal: None other than the requirement to have a scheme in place.
Human Resources: None

RECOMMENDATION

To recommend to Council the approval of the streamlining to Part 6 of the Members Allowances section of the Constitution and the content of the draft Part 6 before Members.

ATTACHMENT: **Y – draft Part 6 Members Allowances.**
FILE REFERENCE: ***None***
SOURCE DOCUMENT: ***The Constitution.***

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MEMBERS ALLOWANCE SCHEME

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 2012.
- (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	01/04/2012
Deputy Leader of the Authority	9,781.44	01/04/2012
Members of the Executive (Members with Special responsibility – full rate)	4,890.72	01/04/2012
Chair of the Scrutiny Committee (Members with Special responsibility – full rate)	3,260.48	01/04/2012
Vive Chair of Scrutiny Committee (member with Special responsibility)	1,630.24	01/04/2012
Largest Opposition Political Group Leader (member with Special responsibility – full rate)	4,890.72	01/04/2012
Chairs of Planning Committee (Members with Special responsibility – partial rate)	2,445.36	01/04/2012

- (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 (*under review – July 2012*)

- (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.

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. Elections to forgo allowances

A Member may, by notice in writing given to the Chief Executive Officer 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 Solicitor to the Authority.
- (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.
 - (ii) In any other case, the amount of the fare for travel by the appropriate public transport, as explained in Appendix C.
- (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 Sherwood Lodge mileage, the miles claimed will always be in accordance with the approved schedule. Prior to making their claim for home to Sherwood Lodge 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) Travel claims that are not subject to income tax and national insurance relate to journeys made:-
- After the Authority duties start
 - Before the Authority duties end
- (ii) Travel claims that are subject to income tax and national insurance relate to journeys made:-
- Before the Authority duties start
 - After the Authority duties end
- (iii) Members are required to indicate on the expenses claim form whether the travel expenses claimed are taxable or 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 be 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, Democratic Services 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 by following this link:
[http://intranet/intranet/images/docs/Forms/Members' allowances claim form.doc](http://intranet/intranet/images/docs/Forms/Members'_allowances_claim_form.doc)

(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 Sherwood Lodge, Bolsover

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

Joint Strategic Alliance 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 form 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 Democratic Services 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) Claims for car mileage should be made in accordance with the nationally agreed casual car user scheme. (up to and including 31st March 2013)
- (iv) Reimbursement of expenditure will not be paid in relation to mileage incurred in relation to qualification training courses.
- (v) 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 – up to and including 31st March 2013 only

Allowance for the performance of approved duties

(1) Travelling allowances from 1st April 2012

Motor car	Per mile first 8,500 miles	Per mile after 8,500 miles
500 to 999cc	46.9p	13.7p
1000cc to 1199cc	52.2p	14.4p
1200cc and over	65.0p	16.4p

(2) Overnight Absence from Home – Overnight Garaging Allowances

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

Date: 4th October 2012

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Dear Sir or Madam

STANDARDS COMMITTEE – WEDNESDAY 10TH OCTOBER 2012

I refer to your recently circulated agenda for the above meeting and now enclose the following items:

Part One – Open Items

Agenda Item 9 – Office of the Surveillance Commissioners Inspection Report into the Council's use of RIPA.
(Pages 57 to 71)

Agenda Item 10 – Member Complaints Log.
(Page 72)

Agenda Item 16 – Annual Review report on the Employee Gifts and Hospitality Register.
(Pages 73 to 75)

Yours faithfully



Chief Executive Officer

To: Chairman and Members of the Standards Committee



INVESTORS IN PEOPLE

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Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



The Government Standard

Committee:	Standards Committee	Agenda Item No.:	9.
Date:	10 th October 2012	Category	*
Subject:	Office of the Surveillance Commissioners inspection report into the Council's use of RIPA	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Senior Principle Solicitor		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Not applicable.		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment

REGENERATION – Developing healthy, prosperous and sustainable communities

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

This report relates to the Council's use of covert surveillance under RIPA rules and therefore potentially relates to all the Council's Corporate Aims.

TARGETS

There are no targets specified in the Corporate Plan to which the contents of this report relate.

VALUE FOR MONEY

This report does not relate to the expenditure of money.

THE REPORT

1. The Regulation of Investigatory Powers Act 2000 enables the Council to undertake covert surveillance for the purpose of detecting or preventing crime and preventing disorder. RIPA powers include directed surveillance, use of covert human intelligence sources and use of communications data.

2. The Council is subject to three yearly inspections from the Office of the Surveillance Commissioner (OSC) and underwent its most recent RIPA inspection on 10th July 2012. Neil Smart, a surveillance inspector from the OSC, undertook the inspection which involved meetings with a number of officers involved in the RIPA process and an examination of the centrally held file of authorisations.
3. The Council is a sparing user of RIPA and that use is only for a limited range of its enforcement functions. In the three years under inspection the Council used RIPA on three occasions, most frequently in connection with suspected benefit fraud cases. There have been no applications for the use of the Covert Human Intelligence Sources.
4. A copy of the report of the inspection is attached as an appendix to this report. Whilst generally positive, the report highlights some issues and makes a number of recommendations in relation to the documents (at paragraph 7.8). These are concerned with improving existing policies and procedures and also recommend a continuing programme of training (at paragraph 6.2).
5. Officers have confirmed that the Council will implement these recommendations. To this end a report will be presented to the next meeting of the Committee recommending changes to the RIPA Policy and Procedure in line with the recommendations in the OSC report. An update will be given on training as well.
6. The Committee should note that from 1 November 2012, the Council will require RIPA authorisations to be signed off by a Magistrate and made subject to a seriousness threshold. The changes, which have arisen following concerns about the way in which some councils were operating RIPA, are contained within the Protection of Freedoms Act 2012. These changes and how they impact on the Council were the subject of the following delegation at Standards Committee on 19th June 2012 at minute 133:-
 - 2) the Monitoring Officer be given delegated powers to amend the RIPA Policy and Procedure when the new provisions come into force.
7. A report will be presented to the next Standards Committee outlining the action that has been taken in relation to these new provisions. The statutory deadline for implementing these will have passed by the date of the next meeting.

ISSUES FOR CONSIDERATION

It is likely that in future, these inspections will be joint inspections with North East Derbyshire District Council. This makes sense as the Authorising Officers (CEO and Directors) and the Monitoring Officer role are now joint posts with the 2 Authorities and it seems unnecessary for them to be interviewed twice. The interviews with officer applicants will involve a selection of officers from both Councils.

IMPLICATIONS

Financial : None

Legal : As in the report

Human Resources : Work will be required by the Monitoring Officer and Deputy Monitoring Officer and the Senior Principal Solicitor to introduce the changes resulting from the OSC report and the new legislation. This is obviously using resource.

RECOMMENDATION(S)

That the report be received.

ATTACHMENT: **Y – the OSC report**

FILE REFERENCE: **None**

SOURCE DOCUMENT: ***RIPA, the 2012 OSC report and the RIPA Council's Policy and Procedure on the application of Part 11 RIPA.***

Complaints of Breach of the Code of Conduct – 2012

Year	Number Received	PC	DC	Monitoring Officer’s decision in consultation with the Independent Persons – action other than investigation.	Investigation	Hearing	Outstanding.
MC 1/2012	1	1					
MC 2/2012 (formally LAC 4/2012)	2	1		N/A			
MC 3/2012 (formally LAC 7/2011)	3	1		N/A	Yes		
MC 4/2012	4	1					

Number (in addition to the above) rejected as being out of jurisdiction 2

Year	Number of Complaints	Average time to decision

Committee:	Standards Committee	Agenda Item No.:	16.
Date:	10 th October 2012	Category	*
Subject:	Review of Gifts and Hospitality Registers.	Status	Open
Report by:	Solicitor to the Council and Monitoring Officer.		
Other Officers involved:	Legal Support Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Not applicable.		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment

REGENERATION – Developing healthy, prosperous and sustainable communities

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

The appropriate use of the Gifts and Hospitality Registers contributes to ensuring that the Corporate Aims remain the focus of the Council's work rather than the behaviour of officers and members.

TARGETS

The subject matter does not contribute to any targets specified in the Corporate Plan.

VALUE FOR MONEY

The report does not relate to the expenditure of money.

THE REPORT

Once a year the Gifts and Hospitality Registers of the Council are checked by the Monitoring Officer and the Legal Support Officer to ensure that they are being used and used correctly and that they have the correct guidance on the Registers.

This year sees some changes within departments. For example this will be the last year that the Environmental Health Services Gifts and Hospitality Register

will be examined by Bolsover. As this is now a North East Derbyshire District Council department, it will be for that Council to carry out the review in future.

In addition, there are future changes. Members have not in recent years had a Register but have included relevant declarations on their Register of Interests forms. With the changes on the 1st July, this has now gone and it has been necessary to establish a Register for members. This is kept by the CEO's PA. Members were informed of the change at Council in July, but the Committee is requested to consider whether any further briefing should be sent generally to members.

The results of the review are contained on the attached spreadsheet. Where appropriate this includes comment as to the future changes. There has been no great use of the Registers.

In relation to the question asked about the travelling entry in Housing, I have asked what this was about. As a result of a successful project for which external funding had been received, the Electrical Safety Council, the funder, wanted to use this as an example of good practice at their annual conference. They asked the Head of Housing to give a presentation and paid his travel costs. It was not strictly gift and hospitality therefore but it was considered to be transparent to include it in an open Register.

ISSUES FOR CONSIDERATION

The outcome of the review as shown on the spreadsheet attached.

IMPLICATIONS

Financial : None

Legal : It is good governance to check these registers once a year to ensure they exist and are being used appropriately.

Human Resources : None

RECOMMENDATION(S) that

(1) Members consider the outcome of the review.

(2) Members consider whether a further briefing or reminder should be sent to all Members.

ATTACHMENT: **Y – Review of Gifts and Hospitality**

FILE REFERENCE: **None**

SOURCE DOCUMENT: ***Gifts and Hospitality Registers***

GIFTS AND HOSPITALITY REGISTER - Inspection date 7th September 2012

DEPARTMENT	NAME OF OFFICER	DATE COLLECTED	DATE RETURNED	COMMENT	Action to be taken	Amount of Gifts Declared	Type of Gifts.
COMMUNITY SERVICES	Admin Assistant 2348 - Christine Bradford	#####	#####	File contains Current Guidance and Forms	Return with no further action	0	
CSPD	Ann Bedford	#####	#####	File Contains Current Guidance and Forms	Remove after this years inspection as CSPD will be tagging onto the Bolsover Contact Centre Register.	0	
DEMOCRATIC	Kath Whittingham	#####	#####	File Contains Current Guidance and Forms	Return with no further action.	5	Box of Chocolates; pens; pads; mouse mat and mug - From Elections Supplier
ENVIRONMENTAL HEALTH	Sue Simmons	#####	#####	File Contains Current Guidance and Forms	Remove after this years inspection as Env. Health will now fall under NE.	10	1 pen; 1 year planner; 3 calendars; ice scrapers; pocket diaries; biro's and 2 bottles of red wine - From Various Suppliers.
FINANCIAL	Geoff Bagnall - Theresa Fletcher	#####	#####	File contains current Guidance and Forms	Return with no further action	2	2 x Red umbrellas with Travellers Logo - From Insurance company.
HOUSING	Peter Campbell - Cheryl Rhodes	#####	#####	File Contains Current Guidance and Forms	Return - explanation requested for travel expenses.	6	1 Bottle of wine; 2 Parker pens; 1 refund of travel Fee worth £109.80; 1 £10 M & S Voucher and 1 desk calendar.
HUMAN RESOURCES	Angela Grundy	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	
LEGAL	Sarah Sternberg	#####	#####	File Contains Current Guidance and Forms	Return with no further action.	3	Pens; Sandwich and Coffee and a box of chocolates - From a Councillor and Severn Trent
LEISURE	Lee Hickin	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	
CEO & CEPT	Jo Green	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	

Members	Jo Green	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	
PLANNING	James Arnold - Gill Kirby	#####	#####	File Contains Current Guidance and Forms	Return with no further action	1	Box of Chocolates. Refused as inappropriate:- Bottle of wine - from resident.
Street Services at the Depot	Christine Baggaley	#####	#####	File Contains Current Guidance and Forms	Return with no further action	12	Comedy/Presentation evening; 1 box of chocolates; 3 Calendars; 3 desk calendars; Boiled Sweets and 3 meals - From various Suppliers.
REGEN (CONSULTANCY, HSG STRA,ECO DEV)	Sue Simmons	#####	#####	File Contains Current Guidance and Forms	Return with message to Sue that in future it is required for them to complete the column that states whether the gift was "accepted" or "refused". This years entries have not had this column completed. Email sent to Sue regarding the above on 11/9/12	21	7 Calendars; 1 Diary; 2 Desk Pads; 2 Mugs; Mouse Mat; Coasters; 3 Key rings; 2 Pens; 1 Box of Chocolates and 1 Box of Hankies. .
REVENUES	Jane Lapins and CC - Alison Westray-Chapman	#####	#####	File Contains Current Guidance and Forms	Return with no further action	6	5 invitations to Christmas Party - worth approx £100; Calendars; pens; 1 tin of chocolates and 2 x bottles of wine.
Procurement	Bob Truswell	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	
Bolsover Contact Centre	Collected from Steph Whithead. Sally Banner - CC - Alison Donohoe in as she oversees the Contact Centres.	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	
Clowne Contact Centre	Sarah Smith	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	
Shirebrook Contact Centre	Lesley Botham	#####	#####	File Contains Current Guidance and Forms	Return with no further action	1	Box of Chocolates for the whole team from a resident.
S Normanton Contact Centre	Maxine Marriott	#####	#####	File Contains Current Guidance and Forms	Return with no further action	0	