

**GOVERNANCE COMMITTEE**  
**19 September 2013 at 7.00 pm**  
**Conference Room, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Mrs. Davison Vice-Chairman: Cllr. Scholey  
Cllrs. Mrs. Cook, Fittock, London, Mrs. Morris and Walshe

	<b><u>Pages</u></b>	<b><u>Contact</u></b>
<b>Apologies for Absence</b>		
1. <b>Minutes</b> To approve the Minutes of the meeting of the Governance Committee held on 10 July 2013.	(Pages 1 - 4)	
2. <b>Declarations of Interest</b> Any interest not already registered		
3. <b>Actions arising from the last meeting</b> (if any)		
4. <b>Appointment of Electoral Registration Officer and Returning Officer for District and Parish Council Elections</b>	(Pages 5 - 6)	Ian Bigwood Tel: 01732 227242
5. <b>Review of Member Expenses</b>	(Pages 7 - 20)	Christine Nuttall Tel: 01732 227245
6. <b>Review of Members' Allowances</b>	(Pages 21 - 34)	Christine Nuttall Tel: 01732 227245
7. <b>Scrutiny Committee - Change to Terms of Reference</b>	(Pages 35 - 42)	Christine Nuttall Tel: 01732 227245
8. <b>Sevenoaks District Strategic Board</b>	(Pages 43 - 54)	Alan Whiting Tel: 07132 227446
9. <b>Draft Survey - Review New Governance Arrangements</b> To be tabled at the meeting.		
10. <b>Work Plan</b>	(Pages 55 - 56)	

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

**GOVERNANCE COMMITTEE**

Minutes of the meeting held on 10 July 2013 commencing at 7.00 pm

Present: Cllr. Mrs. Davison (Chairman) (Chairman)

Cllr. Scholey (Vice-Chairman)

Cllrs. Mrs. Cook, Fittock, Mrs. Morris and Walshe

Apologies for absence were received from Cllrs. London

Cllrs. Davison, Mrs. Hunter, Mrs. Parkin and Miss. Stack were also present.

1. Declarations of Interest

There were no additional declarations of interest.

2. Community Governance Review

The Electoral Services Manager introduced a report providing an update on the community governance review in 2012 which included the creation of a new parish of Badgers Mount in 2015. The community governance review had been regularly reported to the Modern Local Government Group and the report in front of the Committee provided an update on the matters that had remained outstanding from the Modern Local Government Group.

The Chairman asked for an update on the recommendation from Shoreham Parish Council regarding the creation of a new East Hill Ward. The Electoral Services Manager reported that as this had not been included in the original community governance review there would have to be a consultation process with the outcomes being reported back to the Governance Committee.

A Member noted that it was proposed that Shoreham Parish Council would have 8 members however, when Hextable Parish Council was created there was a recommendation that there should be an odd number of Parish Councillors. In response, the Electoral Services Manager reported that there was no legal requirement to have an odd number of councillors and there were a number of parishes across the District that were composed of an even number of Councillors.

Another Member queried whether the views of the Badgers Mount Residents' Association had been sought and the Electoral Services Manager confirmed that the recommendations met with their requirements.

In response to a question, the Head of Legal and Democratic Services reported that the District Council would provide assistance to the new Badgers Mount Parish Clerk however any training that was necessary would have to be provided independently.

## Agenda Item 1 Governance Committee - 10 July 2013

Resolved: That:

- (a) with effect from 7<sup>th</sup> May 2015, the number of councillors for the revised parish of Shoreham shall be 8; and
- (b) the number of councillors representing the Shoreham Ward of Shoreham Parish Council shall be 7 and the number representing The Well Hill Hundreds Ward of Shoreham Parish Council shall be 1; and
- (c) with effect from 7<sup>th</sup> May 2015, the number of councillors of the new Badgers Mount Parish Council shall be 5 (unwarded).

### 3. Establishing a Working Group to Consider Recommendations from the Joint Independent Remuneration Panel

The Chairman introduced the item and reported that it would be helpful to establish a working group to review the recommendations from the Joint Independent Remuneration Panel and consider different options for Members' Allowances.

The following terms of reference were tabled:

- a. The membership of the Working Group to consist of 5 Councillors from the Governance Committee.
- b. The Working Group to be set up for the consideration of the following only:
  - i. The recommendations from the Joint Independent Remuneration Panel;
  - ii. Other options, contained within the current Members' Allowances budget, for Councillor Remuneration; and
  - iii. Updates to Members' Expenses guidance.
- c. The Working Group to report back on its findings to the meeting of the Governance Committee on 19<sup>th</sup> September 2013.

The Working Group would meet on the following days:

31<sup>st</sup> July 2013, 4pm

12<sup>th</sup> August 2013, 4pm

4<sup>th</sup> September 2013, 4pm

The Chairman confirmed that Full Council would take the final decision regarding Councillor Remuneration and it was likely that the Council meeting would be held towards the end of September, following the next meeting of the Governance Committee.

A visiting Member suggested that it may be prudent to freeze Members Allowances for a year to await the outcome of the review into the governance structure implemented in May 2013.

Resolved: That a Working Group to review the recommendations from the Joint Independent Remuneration Panel and alternative options for Member remuneration be established with the terms of reference set out above.

4. Work Plan

The Committee considered its work plan for the municipal year. The Committee would review the recommendations from the Joint Independent Remuneration Panel along with the recommendations from the Members' Allowances Working Group at its meeting on 19<sup>th</sup> September.

It was also agreed that the Policy and Performance Manager should be asked to help develop a "First Impressions of the New Governance Structure" to be sent to all Councillors and key stakeholders in August 2013. The first draft of the questionnaire would be sent to Members of the Committee for approval prior to being distributed.

A Member highlighted that Full Council had agreed that other Governance Models would be reviewed during the year and it was agreed that at the next meeting of the Governance Committee consideration should be given to the other governance models that would be reviewed.

It was agreed that an additional meeting of the Governance Committee would be held on Tuesday 5<sup>th</sup> November 2013 to enable sufficient work to be undertaken on the review of the current governance structure.

Resolved: That the work plan be agreed, subject to the additions outlined above and an additional meeting to be held on Tuesday 5<sup>th</sup> November 2013.

THE MEETING WAS CONCLUDED AT 7.35 PM

CHAIRMAN

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**Appointment of Electoral Registration Officer and Returning Officer for District and Parish Council Elections**

**Governance Committee – 19<sup>th</sup> September 2013**

Report of Chief Officer Legal and Governance

Status: For Decision

Also considered by: Council – 1<sup>st</sup> October 2013

Key Decision: Yes

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**Portfolio Holder** Cllr. Fleming

**Contact Officer(s)** Ian Bigwood, ext.7242

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**Recommendation to Governance Committee:** that the Chief Executive, Dr. Pav Ramewal, be appointed Electoral Registration Officer for the Sevenoaks District Council and Returning Officer for the election of councillors of the Sevenoaks District and of councillors of parishes within the Sevenoaks District.

**Recommendation to Council:** that the Chief Executive, Dr. Pav Ramewal, be appointed Electoral Registration Officer for the Sevenoaks District Council and Returning Officer for the election of councillors of the Sevenoaks District and of councillors of parishes within the Sevenoaks District.

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**Reason for recommendation:** district councils are required to appoint an officer of the council as electoral registration officer and returning officer for the conduct of district and parish elections.

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**Introduction and Background**

- 1 Section 8 of the Representation of the People Act 1983 requires district councils to appoint an officer of the council as electoral registration officer. Section 35 of the same Act requires district councils to appoint an officer of the council as returning officer for the election of district councillors and for the election of parish councillors.
- 2 Traditionally, Sevenoaks District Council appoints its Chief Executive as Electoral Registration Officer and as Returning Officer for the election of district councillors and of parish councillors.

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### **Key Implications**

#### Financial

There are no additional financial implications to this appointment.

#### Legal Implications and Risk Assessment Statement

Sevenoaks District Council is required by the Representation of the People Act to appoint an officer of the Council as Electoral Registration Officer and as Returning Officer for the election of Sevenoaks District councillors and of parish councillors.

#### Equality Impacts

There are no equality impacts.

### **Conclusions**

It is recommended that the newly appointed Chief Executive, in keeping with tradition, be appointed the Electoral Registration Officer and Returning Officer for District and parish elections.

**Background Papers:** Representation of the People Act 1983, Sections 8 and 35

**Mrs Christine Nuttall**  
**Chief Officer for Legal and Governance**



## REVIEW OF MEMBERS' EXPENSES

### Governance Committee – 19 September 2013

Report of the: Chief Officer Legal and Governance

Status: For Decision

Also considered by: Full Council – 1 October 2013

Key Decision: No

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**This report supports the Key Aim of** Effective Use of Council Resources

**Portfolio Holder** Cllr. Fleming

**Contact Officer(s):** Philippa Gibbs Ext. 7247

Christine Nuttall Ext. 7245

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**Recommendation to Governance Committee:** That Full Council be recommended to approve the changes to Appendix G of the Constitution in relation to Members' Expenses, including the inclusion of Schedule 2 to the Members Allowance Scheme, attached at appendix 1.

**Recommendation to Council:** That the changes to Appendix G of the Constitution in relation to Members' Expenses, including the inclusion of Schedule 2 to the Members Allowance Scheme, attached at appendix 1 be approved.

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**Reason for recommendation:** to provide additional clarity to Members submitting expense claims.

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### Introduction

- 1 In relation to reviewing the Council's Members' Allowances Scheme with reference to recommendations from the Joint Independent Remuneration Panel (JIRP), this report also reviews the framework for the payment of such allowances set out at Appendix G to the Constitution.

### Background

- 2 The framework needs to be reviewed to take account of the new governance arrangements introduced in May 2013.
- 3 In addition, it is the case that members' travel and subsistence claim expenditure has been rising recently and was over-budget in the last financial year.

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- 4 The JIRP in October 2012 recommended that consideration be given to align mileage rates with HMRC maximum tax-free allowances rather than the National Joint Council for Local Government Services for pay conditions.
- 5 In order to ensure that claims are fair to all members and are on a consistent basis, the framework has been revised. The intention is to make it much clearer what are approved duties for the payment of expenses. A fundamental change is the including of a table of specific examples, set out at Schedule 2 to the scheme.
- 6 The intention is that this schedule will be updated on an on-going basis for any specific cases not already included. Any arbitration decision required will be made by the Chief Executive or the Monitoring Officer.
- 7 The wording has also been tightened up around the requirement for receipts, and the need to claim within a three month period.
- 8 The proposed changes are intended to make the scheme much clearer for members, and be more efficient for officers to process.

### Key Implications

#### Financial

- 8 Expenditure on expenses needs to be within budget and the proposed changes should facilitate this process.

#### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposed decision does not have any adverse effect upon any protected group as identified in the legislation.  The proposals improves clarity to Members on what can be claimed in relation to their duties as Councillors.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

### Appendices

Appendix 1 – Appendix G to the Sevenoaks District Council Constitution.

**Mrs Christine Nuttall**  
**Chief Officer Legal and Governance**

# APPENDIX G: Members' Allowances Scheme (2012/13)

## 1. INTRODUCTION

The Members' Allowances Scheme is made under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the 2003 Regulations) and other Regulations which may come into force from time to time.

In making this Scheme, the Council must have regard to the recommendations made by the Joint Independent Remuneration Panel.

This Scheme has effect for the financial year appertaining to the year it is introduced and continues until amended or revised.

This Scheme may be amended at any time having regard to the recommendations of the Joint Independent Remuneration Panel.

For the avoidance of doubt, where the only change to this Scheme is effected by annual updating of allowances, this Scheme shall be deemed not to have been amended.

## 2. STATUTORY MEMBERS' ALLOWANCES SCHEME

### 2.1 Basic Allowance

Every District Council Member shall be paid an annual basic allowance as set out in Schedule 1 below. It will be paid in instalments of one-twelfth on the 15th of each month, with minor adjustments where necessary to ensure that the total annual sum is correct. The allowance is subject to annual updating - see paragraph 2.8 below.

The basic allowance covers time incurred by a District Council Member in carrying out his/her ordinary duties for the Council. However, it excludes travel and subsistence allowances for approved duties which are referred to separately below. Furthermore, the Council makes available to Members a certain amount of equipment over and above the basic allowance. Again, this is referred to separately below.

### 2.2 Special Responsibility Allowances

An annual special responsibility allowance (SRA) will be paid to certain Members. SRAs will be paid in monthly instalments. They are not payable when a Member temporarily steps into another's role (say, when the Vice-Chairman chairs a meeting). The special responsibility allowances are set out in Schedule 1 below.

### 2.3 Child and Dependant Carer's Allowance

Members may claim an allowance in respect of expenses necessarily incurred in relation to the provision of care for their children and other dependants while carrying out approved duties. Approved duties are listed in a separate section below. Claims should be made monthly in arrears, by attaching the receipt(s) to the submitted Member's claim form and entering the amount claimed on the form. Claims will not be paid without documented receipts.

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The allowance to be paid per dependent child per hour during normal daytime working hours (8am to 6pm on Mondays to Fridays) and a single maximum payment per hour as set in Schedule 1 for child care arranged outside normal working hours, accompanied by an official receipt.

The dependent adults carer's allowance will be paid up to the figure in Schedule 1 per hour for the employment of a replacement carer for whom the Member is normally a full time carer. This will also apply where the Member has to arrange care for a disabled dependent child. In either case, the definition of dependant being as set out in the Employment Rights Act 1996 (s.57A), such claims to be supported by a doctor's letter confirming that the dependant is in need of constant or specialist care/supervision; (NB Carer's allowance and the allowance payable in respect of a disabled dependent child, is not payable in respect of the same child for the same period.).

### 2.4 Pensionable Allowances

Statutory regulations allow local authorities to make certain allowances pensionable, but only if so recommended by their independent remuneration panel. At Sevenoaks it has been agreed that the option to allow Members to participate in the Local Government Pension Scheme should not be introduced at this time (February 2005).

### 2.5 Renunciation of Allowances

A Member may choose to forego all or part of his/her entitlement to basic or special responsibility allowances under this scheme. If this is the case, he/she should give notice of this in writing to the Chief Executive or Monitoring Officer, stating what element of his/her allowance entitlement he/she does not wish to claim. The notice should also state whether this is for the current municipal year or the remainder of the Member's term of office – if the notice does not specify a time period then it will be assumed to mean the remainder of the term of office.

A Member not wishing to claim the expenses described in section 3 below need not give notice in writing – he/she simply does not submit any expenses claim forms.

### 2.6 Publicising Allowances and Expenses Paid

As soon as reasonably practicable after determining a Scheme of Allowances, a copy of the Scheme will be made available for inspection and publication will take place in accordance with the 2003 Regulations.

As soon as practicable after 1<sup>st</sup> April each year arrangements will be made for the publication of the total paid to each Member in each category of allowance specified in this Scheme, in the preceding year.

### 2.7 Suspension of Allowances

Any Member/Co-optee who is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with legislation or regulations that may come into force from time to time may have his/her allowances withdrawn for the period of any suspension.

Where any payment allowance under this Scheme has already been made in respect of any period during which a Member/Co-optee is suspended or partially suspended or ceases to be a Member or Co-optee of the Council or is in any other way not entitled to receive the allowance in respect of that period the Council may require that such allowance or part of as relates to any such period be repaid to the Council.

### 2.8 Annual Updating

Members' allowances except for travelling expenses are updated annually in line with the National Joint Council for Local Government Services pay award.

## 3. PAYMENT OF EXPENSES

### 3.1 Approved Duties

Members/Co-optee members may claim reimbursement of travel, subsistence, Child and Dependent Carer's Allowance and conference expenses incurred whilst undertaking an approved duty.

Attendance at any of the following is an approved duty:

- (a) The attendance at a meeting of the District Council or of any committee or sub-committee or Working Group of the District Council, or of any body to which the Council make appointments or nominations, or any committee or sub-committee of such a body (If the outside organisation will pay travel and/or subsistence costs, then the Member should claim against that organisation and cannot claim from the District Council.);
- (b) The attendance at any meeting, the holding of which is authorised by the District Council, or a committee or sub-committee of the District Council, or a joint committee of the District Council and one or more local authority within the meaning of section 279(1) of the 1972 Act, or a sub-committee of such a joint committee provided that:-
  - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two groups have been invited, or
  - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the District Council is a member
- (d) the attendance at a meeting of the executive (Cabinet) or a meeting of any of its committees;
- (e) the attendance at pre-meeting briefings by Chairmen and Vice-Chairmen of Committees;
- (f) the performance of any duty in pursuance of any standing order made under section 135 of the 1972 Act requiring a Member or Members to be present while tender documents are being opened;

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- (g) the performance of any duty in connection with the discharge of any function of the District Council by or under any enactment and empowering or requiring the District Council to inspect or authorise the inspection of premises (including site visits for planning matters); and
- (h) the attendance of any pre-arranged meetings with Officers relating to issues within the Members' responsibilities. This would encompass Portfolio Holder briefings etc. In the event of any question of interpretation, the Chief Executive, or, in his absence, the Monitoring Officer, will decide.

### Further Clarification of Approved Duties:

In-house training and development seminars including Members' Induction, Staff Induction and service-specific seminars

Conferences or seminars arranged by a Chief Officer.

Expenses will not be paid for attendance at national and regional bodies if the Member was not appointed to the organisation or event by the District Council.

Travel and subsistence allowances for co-opted and lay/expert members of committees and panels will be paid, at the same level as for elected Members.

Schedule 2 sets out tables of examples of what are approved duties. In specific cases not covered by this schedule Members should contact the Democratic Services Team. A decision will be made by the Chief Executive or the Monitoring Officer and the table updated accordingly

### 3.2 Travelling, Subsistence and other Expenses

#### Travelling Allowances

Travelling allowances are payable in accordance with the HMRC maximum tax free allowance from time to time:

Per mile up to and including 10,000 miles	45 pence
Over 10,000 miles	25 pence

#### Bicycles:

20 pence per mile tax free as per Inland Revenue's maximum tax free allowance for claims.

#### Motorcycles:

24 pence per mile tax free as per Inland Revenue's tax free allowance for claims.

#### Public Transport:

Authorised journeys taken using public transport should be reimbursed at the cost of standard travel.

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Travelling allowances may be claimed by Members for attendance at meetings of the bodies or for the purposes listed in 3.1 above.

Car sharing is encouraged by the Council for duties involving more than one Member. Any claim should be made by the vehicle driver only.

Travel by taxi should only be used in exceptional circumstances and, if it is necessary, should involve more than one Member if possible.

### 3.3 Subsistence Expenses and Council Refreshments

- A Member may claim reimbursement of subsistence costs incurred personally while on approved duties. The latter are described at a separate section below. In order to qualify for reimbursement:
- the Member must be away from his/her usual residence for a minimum of four hours (this time period applying only to the time spent in travel to and from, and attendance at, the approved duty outside the District)
- there must be no meal provided at the approved duty, either by the Council or any other organiser for the event
- claims will only be reimbursed for subsistence purchased in the close vicinity of a local event, or in the vicinity of, or whilst travelling to or from, an event more distant.
- the Member should attach a receipt to his/her expenses claim form to show that a meal was purchased (and the amount paid will be the amount incurred and shown on the receipt up to the maximum limit shown below).

The rates payable are set annually when the annual pay award is agreed. They are currently as set out in the table below.

Subsistence type	Details	Payment amount
Lunch allowance	Covers the period from 12 noon to 2 p.m.	£9.86
Evening meal allowance	For a period of absence ending after 7 p.m.	£12.21
Absence overnight	To cover hotel and associated expenses – but note that, in these cases, the Council will book and pay for hotel accommodation directly (see ‘conferences’ at separate section below)	£79.82 (increased to a maximum of £91.04 in certain circumstances, e.g. for meetings in London and for LGA

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		meetings)
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If a meal is taken on a train, this is taken to relate to the subsistence allowance which it most closely equates to (i.e. lunch or evening). The above conditions still apply.

The Council may provide refreshments for 'approved duty' meetings which last over the lunchtime period or which start between 4.30 p.m. and 6 p.m.

The District Council requires that Members ensure that any overnight stay bookings for approved duties and conferences are made by Council Officers. The Council will then pay for the cost of the accommodation and breakfast. Lunch and evening meal costs up to the subsistence amounts shown above and travel will be claimable.

### 3.6 Child and dependant carer's allowance

Members may claim an allowance (set out in Schedule 1 below) for the use childminders, babysitters or other sitters for dependants while carrying out approved duties. See section 2.3 above for details. Claims must be supported by receipts for payments made.

### 3.7 ICT and other equipment

Members are securely able to access all Council information and communications from any internet access point, including a home computer, through the Members' Electronic Portal. In order to recognise that part of the cost of provision of such equipment is for the performance of Members' duties, Members may make claim for the following financial support:

- (a) an allowance of up to £120 per annum is available to councillors paid on a yearly basis and separately from the Basic and other allowances. This allowance is available to Members who use their own IT resources to undertake their council duties;
- (b) In exceptional circumstances where a Member is unable to afford the purchase cost of a suitable computer the Council would consider assisting the Member by advancing a lump sum which would then be recovered via repayments from this allowance;
- (c) where a Member has been provided with a Council funded computer, no allowance will be paid; and
- (d) all such allowances are subject to tax along with Basic and Special Responsibility Allowances in the normal way.

### 3.8 Claims procedure



Claims for travel, subsistence and dependant carer's allowances must be made each month using the Members' claim form. Members can either submit a claim in writing or on-line. If any Member wishes to submit claims on-line, he/she is required to sign a 'request to submit forms via e-mail' and return it to the Democratic Services and Elections Manager so that a members' claim form can be sent electronically for completion. All claims must be received by the Democratic Services Team by the twentieth day of the month. This is essential as they must be verified and approved by the twenty third day of the month in time for the monthly payroll run on the fifteenth of the following month. Any claims received after these dates will be paid on the subsequent pay run.

Members should ensure that they submit claims each month as claims stretching back over several months may be delayed owing to the increased difficulty of verifying them. Claims over 3 months old will not be paid. All claims to be finalised within one month of the start of the financial year.

The claim form must include receipts for all expenses claimed other than car mileage, and must be signed by the Member to declare that he/she is entitled to all amounts claimed and has not already been reimbursed for these amounts by the Council or any other organisation. For those claims submitted electronically, all relevant receipts must also be submitted to support the claim.

If a Member wishes to reclaim tax paid on subsistence allowances, he/she must provide relevant receipts to HM Inspector of Taxes. If a Member applies for benefit, he/she must declare any allowances and expenses received from the Council on his/her application form.

Should it ever arise that the Council incurs expenditure on behalf of a Member's spouse or partner, then a debtor's account will be sent to the Member to recover all additional costs and a copy of the accounts will be placed with the file of payments to Members.

#### **4. GUIDANCE FOR OFFICERS IN RESPECT OF PAYMENT TO MEMBERS**

All Officers must adhere to the above scheme when verifying and making payments to Members. The Democratic Services and Elections Manager must verify all Member claims prior to passing them for payment taking particular note of Schedule 2. The Finance Team will maintain a file of payments to Members. For all payments under the Members' Allowances Scheme, this must show the name of the recipient, together with the amount and nature of each payment. It is open for inspection free of charge by electors in the area, who may copy any part of it.

The scheme also applies to Officers incurring expenditure on a Member's behalf – if an Officer spends more than the prescribed limits shown above for a Member's travel and/or subsistence then *the Officer cannot claim the excess, but must bear the cost personally*. If an Officer wishes to make a claim for Member travel and/or subsistence, he/she must complete an employee travel and subsistence expenses claim form in the usual way, but stating clearly which Member(s) were paid for, and the details of the payment (cost, time of day incurred) which will allow it to be checked against the prescribed subsistence scheme. A copy must be sent immediately to the Finance Team for recording in the file of payments to Members.

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If any other issue of payment to a Member arises, other than one covered by the above Members' allowance scheme or a normal service issue, then prior written approval should be obtained from the Chief Executive or Monitoring Officer.

When a department arranges any seminar, conference, course or visit which will incur costs on behalf of a Member, the lead officer must liaise with the Head of Finance and Human Resources to ensure that only permitted expenditure is incurred. The lead Officer of the event should keep a list of Members attending an approved event, and forward it immediately afterwards to the Democratic Services Manager and the Finance Team to ensure that any subsequent Member claims for travelling and/or subsistence can be verified.

Tours outside the Sevenoaks District may be arranged by the relevant department. They will still require formal committee/cabinet approval and adequate budgetary provision. Any overnight stop, unless paid for directly by the Council, and any lunch or evening meals purchased for the Members involved must adhere to the subsistence rates shown above. If air tickets are reserved, the cheapest rate of public air travel must always be used.

Any proposed payment or commitment of civic funds must be referred to the Chief Executive or Monitoring Officer for prior approval. These Officers must ensure all payments so made remain within budgeted levels of expenditure, and that any payments to or on behalf of Members are recorded in the file of payments to Members.

Members' Allowances Scheme (2011/12 and 2012/13)

Description of Allowance	2011/12 Allowance per Member (£)	2012/13 Allowance per Member (£)
Basic Allowance (all Members)	3,698.18	4,246
Special Responsibility Allowances:		
Opposition Group Leaders: (£1,507 + £65 per Member in 2012/13)		
Liberal Democrat (7 Members)	1,306.38	1,962
Labour (4 Members)	1,115.30	1,767
Cabinet members	5,972.22	7,781
Cabinet Chairman (Council Leader)	11,944.45	15,562
Chairmen		
Performance and Governance Committee	1,696.19	2,047
3 x Select Committees (each)	1,592.94	1,995
Development Control Committee	2,551.74	3,673
Vice-Chairmen		
Performance and Governance Committee	1,013.65	1,106
3 x Select Committees (each)	970.93	1,085
Development Control Committee	1,450.53	1,924
Committee Members:		
Development Control members	202.80	221
Licensing Committee members	202.80	221
Carer's Allowance (All Members if appropriate)	Up to £6 per hour per Member	Up to £6 per hour per Member
Dependent Carers Allowance	£15.50 per hour per Member	£15.50 per hour per Member

Travel and Subsistence Expenses	Reimbursed in line with the scheme in force for staff of the Council the National Joint Council for Local Government Services pay award	Reimbursed in line with the scheme in force for staff of the Council the National Joint Council for Local Government Services pay award
Ancillary Expenses (broadband)	Nil	Nil
Special Responsibility Allowance	Only one allowed	Only one allowed
Pensions	Nil	Nil

## Schedule 2

### **Members' Allowance Scheme – Approved Duties Specific Examples**

- Attendance at a meeting of Council
- Attendance at a meeting of Cabinet (all Members)
- Attendance at a meeting of any Committee/Sub-Committee/Working Group/Board/Hearing that you are a member of
- Attendance at a meeting of any outside organisation that you are appointed to by the Executive or the Council
- Attendance at any Development Control Site Meeting as agreed by the Chairman or Vice-Chairman of Development Control, if you are a member of Development Control or a local member for the ward concerned
- Attendance of any other site visit approved by Council, the Executive or any Committee/Sub-Committee/Working Group/Board/Hearing, if you are a member of the relevant body
- Attendance by a member of the Executive at any Committee/Sub-Committee/Working Group/Board/Hearing that is discussing matters within that members' Portfolio
- Attendance at any meeting organised by Officers of the Council to which at least two political groups have been invited
- Attendance at any training session organised by Officers of the Council to which the Member has been invited
- Attendance at any service-specific seminar organised by Officers of the Council to which the Member has been invited
- Attendance at any Conference or Seminar where prior agreement has been made by a Chief Officer of the Council
- Attendance at pre-meeting briefings by Chairman/Vice-Chairman of Committees/Sub-Committees/Working Groups/Boards/Hearings
- Attendance of members of the Executive at Briefing meetings
- Attendance of a member of the Executive that is required to attend a tender opening
- Attendance at any meeting pre-arranged by Officers of the Council relating to issues within the Member's responsibilities

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## REVIEW OF MEMBERS' ALLOWANCES

### Governance Committee – 19<sup>th</sup> September 2013

Report of Chief Officer – Legal and Governance

Chief Finance Officer

Status: For Decision

Also considered by: Council– 1 October 2013

Key Decision: No

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**Executive Summary:** In August 2012 the Panel began a review into Members Allowances for 2013/14. The review made a number of recommendations covering Basic Allowance, Special Responsibility Allowances (SRAs), Carers' Allowances, Travel Expenses and Pensions. In June 2013, following a change in governance arrangements the Panel reviewed its recommendations regarding allowances payable under the new structure. This report sets out the recommendations arising from the further review which Members need to consider in setting the new levels of remuneration.

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**This report supports the Key Aim of** Effective Use of Council Resources

**Portfolio Holder** Cllr. Fleming

**Contact Officer(s)** Christine Nuttall Ext. 7245

Adrian Rowbotham Ext. 7153

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**Working Group Recommendation to Governance Committee:** That Option 2 be adopted.

**Governance Committee Recommendation to Council:** To be reported at the Council meeting on 1 October 2013.

**It is also recommended that** the Council formally record thanks to Barry Cushway, Rachael Roots and Susan Piggot-Foster MBE for their work in preparing 'Report on revised Allowances for Members following change of Committee Structure at Sevenoaks District Council, June 2013'.

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**Reason for recommendation:** Following changes to the Governance arrangements the JIRP was asked to review Member allowances payable under the new structure.

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### Background

- 1 The Local Authorities (Members' Allowances)(England) Regulations 2003, states that before an authority make or amends a Members' Allowance scheme, the

## Agenda Item 6

authority shall have regard to the recommendations made in relation to it by the Independent Remuneration Panel.

- 2 The Joint Independent Remuneration Panel (JIRP) was established jointly by Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council in 2001 to make separate recommendations for each Council on their Scheme of Members' Allowances. The JIRP now operates under the Local Authorities (Members' Allowances)(England) Regulations 2003.
- 3 The JIRP is drawn from residents of the three council areas it serves and the Members of the Panel are:  
  
Barry Cushway (Chairman) – resident of Sevenoaks  
Rachael Roots – resident of Marden  
Susan Piggot-Forster MBE – resident of Tonbridge
- 4 In autumn 2012 the Panel began a new review into Members Allowances for 2013/14 and the review made a number of recommendations covering Basic Allowance, Special Responsibility Allowances, Carers' Allowances, Travel Expenses and Pensions. This review was reported to the Modern Local Government Group on the 20<sup>th</sup> November 2012 but was superseded by Council at its Annual Meeting on 14<sup>th</sup> May 2013 when a new committee structure was agreed. As a result of this the JIRP was asked to review the Members' Allowances payable under the new structure and their revised report is set out at Appendix 3.
- 5 The remit for the review of Members Allowances has always been on the basis that any new allowances scheme would have to be contained within budget. As the Joint Independent Remuneration Panel note in their most recent report, affordability is not a consideration for the Panel and as a result of this the recommendation made by the Joint Independent Remuneration Panel exceeds the members allowances budget by approximately £56,000 or 15%.

### **Summary of JIRP's Recommendations**

- 6 The table at Appendix 1 sets out the recommendations made by the JIRP. Recommendations and factors that Members may find of particular interest are as follows:
  - A Basic Allowance for elected Members of £6,039 p.a. based on a formula which accounts for the required time commitment, a representative rate of hourly earnings of residents in the area and a discount factor to reflect the public service element inherent in the elected representative's role.  
  
Members should not receive more than one Special Responsibility Allowance (SRA). This takes into account the significant uplift in Basic Allowance and SRA's proposed in the report.
  - That the Special Responsibility Allowance for Committee Vice-Chairs should be discontinued.



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- Childcare Allowance for child-minding of the Member's dependent children, payable at the actual amount charged, subject to a maximum rate of £6.19 per hour per child.
  - Dependent Carer's Allowance for professional care for elderly or disabled dependants, or other dependants with special requirements, payable at the actual amount charged, subject to a maximum rate of £16.00 per hour. The report also states that booking fees from professional agencies should be claimable.
  - Consideration should be given to aligning the mileage rate with the HMRC maximum tax-free allowance. This is covered in the report entitled *Review of Members Expenses* that goes forward on the same agenda as this report for consideration by Members.
  - In respect of I.T Allowance the report recommended that this should remain at £120 p.a for 2013.
  - The report recommended no offer of access to pensions on the grounds of cost.
- 7 The Panel identified that the main differences arising from the new structure were:
- Ten additional Deputy Cabinet Members
  - Five Advisory Committees replacing the existing two
  - The removal of the three Select Committees
  - The removal of the Performance and Governance Committee
  - The addition of an Audit Committee
  - The addition of a Governance Committee
  - The creation of a single Scrutiny Committee
- 8 The Panel reviewed the new governance structure in comparison to the old structure, the membership of the new committees and the terms of reference and proposed work plans for the Advisory Committees. The Panel also reviewed the calendar of meetings and tried to take into account the projected number of meetings for the various committees as potential workload was a key driver of the level of allowances.

### **Options for Members Allowances from May 2013**

- 9 Members of the Governance Committee Working Group seriously considered pursuing the following options for Members allowances which are included in Appendix 2.
- Option 1 – JIRP proposed scheme
  - Option 2 – JIRP proposed scheme less 15% for all allowances
  - Option 3 – Increasing from 85% of JIRP proposed scheme level in 2013/14 to 100% in 2016/17

## Agenda Item 6

- 10 Options 2 and 3 also include the following changes:
- Adds in 3 new Chair allowances for Licensing, Health Liaison and Transportation.
  - Changes the Group Leaders allowances to a flat fee of £1,500 (before the top slice) regardless of the number of people in the group.
  - Reduces the Licensing Committee members allowance by 50% (before the top slice).
- 11 Other options that also gained some consideration and the reasons why they were discounted are as follows:
- JIRP proposed scheme less 17% for basic allowances only – it was deemed preferable to reduce all allowances by the same percentage to keep the same differential between allowances as recommended in the JIRP proposed scheme.
  - Various options to start at a lower percentage of the JIRP proposed scheme level in 2013/14 and increasing in later years – these options were deemed not to be financially sustainable in the longer term.
- 12 The Governance Committee Working Group most favoured Option 2 because the cost can be contained within the current budget and by reducing all allowances by the same percentage; the differential between allowances as recommended in the JIRP proposed scheme can be achieved.
- 13 Options 1 and 3 were discounted because they cannot be contained within the current budget.
- 12 In relation to Option 1 – the JIRP proposed scheme, it was accepted that this could only be adopted in the future if there was a reduction in the number of Councillors in order to bring the recommendation within budget. The JIRP in their report dated October 2012 noted that they were aware that a number of Councils around the Country were actively pursuing the option of reducing Member numbers. However, the Panel recognised that this is not a quick solution given the processes of the Boundary Commission. The Panel's view was that the Council should give this serious consideration and the Governance Committee Working Group were similarly minded although it was accepted that only a recommendation could be given by Council for this to be considered by any new Council elected in 2015.

### **Key Implications**

#### Legal

- 13 Section 20 of The Local Authorities (Members' Allowances) (England) Regulations 2003 requires each authority to establish an Independent Remuneration Panel.
- 14 Section 17 of the 2003 Regulations places a duty on the Council to publish as soon as reasonably practicable after making any amendments to the current Members' Allowance Scheme a notice in one or more newspapers circulating in its

area. The Council must also ensure that copies of the Scheme are available for inspection by members of the public at the principal office of the Authority, at all reasonable hours.

### Financial

- 15 The financial implications of the JIRP recommendations are set out in the report and its appendices.

### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposed decision does not have any adverse effect upon any protected group as identified in the legislation.  The remit of the JIRP is to broaden the diversity of councillor representation by minimising financial barriers to participation in local government.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	The Child Care Allowances and Dependent Carer's Allowance are intended to ensure there are no barriers to participation.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

### **Appendices**

Appendix 1 – Summary of JIRP Recommendations

Appendix 2 – Initial options to be considered

Appendix 3 – JIRP Report June 2013

### **Background Papers**

[JIRP Review of Sevenoaks District Council Members Allowances – October 2012](#)

**Mrs Christine Nuttall**  
**Chief Officer for Legal and Governance**

**Adrian Rowbotham**  
**Chief Finance Officer**

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Appendix 1

**Summary of JIRP Recommendations**

<b>Allowance</b>	<b>Current 2012-2013</b>	<b>JIRP Recommendations</b>	<b>Variation</b>	<b>Variation as %</b>
Basic Allowance	£4246	£6039	£1793	42%
<b>Special Responsibility Allowances:-</b>				
Opposition Group Leaders	£1507 + £65 per member	£302 per member	Lib Dem (based on 2 members): (£1033) Labour (based on 4 members): (£559)	(63%)  (32%)
<b>Cabinet:-</b>				
Cabinet Chairman	£15562	£18,118	£2556	16%
Cabinet Member	£7781	£7549	(£232)	(3%)
Deputy Cabinet Member	N/A	£755	N/A	
<b>Committee Chairs:-</b>				
Performance & Governance	£2047	N/A	N/A	
Select Committees x3	£1995	N/A	N/A	
Development Control	£3673	£4530	£857	23%
Advisory Committees x5	N/A	£3020	N/A	
Audit	N/A	£3020	N/A	
Governance	N/A	£3020	N/A	
Scrutiny	N/A	£3020	N/A	
<b>Committee Vice-Chairs</b>				
Performance & Governance	£1106	N/A	N/A	
Select Committees x3	£1085	N/A	N/A	
Development Control	£1924	N/A	N/A	

## Agenda Item 6

<b>Committee Members:-</b>				
Development Control	£221	£302	£81	37%
Licensing Committee	£221	£302	£81	37%
<b>Carers' Allowances</b>				
Childcare	£6 per hour	£6.19 per hour (max)	£0.19	3%
Dependent Carers'	£14.50 per hour	£16 per hour (max)	£1.50	10%
<b>IT Allowance</b>	£120	£120	-	

*N.B. All figures are per annum except where stated.*

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Governance Committee Working Group  
Review of Members Allowances

Appendix 2

Allowance	Current Scheme	Option 1 JIRP proposed scheme	Option 2 JIRP proposed scheme less 15% for all allowances *	Option 3 Increasing from 85% of JIRP level in 2013/14 to 100% in 2016/17 *
	2013/14 Rate £	2013/14 Rate £	2013/14 Rate £	2013/14 Rate £
Basic Allowance	4,246	6,039	5,140	5,140
Cabinet Chair / Leader	15,562	18,118	15,422	15,422
Cabinet	7,781	7,549	6,426	6,426
Deputy Cabinet		755	643	643
Group Leaders - Labour	1,832	1,510	1,277	1,277
Group Leaders - Lib Dem	1,637	604	1,277	1,277
Chair - Select Cttes	1,995			
Chair - P&G	2,047			
Chair - Development Ctl	3,673	4,530	3,856	3,856
Chair - Advisory Cttes		3,020	2,571	2,571
Chair - Audit		3,020	2,571	2,571
Chair - Scrutiny		3,020	2,571	2,571
Chair - Governance		3,020	2,571	2,571
Chair - Licensing			2,571	2,571
Chair - Health Liaison			2,571	2,571
Chair - Transportation			2,571	2,571
Vice Chair - Select Cttes	1,085			
Vice Chair - P&G	1,106			
Vice Chair - Development Ctl	1,924			
Development Ctl - Members	221	302	257	257
Licensing - Members	221	302	129	129
*Independent Person	1,000	1,000	1,000	1,000
*Independent Person - Reserve	500	500	500	500
I.T Allowance	120	120	102	102
Childcare	6.00	6.19	6.19	6.19
Dependent Carers	15.50	16.00	16.00	16.00
<b>TOTAL</b>	<b>340,988</b>	<b>421,451</b>	<b>365,451</b>	<b>365,451</b>
2013/14 Budget	365,460	365,460	365,460	365,460
<b>Over/(under) budget:</b>				
2013/14 only		55,991	-9	-9
10-year Budget		559,906	-92	553,351

\* = Options 2 and 3 also include the following changes:

- Adds in 3 new chair allowances.
- Adds in half the value only of the Transportation Board because this only occurs every second year.
- Changes the group leaders allowances to a flat fee of £1,500 (before the top slice) regardless of the number of people in the group. Assumes that there will continue to be 2 group leaders with at least 2
- Reduces the Licensing Cttee members down by 50% (before the top slice).

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## **Joint Independent Remuneration Panel**

### **Report on revised allowances for members following change of committee structure at Sevenoaks District Council, June 2013**

#### **Background**

At the annual Meeting on 14<sup>th</sup> May 2013 Sevenoaks District Council changed its committee structure as result of which you have asked the JIRP to review the members allowances now payable in the new structure. You have also asked that in considering our recommendations we bear in mind that any proposed changes should be cost neutral.

It should be noted that, while we fully appreciate the financial and political constraints under which the Council operates, our role is to recommend allowances which take into account members' workload, responsibilities and required time commitment, with the overall aim of broadening the diversity of councillor representation by minimising financial barriers to participation. Affordability is an issue for the Council to decide.

We understand that the main differences that arise from the new structure are:

- Ten additional Deputy Cabinet Members
- Five advisory committees replacing the existing two
- The removal of the Performance and Governance Committee
- The addition of an Audit Committee
- The addition of a Governance Committee
- The creation of a single Scrutiny Committee
- The removal of the select committees

#### **Process**

To consider the implications of these changes to members allowances we have reviewed the existing and proposed governance structure, the membership of the proposed committees and the content of the roles undertaken as set out in the Council's work plans, role descriptions and terms of reference. We have also tried to take into account the projected numbers of meetings for the various committees since potential workload is a key driver of the level of allowances. We have also had a meeting with the Democratic Services Manager to try and establish the likely impact of these changes on that workload.

It should also be noted that as this is a new and evolving structure any conclusions reached can only be tentative at this stage and will need to be reviewed in the light of experience and after the structure has been operating for at least one annual cycle.

### **Conclusions and recommendations**

The creation of ten new roles of Deputy Cabinet Member will help to spread the workload of the Cabinet Members, though they will still retain their overall accountability for their portfolios. Therefore, while there may be a reduction in the workload of the Cabinet Member, which should be reflected in the level of the Special Responsibility Allowance, the scale of this reduction should be relatively minor. The amount of the reduction can be allocated proportionately to the Deputy Cabinet Members since the overall workload of the Cabinet remains broadly the same.

We recommend, therefore, that the the Special Responsibility Allowance for the Cabinet Members be reduced from the JIRP 2013 recommended level of £9059, representing 150% of the Basic Allowance of £6039, to £7549 representing 125% of the Basic Allowance.

We recommend that the difference between the previous level of allowance and the new recommended level for Cabinet Members be paid to Deputy Cabinet members to reflect their additional responsibilities. As there are two deputies for each Cabinet Member this reduction of 25% of the Basic Allowance would need to be split between two giving each an allowance of 12.5% of the Basic Allowance ie £755 per annum.

The planned number of Advisory Committee meetings (4) is similar to those of the former select committees (4-5) so it seems logical that that the committee chair allowance should remain at the same level as recommended in our 2012 report ie £3020 per annum, equating to 50% of the Basic Allowance.

We understand the Audit, Scrutiny and Governance Committees are also likely to hold 4-5 meetings per annum so again the allowance for the chairs of these committees should remain at £3020 per annum.

Our 2012 report recommended that no payments should be made to committee vice-chairs and we see no reason to change this.

No further changes to the allowances are proposed.

We recommend that all these recommended allowances be reviewed one year after the implementation of the new structure.

**Summary of Recommended Allowances**

<b>Allowance</b>	<b>2013 JIRP Recommendation</b>	<b>Proposed Allowance</b>
Basic Allowance	£6039	£6039
Cabinet Member	£9059	£7549
Deputy Cabinet Member	N/A	£755
Advisory Committee Chairs:		
Strategy & Performance	N/A	£3020
Economic & Community Development	N/A	£3020
Finance & Resources	N/A	£3020
Housing & Community Safety	N/A	£3020
Local Planning & Environment	N/A	£3020
Audit Committee Chair	N/A	£3020
Scrutiny Committee Chair	N/A	£3020
Governance Committee Chair	N/A	£3020
Development Control Committee Chair	£4530	£4530

NB All figures are per annum.

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**SCRUTINY COMMITTEE – CHANGE TO TERMS OF REFERENCE**

**Governance Committee - 19 September 2013**

Report of the: Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Also considered by: Council – 1 October 2013

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**Portfolio Holder** Cllr. Fleming

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**Contact Officer(s):** Vanessa Etheridge Ext: 7199

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**Recommendation to Governance Committee:** That the revisions to Part 5 and Appendix H of the Council’s Constitution as set out in Appendices A and B to this report, be RECOMMENDED to Council for agreement.

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**Recommendation to Council:** That the revisions to Part 5 and Appendix H of the Council’s Constitution as set out in Appendices A and B to this report, be approved.

---

**Reason for recommendation:** The current Scrutiny Committee terms of reference could lead to a breach of political proportionality rules.

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**Introduction**

- 1 At Annual Council on 14 May 2013 the new governance structure was agreed along with the requisite terms of reference and memberships of all council committees. In preparation of the first meeting of the Scrutiny Committee on 18 July 2013 it became apparent that under the current terms of reference a breach of the rules of political proportionality could arise.
- 2 The terms of reference are drafted in such a way that 9 members are called from a pool of 15, and it is the mechanics of this process that could lead to a breach. In order to avoid this for the first meeting, all members of the Committee were invited to attend. However it is necessary to make changes to the terms of reference prior to the next meeting in order for the committee to legally and effectively fulfil it’s scrutiny function.

**Issue**

- 2 The current terms of reference state that:
  - 4.1 *The Scrutiny Committee will comprise a permanent Chairman and Vice Chairman, neither of whom sit on Cabinet Advisory Committees and a pool of 15 members 3 drawn from each of the Cabinet Advisory Committees, none of whom may be members of the Cabinet or be their Deputies.*

## Agenda Item 7

4.2 *When a meeting is called 9 ordinary members and the Chairman and Vice Chairman will be called to form the committee. No Members will be called from the Cabinet Advisory Committee where a decision being scrutinised was formulated.*

- 3 The political proportionality rules currently require one Labour and one Liberal Democrat to be a member of the Committee.
- 4 However, as there is only one Labour member and one Liberal Democrat member within the Scrutiny Committee pool, when para. 4.2 above is applied it will eventually lead to a breach of political proportionality rules as at some point one or both of them would have to be excluded due to their involvement with an Advisory Committee.

### **Use of Substitute Members**

- 5 It has long been the policy of this Council not to have substitute members, however it would be the most practical solution to this issue. A sensible way to approach this would be to have a prescribed list, or 'substitute pool' of minority party members derived from the Advisory Committees in order to maintain the general spirit of the terms of reference. Therefore if a minority party member was excluded, an alternative member from the same party could be chosen from the substitute pool. The benefits of a pool would be that the substitute members would also undergo scrutiny training and be aware of the possibility of them being called to attend. Members of the public would also be aware, making it a clear and transparent process.

### **Committee Formation**

- 6 The current terms of reference do not clearly state how the 9 ordinary members are to be called to form the Committee.
- 7 It is proposed to make this clearer by specifying within the terms of reference that the Chairman (or Vice Chairman in the Chairman's absence) be the one to call the members.

### **Other Options Considered/Rejected**

- 8 It is possible to agree that the Committee not be politically proportionate and that no changes be made (other than the Chairman picking members from the pool) as long as no member of the Council votes against.

### **Key Implications**

#### Financial

- 9 None.

#### Legal, Human Rights etc and Risk Assessment

- 10 It is a statutory requirement under the Local Government (Committees and Political Groups) Regulations 1990, that unless there is a decision to the contrary taken with no votes against, the Council must ensure that appointments to fill seats on: an ordinary committee or sub committee of the authority; an advisory

committee and any sub committee appointed by an advisory committee; and a number of prescribed bodies (as detailed in the Local Government & Housing Act 1989, Sch.1. para. 2) where at least three seats have to be filled by the relevant authority; are allocated in the same proportion as that in which the Council as a whole is divided. There is an exception for joint local and area committees established between county and district councils.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

**Conclusions**

- 11 It is therefore proposed that in order to avoid any likely breach of political proportionality rules, the Council agree to the use of a pool of substitute members and that the Chairman be given delegated authority to call members to form the Committee. The amended wording necessary to enact these changes has been highlighted in the attached appendices, A and B, to this report. Council is therefore asked to agree this course of action and approve the amendments to the Constitution.

**Appendices**

Appendix A – Part 5 - Scrutiny Function (amended)

Appendix B – (extract) Appendix H (amended)

**Background Papers:**

Local Government and Housing Act 1989

The Local Government (Committees and Political Groups) Regulations 1990

Knowles on Local Authority Meetings (5<sup>th</sup> Edition)

**Mrs Christine Nuttall**  
**Chief Officer Legal and Governance**

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## **PART 5 - SCRUTINY FUNCTION**

### **1. Introduction**

- 1.1. There is one Scrutiny Committee to discharge the functions conferred by Section 9F of the Local Government Act 2000 to support the work of the Cabinet and the Council as a whole.

### **2. Role and Scope**

- 2.1 The role and scope of the Scrutiny Committee is:
- (a) to undertake and report on the Scrutiny role in relation to all matters within the Council's scope of responsibility;
  - (b) to oversee the Council's compliance with the "Councillor Call for Action" pursuant to relevant legislation; and
  - (c) to oversee the Council's compliance with the Police and Justice Act 2006.

### **3. Specific Functions**

- 3.1 The Scrutiny Committee has the power to:-
- (a) review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
  - (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (c) question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - (d) make recommendations to the Cabinet and /or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
  - (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
  - (f) question and gather evidence from any person (with their consent); and
  - (g) "call in" key decisions which have been taken but not yet implemented in accordance with Appendix C – Scrutiny Committee Procedure Rules.

### **4. Membership**

- 4.1 The Scrutiny Committee will comprise a permanent Chairman and Vice Chairman, neither of whom sit on Cabinet Advisory Committees and a pool of 15

## Agenda Item 7

members 3 drawn from each of the Cabinet Advisory Committees, none of whom may be members of the Cabinet or be their Deputies.

- 4.2 When a meeting is called the Chairman (or Vice Chairman in the Chairman's absence) will call 9 members from the pool of 15 (see para. 4.1 above) and if necessary a pool of substitutes (see para. 4.3 below) to form the committee. No Members will be called from the Cabinet Advisory Committee where a decision being scrutinised was formulated.
- 4.3 The membership is to be chosen according to political proportionality rules. **If application of paras. 4.1 and 4.2 above results in a breach of these rules, then a substitution may be made from a pool of substitutes drawn from the Cabinet Advisory Committees, in order to maintain political proportionality.**
- 4.4 The membership of the Committee can be found at Appendix H - Membership of Council Committees, Cabinet and Advisory Committees.

## Appendix H

### Scrutiny Committee

(11 Members: 1 permanent Chairman, 1 permanent Vice Chairman and a pool of 15 members which is made up by having 3 members from each advisory committee 9 of which will be called to attend **by the Chairman (or Vice Chairman in Chairman's absence)** and no members being called from the advisory committee from which a decision being scrutinised has been determined. **If this process results in a breach of political proportionality, then an appropriate substitution may be made)**)

(Political proportionality rules = 9 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. London

Vice-Chairman: Cllr. Brown

Pool: Cllrs. Abraham, Mrs Bracken, Butler, Clark, Cooke, Mrs Davison, Edwards-Winser, Eyre, Fittock, Gaywood, Maskell, Mrs. Morris, Neal, Mrs Purves and Raikes

**Substitutes: Cllrs (vacancy), Mrs. George, Mrs. Sargeant and Walshe.**

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**SEVENOAKS DISTRICT STRATEGIC BOARD**

**GOVERNANCE COMMITTEE – 19 SEPTEMBER 2013**

Report of Chief Officer for Business and Communities

Status: For consideration

Also to be considered by: Sevenoaks Kent Locality Board – 11<sup>th</sup> September 2013

Sevenoaks District Council - 1<sup>st</sup> October 2013 (tbc)

SDC Governance Committee

Key Decision: No

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**Executive Summary:** In May 2013, it was announced that Locality Boards across Kent would not continue in their present form. This report sets out the background to Locality Boards and seeks approval to work with the County Council to set up a Sevenoaks District Strategic Board. The setting up of local arrangements to replace the Sevenoaks District Kent Locality Board has the support of the Leader of Kent County Council. Members are asked to approve the arrangements set out in this report as the basis for discussion approval by both Kent County Council and Sevenoaks District Council.

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**This report supports the Key Aim of** the Community Plan - all themes (Safe Communities, Caring Communities, Green Environment, Healthy Environment, Dynamic Economy and Sustainable Economy)

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**Recommendation to SDC Governance Committee and Kent County Council:**

To recommend the approval of:

- (a) The creation of a Sevenoaks District Strategic Board which builds on the working arrangements of the previous Sevenoaks District Kent Locality Board
- (b) The proposed Strategic Board delivery structure
- (c) The draft terms of reference

---

**Reason for recommendation:** the Strategic Board will continue Member level involvement in facilitating better joint working with the County Council resulting in a more seamless approach to services for residents. It will replace the Locality Board and oversee the delivery of the Sevenoaks District Community Plan which contributes to the three ambitions set out in Kent County Council's 'Vision for Kent'.

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## Agenda Item 8

### **Introduction and Background**

- 1 The creation of the Sevenoaks District Kent Locality Board was approved on 12<sup>th</sup> January 2012. It set out to deliver the three ambitions for Kent set out in the Kent Forum's 'Vision for Kent'.
  - Ambition 1 – to grow the economy – for Kent to be open for business with a growing, successful economy and jobs for all.
  - Ambition 2 – to tackle disadvantage – for Kent to be a county of opportunity, where aspiration rather than dependency is supported and quality of life is high for everyone
  - Ambition 3 – to put citizens in control – for power and influence to be in the hands of local people so they are able to take responsibility for themselves, their families and their communities.
- 2 Locality Boards set out a plan for how the locality would help meet local priorities within the three ambitions in the 'Vision for Kent', Kent County Council's Community Strategy and the Sevenoaks District Community Plan.
- 3 Locality Boards acted as advisory boards but with the ability to promote the localism agenda through the commissioning and co-ordination of services that have previously been delivered by the County Council using budgets devolved from the County Council.
- 4 The terms of reference for the Locality Board made it clear that Members were responsible to their own organisation for their contribution to the Board, and that no decision of the Board would be able to overridden the decisions of either Council.

### **Sevenoaks District Strategic Board**

- 5 In May 2013 the Leader of Kent County Council announced that existing arrangements for Locality Boards across the County would not continue.
- 6 Following discussions between the Leader of Sevenoaks District Council and Kent County Council, the Leader of Kent County Council agreed to the continuation of County Members' support within Sevenoaks District for a Member level board. The purpose of the Board would be to steer and oversee the priorities for the next three years (2013-2016) set out in the newly agreed Sevenoaks District Community Plan as well, as well as consider issues of mutual interest between the two Councils.
- 7 Approval will therefore be sought from Members to create a Sevenoaks District Strategic Board based on the previous working arrangements of Locality Board and subject to the draft terms of reference attached as appendix 1.
- 8 The following table shows how the Strategic Board arrangements will work at the District level:

<p><b>Requirements for a Strategic Board (based on previous requirements for a Locality Board)</b></p>	<p><b>Arrangements for the Sevenoaks District Strategic Board</b></p>
<p>The Strategic Board should comprise all Members of the County Council who represent a District locality and an equal number of District Councillors.</p>	<p>There will continue to be 7 County Councillors in the District and 7 District Council Members</p>
<p>The Chairman of the Strategic Board</p>	<p>This will to be the Leader of the District Council.</p>
<p>The involvement at Strategic Board meetings of a senior KCC Officer as an adviser</p>	<p>The District Council Chief Executive and other Officers necessary to give advice on current business will continue to attend. KCC will provide a senior officer to attend Strategic Board meetings.</p>
<p>The setting of local terms of reference which acknowledge the wider Kent agenda in relation to the Kent Council Leaders</p>	<p>Draft terms of reference are attached as appendix 1.</p> <p>The Local Strategic Partnership will act as the delivery group for the Strategic Board, ensuring the delivery of the Vision for Kent ambitions through the Community Plan and other vehicles.</p>
<p>The development of a Strategic Board work programme which is aimed at delivering the 'Vision for Kent' three Ambitions.</p>	<p>The work plan will be informed by the priorities in the new three year Community Plan, agreed in April 2013.</p> <p>The new Community Plan previously agreed by Cabinet and full Council in March and April 2013, clearly identifies links between the priorities in the Community Plan and the three ambitions in the 'Vision for Kent'.</p> <p>The Strategic Board would retain its focus on the 6 key work streams previously agreed by the previous Locality Board:</p> <ul style="list-style-type: none"> <li>• Youth Commissioning arrangements</li> <li>• Schools</li> <li>• Health</li> <li>• The Community Plan</li> <li>• Troubled Families</li> <li>• The future of library provision in the District</li> </ul>

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	These will be subject to review by the Strategic Board
Member working groups of the Strategic Board	The Strategic Board will agree the creation of Member working groups based on the priorities of the Board and the work programme. These will report directly to the Strategic Board.
Strategic Board minutes to be publicly available	Strategic Board minutes will be made available on the Council's website. The Local Strategic Partnership minutes will also be made available on the website.
Annual report of achievements and outcomes	This work will be done for the Local Strategic Partnership, with SDC Officers compiling the annual report on the Community Plan.

### **Sevenoaks District Strategic Board Delivery structure**

- 9 The Sevenoaks District Local Strategic Partnership (LSP) will be the Officer level delivery group for the Strategic Board. Attached as appendix 2 is a draft organisational structure chart showing sub-groups and their relationship to the LSP and the Strategic Board.
- 10 The proposed delivery structure includes the following sub-groups:
- Sevenoaks District Community Safety Partnership
  - Housing LSP sub-group
  - Voluntary and Community Sector Forum
  - Sevenoaks Health Action Team
  - Sevenoaks District Children's Local Operational Group, replacing the Sevenoaks Local Children's Trust Board, subject to current reorganisation.
- 11 On Monday 12th August 2013, information from Kent County Council was received by the Chief Officer for Communities and Business regarding a proposal to take forward Local Children's Arrangements through existing Health and Wellbeing Boards (HWB), with district level Local Operational Groups.
- 12 This proposal has not been formally agreed. If it is agreed by the County Council, the Local Operational Group is likely to be one of the groups able to assist delivery of the Community Plan and therefore appears on the organisational structure chart at appendix 2.



**Key Implications**

Financial

At present the Sevenoaks District Local Strategic Partnership is responsible for the allocation of funds arising from the Kent Agreement. This fund provides grants of up to £5,000, to help projects which support and deliver the Community Plan priorities. It has assisted such projects as the Hero Project, the 8-12s Project, Graduate Volunteering project, Business Advice and guidance and Peer mediation and restorative practice. This is one-off funding and will not be replaced but could continue in the short term as a local delivery fund, overseen by the Local Strategic Partnership to continue to deliver the Community Plan priorities for action. Currently, £66,094 revenue stream funding remains.

Legal Implications and Risk Assessment Statement.

There is no intention to set up the Strategic Board as an organisation in its own right. The Board Members would be responsible to their own organisations for actions taken by the Strategic Board.

RISK	MITIGATION
Funding may not be available to support the delivery of the Board's work programme.	Partnership arrangements in the District provide for delivery of the Community Plan through partner organisations core budgets and add value by enabling partners to work together. Consideration of any new activities that the Strategic Board wished to undertake would have to include finding appropriate funding.
Other stakeholders may wish to join the Local Board	It is proposed that only democratically elected Members sit on the Board, restricting membership to District and local County Members. Stakeholders on the Local Strategic Partnership continue to be committed to working in partnership as part of a delivery group for the Local Board and could be invited to attend Local Board meetings for items that are relevant to them.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence

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Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The Community Plan recently approved by Cabinet and full Council included an Equality Impact Assessment that was considered by Members.  All of the work undertaken by the Strategic Board would be delivered through existing mechanisms.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	Any new policy decisions would have to be approved by the Cabinet in the usual way and equality issues would be considered accordingly. The Community Plan makes a commitment to equalities and this commitment would continue to be part of the partnership arrangements
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		As above

### Community Impact and Outcomes

The purpose of the Strategic Board is to help to deliver local community priorities and to foster more seamless delivery of local services. The impact on the community should therefore be positive.

### Resource (non-financial)

Officer time from to service the Board is currently committed to the Local Strategic Partnership and sub-groups. The Sevenoaks District Strategic Board will be a public meeting and as such, it will be the responsibility of the Democratic Services team to administer with support from the Business and Communities team.

### **Conclusions**

Members' approval is sought to create a Sevenoaks District Strategic with the intention of achieving a more seamless approach to services in the District, and to oversee the delivery of the Sevenoaks District Community Plan. It will focus on youth commissioning, schools, health, troubled families, libraries and the Community Plan. Draft terms of reference and an organisational chart are appended. It should be noted that the future of the Sevenoaks District Local Children's Trust Board within the delivery structure for the Strategic Board is yet to be determined.

**Appendices**

Appendix 1 – Draft terms of reference

Appendix 2 - Strategic Board organisational structure

**Background Papers:**

Sevenoaks District Community Plan

Kent County Council's Vision for Kent

**Lesley Bowles**

**Chief Officer for Business and Communities**

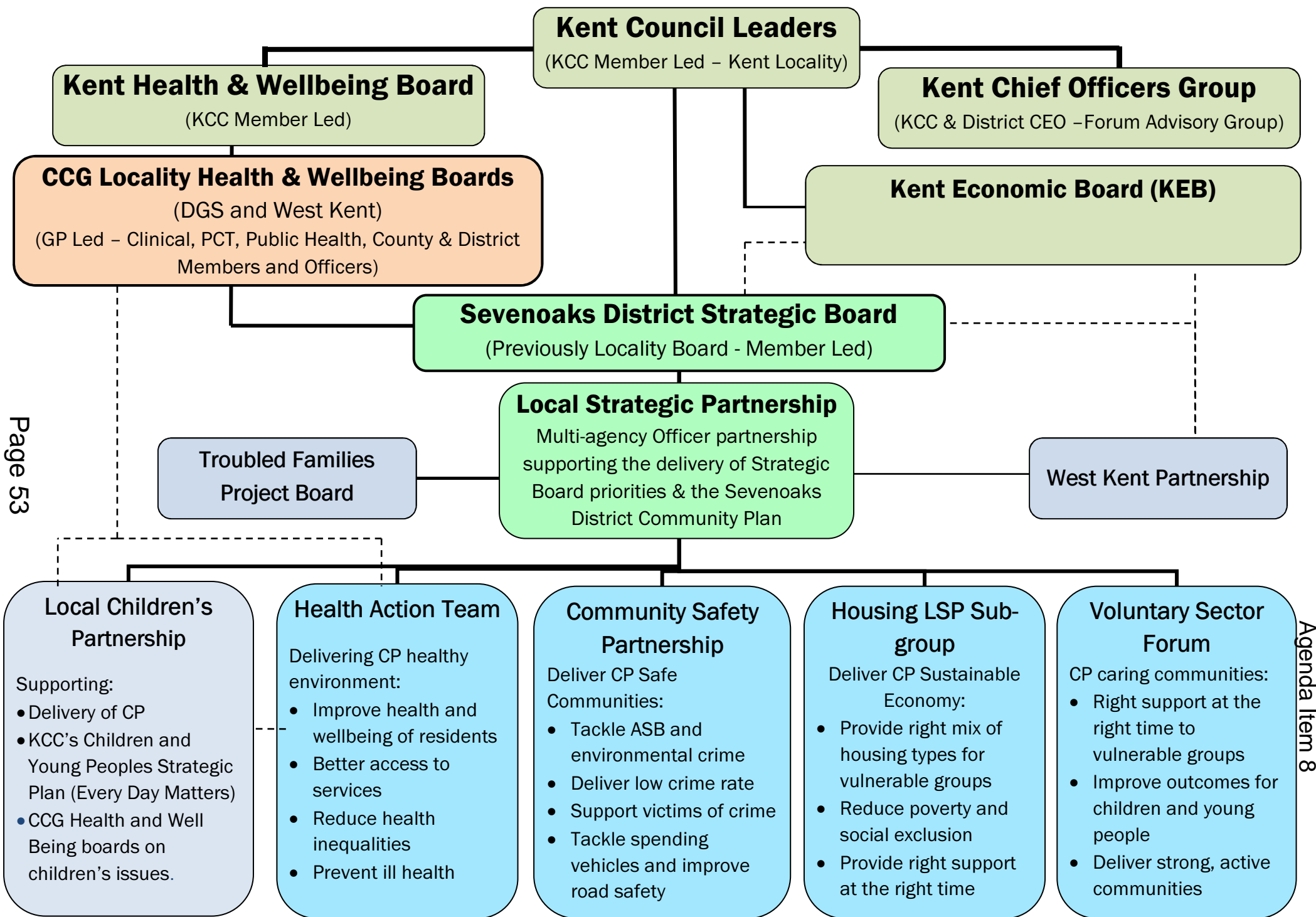
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**Sevenoaks District Strategic Board**

Draft Terms of Reference

1. The Board will consist of 7 KCC Members and 7 Sevenoaks District Council Cabinet Members.
2. The Board will be chaired by the Leader of Sevenoaks District Council.
3. The Vice Chair will be nominated by Kent County Council.
4. The Board will meet four times per year in public.
5. A quorum shall be five members.
6. Each Member will have one vote but wherever possible, decisions will be made by consensus.
7. The minutes of Board meetings shall be published on the Sevenoaks District Council website within 14 days of the meeting.
8. The Board will produce an annual report.
9. The Board will be an advisory board. Members will be responsible to their own organisation for their contribution to the Board. No decision of the Board can override the decisions of either Council.
10. The Board will steer and facilitate the local delivery of the three ambitions outlined in the Vision for Kent through the delivery of priorities set out in the Sevenoaks District Community Plan. It will identify and promote its own priorities for action.
11. A multi-agency delivery group, based on the existing Local Strategic Partnership will be responsible for the delivery of the Board's priorities and will report to the Board regarding the delivery of the ambitions through the Community Plan and other priorities.
12. The Board will support, steer and scrutinise the work of multi-agency partnerships serving the District.
13. The Board will oversee the Community Plan priorities for the next three years (2013-2016) and the Community Plan vision for the next 15 years (2013-2028)
14. The Board will ensure that its priorities are informed by regular community consultation and up-to-date data.
15. Both Councils will continue to use their own arrangements relating to equalities, complaints, freedom of information requests and other statutory obligations.





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**Governance Committee Work Plan 2013/14**

<b>10 July 2013</b>	<b>19 September 2013</b>	<b>5 November 2013</b>	<b>13 March 2014</b>
<p>Remuneration in relation to new governance arrangements</p> <p>Review of Expenses</p> <p>Update on new Shoreham and Badgers Mount Parish Councils</p>	<p>Recommendations from the Joint Independent Remuneration Panel</p> <p>Sevenoaks District Strategic Board</p>	<p>Review of new governance arrangements</p>	<p>Outcome of review of new governance arrangements</p> <p>Review of Constitution</p>

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