



Meeting: **Constitution Committee**

Date/Time: **Friday, 15 September 2017 at 1.30 pm**

Location: **Gartree Committee Room, County Hall, Glenfield**

Contact: **Mr. E. Walters (Tel: 0116 305 6016)**

Email: **Euan.Walters@leics.gov.uk**

Membership

Dr. T. Eynon CC Mr. J. B. Rhodes CC
Dr. R. K. A. Feltham CC Mr. N. J. Rushton CC
Mr. S. J. Galton CC

AGENDA

<u>Item</u>	<u>Report by</u>
1. Appointment of Chairman. <i>Mr N.J. Rushton was nominated as Chairman elect at the Council meeting on 17 May 2017.</i>	
2. Election of Deputy Chairman.	
3. Minutes of the meeting held on 10 March 2017.	(Pages 3 - 4)
4. Question Time.	
5. Questions asked under Standing Order 7(3) and 7(5).	
6. To advise of any other items which the Chairman has decided to take as urgent.	
7. Declarations of interest.	
8. Review and Revision of the Constitution.	Chief Executive (Pages 5 - 22)



9. Report of the Independent Remuneration Panel on Members' Allowances. Chief Executive (Pages 23 - 56)
10. Any other items which the Chairman has decided to take as urgent.



Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Friday, 10 March 2017.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Dr. R. K. A. Feltham CC
Mr. S. J. Galton CC

Mr. J. B. Rhodes CC
Mr. R. Sharp CC

62. Minutes of the previous meeting.

The minutes of the meeting held on 27 September 2016 were taken as read, confirmed and signed.

63. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

64. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

65. Urgent items.

There were no urgent items for consideration.

66. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

67. Local Government Pension Scheme Central Investment Pool - Establishment of a Joint Committee.

The Committee considered a report of the Chief Executive regarding the proposed establishment of a Joint Committee made up of the eight Midlands-based Local Government Pension Funds which would form the LGPS Central Investment Pool. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

RESOLVED:

That the County Council be recommended:

- (a) To support the establishment of a Joint Committee noting that its establishment will be subject to support from the other seven administering authorities which form the LGPS Central Investment Fund;
- (b) That, subject to (a) above, the Chairman of the Local Pension Committee act as the Funds representative on the Committee with the Vice Chairman acting as a substitute.

68. County Council Elections 2017 - Scale of Election Expenses.

The Committee considered a report of the Chief Executive which sought approval for a Scale of Fees to be used at the County Council elections in May 2017. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

Members stated that the proposed expenses for Polling Clerks were low and close to the National Minimum Wage given that Polling Clerks would be expected to be present at the Polling Stations some time before the polling station opened and after the polls had closed. It was suggested that the expenses paid to Polling Clerks should be increased whilst reducing the fees paid to Deputy Returning Officers so that there would be no overall increase in the total of fees and expenses paid. Members asked the Chief Executive to inform the District Councils that this was the view of the County Council.

RESOLVED

That the scale of expenses as appended to the report be used at the County Council elections to be held on 4 May 2017 and for any subsequent by-elections held before 31 March 2018, and that the comments now made by the Committee be drawn to the attention of Deputy Returning Officers.

1.30 - 1.40 pm
10 March 2017

CHAIRMAN



CONSTITUTION COMMITTEE – 15 SEPTEMBER 2017

REPORT OF THE CHIEF EXECUTIVE

REVIEW AND REVISION OF THE CONSTITUTION

Purpose of the Report

1. The purpose of this report is to recommend changes to the Constitution as part of this year's annual review.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee.
3. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
4. The Constitution has been reviewed on an annual basis every year since it came into effect in June 2001. This report sets out the results of the latest review. Proposed changes to the Contract Procedure Rules and Financial Procedure Rules arising from the review will be considered by the Corporate Governance Committee and reported to the County Council at its meeting in December.
5. The majority of the changes are corrections following changes in legislation, departmental staffing structures or have been proposed to reflect current practices. The Committee's attention is specifically drawn to the following:-

Petitions

6. The Petitions Scheme (Part 10) and the rules regarding the presentation of petitions at the Commission, committees or boards have been amended to reflect the decision of the Cabinet in June 2017 to disband Highway Forums. The Petitions Scheme sets out the new arrangements for the consideration of petitions by the Council and the key amendments are as follows:
 - (a) A minimum of 100 signatures will be required for a petition to be considered under the new Scheme. Representations received which have less than 100 signatures will not be dealt with as a formal petition. However, the Council will ensure that the relevant service director responds to the concerns raised;
 - (b) Petitions with over 100 signatures but less than 500, will be responded to by the relevant service director within 28 working days of acknowledgement;
 - (c) For petitions with more than 500 signatures, the lead petitioner will be contacted and they will be offered the option of either a response from the relevant service director, or to have the issue considered by the Commission or other relevant overview and scrutiny committee or the Development Control and Regulatory Board, as appropriate. If the lead petitioner asks for the matter to be referred to the Commission or other relevant committee or board, the service director will prepare a report to be considered at the next suitable meeting of the Commission, committee or board. If the next meeting of the Commission, committee or board is to be held within 28 days of receipt of the petition, the Service Director will present a report to the following meeting.

Budget Process

7. The process by which the Budget is approved has been amended so that the timings reflect current practices which are governed by the timing of the Government's budget and financial announcements.

Recommendation

8. That the County Council be recommended to approve the proposed changes to the Constitution as set out in Appendix 1 to this report.

Background Papers

The Constitution of Leicestershire County Council.

Circulation under Local Issues Alert Procedure

None.

Officers to Contact

Lauren Haslam
The Director of Law and Governance
Tel: 0116 305 6240
Email: lauren.haslam@leics.gov.uk

Rosemary Palmer
Democratic Services Manager
Tel: 0116 305 6098
Email: rosemary.palmer@leics.gov.uk

Equal Opportunities and Human Rights Implications

None.

Appendices

Appendix 1 – Proposed Changes to the Constitution
Appendix 2 – Petitions Scheme

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**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
SEPTEMBER 2017**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>PART 2 - ARTICLES</u></p> <p>Schedule 2 – Plans and Strategies forming the Policy Framework (<i>Article 4.01</i>)</p>	<p>Delete reference to “The Leicestershire Sustainable Community Strategy” at point 2, and renumber the listed Plans and Strategies accordingly.</p>	<p>To reflect changes in legislation.</p>
<p><u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u></p> <p>Section C: Responsibility for Executive and Health and Wellbeing Functions</p>	<p>Amend the <i>Notes</i> below paragraph 2 by deleting the following “(a) The Executive has not yet delegated any of its executive functions to a subcommittee” and renumber the remaining paragraphs accordingly.</p> <p>Amend Table C1 (Delegation to a subcommittee) to include the following:</p> <p>Responsible body: The Health and Wellbeing Board. Functions: To approve the Better Care Fund Plan. Onward Limits on delegation: No onward delegation permitted.</p>	<p>To reflect the decision of the Cabinet to delegate authority to the Health and Wellbeing Board to approve the Better Care Fund Plan on its behalf.</p>

<p>Section D: General scheme of delegation to heads of departments</p>	<p>Amend the <i>Notes</i>, paragraph (c) to include in the list of proper officers authorised to act in the absence of the Chief Executive and the Director of Law and Governance, the following:</p> <p>‘Head of Member Services’</p>	<p>To reflect changes in staffing structures.</p>
<p><u>PART 4A – MEETING PROCEDURE RULES (STANDING ORDERS)</u></p> <p>Standing Order 32: Chairmanship of the Executive, the Commission, Boards and Committees</p> <p>Standing Order 36: Petitions at the Commission, boards, committees or forums</p>	<p>Amend paragraph (4)(b) to read as follows:</p> <p>“he or she is suspended by the Group (although he or she may resume office at the end of the period of suspension);</p> <p>Amend to read as follows:</p> <p>Standing Order 36 Petitions at the Commission, boards or committees</p> <p><i>[Note: This Standing Order should be considered alongside the Petitions Scheme which the County Council has adopted to meet its duty under the Local Democracy, Economic Development and Construction Act 2009. The Petitions Scheme is set out in Part 10 of the Council’s Constitution.]</i></p> <p>(1) Petitions may be presented at meetings of the Commission, a board or committee. The Commission, board or committee shall receive only such petitions as have been lodged with the Chief Executive eight clear days before the meeting and</p>	<p>To reflect changes in legislation.</p> <p>To remove reference to highway forums following the decision of the Cabinet in June 2017 to disband these.</p>

are presented by a person who resides, studies or works in the County and/or is a recipient of County Council services and is associated with the petition. This Standing Order shall not apply to meetings of the Council or the Executive, subject to paragraphs (5), (6) and (7) below.

- (2) Every petition shall be couched in proper language and be relevant to some question over which the Council or the Commission or board or committee concerned have authority, relates to the Primary Care Trust or which otherwise affects the County and shall involve a call for action. Signatories should record their name, address (and email address for electronic petitions) and date they signed the petition, and any residential, work or study addresses. The Chief Executive shall have the right to refuse to accept any petition which is considered to be frivolous, vexatious, discriminatory or otherwise inappropriate.
- (3) A petition may be presented by one of the petitioners concerned or may be considered in their absence. It may also be presented by an elected member. If the petitioner is present and wishes to do so, he or she may speak but only to the extent of formally repeating the wording of the petition and stating the number of signatories to it. The Commission, board or committee shall then debate the question raised by the petition at that meeting,
- (4) Nothing in this Standing Order will prevent a petition being presented elsewhere provided that it relates to a matter which is already before the body concerned.

	<p>(5) Where a petition attracts significant support from the local community, defined as being signed by at least 10,000 persons living, working or studying in the Authority's area, it will be considered at a meeting of the full County Council.</p> <p>(6) Where a body considering a petition believes that a wider debate can be justified, it may report to a meeting of the full County Council, regardless of the number of signatories to that petition.</p> <p>(7) Where a petition attracts enough support from the local community, defined as being signed by at least 2,000 persons living, working or studying in the Authority's area, and where the petition requests that a Chief Officer of the Authority (whether identified by name or description) be called to account at a public meeting of the Authority, that Chief Officer will be required to do so at the relevant standing overview and scrutiny committee.</p> <p>(8) Where petitioners exercise their right to request for a review of the adequacy of the steps taken or which are proposed to be taken in the Authority's response to a petition, this will be undertaken by the Scrutiny Commission which may use any of its powers to deal with the matter, including instigating an investigation, and making recommendations to the Cabinet or full Council, as appropriate.</p>	
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**PART 4C – BUDGET AND POLICY
FRAMEWORK**

Rule 3: Process for approving the Budget

Amend to read as follows:-

The County Council adopts a Medium Term Financial Strategy which sets out the financial proposals for the County Council for a four year period. This will be reviewed and updated annually. The process by which the Budget is approved will be:

- (a) In the autumn the Executive will consider and determine its budget strategy. This will enable detailed budget proposals to be determined taking into account any development and particularly any announcement from the Secretary of State concerning local government finance.
- (b) By mid-January the Executive will publish its detailed budget proposals and will refer them to the relevant overview and scrutiny committee(s) for consideration. The overview and scrutiny committee(s) will have at least three weeks to respond to the detailed budget proposals of the executive unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the overview and scrutiny committee(s) of the reasons why and of the time for response when the detailed budget proposals are referred to it.
- (c) The Executive may, if it considers it appropriate, amend its detailed budget proposals in time for submission to the Budget Meeting of the County

To reflect current practice, taking account of the timing of Government budget and financial announcements.

	<p>Council, alerting the Chairman of the Scrutiny Commission to any major changes so that if appropriate and practical these can be the subject of further consideration by the Scrutiny Commission.</p> <p>(d) Changes in the Budget and Policy Framework are reserved to the County Council.”</p>	
<u>PART 6 – MEMBERS’ ALLOWANCES SCHEME</u>	Replace the entire Scheme with the new Members’ Allowances Scheme attached and to be considered elsewhere on this agenda.	Subject to the prior approval of the County Council, to adopt the revised Scheme following the recommendations made by the Independent Remuneration Panel.
<u>PART 7 – MANAGEMENT STRUCTURE</u>	Replace the entire table with the new version appended.	To reflect current departmental structures.
<u>PART 10 – PETITIONS SCHEME FOR LEICESTERSHIRE COUNTY COUNCIL</u>	Replace the entire Scheme with the new Scheme appended.	Following the decision of the Cabinet to disband Highway Forums.

Petitions Scheme for Leicestershire County Council

1. Leicestershire County Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the local authority area and/or is a recipient of County Council services and is associated with the petition, including under 18's, can sign or organise a petition.
2. All petitions sent or presented to the Council will be acknowledged. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
3. Paper petitions can be sent to:

**Head of Democratic Services
Room 200B, Chief Executive's Department
County Hall, Glenfield
Leicestershire, LE3 8RA**

Or, a petition can be created, signed and submitted online as an 'e-petition' by following this weblink: <http://politics.leics.gov.uk>. (Detailed guidance on the process for submitting, signing and processing an e-petition (which does not form part of the Petitions Scheme) is attached as an appendix to this Scheme.

4. If you chose to use an alternative petition system other than the Council's own system e.g. Change.org, you will either need to print a copy of the petition statement and corresponding signatures and send it to us by post to the above address, or email a pdf copy to democracy@leics.gov.uk.

Other ways of making your views known

5. Leicestershire County Council values petitions and this document sets how we will respond to petitions received. Petitions are not, however, the only, or necessarily the quickest way to resolve an issue or make your views known. You could also:-
 - a) Contact the Council's Customer Service Centre raising a concern about a service provided by the Council; or
 - b) Raise the matter with your local County Councillor and ask him/her to take up the matter on your behalf.

What are the guidelines for submitting a petition?

6. Petitions submitted (whether by post or online) to the Council must:

- have a clear and concise statement setting out the issue of concern and what action the County Council is being asked to take in response to the petition;
 - contain the name and address (residential, work, or study (as applicable)) of any person supporting the petition. E-petitions submitted via the County Council's online Political Management System (politics.leics.gov.uk) should also include signatories' email addresses;
 - include the contact details for a 'lead petitioner', including an address, with whom the County Council can communicate on behalf of all the signatories. These details will not be placed on the website;
 - have a minimum of 100 signatures;
 - be received by the Chief Executive's Department eight clear days before the relevant meeting at which it is to be presented, if it is to be considered at a meeting.
7. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

8. An acknowledgement will be sent to the lead petitioner within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.
9. Any petition which we consider to be vexatious, abusive or otherwise inappropriate following consultation with the Monitoring Officer will be refused and the reasons for this will be notified to the lead petitioner.
10. To ensure that people know what we are doing in response to the petitions we receive, details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate or where the petition does not qualify to be considered under this Scheme (i.e. a petition with under 100 signatures). Whenever possible we will also publish any information which relates to the petition (all personal details will be removed). When you sign an e-petition we may send all signatories this information by email. However, we will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other information from us such as through our 'Subscribe to updates' facility via <http://politics.leics.gov.uk>.
11. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council

works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example, if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here <http://www.leics.gov.uk/departments.htm>.

12. If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken.

How will the Council respond to petitions?

13. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If this is not possible our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

Under 100 signatures

14. Whilst this will not qualify as a petition under this Scheme the relevant Service Director will be asked to consider the matter and provide a written response within 56 days (2 months) following acknowledgement of the petition. The matter will then be deemed to have been dealt with.

Standard Petitions - Over 100 signatures

15. The Service Director will be asked to consider the matter and provide a written response to the lead petitioner within 28 working days following acknowledgement of the petition. That response will be copied to the local County Councillor. If the lead petitioner and/or local County Councillor felt that the petition had not been dealt with properly they can ask for the matter to be referred to the relevant overview and scrutiny committee for consideration (see paragraphs 26 -28 below).

Standard Petition - Over 500 signatures

16. The lead petitioner will be consulted and offered the option of a response from the relevant Service Director, or to have the issue considered by the relevant overview and scrutiny committee or the Development Control and Regulatory Board (the Board), as appropriate.
17. If the lead petitioner asks for the matter to be referred to the relevant overview and scrutiny committee or the Board, the Service Director will prepare a report on the matter to be considered at the next meeting of that Committee or the Board. *(Note – if the next meeting of the relevant Committee or the Board is to be held within 28 days of receipt of the petition, the Service Director will present a report to the following meeting.)*

What happens at the Committee or Board meetings?

18. When presenting a petition at a meeting, you or your County Councillor (if you would prefer) will be asked to read the wording of the petition and state the number of signatories. The Chairman of the meeting has discretion to invite you to explain the background to the issue where he/she believes it would be helpful to do so. Please note that you will not be able to join in the subsequent debate at the meeting.
19. The overview and scrutiny committee or the Board will discuss the matter raised in the petition and, if they are of the view that they have all of the necessary information, will come to a view as to how this should be addressed.

Requiring a Senior Officer to give evidence

20. Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
21. If your petition has been signed by at least 2000 persons living, working or studying in the Authority area, the relevant senior officer will give evidence at a public meeting of one of the Council's standing overview and scrutiny committees. The following senior officers can be called to give evidence:
 - Chief Executive
 - Director of Law and Governance
 - Director of Corporate Resources
 - Director of Finance (as the Section 151 Officer)
 - Director of Children and Family Services
 - Director of Adults and Communities
 - Director of Environment and Transport
 - Director of Public Health

22. You should be aware that the relevant overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Lead Member of the Cabinet with responsibility for the service area to attend the meeting.

Full Council Debates

23. If a petition has been signed by at least 10,000 persons living, working or studying in the Authority area, or if a County Council body decides it is appropriate, the petition will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting (see above). This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to

consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

24. Councillors will discuss the petition and the Council will decide how to respond to it at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example, by a relevant scrutiny committee. Where the issue is one on which the Council executive (the Cabinet) is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Cabinet itself may propose a response to the Council when the petition is considered. The lead petitioner will receive written confirmation of the Council's decision. This confirmation will also be published on our website.

Statutory Petitions and Consultations

25. If the petition applies to a planning application, is a statutory petition (for example requesting a referendum on having an elected mayor), relates to a matter which is currently the subject of a formal County Council consultation, or where there is already an existing right of appeal, other procedures may apply, but the County Council will always try to ensure that your petition is addressed in some way. Should this be the case, you will be notified of this in the petition acknowledgement. Further information on different ways in which you can express your views is available via the Council's webpage:
<http://www.leics.gov.uk/haveyoursay>

What can I do if I feel my petition has not been dealt with properly?

26. If you feel that we have not dealt with your petition properly, the lead petitioner has the right to request that the Council's Scrutiny Commission review the steps that the Council has taken in response to your petition. The lead petitioner will be required to provide a short explanation of the reasons why the Council's response is not considered to be adequate.
27. The Scrutiny Commission will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Scrutiny Commission determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation and making recommendations to the Council's Cabinet or full Council.
28. Once the appeal has been considered the lead petitioner and the local County Councillor will be informed of the results within 5 working days. The results of the review will also be published on our website.

Guidance for E-Petitions

[Note: the following Guidance for E-Petitions was formally approved by the County Council when adopting the Petitions Scheme for Leicestershire County Council for the first time. Future amendments to these instructions will be made by the Chief Executive in accordance with the agreement made by the Constitution Committee on 10 September 2010. Although, unlike the Constitution itself, this Guidance does not require formal approval of the County Council, it is nevertheless included here for the sake of completeness and will be updated as necessary, to reflect any amendments made.]

Who can submit an e-petition?

If you live, work or study in Leicestershire and/or receive a service provided by the County Council you can organise an e-petition and the County Council will consider the matter.

What issues can my e-petition relate to?

A petition should involve a call for action and be relevant to some question over which the Council has authority, relates to a service provided by NHS Leicestershire County and Rutland, or which otherwise affects the County.

Who can sign an e-petition?

Anyone who lives, works or studies in Leicestershire and/or receives a County Council service can sign an e-petition. You will need to be a registered user of the County Council's online Political Management System and provide your name, residential/work/study address, and valid email address for verification purposes.

How do I start an e-petition?

When starting an e-petition, access the County Council's e-petitions homepage (<http://politics.leics.gov.uk/mgepetitionlistdisplay.aspx>) and select the 'Submit a new e-petition' option.

You will then be prompted to do one of the following:

- register as a new user by submitting your contact details and creating a user name and password. In order that we can ascertain you are a 'real user' you will be required to enter a validation code of letters/numbers at the bottom of the registration form and, having submitted your details, be requested to validate your account via a link sent to your registered email address;
- if you are an existing user, simply type in your user name and password.

Then enter a title and the system will automatically check against existing e-petitions to allow you to see if a similar one has been received recently. You will then need to fill in the online form.

PLEASE NOTE: *If you chose to use an alternative petition system other than the Council's own system e.g. Change.org, you will either need to print a copy of the petition statement and corresponding signatures and send it to us by post, or email a pdf copy to democracy@leics.gov.uk.*

What information should my e-petition contain?

Your e-petition will need to include the following:

- Subject matter;
- A statement setting out what action you would like the Council to take;
- A short name, in order to generate a direct weblink to the e-petition – e.g. by typing 'road' this would generate politics.leics.gov.uk/road as a weblink.

Your petition will then be submitted to the Democratic Services Section of the Chief Executive's Department. A member of staff will then contact you prior to the petition being signed off and going live on the system. Your local County Councillor and the Director of the relevant Department concerned will be notified of the details of the petition.

What happens to an e-petition that has been submitted?

An officer from the Democratic Services Section will contact the lead petitioner to discuss when you wish your e-petition to go live on the website and also the appropriate time for when you wish to stop collecting signatures. Following the end date for signatories the e-petition will be dealt with in accordance with the County Council's Petition Scheme.

Can I still submit a paper petition?

Yes, paper petitions can still be submitted via your local County Councillor or directly to the Chief Executive (see contact details below).

Petitioners can gather names both on paper and via the online form, although repeat names will be removed. Where a dual exercise occurs, both forms of petition should be run for the same period of time and must be submitted together. Please inform Democratic Services if you intend to do this.

How do I sign an active e-petition?

Anyone wishing to sign an e-petition has to click on a link on one of the Active Petitions via the homepage (<http://politics.leics.gov.uk/mgepetitionlistdisplay.aspx>).

Unless you are already a user and can log on to the system with your existing user name and password you will be prompted to register as a new user with your contact details (and, so we can ascertain you are a 'real user', enter a validation code of letters/numbers at the bottom of the registration form). As a new user you will then be requested to validate your account via a link sent to your registered email address before being able to sign the petition. You will only be allowed one signatory per email address to ensure that the process is not abused. Where people share the same

email address, the second or further signatories are invited to indicate in writing (contact details below) that they support the petition.

Data Protection

The details you give us are needed to validate your support for the e-petition and is the same information you would be required to give for a paper petition, but these details will not be published on the Council's website. The Council will not contact you unless you are the lead petitioner, or it needs to clarify matters regarding the specific petition you have submitted/signed. Your details will not be passed on to any third party.

Contact Details

In order to discuss submitting an e-petition or for further general information and advice, you can contact the Democratic Services Section via:

- email: democracy@leics.gov.uk;
- or
- telephone: 0116 305 6036
- or
- write to:

Head of Democratic Services
Room 200B, Chief Executive's Department
County Hall, Glenfield
Leicestershire,
LE3 8RA

NOTE

1. The Council reserves the right to refuse to accept any e-petition that is considered to be frivolous, vexatious, discriminatory or otherwise inappropriate. However, the Democratic Services Section will, where possible, suggest to the lead petitioner an amended form of words that is considered acceptable.
2. The Council accepts no liability for the content of petitions on the Council's webpages. The views expressed should not be considered as those of the Council.

[end of Guidance for E-Petitions]



CONSTITUTION COMMITTEE – 15 SEPTEMBER 2017

REPORT OF THE CHIEF EXECUTIVE

REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

Purpose

1. The purpose of this report is to present the report of the Independent Remuneration Panel on Members' Allowances and invite the Committee to make recommendations to the County Council on proposals for a new scheme of allowances in the light of the contents of that report.

Background

2. The statutory framework for members' allowances includes the following requirements:-
 - Each local authority is required to establish and maintain an Independent Remuneration Panel with the function of providing the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
 - Local authorities must, before the beginning of each year, make a scheme for the payment of a basic allowance for the year. The basic allowance must be payable to all members.
 - The scheme may include provision for the payment of special responsibility allowances, travel and subsistence allowances, a dependants' carers' allowance, and co-optees' allowance. The scheme may also make provision for pensions.
 - The approval of a members' allowances scheme has to be determined by the full Council and cannot be delegated to the Cabinet or a committee.
 - A scheme for members' allowances may be amended at any time but may only be revoked at the end of the year, i.e. 31 March. A further scheme must be available to replace the revoked scheme.

3. The Independent Remuneration Panel has recently met and its recommendations are set out in the Report which is attached as Appendix 1 to this report.

Resources Implications

4. The proposals of the Independent Remuneration Panel, after taking into account other savings that have been introduced, result in an overall net saving, taking into account the recommendations of the of approximately £235,000 per annum in the cost of democracy.
- 5 The Director of Corporate Resources has been consulted on this report.

Equal Opportunities Implications

6. The Scheme incorporates a Carers and Dependants Carers' Allowance.

Recommendation

7. The Committee is asked to determine what recommendations it wishes to put forward to the County Council in response to the Report of the Independent Remuneration Panel on Members' Allowances.

Background Papers

Report of the Independent Panel – see Appendix 1 attached.

Circulation Under Sensitive Issues Procedure

None.

Officers to Contact

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Appendices

Appendix 1 – Report of Independent Remuneration Panel

Appendix 2 – Draft Members' Allowances Scheme.

APPENDIX 1

**REPORT OF THE
INDEPENDENT
REMUNERATION PANEL ON
MEMBERS' ALLOWANCES**

JULY 2017

Introduction

1. This report sets out the recommendations of the Independent Remuneration Panel appointed by Leicestershire County Council to review its current Members' Allowances Scheme. The Panel was constituted under the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. The Regulations require all local authorities to set up and maintain an advisory Independent Remuneration Panel to review and provide advice about the allowances paid to members. All Councils are required to seek the advice of the Panel before making changes to their allowances scheme and must 'pay regard' to the Panel's recommendations.

Membership of the Panel

3. Leicestershire's Independent Remuneration Panel comprises the following:-

Professor David Wilson –(Chairman) – Former Deputy Vice-Chancellor De Montfort University.

Jayne Kelly – Former Solicitor working with various local authorities.

Michael Pearson – Former Bursar and Finance Director of Loughborough University.

Support to the Panel

4. The Panel was supported by the Chief Executive of the Council and its Head of Member Services and Head of Democratic Services who provided background information and the outcome of research undertaken to support the Panel's deliberations. Written representations were made by the Labour and Liberal Democrat Groups on the Council. The Conservative Group chose not to make a submission and advised the Panel that it would, as it has done previously, accept the recommendations of the Panel.

Scope of the Review

5. Following the County Council elections in May 2017 all political groups on the County Council agreed that it was timely to re-constitute the Independent Remuneration Panel and for the Panel to be asked to undertake a review of member allowances specifically to:-
 - i) Review the Basic Allowance paid to all members due to the fact that the Basic Allowance has been frozen since 2009;

- ii) Consider whether the new role of Deputy Chairmen of Overview and Scrutiny Committees and Deputy Chairman of the Development Control and Regulatory Board should qualify for an allowance in the same way as Opposition Spokesmen who currently receive a Special Responsibility Allowance;
- iii) Consider, in the light of the decision to dispense with political assistants, whether Group Whips should be remunerated for some of the additional activity that they would now be asked to undertake;
- iv) The possible introduction of an annual increase to Basic and Special Responsibility Allowances linked to an agreed indexation figure.

Principles guiding the Review

- 6. At the outset the Panel set out some key principles that would guide it in its deliberations, the aim being to ensure that the recommended Members' Allowances Scheme would:-
 - i) Be open, transparent and ensure member accountability;
 - ii) Recognise the financial pressures facing the County Council;
 - iii) Provide reasonable recompense for the considerable time commitment and duties involved after allowing for an element of public service;
 - iv) Recognise the additional duties and responsibilities of key office holders;
 - v) Not deter potential candidates from diverse and under-represented groups who may wish to stand for elected office.

Key changes to the Decision Making Process

- 7. The Panel noted that following the elections key changes were made to the decision making structure of the Council in line with the commitment given by the Leader of the Council to reduce the cost of democracy. These included:-
 - i) A reduction in the size of the Cabinet by 2 members with a resultant saving of £38,688 per annum;
 - ii) The abolition of Highway Forums with an estimated saving of £100,000 per annum;

- iii) The deletion of the posts of political assistant and the transfer of some aspects of the work currently undertaken by them to the Leaders and Whips of the respective Groups which would result in a net saving in the region of £70,000 per annum.
 - iv) Savings of £70,000 per annum resulting from the Government's decision that Councillors could no longer be part of the Local Government Pension Scheme.
8. The Panel also noted that the Council at its Annual Meeting decided to appoint Deputy Chairmen to the existing four scrutiny committees and a Deputy Chairman to the Development Control and Regulatory Board. The Panel was asked to consider whether these additional posts should qualify for a Special Responsibility Allowance. In addition, the Panel was asked to consider whether Group Whips should now be remunerated as they would have to take on some responsibilities previously undertaken by political assistants who would, from 1st March 2018, be no longer employed by the Council.

Recommendations of the Panel

A. Accountability

9. The Panel in previous reports to the Council had recommended that Members should provide a public account of what they had done during the council year by way of an Annual Report which should be published on the Council's website. The Panel was therefore disappointed that only a small number of Members had done so in the previous Council(s).
10. The Panel noted that the County Council had published on its website a job description for members (attached as Appendix 1 to this report). The job description makes specific reference that members should '*explain and account for personal performance as a County Councillor on a regular basis, particularly through the publication of an Annual Report on the Council's website*'. Furthermore the Panel noted that the Council had signed up to the CIPFA Framework for Delivering Good Governance and that Framework refers to '*good practice in transparency reporting and audit to deliver effective accountability*'. The Panel believes that this principle should extend to Members and that given Members are in receipt of public money through the Basic Allowance they should be open and transparent and report on how they have undertaken their roles and responsibilities for which they are remunerated.

11. Noting that this was a new Council, the Panel thought it useful to outline what it sees as the various roles and how Members could report back on how they have undertaken these roles.
12. The Local Government Act 1989 specifies that the role of a Member is:-
 - i) To participate in the decision making of the Council and to represent their local community in decision making;
 - ii) To contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council including the Council Plan.

The Act also states that Members should adhere to standards of good conduct.

13. The Panel has identified the following as the key roles for Leicestershire County Councillors:-
 - i) Members are accountable to the wider Leicestershire community and they must govern in the best interest of all Leicestershire residents. In undertaking this role the Panel has noted that:
 - they are accountable in multiple ways primarily through the internal and external performance monitoring (audits and inspections) of the Council as whole, although that is not as extensive as it once was. The outcome of those reports will reflect on Members' performance;
 - The Leader of the Council and the Scrutiny Commissioners are responsible for ensuring members of the Executive and Scrutiny bodies undertake their roles and responsibilities with rigour. The Scrutiny Commission will also produce an annual report on Scrutiny activities and achievements. The Leader and Cabinet Lead Members are held to account at public Scrutiny meetings and provide regular Position Statements to the Council.
 - ii) Members have a representational role for their communities and in this role will need to bring to the attention of the Council the needs of their local community or act as advocates for individuals or groups. They also have a wider community leadership role in acting for their local area, working constructively with local statutory partners, businesses and with local groups and citizens to build community capacity and improve facilities and services in the area.

The accountability for this role is to the community itself both on an on-going basis and every four years at the ballot box.

14. The Panel recognised that much of this activity involves being visible and available and is about perception of the Councillor and as such SMART performance measures were difficult.
15. The Panel is of the view that all Members should submit their first Annual Report of this Council in June 2018. The Panel has asked that officers write to Members at the appropriate time asking them to submit their Annual Reports. To help Members write their Annual Reports the Panel has produced a template(attached to this report) which covers amongst other things the following:-
 - i) Membership and engagement with local councils, schools and community groups;
 - ii) Engagement with the Council, other statutory bodies and public utility companies (Water, Gas etc.) about services in the area;
 - iii) The key issues dealt with during the year and the impact of these on the local area;
 - iv) Key issues still facing the area;
 - v) Events, fairs and meetings in the local area which help to bring communities and people together for common good/purpose.
16. Since the Panel first recommended Annual Reports, the use of social media has grown significantly and those Members who feel comfortable to do so, should also use social media to engage with groups and communities. They might wish to signpost their social media accounts in their Annual Reports.
17. The Panel was also of the view that the Group Leaders and Group Whips should be responsible for ensuring that all Members of their Group each complete an Annual Report.
18. Finally, given the Panel's strong views and its commitment to ensuring that Members are able to demonstrate their accountability to the people of Leicestershire, it has agreed to meet in the autumn of 2018 to review Members' Annual Reports.

Recommendations

The Panel recommends to Council that:-

- i. All Members of the County Council be required to prepare and submit an Annual Report for publication on the County Council's website by June 2018.**
- ii. Group Leaders and Group Whips be responsible for ensuring that all Members of their Groups complete and submit an Annual Report. (The Panel intends to reconvene in the autumn of 2018 to review the outcome of this recommendation.)**

B. Basic Allowance

19. The last major review of the Basic Allowance was undertaken in 2007 when it was set at £9,708. In 2009 this was increased in line with inflation to £10,152. It has remained frozen ever since. The Panel considered the following options in respect of a possible uplift of the Basic Allowance:-
 - i) Employee Local Government Pay Award - cumulative percentage increase since 2009 (5.3%);
 - ii) Consumer Price Index - cumulative percentage increase since 2009 (18%);
 - iii) Comparing the amount of Basic Allowance other Local Authorities pay their Members;
 - iv) Average earnings in Leicestershire.
20. The Panel was also advised that as a result of the financial pressures facing the Council there has been a change in approach to the provision of services, focussing on those most in need. As a consequence there has been a greater emphasis on engaging with local communities, to build capacity within communities to help deliver services. An example of this has been the successful transfer of a number of libraries to community control. The Panel noted these changes add to the role of the local councillor as Community Leader and acting as a conduit between the Council, other statutory bodies and the local community.
21. Having taken the above into consideration, the Panel concluded that the Basic Allowance should be increased in line with the cumulative Local Government Employee Pay Award since 2009, which would result in an increase of £539.00 taking the Basic Allowance to £10,691pa. The Panel

acknowledged the increased pressure on the workload of Members resulting from their enhanced Community Leadership, role but, the Panel, mindful of one of its key guiding principles, that of the significant on-going financial pressures on the County Council, concluded that the Basic Allowance should not be increased further to reflect this. The Panel was also of the view that this increase should not be backdated and that it take effect from 1st October 2017.

Recommendation

The Panel recommends to Council that the Basic Allowance for all Members be set at a level of £10,691 with effect from 1st October 2017.

C. Special Responsibility Allowance

22. The request to the Panel was to address the specific issue of paying a Special Responsibility Allowance to the newly appointed Deputy Chairmen of the four existing Scrutiny Committees and the Deputy Chairman of Development Control and Regulatory Board. As such, the current Special Responsibility Allowances have not been reviewed.
23. Prior to the County Council elections in May 2017, the County Council appointed a Chairman and two Opposition Group Spokesmen for each of the four Overview and Scrutiny Committees. Following the election, the Council decided that, with the exception of the Scrutiny Commission which has different arrangements in place, the four Overview and Scrutiny Committees would be chaired by Members of the majority party and that in addition to two Opposition Group Spokesmen for each Committee, a Deputy Chairman drawn from the majority party should also be appointed.
24. The Panel was advised that a Deputy Chairman is expected to attend all agenda planning and briefing meetings alongside the Chairman and Spokesmen and would be required to undertake the role expected of Spokesmen. In addition, the Deputy Chairman would be required to provide cover for the Chairman in his or her absence.
25. The Panel noted the comments made by the two Opposition Groups on this matter. The Panel concluded that having in place a properly briefed Deputy Chairman of a Committee was important particularly in the event that the Chairman was unable to undertake the role at the meeting and in the planning and management of the work programme. In addition, the Panel was of the view that having two members of the Administration leading in each scrutiny area might also strengthen any challenges that might be made to the Administration.

26. With regard to the appointment of a Deputy Chairman for the Development Control and Regulatory Board, the Panel noted that this Board meets 12 times a year and operates in a quasi-judicial manner. The Deputy Chairman could also be called upon to chair the Panel if the Chairman had an interest in a matter before the Board and was conflicted.
27. The Panel concluded that an SRA should be paid to Deputy Chairmen and that this should be at the same rate paid to Scrutiny Spokesmen i.e. £2000.00 per annum from 1st October 2017.

Recommendation

The Panel recommends to Council that a Special Responsibility Allowance should be payable to the Deputy Chairmen of Scrutiny Committees and the Deputy Chairman of the Development Control and Regulatory Board and that the level be set at £2,000 per annum with effect from 1st October 2017.

D Group Whips

28. Since 2007 the County Council has employed Political Assistants, for those Groups who qualify and wish to have one, to carry out a range of duties on behalf of their affiliated Political Party. However, following a review it has been decided that the posts of Political Assistants should be deleted from the establishment, from February 2018, and that some aspects of the work of the Political Assistants should now be undertaken by the Group Whips and Group Leaders of each Political Party.
29. Currently the Members' Allowance Scheme recognises and remunerates Group Leaders but it does not remunerate Group Whips. The Panel therefore deliberated the role of Group Whips and concluded that once Political Assistants have left the County Council the Whips will have a role to play in supporting the decision making structure. The Group Whip will provide a link between the political groups and the County Council's formal structures. The Panel therefore concluded that a modest allowance should be paid to the Group Whips from 1st March 2018.
30. The Panel, in the absence of any benchmarking data, decided that the total amount payable to the three Group Whips be 25% of the current amount paid to Opposition Group Leaders (£13,000) apportioned across all three Groups pro rata to the number of members in each group, i.e. a total of £3,250.00 allocated at rate of £59.00 per member.
31. In allocating an amount per Member, the Panel was of the view that it was important to recognise the number of Members in each political group as this would determine the workload and responsibilities for each Group

Whip. Based on the current political makeup of the Council the allocation to each Group will be as follows:-

Conservative Group	£2,124.00
Labour Group	£354.00
Liberal Democrat Group	£767.00

32. In recommending this level of allowance for Group Whips, the Panel recognised that it would need to review the level of the allowance in the light of experience and the demands placed on Group Whips. It intends to do this when it next meets. The Group Whip Allowance should be payable from 1st March 2018 when the contracts of the Political Assistants expire.

Recommendation

The Panel recommends to Council that allowances be payable to the Group Whips with effect from 1st March 2018 at the following rates, £59.00 per member, and that it be noted that the allowance level will be reviewed at the Panel's next meeting:-

Conservative Group	£2,124.00
Labour Group	£354.00
Liberal Democrat Group	£767.00

E. Opposition Group Leaders

33. When determining the Group Whips' Allowance the Panel noticed a disparity between the Special Responsibility Allowance paid to the Opposition Group Leaders. Currently the amounts payable are as follows:-

Main Opposition Group Leader	£10,000
Minority (second largest) Opposition Group Leader	£3,000

34. The Panel was of the view that, given that it is recommending that Group Whips receive £59.00 per Member, it would be consistent to take a similar approach to that of Opposition Group Leaders. The Panel therefore recommends that Opposition Group Leaders' cumulative allowance of £13,000 be apportioned according to the numbers on each Group, which results in each Group Leader receiving £684.00 per member. The Panel concluded that this was a fair and equitable approach taking into account the work that each Group Leader will be required to undertake. Based on the current political balance this would equate to allowances as follows:-

Liberal Democrat Group Leader	£8,892
Labour Group Leader	£4,104

Recommendation

The Panel recommends to Council that the Opposition Group Leader allowances be calculated at a level of £684.00 per member with effect from 1st October 2017.

Liberal Democrat Group Leader	£8, 892
Labour Group Leader	£4,104

F. Members in receipt of more than one Special Responsibility Allowance

35. The Panel noted that with the introduction of the new Special Responsibility Allowances it is conceivable that a Member may be in receipt of more than one Special Responsibility Allowance. In the current scheme where this is the case, the Member concerned receives both allowances and the Panel is not recommending any change to this.

Recommendation

The Panel recommends to the Council that if a Member is in receipt of more than one Special Responsibility Allowance, the Member should be able to claim all allowances in full.

G. Indexation of Allowances

36. As stated earlier, allowances have remained frozen since 2009. The Local Government (Members' Allowances) (England) Regulations 2003 contain a provision to increase allowances on an annual basis by reference to an index for longer than a period of four years.
37. The Panel was of the view that it would be appropriate for the Basic and Special Responsibility Allowances to be index linked and to that end considered the following indexation options:-
- Employee Local Government Pay Award;
 - Consumer Price Index;
 - Average Earnings in Leicestershire.
38. Following careful deliberation the Panel concluded the Basic and Special Responsibility Allowance should be linked to the Local Government Employee Pay Award for that particular year.

39. If the Panel's earlier recommendation on Basic Allowance is accepted, Members will receive an increase in Basic Allowance from 1st October 2017. Given this, the Panel's view was that the new indexation of allowances, Basic and Special Responsibility, should not commence until 1st April 2018. The Panel noted that in some years the Local Government Employee Pay Award is not settled until mid-way through a financial year and if this were to occur the increase should be back dated to the 1st April as it is for Council employees.

Recommendation

The Panel recommends to Council that Basic and Special Responsibility Allowances be increased on an annual basis, from 1st April 2018, for a four year period in line with the Local Government Employee Pay Award.

H. Travel and Subsistence

40. The Panel reviewed the Travel and Subsistence allowances and concluded no changes to the scheme were necessary.

Recommendation

The Panel recommends to Council that the current levels of Travel and Subsistence allowances remain unchanged.

I. Financial Implications

41. The amounts involved in the proposed changes to the Members' Allowance Scheme are set out below:-

Basic Allowance	£29,645 per annum
Special Responsibility Allowances for the four Deputy Chairmen of Overview and Scrutiny Committees and Deputy Chairman of Development Control and Regulatory Board	£10,000 per annum
Group Whips	£3,235 per annum

Taking into account the savings, £280,000 per annum, identified in paragraph 7 and the additional costs arising from the recommendations of the Panel, the overall cost of democracy for the County Council will reduce by £235,000 per annum.

Summary of Recommendations

The Panel recommends to Council that:-

- a. All Members of the County Council be required to prepare and submit an Annual Report for publication on the County Council's website by June 2018.
- b. Group Leaders and Group Whips be responsible for ensuring that all Members of their Groups complete and submit an Annual Report. (The Panel intends to reconvene in the autumn of 2018 to review the outcome of this recommendation.)
- c. The Panel recommends to Council that the Basic Allowance for all Members be set at a level of £10,691 with effect from 1st October 2017.
- d. The Panel recommends to Council that a Special Responsibility Allowance should be payable to the Deputy Chairmen of Scrutiny Committees and the Deputy Chairman of the Development Control and Regulatory Board and that the level be set at £2,000 per annum with effect from 1st October 2017.
- e. The Panel recommends to Council that allowances be payable to the Group Whips with effect from 1st March 2018 at the following rates, £59.00 per member, and that it be noted that the allowance level will be reviewed at the Panel's next meeting:-

Conservative Group	£2,124.00
Labour Group	£354.00
Liberal Democrat Group	£767.00

- f. The Panel recommends to Council that the Opposition Group Leader allowances be calculated at a level of £684.00 per member with effect from 1st October 2017.

Liberal Democrat Group Leader	£8, 892
Labour Group Leader	£4,104

- g. The Panel recommends to Council that if a Member is in receipt of more than one Special Responsibility Allowance, the Member should be able to claim all allowances in full.
- h. The Panel recommends to Council that Basic and Special Responsibility Allowances be increased on an annual basis, from 1st

April 2018, for a four year period in line with the Local Government Employee Pay Award.

- i. The Panel recommends to Council that the current levels of Travel and Subsistence allowances remain unchanged.**

"JOB DESCRIPTION"

THE ROLE AND FUNCTIONS OF MEMBERS OF LEICESTERSHIRE COUNTY COUNCIL

Each County Councillor is elected by the people of a particular electoral division to represent them on Leicestershire County Council. Whilst they each represent a particular part of the County they are also required to represent the interests of the wider Leicestershire community, sometimes on issues which go beyond the County Council's functions or local boundaries.

County Councillors have particular responsibilities for the services provided by the County Council; within a legislative framework they decide what services to provide and how much money to spend on them and ensure that they are delivered efficiently and effectively. The Government and other bodies have issued various guidance as to how councillors should carry out their roles.

KEY TASKS

Representatives

to be accessible to local people (including people who did not vote for them), to advocate their views and to look after their concerns generally;

to explain to people the responsibility and decisions of the County Council and other public services bodies with which the County Council works in partnership; to represent the Council to the community and the community to the Council;

to support and promote citizenship and participation in local democracy generally;

Decision Making and Scrutiny

to attend regularly and take part in meetings of the full County Council, its committees and other bodies;

to develop a good working knowledge of how the County Council operates and to apply this knowledge through:-

- contributing to the formation and scrutiny of the Council's policies, budget strategies and service delivery;
- contributing to the scrutiny and/or performance review of the Council's services and those of other local public bodies;

to participate in the activities of any Party group of which the councillor is a member;

Individual

to participate constructively in good governance of the area and to ensure that all duties and actions are carried out in accordance with the highest standards of conduct;

to behave in a manner which maintains public confidence in the County Council and local democracy generally;

to identify any skills or gaps in knowledge and request training and support where required;

to explain and account for personal performance as a County Councillor on a regular basis, particularly through the publication of an Annual Report on the Council's web site.

County Councillor Annual Report

This report summarises the activities of the following member of the County Council during

Name of Councillor

Briefing Note

This form enables you demonstrate to your constituents what you have achieved during the year. The information provided will be published on the County Council's website. The report will be tailored to the response. For example, briefing notes and any unused boxes will be removed.

1) Electoral Division activities

Briefing Note

Please specify any particular aspect of your work within your electoral division which you would like to draw attention to. This is an opportunity to set out your main activities, priorities, achievements, challenges etc .which you have been addressing in the past year.

Main Activities and the impact during the past year:

Engagement with the Council, other statutory bodies and public utility companies (Water, Gas etc) about services in the area

Priorities for the immediate future are:

Briefing Note This is an opportunity to recognise any issues which may be particularly relevant to the future well being of people within your electoral division.

2) Council Activities

Briefing Note

Please specify any particular issues of note that you have been actively involved in connected with the following bodies.

Committees you serve on at County Hall

Local committees/Outside Bodies

Other bodies – School governors/community and charity organisations etc

3) Learning and development:

Briefing Note

Please specify any learning and development activities which you have undertaken during the year.

4) Other Matters:

Briefing Note

This gives an opportunity to include anything else which you think is relevant.

Social Media

Signed by Councillor

Date

APPENDIX 2

Part 6

Members' Allowances Scheme

Part 6 – Members' Allowances Scheme (effective 1 October 2017)

The Leicestershire County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:

1. This scheme may be cited as the Leicestershire County Council Members' Allowances Scheme and shall have effect from 1 April 2009, until the scheme is amended or a new scheme is adopted.
2. In this scheme,

“the Regulations” means the Local Authorities (Members' Allowances) (England) Regulations 2003.

“member” means a member of the Leicestershire County Council who is a councillor;

“co-opted member” means a co-opted member of the Children and Families Overview and Scrutiny Committee;

“year” means the 12 months ending with 31 March.

Basic Allowance

3. Subject to paragraph 9, for each year a basic allowance of £10,691 shall be paid to each member.

Special Responsibility Allowances

4. (1) For each year a special responsibility allowance shall be paid to those members who hold the special responsibilities in relation to the County Council that are specified in Schedule 1 to this scheme.
- (2) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in Schedule 1.
- (3) Where the Deputy Leader is required to take the place of the Leader during unavoidable absence of more than two weeks, an “Acting Up” allowance shall be payable, increasing the allowance of the Deputy to that of the Leader for the period concerned.

Indexation

5. The Basic and Special Responsibility Allowances shall be adjusted on annual basis, for a four year period, from 1st April 2018 in line with the Local Government Employee pay award. The adjustment shall take effect on 1st April in each year, or the date on which the settlement takes effect. If the adjustment is part way through a financial year it will be back dated to 1st April.

Renunciation

6. A member may, by notice in writing given to the Chief Executive elect to forgo any part of his/her entitlement to an allowance under this scheme.

Membership of more than one Authority

7. Where a member of the Authority is also a member of another authority, as defined in the Regulations, that member shall ensure that he/she does not receive allowances from more than one authority in respect of the same duties.

Part-Year Entitlements

8. (1) In accordance with the requirements of the Regulations, part-year payments shall be calculated as set out in this paragraph.
- (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, then in relation to each of the periods:
 - (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
 - (b) 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 to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (3) 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 to the payment to such part of the basic allowance as bears to the whole the same

proportion as the number of days during which the member's term of office subsists bears to the number of days in that year.

- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a member does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such member to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which the term of office as a member subsists bears to the number of days in that period.
 - (5) 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 member's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which the member has such special responsibilities bears to the number of days in that year.
 - (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a member has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle the member to a special responsibility allowance, that member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which the member has such special responsibilities bears to the number of days in that period.
9. (1) Payments shall be made in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month;
- (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the member receiving more than the amount to which, by virtue of paragraph 7, he or she 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.

Dependants 'Carers' Allowance

10. A Dependants 'Carers' Allowance will be available on the basis set out in Regulation 7 of The Local Authorities (Members' Allowances) (England) Regulations 2003 subject to the following conditions:-
- (1) The maximum hourly rate reimbursed for the independent care of a child under the age of 14 shall be equal to the minimum wage;
 - (2) The maximum hourly rate reimbursed for the professional care of a dependent relative shall be equal to the Council's own hourly rate for a Home Care Assistant;
 - (3) Members must certify that the costs have been actually and necessarily incurred and the allowance shall be paid as a reimbursement of incurred expenditure against receipts;
 - (4) The allowance shall not be payable to a member of the claimant's own household.

Travel and Subsistence

11. The responsibilities and duties for which travel and subsistence allowances shall be payable and other matters relating to the regulation of the Scheme shall be as specified in Schedule 2 to this Scheme.

Mileage Rates

12. Where a member uses a private vehicle the rates payable shall at the level of the Approved Mileage Allowance Payments (AMAPs) laid down by the Inland Revenue as a tax free "approved amount" and shall be amended in line with any changes made to these amounts as and when they occur.

At the time of writing these amounts are as follows:-

Car or van	45p per mile for the first 10,000 miles 25p per mile after that
Motor cycle	24p per mile (all miles)
Cycle	20p per mile (all miles)

An additional 5p per mile to be paid when one or more passengers travel to an approved duty in the same vehicle.

Subsistence

13. The following rates of subsistence allowance shall apply:-

Rate A - County Hall

Rates based upon purchase of a meal in the County Hall restaurant:

Breakfast	£4.85
Lunch	£7.80

Rate B – Other than County Hall

Breakfast	£8.20
Lunch	£11.30
Tea	£5.10
Dinner	£19.50

14. The Qualifying duty period (inclusive of travelling time) for all subsistence allowances relating to meals shall be as follows:-

Breakfast	3 hours before 11.00 a.m.
Lunch	3 hours including 12 noon to 2.00 p.m.
Tea	3 hours including 3.00 p.m. to 6.00 p.m.
Dinner	3 hours ending after 7.00 p.m.

15. The following rates shall apply for overnight absence (Room only):

Provincial Rate – not to exceed £110
London Rate – not to exceed £170.

Co-optees' Allowance

16. No such allowances are currently payable.

Claims

17. Claims for carers', travel and subsistence allowances shall be made by the member concerned within 2 months of the date of the duty to which it relates. Requests for payment of previously unclaimed allowances will not normally be backdated beyond two months entitlement from the date of the claim.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES**EFFECTIVE FROM 1 OCTOBER 2017**

	£
Leader of the Council	36,228
Deputy Leader of the Council	21,744
Members of the Cabinet	19,344
Cabinet Support Members	7,332
Chairman of Scrutiny Commission	10,000
Scrutiny Commissioners	7,250
Chairmen of Overview and Scrutiny Committees	4,500
Deputy Chairmen of Overview and Scrutiny Committees	2,000
Spokesmen of Overview and Scrutiny Committees	2,000
Chairman of Development Control and Regulatory Board	3,984
Deputy Chairman of Development Control and Regulatory Board	2,000
Chairman of Corporate Governance Committee	2,580
Opposition Group Leaders	684
	Per Group Member
*Group Whips	59
	Per Group Member

*Denotes effective from 1st March 2018

SCHEDULE 2

**TRAVEL AND SUBSISTENCE – APPROVED DUTIES AND OTHER
CONDITIONS**

The duties listed below qualify for travel and subsistence allowances.

(A) GENERAL COUNTY COUNCIL DUTIES

- (a) Attendance at meetings of the County Council and relevant bodies appointed by or on behalf of the Council.
- (b) Working Parties or Panels of members properly convened by the Chief Executive in consequence of a decision of the relevant body of the Council.
- (c) Formal briefing meetings or conferences of members convened by the Chief Executive or conferences of members properly convened in relation to the proceedings of meetings or functions of a relevant body of the Council in accordance with arrangements approved by that body. (Separate provisions exist for conferences organised by other bodies.)
- (d) Meetings for the appointments of Chief Officers.
- (e) Inspections and tours of County Council and other establishments and venues, approved in advance by or on behalf of the relevant body of the Council.
- (f) Official deputations to or meetings with government departments, statutory authorities or other local authorities.
- (g) Joint meetings with other local authorities or consortia of authorities.
- (h) Attendance by Members appointed for that purpose, at a meeting properly convened on behalf of a public authority or government department to discuss issues relating to the work of the County Council.
- (i) Attendance by invitation at a Parish Council or Parish Meeting to participate in the discussion of a County Council function (this provision to apply to travel allowance but not subsistence).
- (j) Meetings between group whips or their nominees to make recommendations on appointments.

- (k) Attendance by members at meetings of County Council bodies, or site visits when requested specifically by the body concerned or in response to a notice sent under the local issues alert procedure for the purpose of speaking on the item concerned.
- (l) Learning and development events organised by or on behalf of the Chief Executive.
- (m) Official and courtesy visits when:
 - (i) approved by or on behalf of the relevant body; or
 - (ii) made by the Chairman of the County Council (or the Vice-Chairman when deputising for him) in his capacity as Chairman of the County Council for purposes directly connected with the functions of the Council.
- (n) General information visits or tours having been previously approved by or on behalf of the relevant body.
- (o) The following, as tasks approved by the County Council for the purpose of, or in connection with, the discharge of the functions of the County Council, or any of its relevant bodies.
 - (i) Attendance by members at County Hall or other establishments within the County on such occasions as they consider necessary in connection with the discharge of the Council's functions up to a limit of 15 occasions in each Council year. These are known as "duty days". (Please note this provision is an authorisation to carry out an approved duty of member's own choice on 15 occasions of whatever duration and not 15 duty days which could be interpreted for instance as 30 half days.)
 - (ii) Attendance by each Group Leader and any member of the Cabinet of the Council or Cabinet Support Member at County Hall or other County Council establishments for any purpose which he/she considers to be necessary in connection with the discharge of the County Council's functions.
 - (iii) Attendance by individual members before the Ombudsman when requested by him.
 - (iv) Full meetings of Political Groups held at County Hall and specifically related to the business of the County Council on not more than 15 occasions in the period commencing with the day of the Annual Meeting of the Council in any year and terminating on the day preceding the Annual Meeting in the following year.

(B) CONFERENCES

Overnight accommodation and conference fees are normally booked by or on behalf of the Chief Executive and paid for by the Authority direct. Travel and subsistence allowances are payable for conferences organised by other bodies. Attendance must be approved beforehand by or on behalf of the relevant body and the rates for conference travelling and subsistence are the same as for other duties.

(C) OTHER BODIES

Attendances by individual members at meetings of outside bodies to which the County Council makes appointments or nominations qualify for travel and subsistence allowances. The approval relates to meetings of the bodies concerned, its standing committees and subcommittees but not to other activities of the body except in the case of the Local Government Association where the approval extends to all its activities including service on other bodies on the appointment or nomination of the Association.

Where travel arrangements are made by the County Council on a member's behalf and the member is able to claim travel/subsistence from the body concerned, the member shall ensure that the County Council is reimbursed in full. Wherever possible the member should arrange for the County Council to be reimbursed directly by that body.

USE OF OFFICIAL CAR

The County Council has the ability to provide an official car and driver to certain members on occasions, particularly the Chairman and Vice Chairman. This is on a strictly regulated basis and on the following conditions:-

- (a) The duties must relate to the discharge of the County Council's functions or as an appointed representative of the County Council. Under no circumstances can they be used for private or party political purposes;
- (b) The activities of the Chairman will take precedence over any others;
- (c) All such transport will be managed by the Civic Affairs Team within the Chief Executive's Department.

TRAVEL AND SUBSISTENCE RATES

In all cases expenditure must have been actually and necessarily incurred.

Travel

Travelling expenses are limited to the actual journey from home or a members' regular place of work except in exceptional circumstances approved by the Constitution Committee or Chief Executive on the Committee's behalf (for definition of exceptional circumstances see note below).

Long journeys such as travelling back from holiday to attend a meeting do not qualify other than the amount equivalent to the local journey. If a member's home is outside the County the distance and time used for any claim is from the point where the journey to County Hall crosses the County boundary. If a member's usual business address is outside the County the full journey may be claimed on the basis that a person's work venue is not always within an individual's control.

(i) **Air**

Air fare may be paid if the rate compares reasonably with the cost of alternative means of travel having regard to the likely savings in time, subject to the agreement of the Chief Executive.

Applications must be raised with the Chief Executive as soon as possible prior to the date the duty is to be performed.

(ii) **Mileage Rates**

Where a member uses his own private car or one belonging to a member of his family or otherwise provided for his use the rate claimed shall be laid down in the Council's Scheme of Allowances.

Where a member uses a lease car the rate claimed shall not exceed the relevant rates specified for the Council's officers.

(iii) **Rail**

The rate of travel by rail shall be by reference to the second class fare. Tickets may be obtained from the Members' Secretariat.

(iv) **Taxis**

The rate for travel by taxi cab shall not exceed,

- (a) In cases of urgency or where no public transport is reasonably available, the amount of the actual fare.

- (b) In any other case, the amount of the fare for travel by appropriate public transport.

(v) **Other Expenses**

Actual expenditure incurred on buses, tolls, ferries or parking fees.

Definition of Exceptional Circumstances

The Constitution Committee, or the Chief Executive on the Committee's behalf, will normally only be prepared to consider granting exceptions to the general policy of the County Council in relation to the payment of travelling allowances for long journeys where the following circumstances apply:-

Nature of Duty

1. Attendance at a meeting to consider a "sensitive" issue which will have a substantial impact on the member's particular electoral division whether or not the member serves on the body concerned; or
2. Attendance at a meeting of the County Council where non-attendance, taken together with that of other members, might upset the elected party balance to such an extent that the decision is likely to be affected; or
3. In other cases where it would not be appropriate or reasonable to expect a substitute to act on the member's behalf; and

Exceptional Circumstances

4. Illness or bereavement in respect of a close family member; or
5. Unplanned and/or unavoidable absence due to unusual work commitments.

General

Applications must be raised with the Chief Executive as soon as possible prior to the date on which the duty is to be performed.

The making of any payments retrospectively will not normally be considered.

Subsistence

The amount of subsistence claimed relates to the period of time a member is engaged on an approved duty.

Rates and qualification periods are specified in the Council's Scheme of Allowances.

[end of Members' Allowances Scheme]

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