



## Public Document Pack

North Devon Council  
Brynsworthy Environment Centre  
Barnstaple  
North Devon EX31 3NP

M. Mansell, BSc (Hons),  
F.C.P.F.A.  
Chief Executive.

To: All Members of the Council  
and Chief Officers

**NOTE: PLEASE NOTE THAT PRAYERS WILL BE SAID AT 2.25 P.M. PRIOR TO THE COUNCIL MEETING FOR ANY MEMBER WHO WISHES TO ATTEND**

### **ANNUAL COUNCIL MEETING**

**YOU ARE HEREBY SUMMONED** to attend a Annual meeting of **NORTH DEVON COUNCIL** to be held in the Barum Room - Brynsworthy Environment Centre on **THURSDAY, 16TH MAY, 2019 at 2.30 pm.**

A handwritten signature in black ink, appearing to read "M. Mansell", with a stylized flourish at the end.

**Chief Executive**

### **AGENDA**

1. Election of Chair of Council for 2019/20  
The Chair will then take the Declaration of Acceptance of Office.  
  
(NOTE: Article 5.8 of the Constitution states that "Neither the Chair of the Council nor the Vice-Chair shall be a Member of the Strategy and Resources Committee".)
2. Election of Vice-Chair of Council for 2019/20  
The Vice-Chair will then take the Declaration of Acceptance of Office.  
  
(NOTE: Article 5.8 of the Constitution states that "Neither the Chair of the Council nor the Vice-Chair shall be a Member of the Strategy and Resources Committee".)
3. Apologies for absence
4. Declarations of Interest  
**(NB. Members only need to re-declare any interests previously declared at Committee and Sub-Committee meetings if the item is discussed at Council).**

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

## **PART A**

6. **Appointment of Leader of the Council for 2019/20**

To consider the appointment of Leader of the Council for 2019/20 until the Annual Council meeting on 1<sup>st</sup> April 2020.

7. **Appointment of Deputy Leader of the Council for 2019/20**

To consider the appointment of Deputy Leader of the Council for 2019/20 until the Annual Council meeting on 1<sup>st</sup> April 2020.

8. **Appointment of Committees**

Report by Head of Corporate and Community (to follow).

It is RECOMMENDED:

- (a) Appointment of Committees and Joint Committees

“That the Council appoints Committees and Joint Committees each with the total number of voting Members and Group allocations as shown in Tables 1 and 2 (to follow) for the 2019/20 municipal year with the terms of reference set out in the Council’s constitution.”

- (b) Appointment of Councillors to Committees and Joint Committees

“That, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees and Joint Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined at (a) above, as set out for the time being in Table 3 circulated at the meeting.”

- (c) Appointments of Chairs and Vice-Chairs to Committees and Joint Committees

“That the Council appoints Chairs and Vice-Chairs to the Committees and Joint Committees as set out in Table 4 circulated at the meeting for the 2019/20 municipal year.”

- (d) Appointments to the Local Government Association and South West Regional Chamber

“That the Council appoints Members to the Local Government Association and South West Regional Chamber for the period 2019/20 as set out in Table 5 circulated at the meeting and that these appointments be approved duties.”

- (e) Appointment of Members to the Appointments Committee  
“That alternative arrangements be made for the appointment of Members to the Appointments Committee in accordance with the powers set out in Section 17 of the Local Government and Housing Act 1989 and the provisions of the Local Government (Committees and Political Groups) Regulations 1990 and that the alternative arrangements provide that the membership of the Appointments Committee be not politically balanced”.

9. **Scheme of Members Allowances 2019/20** (Pages 7 - 22)  
Report by the Head of Corporate and Community Services (attached).
10. **Appointments to Outside Bodies** (Pages 23 - 28)  
Report by Head of Corporate and Community Services (attached).
11. **To determine the Scheme of Delegations for Full Council functions for the year 2019/20**  
It is RECOMMENDED that the Scheme of Delegations (as amended) for the discharge of functions for the year 2019/20 as set out in Part 3 of the Constitution be adopted.
12. **Assistants for Political Groups** (Pages 29 - 32)  
Report by Head of Corporate and Community (attached).
13. **Appointment of Director to North Devon +** (Pages 33 - 34)  
Report by Chief Executive (attached).
14. **Appointment of Independent Person** (Pages 35 - 36)  
Report by Head of Corporate and Community (attached).

**PART B (CONFIDENTIAL RESTRICTED INFORMATION)**

Nil.

**If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253**

8.05.19

## **GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL**

### Part 4, Council Procedure Rules of the Constitution

#### **The basics**

At a meeting of Full Council, Members shall stand when speaking unless unable to do so and shall address the Chair.

While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

Unless notice of motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Speeches must be directed to the question under discussion or to be personal explanation or point of order.

A speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.

Speeches by other Members may not exceed 3 minutes without the consent of the Chair, unless when the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.

#### **The rules of Executive Question Time**

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader, any Executive Member or the chair of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.



## **North Devon Council protocol on recording/filming at Council meetings**

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

### **Notes for guidance:**

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is:  
Brynsworthy Environment Centre (BEC), Roundswell,  
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.





## NORTH DEVON COUNCIL

**REPORT TO: ANNUAL COUNCIL**

Date: 16<sup>TH</sup> MAY 2019

**TOPIC: SCHEME OF MEMBERS ALLOWANCES**

**REPORT BY: HEAD OF CORPORATE AND COMMUNITY**

### 1 REPORT

- 1.1 Each year all local authorities are required to set a scheme of allowances for Councillors.
- 1.2 In accordance with the Local Authorities (Member Allowances) Regulations 2003, the Independent Remuneration Panel consisting of independent people has met and made recommendations on the scheme of allowances for Councillors.
- 1.3 This report recommends the adoption of a Scheme of Members Allowances for 2019/20.

### 2 RECOMMENDATIONS

- 2.1 That Council considers the adoption of the Scheme of Members Allowances for 2019/20 as shown in Appendix B and C

### 3 REASONS FOR RECOMMENDATIONS

- 3.1 To set Councillor allowances for 2019/20.

### 4 REPORT

- 4.1 The Local Authorities (Member Allowances) Regulations require an annual scheme of Councillors' allowances to be adopted that takes into account the advice of a panel of independent people (Independent Remuneration Panel).
- 4.2 At the Extraordinary Council meeting on 15<sup>th</sup> April 2019, Council resolved to adopt a revised Constitution based on a committee structure with no formal Overview and Scrutiny Committee. As there has been a change in structure, the Regulations also require that where a Local Authority proposes to amend its scheme of Councillors' allowances that the Authority shall have regard to the recommendations made by Independent Remuneration Panel.
- 4.3 Therefore, the Independent Remuneration Panel has met and a copy of the Panel's report is attached as Appendix A. In accordance with the Local Authorities (Member Allowances) Regulations requires Council to take into account the advice of the panel.

4.5 The Panel is recommending the following:

(a) **Basic Allowance**

- (i) that it be increased in line with the proposed pay offer to local authority staff of 2.%. It is recommended that the new Basic Allowance rise to £4754.
- (ii) The Panel also recommend that the Scheme included provision for an annual adjustment of the Basic Allowance (indexation) in accordance with the percentage change in the levels of the Council's staff remuneration.

(b) **Special Responsibility Allowances**

The Panel remains of the view and recommends that Members should be restricted to claiming only one Special Responsibility Allowance.

Following the changes to the Council structure, the Panel recommends:

<b>Position</b>	<b>Multiplier of Basic Allowance</b>	<b>Amount per annum</b>
Leader	2.5	£11,885
Deputy Leader	1	£4,754
Shadow Leader	0	0
Chair and Vice-Chair of Overview and Scrutiny Committee	0 (Committee no longer exists)	0
Chair of Planning Committee	1	£4,754
Chair of Licensing and Community Safety Committee	1	£4,754
Chair of Harbour Board	0.5	£2,377
Chair of Audit, Ethics, and Personnel	0 (Committees no longer exists)	0
Chair of Governance Committee	0.5	£2,377
Chair of Policy Development Committee	1	£4,754
Lead Members (should be no more than 6 appointed)	0.5	£2,377
Chair Strategy and Resources Committee	0 (as Chair will be Leader of Council)	0
Group Leaders		£222 per group member with a minimum of £500
Parish Council Co-optee to Governance Committee	0	0
Independent Member (for consulting on complaints)		£200



Co-optees of Harbour Board Members		£200
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These allowances are calculated using a multiplier of the Basic Allowance.

**(c) Carer’s Allowance.**

The Panel recommends it continues in its current form rising in line with National Living Wage but be subject to more detailed review in future Panel deliberations.

**(d) Travel and Subsistence Allowance**

The Panel does not suggest any changes and recommends that the existing levels be maintained.

4.6 Appendix B details the Scheme of Members Allowances for 2019/20 incorporating all recommendations of the Independent Remuneration Panel.

4.7 Appendix C details the Councillors’ Expenses Policy which forms part of the Scheme of Members Allowances. No changes are proposed to the policy as adopted in 2018/19.

## 5 RESOURCE IMPLICATIONS

5.1 The reduction in the number of Councillors from 43 to 42 and the proposed changes to the Special Responsibility Allowances as outlined in Appendix B has a net impact of a reduction against the approved 2019/20 Revenue Budget of (£33,325).

## 6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Article 4, Paragraph 4.5.8	Council power

## 7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

8.1 No background papers that aren't in the public domain were used in the preparation of this report.

## 9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

# Agenda Item 9

Author: Ken Miles/Bev Triggs

Date: 7<sup>th</sup> May 2019

Reference: 2019.05.16 members allowances scheme

## APPENDIX A

### **NORTH DEVON COUNCIL: INDEPENDENT REMUNERATION PANEL**

### **NORTH DEVON COUNCIL: INDEPENDENT REMUNERATION PANEL**

### **REPORT ON MEMBERS' ALLOWANCES 2019/20**

#### **Introduction**

1. The Local Government Act 2000 requires local authorities to make a Scheme of Allowances over which they can exercise local discretion as to the amounts being paid. Local authorities must also establish and maintain an independent Panel to make recommendations. North Devon Council agreed to the appointment of the Panel members in January 2018. The composition of the Panel is:
  - Jeremy Filmer-Bennet: former Chief Executive, Devon & Cornwall Business Council
  - Bryony Houlden (Chair) – Chief Executive of South West Councils
  - Veronica Wilson –NHS Professional
2. The Panel met on 29<sup>th</sup> April and was supported by Ken Miles, Head of Corporate and Community and Bev Triggs, Senior Corporate and Community Services Officer. The Panel was provided with the most recent Panel report, the Current Members' Allowances Scheme and an analysis of Member Allowances schemes in neighbouring authorities.
3. Officers provided the Panel with an overview of the Council and background about the changes taking place after the May elections when the decision has been taken to move from an Executive Council to a Committee system. The Panel recognised that the decisions they were taking on the Allowances Scheme in relation to the new structure were based on assumptions about how the new arrangements would work rather than hard evidence of how the structure was working in practice. The Panel recommends that there should be a more detailed consideration of the Allowances Scheme next year once the new arrangements have been implemented. The Panel would also be prepared to reconsider their recommendations for 2019/20 in light of evidence presented during the course of the year by the new Council.

#### **Consultation**

4. At the Panel meeting officers reported that there had been no specific comments from Members about the scheme and any wish to see particular changes.

## SCHEME OF ALLOWANCES

### The Basic Allowance

5. The Basic Allowance is intended to recognise the time commitment of all Councillors, including such inevitable calls upon their time as meetings with officers and constituents, and attendance at group meetings, Parish and Town Councils and other outside bodies. Paid at a flat rate, the Basic Allowance is also intended to cover costs such as telephone calls, postage, travel costs of journeys not eligible for separate payment, and other incidental expenses of the job.
6. One extra expense allowed to be claimed separately in the current Scheme of Allowances is an “ICT and Broadband allowance” for Members wishing to claim it for equipment and broadband costs. The Panel was of the view that this provision, which might have been valid at the time of the last full review 4 years ago, might now have been overtaken by the change in lifestyle and working practices. The ‘norm’ has become individuals using technology and accessing broadband as part of their daily lives and therefore the cost of broadband and equipment something that should be expected as an everyday living cost by Members. The Panel considered that in times of austerity there would be an administrative burden, albeit very small, in processing these claims.
7. The Panel flagged this issue up in their last Report when they recommended retaining the allowance but with the new Council following the May elections they **recommend that now is the time to remove the ICT and Broadband allowance** and allow for any costs within the incidental expenses element of the Basic Allowance.
8. In considering the Basic Allowance for 2018/19 the Panel has looked at benchmarking data from across Devon district councils. The average for the Districts is £4,880 with the lowest payers £4,360 (West Devon) and the highest Teignbridge (£5,355).
9. The Panel believes it is important not to fall far behind other authorities which could then require a substantial increase in later years. The Panel is also mindful of ensuring that the remuneration is not a barrier to people becoming councillors and can be helpful in encouraging a Council with an age, gender and ethnic balance reflecting the population of the District. The Panel is not for the moment recommending an increase beyond the annual increase set out below but will revisit this in more detail once the new arrangements have settled down.
10. The Panel is therefore recommending that the Allowance be increased in line with the proposed pay offer to local authority staff (2%). **The new Basic Allowance would rise to £4,754.**
11. The Panel **recommends in future years the Allowance should continue to be tied to any percentage increase agreed for NJC Local Government Staff.**

## Special Responsibility Allowances (SRA)

12. SRAs may be paid to those members of the Council who have “**significant additional responsibilities**” over and above the generally accepted duties of a Councillor.
13. The Panel has reviewed the existing SRAs and the multipliers that have been applied to them. The Panel remains of the view and **recommends that Members should be restricted to claiming only one SRA.**
14. The changes to the Council structures mean a number of changes to the SRAs. The Panel has considered the information currently available in making the recommendations below. The Panel will wish to revisit once the arrangements are up and running.

### 15. The Panel recommends:

- Leader: in recognition of the reduced role of the Leader with the ending of the Executive model the Panel recommends a multiplier of 2.5 x Basic £11,885;
- Deputy Leader: the Panel believes this will also be a role with reduced responsibility so recommends a multiplier of 1 x Basic £4,754;
- Shadow Leader: no allowance;
- Chairman and Vice Chair of O and S: no longer exist, no allowance;
- Chairman of Panning: the Panel recommends a multiplier of 1 x Basic £4,754;
- Chairman of Licensing and Community Safety: the Panel recommends a multiplier of 1 x Basic £4,754;
- Chairman of Ilfracombe and Lynton Harbour Boards: the Panel recommends a multiplier of 0.5 x Basic £2,377;
- Chairmen of Audit, Ethics and Personnel – no longer exist no allowances
- Chairman of Governance: the Panel recommends a multiplier of 0.5 x Basic £2,377;
- Chairman of Policy Development: the Panel recommends a multiplier of 1 x Basic £4,754;
- Lead Members: the Panel notes the proposal to create Lead Member roles. At this stage the workload of these is not clear so the Panel recommends an allowance of 0.5 x Basic £2,377 with the expectation that there should be no more than 6 of these Lead Members at any one time (possibly to

cover areas such as the Environment, Housing, Economy). These roles would be subject to review at the next Panel deliberations;

- Strategy and Resources Committee: at this stage no allowances are recommended as the expectation is that this will be chaired by the Leader or Deputy Leader;
- Group Leaders: the Panel recommends the allowance continue at £222 per group member with a minimum of £500 (a group consisting of 3+ members);
- Parish Council Co-optees to Governance Committee: no change £0 allowance;
- Independent Member: no change £200;
- Co-opted Ilfracombe Harbour Board Members: no change £200.

## **Carers' Allowance**

16. The Panel considers the Carers' Allowance to be an important part of the offer to Members and as such **recommends it continues in current form rising in line with the National Living Wage** but be subject to more detailed review in future Panel deliberations.

## **Travel and subsistence allowances**

17. The Panel does not suggest any changes and recommends that the existing levels be maintained

**May 2019**

## APPENDIX B

### NORTH DEVON COUNCIL

#### SCHEME OF MEMBER ALLOWANCES AND EXPENSES POLICY 2019/20

1. A **Basic Allowance** in the sum of £4,754 will be payable to all Members of the Council.
2. **Special Responsibility Allowances** will be payable to the following Council positions (Note: Members are only eligible to claim one Special Responsibility Allowance):

Position	Multiplier of Basic Allowance	Amount per annum
<b>Single person positions</b>		
Leader	2.5	£11,885
Deputy Leader	1	£4,754
Chair of Planning Committee	1	£4,754
Chair of Licensing and Community Safety Committee	1	£4,754
Chair of Harbour Board	0.5	£2,377
Chair of Governance Committee	0.5	£2,377
Chair of Policy Development Committee	1	£4,754
Chair of Strategy and Resources Committee	0	0
Chair of Appointments Committee	0	0
<b>Multiple person positions</b>		
Lead Members (maximum of 6)	0.5	£2,377
Group Leader (there are 3)		£222 per group member with a minimum of £500
Parish Council co-optees to Governance Committee	2	0
Independent Member (for consultation on complaints)		£200
Co-opted Board Members (there are 4)		£200

### 3. Carer's Allowance

- (a) When a carer for a dependent has been engaged to allow a member to carry out an approved duty an allowance may be claimed that is equivalent to the national living wage relevant to the carer's age or national minimum wage if under the age of 25;
- (b) A carer will be any responsible adult who does not normally live with the member as part of his/her family;
- (c) An allowance will be payable if the dependent being cared for:
  - (i) is a child under the age of 14; or
  - (ii) is an elderly person; or
  - (iii) has a recognised physical or mental disability who normally lives with the member as part of that member's family and should not be left unsupervised

### 4. Travelling Allowance for approved duties

- (a) For car travel the single rate of 45 pence per mile will apply to all engine sizes (this is the HMRC approved mileage rate).
- (b) If passengers are carried to whom a travelling allowance would otherwise be payable, an additional 5 pence per mile will be paid.
- (c) The motorcycle mileage rate is 24 pence per mile (this is the HMRC approved mileage rate).
- (d) The cycle mileage rate is 20 pence per mile (this is the HMRC approved mileage rate).
- (e) In any other case, the amount of the fare for travel by appropriate public transport.
- (f) In cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity will be paid.

### 5. Subsistence Allowances for approved duties will not exceed:

- (a) In case of an absence, not involving an absence overnight, from the Councillor's usual place of residence:
  - i. Breakfast Allowance of £6.22 if more than 4 hours away from normal place of residence before 11.00 am
  - ii. Lunch Allowance of £8.57 if more than 4 hours away from normal place of residence, including the lunchtime between 12 noon and 2.00 pm
  - iii. Tea Allowance of £3.37 if more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm



iv. Evening Meal Allowance of £10.62 if more than 4 hours away from the normal place of residence ending after 7.00 pm

(b) Out of pocket allowances for residential courses

i. £5.04 per night, or

ii. £20.24 per week

(c) Absence overnight from the Councillor's usual place of residence will lead to reimbursement of reasonable receipted expenditure.

## **6. Payment of Allowances to Suspended Members**

The payment of any Basic Allowance or Special Responsibility Allowance to any Member shall be withheld should that Member be suspended from attending meetings of the Council or any of its Committees as a result of a ruling of a breach of the Members Code of Conduct.

## **7. Approved duties for which travelling and subsistence allowance will be paid:**

- Formal meetings, Locality Forums and Member Briefings.
- Lead Member task groups.
- Chairman of Committee duties, including Chairman's agenda meetings.
- Leader of Council duties.
- Members' Training and other Member events arranged by the Council, including conferences.
- Meetings authorised by the Chief Executive, attendance at which is to discharge Council functions.
- Joint meetings with other Local Authorities.
- Attendance at meetings of outside bodies identified as approved duties for the purpose of payment of travelling and subsistence.
- Town or Parish Council meetings within the Member's Ward.
- The opening of tenders where a Member's attendance is required by the Constitution.

## **8. Indexation**

The levels of the basic allowance and special responsibility allowances listed in paragraphs 1 and 2 of this Scheme can be varied with effect from the beginning of the year in accordance with the percentage change in the levels of the Council's staff's remuneration for that year.

### **COUNCILLORS' EXPENSES POLICY**

#### **1 POLICY OBJECTIVES**

- 1.1 This policy sets out the Council's arrangements for the control, accountability for, and reimbursement of, expenses incurred during the course of Council business.
- 1.2 The Council will reimburse actual expenses incurred in relation to approved duties in accordance with the terms of this Policy.
- 1.3 All expenses are subject to the Council's normal checking and signatory procedures before reimbursement is made.

#### **2 COUNCILLOR'S RESPONSIBILITIES**

- 2.1 It is a Councillor's responsibility to ensure that s/he is familiar with the content of this Policy.
- 2.2 Before committing to a journey or other expenditure a Councillor must ensure that it relates to an approved duty.
- 2.3 A Councillor must always:
  - Select the most appropriate option to meet their requirements in order to keep overall costs to the Council taxpayer to a minimum
  - Only submit legitimate expense claims, and supply VAT receipts or invoices in order to validate their claims
  - Claim any expenses incurred within the financial year in which they are incurred
  - Sign the claim form and pass it to the Corporate and Community Services Team
- 2.4 It is worth noting that claims made by the first Tuesday of a month will be paid by the 25<sup>th</sup> of that month, although this is likely to differ in December.

#### **3 THE CORPORATE AND COMMUNITY SERVICES TEAM'S RESPONSIBILITIES**

- 3.1 It is the Team's responsibility to ensure that they are familiar with the content of this Policy and the Constitution's Financial Procedure Rules. In addition they will:
  - provide Councillors with details of the applicable expenses rates
  - arrange any bookings
  - provide verbal and written advice to Councillors on this Policy. This includes explaining why a claim might not be payable
  - encourage Councillors to arrange journeys so as to minimise expenses such as mileage
- 3.2 The Team will only authorise legitimate and compliant claims. They will check that:
  - the expense relates to an approved duty
  - the expense claim is accurate
  - all invoices or receipts are attached to it

## 4 AUDIT TRAIL

- 4.1 HMRC require a VAT invoice to evidence, as a minimum, that sufficient fuel was purchased to cover the journey being reimbursed. It should be for fuel purchased on or before the journey being claimed. It is accepted that not all claims will have a VAT receipt where, through low usage, a tax receipt may cover more than one claim.
- 4.2 In general, appropriate VAT receipts must be obtained for all expenses incurred. Where it is impossible to obtain an appropriate receipt, the claim form must include the reasons. Reimbursement of the VAT element, or the entire sum may be withheld in cases where there is no receipt. Approval to pay such a claim must be approved by the Head of Corporate and Community Services or their nominated representatives.
- 4.3 Council resources including cash can only be spent within certain limits of authority and amount. Councillors are expected only to claim for expenses legitimately incurred on approved duties, and only up to approved limits. Any allegation that a Councillor's claim was fraudulent or broke the rules governing such claims will be investigated and, may be referred to the Governance Committee. If a criminal offence is suspected the Council will also report the allegation to the police. Depending on the circumstances the Council's internal fraud procedures may be invoked.

## 5 EXPENSES

### 5.1 Mileage

Mileage rates will be paid at the rate shown in the Scheme of Members' Allowances, which is agreed annually.

For each journey the expenses form should detail the Councillor's:

- Vehicle registration number
- The mileage and route taken (including all places visited)

Please note in order to make a legitimate claim for mileage, vehicles must have an up to date MOT and be taxed and insured (see the note below).

#### **A note on motor insurance:**

Failure to buy the correct type of motor insurance can mean you will be unable to make business trips, but more importantly in the event of an accident your insurers are quite entitled not to pay out on a claim. It could also harm your future renewals if they consider that you have given wrong information.

The most basic cover (social domestic and pleasure with commuting) may not cover you for any form of business activities or travelling during the day. Instead, you will need at least class one business use (this may be referred to in your policy documents as "in connection with your employers business" or similar). If business use of a vehicle is very occasional (once or twice a year), you are advised to speak

with your insurer to determine if occasional business use can be included, rather than taking out class one cover.

Class one business use will cover your vehicle in connection with your approved duties, such as driving to different sites.

In all cases you are advised to double check with any potential or current insurer the precise terms of cover your policy holds. This includes if you are a named driver and/or the policy is in the name of your partner/spouse. Remember, at first glance the lowest price for your insurance may not be the best for you.

## **5.2 Car Parking**

If a Councillor travelling on an approved duty uses public car parks (that their Council car parking permit does not include) they must buy a ticket. This cost can be claimed back. The ticket should be attached to the claim form whenever possible. The Council will not cancel any excess charges, or reimburse a Councillor for them.

## **5.3 Rail Travel**

Tickets should be purchased through the Corporate and Community Services Team. Doing this as far in advance as possible enables significantly cheaper tickets to be purchased to minimise costs. All tickets will be standard class, and Councillors should use any discounts available to them.

The procedure for doing this is as follows:

1. The Councillor should contact the Corporate and Community Services Team with their travel request details.
2. The Councillor should provide as much notice as possible. The minimum amount of time being seven working days. This is to allow time for the tickets to arrive.
3. When the ticket arrives the Corporate and Community Services Team will contact the Councillor to arrange collection.

If tickets cannot be purchased in this way at least seven days in advance, Councillors might have to purchase the ticket themselves. They may then claim the cost back from the Council as long as they can demonstrate that they had purchased the cheapest ticket available at that time.

## **5.4 Subsistence**

Subsistence is reimbursement from the Council to a Councillor in respect of actual food and drink costs they have incurred during their approved duty. Expenses will not be paid where a suitable meal is provided as part of the event (e.g. at a course or conference).

The maximum amount payable will be same as paid to Officers, and as shown in the annually agreed Scheme of Members' Allowances.

In exceptional circumstances, if a Councillor must stay away from home overnight on an approved duty, then dinner, bed and breakfast (at a reasonably priced rate with full supporting receipts) may be claimed.

## **5.5 Hotel accommodation**

Where hotel accommodation is essential it will be in a reasonably priced hotel (e.g. Travel Inn or 3 star hotel), and will normally be booked in advance by the Corporate and Community Services Team.

Where possible, arrangements should be made for the account to be sent directly to the Corporate and Community Services Team.

Where a Councillor pays the hotel bill and seek reimbursement for the accommodation costs, such claims will need to be supported by a receipt.

## **5.6 Air travel**

This must be specifically agreed by the Corporate and Community Services Team before booking because of tight budgetary constraints.

## **5.7 Taxis**

In rare cases of urgency, for example a medical emergency, the amount of the actual fare and any reasonable gratuity will be paid.

In any other case, the amount of the fare for travel by appropriate public transport will be paid.

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## NORTH DEVON COUNCIL

**REPORT TO: COUNCIL**  
**DATE: 16<sup>TH</sup> MAY 2019**  
**TOPIC: APPOINTMENTS TO OUTSIDE BODIES**  
**REPORT BY: HEAD OF CORPORATE AND COMMUNITY**

### 1 INTRODUCTION

- 1.1 The purpose of the report is to seek the appointment of representatives to Outside Bodies for which the Council currently appoints to.
- 1.2 The report also highlights the legal and insurance position of the Council and clarifies the expectations of appointees to Outside Bodies.

### 2 RECOMMENDATIONS

- 2.1 To appoint Members of Council to the Outside Bodies listed in appendix A of the report for the life of Council and that attendance at meetings be an approved duty.
- 2.2 That all appointees to Outside Bodies be required to report back to Council at appropriate intervals, usually annually.
- 2.3 To agree not to re-appoint to the following organisations:
  - North Devon Archaeological Society.

### 3 REASONS FOR RECOMMENDATIONS

- 3.1 To safeguard the interests of both the council and the appointees.
- 3.2 To clarify the Council's expectations of appointees to outside bodies.
- 3.3 To improve the Council's knowledge of and communications with outside bodies by requiring reports from appointees.

### 4 CONSTITUTIONAL CONTEXT

Part or Appendix and paragraph	Referred or delegated power?
Council Procedure Rules Part 4, Paragraph 1.2.7	Delegated

## 5 REPORT

### 5.1 Legal Position

The overall legal position regarding appointments is clear in that Members acting as the Council's representatives on other bodies must comply with the Code of Conduct for Members unless that conflicts with any legal obligations arising from serving on the body.

### 5.2 The legal obligation of the appointed Member differs according to the type of appointment:

#### 5.2.1 Directors of Limited Companies

A Director has a fiduciary duty to act in the best interests of the company. The Director is under a duty to exercise independent judgment; it is not acceptable to simply vote in accordance with a council mandate. To do so would breach the legal duty owed to the company and expose the Member to personal liability. In the event of a conflict between the interests of the company and the interests of the council the proper course of action is for the Member to resign from one or other.

#### 5.2.2 Charitable Trustees

Charitable trustees can be personally liable to third parties because as a trust (unlike a company), the charity has no separate legal identity. Trustees are, however, entitled to an indemnity from the charity if they have acted properly in incurring the liability. Trustees remain personally liable when they retire and should therefore seek an indemnity from their successors.

#### 5.2.3 Unincorporated associations

Examples are clubs and residents associations. These unincorporated associations have no separate legal identity from their members. Therefore, a council appointee who sits on a management committee will have joint and several liability with other members. If the body has insufficient funds they will be liable for any shortfall.

#### 5.2.4 Consultative or advisory bodies

Examples are external committees or statutory partnerships which advise the council on various issues. Nationally there have been difficulties when an elected Member champions a position taken by the body. This may result in council decisions being subject to the risk of successful challenge.



## 5.3 The Insurance Position

The Council's insurance covers appointees to a certain extent. It covers the Council's:

"Business . . . . which is held to include . . . activities of employees and Members approved by the insured in connection with outside organisations but only where the insured is legally entitled to:

- (i) approve such activities
- (ii) indemnify such employees and Members in respect of such activity"

5.4 The extent to which the Council is legally entitled to indemnify a Member who is acting in the best interest of another organisation is limited and will vary from case to case.

5.5 Therefore a Member appointed by the Council is not allowed to act in the interest of the Council because of the duty they give to the body they were appointed to and the appointee can become personally liable.

## 6 APPOINTMENTS TO OUTSIDE BODIES

6.1 In order to safeguard the interests of both the Council and the appointed Councillor:

- A) Expectations will be made clear in the letter of appointment.
- B) The Council will only expect appointees to act as advisors and communication links to the outside body. The council will not ask appointees to become Directors of companies or trustees of charities. Nor will the council expose Councillors to personal liability by asking them to be committee members of unincorporated associations. (This paragraph is subject to D below).
- C) The council will only appoint Councillors or officers to outside bodies. Other people will not be considered for appointment. (This paragraph is subject to D below).
- D) There might be instances in which the Council breaks rules B and C above. If this occurs they will be specifically identified exceptional cases. The Council's expectations of the appointee will be clearly explained in writing to the appointee.
- E) All appointees will be expected to report back to council at appropriate intervals, usually annually in April. This will be made clear in the letter of appointment.

- 6.2 It should be noted that these measures do not stop appointees exceeding the brief given them by the council by, for example, becoming a Director or a Trustee. However this will be in a purely personal capacity, they will not be acting as representatives of the council.

## 7 STATEMENT OF CONFIDENTIALITY

- 7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

- 8.1 The following background papers were used in the preparation of this report:  
Reports to Council on 14<sup>th</sup> March 2019 and 21<sup>st</sup> May 019.

The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

### Consultee Consultee comments

Legal No comments.

Finance No comments.

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Author: Ken Miles/Bev Triggs Date: 30/4/19

Reference: Council 2019.05.16 outside bodies report

# Agenda Item 10

## Appendix A

<b>Outside Body</b>	<b>Number of Representative(s)</b>
Barnstaple BID	1 + 1 (Substitute Member)
Barnstaple and District Chamber of Commerce	1
Barnstaple Town Centre Management	2
Barnstaple Youth House	1
Braunton Marsh Internal Drainage Board	3
Chulmleigh Town Hall Committee	1
Citizen's Advice Bureau (Torrige, North Devon, Mid Devon and Bude)	1
Combe Martin Business Association	1
Campaign for the Protection of Rural England (CPRE)	1
Devon and Cornwall Police Crime Panel	1
Devon Districts Forum	2 (1 Member and 1 Officer)
Devon and Exeter Rail Project Working Party	2
Devon Waste Reduction and Recycling Committee	1

Outside Body	Number of Representative(s)
District Council's Network Assembly	1
Exmoor National Park Authority	2
Go North Devon	1
Ilfracombe and District Tourism Association	1
North Devon Against Domestic Abuse	1
Northern Devon Areas of Outstanding Natural Beauty	1
Northern Devon Growth Board	1
North Devon Archaeological Society	1 (No longer wish to have an appointed representative).
North Devon Athenaeum	1
North Devon County Locality Committee	2
North Devon Highways and Transport Orders Committee	2
North Devon Voluntary Services	1
Safer North Devon Community Safety Partnership Board	1
South West Provincial Council for Local Authority Services	1
Woolacombe and Morteohoe Tourism Association	1



Open

## NORTH DEVON COUNCIL

**REPORT TO:** ANNUAL COUNCIL  
**Date:** 16<sup>TH</sup> MAY 2019  
**TOPIC:** ASSISTANTS FOR POLITICAL GROUPS  
**REPORT BY:** REPORT BY HEAD OF CORPORATE AND COMMUNITY

### 1 INTRODUCTION

- 1.1 The Local Government and Housing Act 1989 provides Local Authorities to appoint political assistants, subject to conditions.
- 1.2 This report appraises Council of those provisions and conditions.

### 2 RECOMMENDATIONS

- 2.1 That Council notes the report.

### 3 REASONS FOR RECOMMENDATIONS

- 3.1 There is no recommendation for action made. Any decision to act on the report is a matter for Councillors.

### 4 REPORT

- 4.1 The Local Government and Housing Act 1989 makes it possible for Local Authorities to appoint political assistants subject to the following conditions.

4.2 Employer - The Council is the employer, not the political group.

#### 4.3 Job Purpose

- 4.3.1 The appointment must be for the purpose of providing assistance to the members of a political group in the discharge of their functions as members of the Authority.
- 4.3.2 No delegated powers are available to the political assistant.
- 4.3.3 No officer can be required to work under his or her direction, save for the provision of secretarial or clerical services.

#### 4.4 Group Qualification

- 4.4.1 Political groups will only qualify if they comprise at least 10% of the membership of the Authority and are one of the three largest groups of the Authority.

## 4.5 Number of Appointments

4.5.1 There can be no more than three such appointments across the Authority.

4.5.2 Each group can only have one political assistant.

## 4.6 Filling the Posts

4.6.1 If the Council decide to do so it must allocate a post to each political group qualifying for one before any appointment may be made. It would be a matter for each group to decide whether to take up the offer.

4.6.2 All appointments of staff must be made on merit and therefore advertised in the normal way. In the case of political assistants, the procedures relating to the appointment of staff should be amended so that the post can be filled according to the wishes of the political groups to be assisted. This means that if there are two candidates of equal political 'attractiveness', the more able to perform the role must be appointed.

4.6.3 Members of the Council cannot be appointed to any paid office whilst they remain Members and for a period of twelve months thereafter.

4.6.4 Nothing in the Act prevents the secondment to a political group of officers conventionally appointed and accordingly appointed on merit without regard to their political sympathies or affiliations.

## 4.7 Terms of Employment

4.7.1 The Regulations relating to Political Assistants provide for a maximum term of office to end:-

*'not later than the date of the annual meeting in the period of 12 months beginning with the first such election (i.e ordinary election of Councillors) to be held after the person was appointed'.*

4.7.2 The 2019/20 Approved Revenue Budget does not contain any provision for these posts and the costs for this year would need to be met from reserves. Future years budget would need to be adjusted accordingly if the posts are approved.

4.7.3 The remuneration of each political assistant must not exceed £34,986 or its part-time equivalent. However, under the Council's procedures for the establishment of a new post, the post will be subject to a written job description and evaluated in accordance with the Council's Job Evaluation Scheme. For this purpose the Job Description of the Political Assistant post previously appointed by Council could be used as a guide.

## 4.8 Constitution

4.8.1 There will be a need to amend the Constitution to incorporate the requirements of sub-section 2(d) of Section 9 of the Local Government and Housing Act 1989

## 5 RESOURCE IMPLICATIONS

- 5.1 The costs of the appointments will be influenced by the number of hours worked and the actual salary of the specific posts.
- 5.2 The 2019/20 Approved Revenue Budget does not contain any provision for these posts and the costs for this year would need to be met from reserves. Future years budget would need to be adjusted accordingly if the posts are approved.
- 5.3 Any new appointments made could have a knock on effect on existing secretarial and/or clerical support staff if such are needed, which in the first instance would have to be met from existing resources.
- 5.4 This report does not have any direct human rights, equality or diversity implications other than the appointments procedure, which will be an open process for suitable applicants to apply.

## 6 CONSTITUTIONAL CONTEXT

- 6.1 The power to appoint staff including the terms and conditions on which they hold falls to Council to exercise.

## 7 STATEMENT OF CONFIDENTIALITY

- 7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

- 8.1 The following background papers were used in the preparation of this report :

- Local Government and Housing Act 1989
- Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2006

The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

- 9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

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Author: Ken Miles/Bev Triggs

Date: 30<sup>th</sup> April 2019

Reference: \\w2knddc.ad\data\CivicCentre\Units\Corp

Comm\Democratic\Committee\Reports\Council\2019.05.16\2019.05.16 political assistants.doc

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**NORTH DEVON COUNCIL**

**Open|Not for publication**

**REPORT TO: FULL COUNCIL**

Date: 16<sup>th</sup> May 2019

**TOPIC: APPOINTMENT OF DIRECTOR TO NORTH DEVON +**

**REPORT BY: CHIEF EXECUTIVE**

## 1 INTRODUCTION

- 1.1 At the present time, Mike Mansell, Chief Executive is appointed as a Director of North Devon +.
- 1.2 As a result of the retirement of the Chief Executive, there is a requirement to appoint a replacement Director.

## 2 RECOMMENDATIONS

- 2.1 That Ken Miles be nominated for appointment as Director of North Devon +

## 3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure continuity

## 4 REPORT

- 4.1 North Devon + have a board meeting on the 30<sup>th</sup> May 2019 and it would seem sensible for that meeting to deal with the appointment of a replacement Director due to the impending retirement of the Chief Executive who is a current Director.
- 4.2 It is suggested that Ken Miles, who has been appointed as Head of Paid Service effective following the retirement of the Chief Executive, be nominated for appointment as Director at the Board meeting.

## 5 RESOURCE IMPLICATIONS

- 5.1 There are none

## 6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
4.5.15	Delegated

## 7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report:

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The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

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Author: KM Date: 1<sup>st</sup> May 2019  
Reference: Document5



**NORTH DEVON COUNCIL**

**Open**

**REPORT TO: FULL COUNCIL**

Date: 16<sup>th</sup> May 2019

**TOPIC: APPOINTMENT OF INDEPENDENT PERSON**

**REPORT BY: HEAD OF CORPORATE AND COMMUNITY**

## 1 INTRODUCTION

- 1.1 Under the Localism Act 2011 the Council is required to appoint an Independent Person to assist the Council in promoting and maintaining high standards of conduct amongst the elected members of the Council and all Parish Councils in the area.
- 1.2 Mr R Jeanes has held that position previously and this report recommends that the appointment continue for the current Council term.

## 2 RECOMMENDATIONS

- 2.1 To appoint Mr Rob Jeanes as Independent Person with effect from the 16<sup>th</sup> May 2019 for a four year term.

## 3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the statutory role is filled.

## 4 REPORT

- 4.1 The role of an Independent Person is primarily to be consulted on potential breaches of the Code of Conduct and to give a view as to whether such breaches exist and if so how the complaint may be resolved.
- 4.2 The views of the Independent Person are taken into account when determining the complaint.
- 4.3 Mr Rob Jeanes has acted as Independent Person during the previous Council term and has been particularly effective. He has supported the aims of the Council to improve standards but has also been willing to challenge views put forward in respect of complaints. It is suggested and recommended that the appointment continue for a further 4 years.

## 5 RESOURCE IMPLICATIONS

5.1 There are none arising from this report.

## 6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
4.5.18	Delegated

## 7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report:

○

The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

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Author: Ken Miles  
Reference:

Date: 7<sup>th</sup> May 2019