



Public Document Pack

Cambridge City Council

CIVIC AFFAIRS

To: Committee Members: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Marchant-Daisley, Herbert, Benstead and Pitt

Alternates: Councillors Brierley and Pogonowski

Despatched: Tuesday, 13 November 2012

Date: Wednesday, 21 November 2012

Time: 6.00 pm

Venue: Committee Room 1 & 2 - Guildhall

Contact: Martin Whelan

Direct Dial: 01223 457013

AGENDA

1 APOLOGIES FOR ABSENCE

2 MINUTES OF PREVIOUS MEETING (*Pages 1 - 4*)

3 DECLARATIONS OF INTEREST

Members are asked to declare at this stage any interests that they may have in any of the following items on the agenda. If any member is unsure whether or not they should declare an interest on a particular matter, they are requested to seek advice from the Head of Legal Services before the meeting.

4 PUBLIC QUESTIONS

5 LOCAL GOVERNMENT PENSION SCHEME - EMPLOYERS DISCRETIONS (*Pages 5 - 28*)

6 THE LOCALISM ACT AND THE COMMITTEE SYSTEM Head of Corporate Strategy (*Pages 29 - 36*)

7 COMMITTEE DATES - 2013/14 (*Pages 37 - 42*)

The 2013/14 meeting calendar is presented for approval.

A number of committees are responsible for approving their own committee dates and this process has either already been completed or will be completed over the coming weeks. Due to congestion in the calendar suggested dates have been included for the following meetings:

- Joint Development Control Committee and Joint Development Control Committee Development Control Forum
- Area Committees

2013/14 meeting calendar

The underlying structure of the 2013/14 meeting calendar was reviewed in readiness for the production of the indicative calendar in September 2011, with the intention of improving the consistency of meeting dates. This primarily applies to planning related committees, which are proposed to run on a consistent cycle of

- 1st week in the month – Planning Committee
- 2nd week in the month – Development Control Forum
- 3rd week in the month – Joint Development Control Committee
- 4th week in the month – Joint Development Control Committee DCF

Other minor changes have been made to reflect

- Confirmation of the dates for autumn party political conferences and school holidays.
- Removal of Standards Committee as a committee of the council.

East Area Committee

East Area Committee is currently meeting on a 6 weekly cycle as a trial. The outcome of the trial, and a decision whether to continue with this cycle is not planned to be made until the spring of 2013. The suggested dates are based on a 8 week cycle.

School Holidays

All meetings have been checked against the published Cambridgeshire County Council school holiday dates for 2012/13 and 2013/14.

Elections in 2014

The local elections are provisionally scheduled for 1st May 2014 and there are also European Elections in June 2014. Normally the local elections would be moved to the June date, however the calendar is based on the current circumstances.

A revised calendar will be presented to Civic Affairs at a later date if required, to amend the calendar if the Local Elections are moved to coincide with the European Elections.

(Pages 37 - 42)

8 MEMBERS ALLOWANCES 2013/14 *(Pages 43 - 48)*

Members Allowances for May 2013-April 2014

At its meeting on 1 February 2012, in agreeing to recommend to Council the continuation of the existing members allowance scheme for a further municipal year, the Committee also agreed that the scheme be reviewed as part of the Leader's review of the Council's decision-making processes. The report elsewhere on this agenda recommends that the Council's decision-making processes are retained with no change. Therefore, committee is asked whether the allowances scheme should also be retained with no change.

Background

It was in the 2007/08 municipal year that the current monetary value for the basic allowance entitlement to all 42 councillors was set. The current monetary value for the variety of special responsibility allowances entitlement, received by a majority of councillors, were also first adopted for the 2007/08 year with some minor changes since to certain allowances, for example to reflect annual electoral results. The total budget for basic and special responsibility allowances is £252,500.

Before councillors can make or amend an allowances scheme, they must have regard to the recommendations made in relation to it by an independent remuneration panel. By being required to have regard to the views of 'lay people', who will have researched the issues, it is expected that councillors would more carefully consider the justification for any increase in allowances they receive. The allowances scheme has been considered annually by the Independent Remuneration Panel up to March 2011, when the Panel recommended continuation of the existing scheme,

primarily because of the economic climate at the time. Also in March 2011, the Committee agreed that the Panel did not need to meet prior to adoption of the 2012/13 scheme if circumstances had not changed.

The committee's deliberations on the work of the Independent Remuneration Panel since 2007/08 and the scheme adopted has left some issues which while the scheme remains unchanged, will continue to be unresolved. Any changes to the scheme however are difficult to address in isolation without impacting either on the current standstill budget or on the other allowances within the scheme. Any changes committee were to propose would first require input from the Panel and then agreement by the Council.

Recommendation

For 2013/14 therefore, the scheme could again be retained if the committee agrees to retain the decision making structures (set out in the report elsewhere on the agenda) and there are no changes in the composition of the Council for the new municipal year. Accordingly the committee is requested to recommend to the Council:

That the current Members Allowances Scheme (**attached**) be continued for the 2013/14 municipal year.

(Pages 43 - 48)

9 A REVIEW OF THE ANNUAL CANVASS AND PUBLICATION OF REGISTER OF ELECTORS *(Pages 49 - 52)*

10 FEEDBACK ON THE POLICE AND CRIME COMMISSIONER ELECTION HELD ON 15TH NOVEMBER

Oral Report

Information for the Public

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

Public Participation Some meetings may have parts that will be closed to the public, but the reasons for excluding the press and public will be given.

Most meetings have an opportunity for members of the public to ask questions or make statements.

To ask a question or make a statement please notify the Committee Manager (details listed on the front of the agenda) prior to the deadline.

- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

Speaking on Planning or Licensing Applications is subject to other rules. Guidance for speaking on these issues can be obtained from Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Further information about speaking at a City Council

meeting can be found at;

<http://www.cambridge.gov.uk/public/docs/Having%20your%20say%20at%20meetings.pdf>

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recording
and
photography**

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Full details of the City Council's protocol on audio/visual recording and photography at meetings can be accessed via:

www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203.

Fire Alarm

In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.

**Facilities for
disabled
people**

Level access to the Guildhall is via Peas Hill.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request prior to the meeting.

For further assistance please contact Democratic

Services on 01223 457013 or
democratic.services@cambridge.gov.uk.

Queries on reports If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

General Information Information regarding committees, councilors and the democratic process is available at www.cambridge.gov.uk/democracy.

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CIVIC AFFAIRS

19 September 2012

6.00 - 6.18 pm

Present: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Marchant-Daisley, Herbert, Benstead and Pitt

Officers Present

Chief Executive – Antoinette Jackson
Director of Resources – David Horspool
Head of Accounting Services – Julia Minns
Committee Manager – Martin Whelan

Also Present

Representatives of the Audit Commission

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| FOR THE INFORMATION OF THE COUNCIL |
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10/46/civ Apologies for absence

There were no apologies for absence.

10/47/civ Minutes of previous meeting

The minutes of the meeting held on 27th June 2012 were agreed as a true and accurate record.

10/48/civ Declarations of Interest

Councillor Boyce declared an interest in 10/50/Civ as a Director of Cambridge Sports Hall Trust and Kelsey Kerridge Sports Centre.

10/49/civ Public Questions

There were no public questions.

10/50/civ Audit Commission Annual Governance Report and Approval of Statement of Accounts

The committee received a report from the Director of Resources covering the Audit Commission Annual Governance Report and Approval of Statement of Accounts. The Director of Resources, representatives of the Audit Commission and the Head of Accounting Services introduced the report.

The committee made the following comments on the Audit Commission Annual Governance Report,

- i. The reference in the introductory sentence on page 32 (appendix 2 – corrected errors) to “not addressed”, should be replaced with “now addressed”.
- ii. Further information was requested on the circumstances, which had resulted in the weakness being identified, and whether management action had now been complete with regards to the revised list of signatures. The Head of Accounting Services explained that the management action was now largely complete, with just a few signatures outstanding due to officers being on leave. The committee were also advised that the processing of invoices was now centralised as part of the Departmental and Support Services Review.
- iii. Clarification was requested from the External Auditors on whether it would have been expected that the errors identified should have been picked up earlier in the process. The representative of the Audit Commission explained that the number of amendments were very low compared with other authorities and were not significant issues, which should have been picked up during the drafting process.

The committee had no comments on the summary of changes or the Statement of Accounts.

Resolved (unanimously) to

- i. Receive the Annual Governance Report presented by the Audit Commission.
- ii. Approve the Statement of Accounts for the year ending 31 March 2012.

- iii. Authorise the Chair of the meeting to sign the Letter of Representation and audited Statement of Accounts for the financial year ending 31 March 2012 on behalf of the Council.

The meeting ended at 6.18 pm

CHAIR

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CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Resources
Head of Human Resources

TO: Civic Affairs Committee

21/11/2012

WARDS: All

LOCAL GOVERNMENT PENSION SCHEME - EMPLOYERS DISCRETIONS

1 INTRODUCTION

- 1.1 The paper outlines Cambridge City council's proposed policy statement on Employer Discretions for the Local Government Pension Scheme.

2. RECOMMENDATIONS

- 2.1 to approve the proposed policy statement on employer discretions (Appendix A)
- 2.3 to authorise the Head of Human Resources and Director of Resources to determine decisions relating to the merits of individual cases
- 2.4 that Council officers will continue to review the statement every 3 years and / or in line with changes to the Local Government Pension Scheme (LGPS) as advised by the Local Government Pensions Committee (LGPC) and the Administering Authority (Cambridgeshire County Council), and any recommended changes will go before Civic Affairs for approval.

3. BACKGROUND

- 3.1 The Local Government Pension Scheme (LGPS) legislation has a number of discretionary areas on which Employing Authorities (i.e. Cambridge City Council) have to determine and publish a policy.
- 3.2 The Council's last review of LGPS Employer Discretions was undertaken in 2009.
- 3.3 In reviewing the applicable regulations, the Council sought advice from a Local Government Employers (LGE) pensions advisor.

- 3.4 Appendix A contains details of Cambridge City Council's Employing Authority Discretionary Powers, the relevant LGPS Regulations and the recommended decisions. Appendix A also includes a statement on Injury Allowances following the introduction of new legislation relating to this.
- 3.5 Where a case is to be treated on its merits, it will be subject to the approval of the Head of Human Resources (or relevant successor post) and the Director of Resources (or relevant successor post). Under section 9 of the Council's constitution (Para 4.5) the Director of Resources (or relevant successor post) is the nominated person *"To take such action as may be necessary in relation to superannuation and the payment of pensions on behalf of the Council as employing authority in relation to its employees, former employees and to Cambridgeshire County Council as administering authority; except that, where the Council is entitled to exercise a discretion, the Director of Finance is authorised to act under this paragraph only in accordance with principles approved by the Council."*

* **CONSULTATIONS**

Local Government Employers (LGE) – Pensions Advisor

* **IMPLICATIONS**

(a) **Financial Implications**

There are no significant changes from the existing discretions recommended. Where individual decisions are made potential costs will vary depending on the personal circumstances of each employee involved, their reason for leaving and the appropriate discretions. It is therefore impossible to give an accurate prediction of costs.

(b) **Staffing Implications**

There are no direct staffing implications as a result of the recommendations in this report.

(c) **Equal Opportunities Implications**

No Equality Impact Assessment has been conducted, as there are no significant amendments to the existing discretions

(d) **Environmental Implications**

There are no direct environmental implications as a result of the recommendations in this report.

(e) **Procurement**

There are no procurement implications as a result of this report

(f) **Consultation and communication**

(g) **Community Safety**

There are no community safety implications as a result of the recommendations in this report.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- Existing Employers Discretions – as minute 09/Civ/20
- Pension Position Statement – Finance Intranet
- What is Pensionable Pay document – Finance Intranet
- Flexible Retirement Policy – HR Intranet
- LGE – LGPS Discretions Guide

To inspect these documents contact Karl Tattam on extension 8161

The author and contact officer for queries on the report is Karl Tattam on extension 8161.

Report file:

Date originated: 12 November 2012

Date of last revision: 12 November 2012

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Cambridge City Council Local Government Pension Scheme Employers Discretions

Purpose

To allow Cambridge City Council to comply with its duties within the Local Government Pension Scheme Regulations, by ensuring that the Council has a published Statement of Policy covering the certain discretionary powers available to the Council.

Regulations Covered

The Councils Discretions policy addresses current employer discretions within the following regulations: (as at 01.10.08)

- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- The Local Government Pension Scheme Regulations 1997 (as amended)
- The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 (as amended)
- The Local Government Pension Scheme Regulations 1995 (as amended)
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)
- Discretions under the Local Authorities (Members' Allowances) (England) Regulations 2003 [SI 2003/1021]
- The Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011

Monitoring & Review

Council officers will review this statement every 3 years and / or in line with changes to the Local Government Pension Scheme (LGPS) as advised by the Local Government Pensions Committee (LGPC) and the Administering Authority (Cambridgeshire County Council). Any recommended changes will go before Members for approval.

The operation and effectiveness of this statement will be monitored by the Director of Resources and the Head of Human Resources, with a view to addressing any issues identified and agreeing improvements. The Trades Unions will be consulted about any proposals.

Regulations Key

- Discretions from 1.4.08. in relation to post 31.3.08. active members (excluding councillor members) and post 31.3.08. leavers (excluding councillor members), being discretions under:
 - the Local Government Pension Scheme (Administration) Regulations 2008 [**prefix A**]
 - the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [**prefix B**]
 - the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [**prefix T**]
 - the saved provision of the Local Government Pension Scheme Regulations 1997 (as amended) [**prefix L**]
 - Discretions under the Local Government Pension Scheme Regulations 1997 (as amended) in relation to active councillor members and pre 1.4.08. scheme leavers [**Prefix C**]
 - Discretions under the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 (as amended) – revoked [**Prefix TR**]
 - Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to pre 1.4.98. scheme leavers [**Prefix D**]
 - Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) [**Prefix E**]
 - Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [**Prefix ET**]
 - Discretions under the Local Authorities (Members' Allowances) (England) Regulations 2003 [SI 2003/1021] [**Prefix SI**]
- These employer discretions are subject to a written policy under Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (“the Benefit Regulations”).

1) Membership, Aggregation & Contribution Discretions

| | Discretionary Power | Regulation | Cambridge City Council Discretion |
|--------------|--|----------------------|---|
| 1. | Determine rate of employees' contributions | B3 & T9 | CCC has a position statement, which details how it will determine employee contribution rates; the statement has been approved by JTUG and communicated to employees. This will be reviewed on a regular basis and is published on the Councils Intranet. |
| 2. | Specify in an employee's contract what other payments or benefits, other than those specified in B4(1)(a) and not otherwise precluded by B4(2) or (3), are to be pensionable | B4(1)(b) | CCC does not provide any payments or benefits deemed pensionable, outside those listed in B4(1)(a) which states " <i>all the salary, wages, fees and other payments paid to him for his own use in respect of his employment</i> " with the exception of Salary Sacrifice schemes. A document entitled what is pensionable pay is published on the Councils intranet. |
| 3 Page 11 | Whether to recover employee contributions that had been reduced or waived after 40 years pensionable local government service prior to the deletion of L15 by SI 2006/966 | Reg 8 of SI 2006/966 | CCC's previous discretion in relation to Reg 15 was to reduce an employee's contribution rate to 3% during the period in which they were unable to accrue additional pensionable service. In such cases CCC will not seek to recover reduced contributions. |
| 4. | Employer may deduct contributions from an employee's pay or reserve forces pay | A45(1) & (2) | CCC will adopt this discretion and deduct contributions from employees pay and will deduct from reserve forces pay in accordance with the regulations on a case-by-case basis. |
| 5. | Employer may deduct contributions from an councillor's pay or reserve forces pay | C89(1) & (2) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) |
| 6. | Allow a councillor who has opted out more than once to rejoin | C7(9)(a) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) |

Appendix A

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| 7. | Allow a late application by a councillor member to pay optional contributions for a period of absence. | C18(6) & (7) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) |
| 8. | Councillor optants out and pre 1.4.08 employee optants out only to get benefits paid from Normal Retirement Date if employer agrees. | C31(7A)* | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) CCC will not pay until the pre 1.4.08 employee ceases the job they opted out from. |
| 9. | Scheme of allowances made by a district council, county council or London borough council must specify which members will be eligible to join the LGPS and whether the basic and / or special responsibility allowances will be pensionable | SI11 | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) |

2) Additional Membership Benefits; Augmentation & Final Pay

| | Discretion | Regulation | Cambridge City Council Discretion |
|-----|---|----------------------------|--|
| 10. | Whether to augment membership of an active member (by up to 10 years) | B12* | CCC does not augment membership of an active LGPS member in any circumstances. |
| 11. | Whether to grant additional pension to a member (by up to £5,000 p.a.) | B13* | CCC does not grant additional pension to any active LGPS member. |
| 12. | Agree with Administering Authority the method of paying for augmented membership granted under B12 or additional pension granted under B13 | A40(2)&(4) | This discretion is not applicable as CCC will not augment membership or grant additional pension |
| 13. | Agree with the Administering Authority whether to extend the one month period within which a lump sum payment by the employer under A40(2) has to be made (to pay for any augmented membership granted under B12 or additional pension granted under B13) | A40(9)(b) | This discretion is not applicable as CCC will not augment membership or grant additional pension |
| 14. | Whether, how much, and in what circumstances to contribute to a shared cost AVC scheme | A25(3) & B15(3) | CCC will not introduce a shared cost AVC arrangement. |
| 15. | Whether to allow a member to select final pay period for fees* to be any 3 consecutive years ending 31 st March in the 10 years prior to leaving. <i>This discretion specifically relates to variable time employees where pay includes fees e.g. Returning Officer.</i> | B11(2) | CCC will allow members to select final pay period for fees to be any 3 consecutive years ending 31 st March in the 10 years prior to leaving. Subject to the approval of the nominated person as defined in the Council's constitution. |

3) Extension of Standard Scheme Time Limits

| | <u>Discretion</u> | <u>Regulation</u> | <u>Cambridge City Council Discretion</u> |
|-----|---|------------------------------------|---|
| 16. | Whether to extend the 12 month option period for aggregation of deferred benefits | A16(4)(b)(ii) | <p>CCC will only extend the 12 months time limit for aggregation of LGPS membership where:</p> <p>a) The member is initially appointed on a fixed term contract for a period of a year or less and the contract is subsequently extended to a period of greater than one year. Such an active member may opt to aggregate LGPS benefits within 3 months of the notification of the contract extension or within 12 months of joining the LGPS with CCC, whichever is the later;</p> <p>b) CCC determines that the available evidence indicates the member made an election within 12 months of commencing membership of the LGPS with CCC, but the election was not received by the Pension Fund administering authority (e.g. the election form was lost in the post). Such a member may make a fresh election opt to aggregate LGPS benefits within 3 months of CCC making the aforesaid determination;</p> <p>c) CCC determines that the available evidence indicates the member had not been informed of the 12-month time limit due to maladministration. Such a member may opt to aggregate LGPS benefits within 12 months of CCC making the aforesaid determination;</p> |
| 17. | Whether to allow a late application by member to pay optional contributions for a period of unpaid child related leave, strike, or unpaid leave of absence beyond 30 days | A22(2) | An extension of the time limit will only be granted where CCC have not provided notification to an employee of their right to pay. Where this is the case CCC will extend the time limit to 1 month from the date of the Councils notification informing the member of their right to pay. |
| 18. | Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership | TSch1; & L66(8) & former L66(9)(b) | An extension of the time limit will only be granted where the member has not been notified of the potential additional service that may be purchased. Where this is the case CCC will extend the time limit to one month from the date of notification of the potential service credit. |

Appendix A

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| 19. | Whether to extend six-month period to lodge a stage one Internal Dispute Resolution Procedure (IDRP) appeal. | A58(7)(b) | Requests to extend the 6-month period will be considered on a case-by-case basis by the nominated person as defined in the Council's constitution. |
| 20. | Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS | A83(8) | <p>CCC will only extend the 12 months period where:</p> <p>a) The member asked for transfer investigations to be commenced within 12 months of joining the LGPS but a service credit has not been offered to the member within 11 months of joining the LGPS. The time limit for such a member to make a formal election to transfer pension rights into the LGPS will be extended to one month beyond the date of the letter issued by the Pension Fund administering authority notifying the Scheme member of the service credit the transfer will buy in the LGPS;</p> <p>b) The member is initially appointed on a fixed term contract for a period of a year or less and the contract is subsequently extended to a period of greater than one year. Such a member may request transfer investigations to be commenced within 3 months of the notification of the contract extension or within 12 months of joining the LGPS, whichever is the later and may make a formal option for the transfer to proceed within one month of the date of the letter issued by the Pension Fund administering authority notifying the Scheme member of the service credit the transfer will buy in the LGPS or within 12 months of joining the LGPS, whichever is the later;</p> <p>c) CCC determines that the available evidence indicates the member made an election within 12 months of joining the LGPS, but the election was not received by the Pension Fund administering authority (e.g. the election form was lost in the post). Such a member may make a fresh election opt to aggregate LGPS benefits within 3 months of CCC making the aforesaid determination;</p> <p>d) CCC determines that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration. Such a member may opt to aggregate LGPS benefits within 12 months of CCC making the aforesaid determination.</p> |

Appendix A

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| 21. | Whether to extend 12 month period for aggregation of deferred benefits (where deferred councillor member wishes to aggregate with current councillor membership in the same Fund) | C32(8A) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) |
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4) Recovery and Forfeiture of contributions
4a) Criminal Offences, Fraud and Misconduct

| | <u>Discretion</u> | <u>Regulation</u> | <u>Cambridge City Council Discretion</u> |
|-----|---|-------------------|--|
| 22. | No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made | A47(2) | Cambridge City Council will direct a refund of contributions less any debt owed to the Council by the member (see Reg A76 (2) and (3)) |
| 23. | No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made (councillor leavers and pre 1.4.08 leavers) | C88(2) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) Cambridge City Council will direct a refund of contributions less any debt owed to the Council by the member (see Reg C88 (2)) |
| 24. | Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence e.g. an offence in connection with his / her employment which was gravely injurious to the state or liable to lead to a serious loss of confidence in the public service.) | A72(1) & (6) | Where appropriate the Council will apply for a certificate. |
| 25. | Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited | A72(3) | If a forfeiture certificate is issued by the Secretary of State it will be applied against the members pension rights (i.e. the rights should be forfeited) |
| 26. | Forfeiture of pension rights on issue of Secretary of State's certificate (councillors and pre 1.4.08 leavers) | C111(2)&(5) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) If a forfeiture certificate is issued by the Secretary of State it will be applied against the members pension rights (i.e. the rights should be forfeited) |

Appendix A

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| 27. | Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits | A73(1) & (2) | In line with decisions under Regulations A72(1) and 72(3) there will be no need for the Council to decide whether or not to make interim payments. |
| 28. | Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (councillors and pre 1.4.08 leavers) | C112(1) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) In line with decisions under Regulations C112(2) and (5) there will be no need for the Council to decide whether or not to make interim payments. |
| 29. | Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment | A74(2) | The Council will make the appropriate recovery and reduce the member's pensions rights accordingly where the member has not made good the debt. |
| 30. | Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (councillors and pre 1.4.08 leavers) | C113(2) | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) The Council will make the appropriate recovery and reduce the member's pensions rights accordingly where the member has not made good the debt. |
| 31. | Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left because of that), or amount of refund if less | A76(2) & (3) | The Council will make the appropriate recovery from the pension fund where the member has not made good the debt. |

Appendix A

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| 32. | Recovery from Fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.4.08 leavers) | C115(2)&(3) | <p>The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62)</p> <p>The Council will make the appropriate recovery from the pension fund where the member has not made good the debt.</p> |
|-----|---|-------------|---|

4b) Contributions equivalent premiums

| | | | |
|----------------|--|--------------|--|
| 33. | Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund | A49(1) & (2) | The balance is recovered from the fund. In practice this is achieved by the administering authority paying the CEP out of the fund direct to the relevant government departments on behalf of the employer. |
| 34. Page 19 | Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor leavers and pre 1.4.08 leavers) | C92 | <p>The balance is recovered from the fund. In practice this is achieved by the administering authority paying the CEP out of the fund direct to the relevant government departments on behalf of the employer</p> <p>The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62)</p> |

5) Types of Retirement

5a) Early Payment, Flexible Retirement and Actuarial Reduction

| | Discretion | Regulation | Cambridge City Council Discretion |
|----------------|---|------------|--|
| 35. | Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement) | B18(1)* | CCC has issued a Flexible Retirement Policy, which is available to all employees. The Flexible Retirement Policy is published on the Councils intranet. Where flexible retirement has been granted, employees are required to take all accrued benefits to date |
| 36. | Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement | B18(3)* | CCC does not waive actuarial reduction on benefits paid upon flexible retirement. The Councils flexible retirement policy is published on the Councils intranet. |
| 37. Page 20 | Whether to grant application for early payment of benefits on or after age 55 and before age 60 | B30(2)* | CCC will treat applications received for early payment of benefits on a case-by-case basis where there is an appropriate business case (Refer to redundancy & retirement approval process) or there are compelling compassionate reasons (refer to discretion 38) |
| 38. | Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early | B30(5)* | CCC will consider each case on its own merits |
| 39. | Grant application from a post 31.3.98 / pre 1.4.08 leaver or from a councillor for early payment of benefits on or after age 50/ 55 and before age 60 | C31(2)* | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) In relation to a post 31.3.98 / pre 1.4.08 leaver, CCC will consider each case on its own merits. |

Appendix A

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| 40. | Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98 / pre 1.4.08 leaver or a councillor leaver | C31(5)* | The Council should not agree to an entitlement to a pension for any (elected) member under its Allowances Scheme. (Meeting of the Council 4/12/03 Minute 03/62) In relation to a post 31.3.98 / pre 1.4.08 leaver, CCC will consider each case on its own merits. |
| 41. | Grant application from a pre 1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds | D11(2)(c) | CCC will consider each case on its own merits. Please note: If agreed the pension will be paid in full without actuarial reduction, the Council has no discretion on this aspect for pre 1.4.98 leavers. |
| 42. | Decide, in the absence from a post 31.3.98 / pre 1.4.08 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership | C34(1)(b) | Where a member has not made an election within 3 months the Council will apply whichever is deemed the more beneficial provision. |
| 43. | Decide, in the absence from a pre 1.4.98 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership | D10 | Where a member has not made an election within 3 months the Council will apply whichever is deemed the more beneficial provision. |

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5b) Ill Health

| | <u>Discretion</u> | <u>Regulation</u> | Cambridge City Council Discretion |
|-----|---|-------------------|---|
| 44. | Decide which ill health tier leaver falls into | B20 | Ill Health Retirement cases will be dealt with under LGPS Ill Health Retirement Procedures and we will have due regard to the opinion of the Independent Registered Medical Practitioner. |
| 45. | Decide whether deferred beneficiary meets permanent ill health criteria | B31 | Ill Health Retirement cases will be dealt with under LGPS Ill Health Retirement Procedures and we will have due regard to the opinion of the Independent Registered Medical Practitioner. |

5c) Redundancy

| | <u>Discretion</u> | <u>Regulation</u> | Cambridge City Council Discretion |
|-----|--|-------------------|---|
| 46. | To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit. | E5 | The CCC Organisational Change Policy states that redundancy payments will be based on a contractual weeks pay. |
| 47. | To award lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on business efficiency grounds, or cessation of a joint appointment. | E6 | CCC does not award any such compensation in cases of redundancy, termination of employment on business efficiency grounds, or cessation of a joint appointment. |

Formulating and publishing a policy under the Discretionary Compensation Regs 2006 (in relation to discretions 46 and 47)

The employer must formulate, publish and keep under review a statement of their policy.

If the employer decides to amend the policy, no change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and

be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

6) Apportioning Compensatory Added Years

| | <u>Discretion</u> | <u>Regulation</u> | Cambridge City Council Discretion |
|-----|--|-------------------|--|
| 48. | How to apportion any surviving spouse's or civil partner's annual compensatory added years payment where the deceased person is survived by more than one spouse / civil partner. | ET21(4) | The Council will apportion any surviving spouse's or civil partner's annual compensatory added years where the deceased person is survived by more than one spouse or civil partner in such proportions as, at its sole discretion, it sees fit (based on the merits of the individual cases). Where no representation is received payments will normally be apportioned equally. |
| 49. | How to decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children | ET25(2) | This discretion is not applicable because CCC did not award Compensatory Added Years to non LGPS members |
| 50. | Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid | ET21(7) | If the spouse or civil partner of a person who ceased employment before 1 April 1998 remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years will continue to be paid |
| 51. | Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal | ET21(7) | If the spouse or civil partner of a person who ceased employment before 1 April 1998 remarries or cohabits after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years will continue to be paid to both of them. |

Appendix A

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| | rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them. | | |
| 52. | If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation | ET21(5) | Due to the decision in discretion ET21(7) this discretion is not applicable. |
| 53. | Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government | ET17 | <p>CCC will, during any period of re-employment in local government (see note below), abate a person's annual compensatory added years payment by the 'excess' if the aggregate of:</p> <ul style="list-style-type: none"> - the annual compensation (including any pension increases), and - the annual pension from the LGPS (including any pension increases), and - the annual rate of pay from the new employment <p>exceeds the pay the person would have received from the employment in respect of which the compensatory added years were granted, based on the annual rate of pay at the date of ceasing the former employment as increased by the relevant cost of living increases (i.e. as increased by the rate at which an "official pension" is increased under the Pensions (Increase) Act 1971).</p> |
| 54. | How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government | ET19 | <p>CCC will reduce a person's annual compensatory added years payment following the cessation of a period of re-employment in local government (see note below) to the extent necessary to secure that if:</p> <ul style="list-style-type: none"> - the period of compensatory added years granted in respect of the former employment, |

plus

- the period of membership the person has accrued in the LGPS (or would have accrued had he / she joined the scheme) during the period of re-employment in local government, counted at its part-time length, if the person was part-time,

exceeds

- the period of membership the person would have accrued during the period from the cessation of the former employment until age 65 on the assumption that he / she had continued in that former employment to age 65 (again counted at its part-time length if the person was part-time at the date of cessation of the former employment),

then

- the annual pension and lump sum from the first job combined with the annual pension and automatic lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, shall not in aggregate exceed the pension and lump sum the person would have achieved if he / she had remained in the first job through to age 65.

Where there is an excess, the annual compensation must be reduced by the excess pension, and if the annual compensation is not reduced to nil, the amount of the remaining (reduced) basic annual compensation (excluding cost of living increases) must then be suspended until the excess lump sum (if any) is recovered.

In calculating whether or not, in aggregate, the annual pension and lump sum from the first job, plus the annual pension and lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, exceeds the pension and lump sum the person would have achieved if he / she had remained in the first job through to age 65 it will be necessary to compare:

a) the actual LGPS pre 1 April 2009 1/80th pension and 3/80ths lump sum, plus the actual LGPS post 31 March 2008 1/60th pension (ignoring any commutation for a lump sum), plus the actual 1/80th annual compensation and 3/80ths lump sum compensation, with

b) the 1/80th LGPS pension and 3/80ths lump sum the member would have achieved in their

Appendix A

first job to 31 March 2008, plus the 1/60th LGPS pension the member would have achieved in their first job (ignoring any potential commutation for a lump sum), if the member had stayed in the first job through to age 65.

In determining the benefits the employee could have achieved had he / she remained in the first employment through to age 65 it will be necessary to determine the pensionable pay to be used in the calculation. For this purpose, the pensionable pay figure used in the calculation of the pension benefits in the first job will be used as brought up to date, at the date of cessation of the period or re-employment, by increasing it in line with the rate at which an "official pension" would have been increased under the Pensions (Increase) Act 1971.

If a person has been awarded more than one previous period of compensatory added years, e.g. as a result of being made redundant more than once, the abatement/clawback provisions are modified. In such a case, the rules under the former Local Government (Discretionary Payments) Regulations 1996 will be applied where a person ceases a period of re-employment in local government and has previously been granted more than one period of compensatory added years, but using the pay in the first job as increased in line with cost of living increases (i.e. ignoring regulations 18(5)(a)(ii), 18(6) and 18(7) of the Local Government (Discretionary Payments) Regulations 1996).

Note: 'local government' means employment with an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body). Technically, an employee of an Admitted Body (i.e. a body that has applied to the administering authority to allow its employees to join the LGPS and has entered into a formal admission agreement) is only employed in 'local government' if he / she is a member of the LGPS.

Formulating and publishing a policy under the Discretionary Compensation Regs 2000 (in relation to discretions 48 to 54)

The employer must formulate, publish and keep under review a statement of their policy.

If the employer decides to amend the policy, a new written statement must be published within a month of when the employer decided on the amendment(s). No change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

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Injury Allowances

Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as

CCC holds Employers Liability Insurance

CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)

GENERAL

Consultation

The discretionary policies contained in this Statement of Policy, and any awards under the Statement of Policy, are to be determined at the sole discretion of Cambridge City Council (CCC). When CCC intends to consider a change or changes to the Statement of Policy it will give notice to the recognised Trade Unions but is not required to consult with them.

A copy of CCC's Statement of Policy will be sent to the Pension Fund administering authority.

Effective date of change

Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date CCC agrees the change. A copy of the revised policy must be sent to the Pension Fund administering authority within one month of the date of any change.

Any change to the discretions exercised under the Discretionary Compensation Regulations cannot take effect until one month after the date CCC publishes a statement of its amended policy.

It should be noted that:

This Statement of Policy will confer no contractual rights;

- Subject to the section above (“effective date of change”) CCC retains the right to change the policy at any time without prior notice or consultation (although CCC will endeavour to discuss proposed changes with the recognised Trades Unions)
- Only the policy which is current at the time a relevant event occurs to an employee will be the one applied to that employee.

CAMBRIDGE CITY COUNCIL

REPORT OF: Democratic Services Manager

TO: Civic Affairs Committee

21/11/2012

WARDS: None directly affected

THE OPTION TO CHANGE TO AN ALTERNATIVE DECISION MAKING STRUCTURE UNDER THE LOCALISM ACT 2011

1 INTRODUCTION

- 1.1 The Localism Act 2011 gives councils powers to consider a committee system of governance to replace the Executive/Scrutiny split. The Strategy Portfolio Plan 2012/13, agreed by the then Leader of the Council in January this year, contains an objective to determine whether the Council should adopt a different arrangement for scrutiny and decision making.
- 1.2 The current approach to decision making was most recently debated on a Notice of Motion (not carried) from Councillor Herbert at the Council meeting on 19 July.
- 1.3 This report gives an overview of the current Executive system of governance and of the committee system of governance last used in the City Council in April 2002 and considers pros and cons of changing to the committee structure.

2. RECOMMENDATION

The Committee is recommended to agree that no further work is required on adopting a different arrangement for scrutiny and decision making for the reasons set out in this report.

3. BACKGROUND

- 3.1 The Local Government Act 2000 revised governance arrangements by introducing to local government for the first time an Executive form of decision making and abolished for most councils the committee system of governance (with it only being available to local authority areas with a population of 85,000 or less). The Localism Act 2011 enables any Council to return to a committee system of governance with effect from May of this year.
- 3.2 The local authorities that have returned to a committee system from the Executive Leader and Cabinet model of governance so far are South Gloucestershire, the London Borough of Sutton, Brighton and Hove and

Nottinghamshire County. A recent report from the Centre for Public Scrutiny¹ suggests up to 40 councils are currently looking at governance options.

- 3.3 The City Council's current governance arrangements have been in place since May 2002. These were developed by a Working Party and a Sub-Committee of councillors and drafted to ensure that as well as meeting the legal requirements of the Local Government Act 2000 to adopt an Executive which made decisions, the 'good' elements of the soon to be abolished committee system were preserved. The then Leader of the Council as the Member lead, wanted officers to develop a governance system that allowed for pre-scrutiny by a politically proportionate committee of the decisions that each individual Executive Councillor was being asked to take.

4. COMPARING THE CURRENT ARRANGEMENTS WITH A COMMITTEE SYSTEM OF GOVERNANCE

- 4.1 This section of the report sets out the differences between the two systems of governance. The starting point is that the city council, unlike the vast majority of councils, does not have a Cabinet where the Executive meets collectively at regular intervals to take executive decisions.

Leader and Executive Councillors

- 4.2 The Council appoints a Leader for a four year term of office, they can only be removed before the term comes to an end by a resolution of the Council. The Leader then appoints six Executive Councillors and assigns portfolios to these members.
- 4.3 Executive Councillors take the majority of decisions and this is because the law sets out what is the responsibility of an Executive. The decisions are made by Executive Councillors who are individually accountable to councillors and the public for their portfolio area.
- 4.4 Issues that are defined as budget and policy framework items in the Constitution have to be developed by the Executive and then recommended for approval by the Council. The Executive is then required to take decisions within these budget and policy framework parameters.
- 4.5 Scrutiny Committees hold Executive Councillors (as the decision makers) to account, by pre-scrutinising key decisions and scrutiny committee selected non-key decisions. Scrutiny Committees may also review policy after implementation although this is less common because of the pre-scrutiny requirements.
- 4.7 Executive Councillors cannot decide certain matters. These decisions, which are reserved as Council functions, can either be taken by a meeting of Council or can be taken by a Committee of Council under delegated powers. An example of this would be Development Control issues by the Planning Committee.

¹ Musical Chairs – practical issues for local authorities in moving to a committee system (April 2012)

- 4.8 Decisions can be delegated to Area Committees and there is a scheme of delegation to officers.

Committee system

- 4.9 A committee system involves decision making by groups of councillors from across the Council sitting as committees, so there is no one individual councillor accountable for the decision, it a decision of the committee.
- 4.10 Committees are appointed by the Council and reflect the political proportionality of the Council thus ensuring representative decision making. Council agrees the terms of reference for committees. These terms of reference define the subjects that the committees are able to make decisions about.
- 4.12 In the majority of instances, committees have the power to take the original decisions delegated to them without the requirement for ratification by Council. However, some safeguards could be provided through a preset process to refer a decision up to Council in certain circumstances.
- 4.13 A chair for each committee is appointed also appointed by the Council. Chairs would take the lead role for the ruling group on each policy committee, but would have no individual power.
- 4.14 Decisions can be delegated to Area Committees.
- 4.15 Some matters will be reserved for Council to make decisions on.
- 4.16 It is arguable whether the model would require scrutiny in the same way.

Any comparisons between the City Council Executive arrangements and a Committee system

- 4.17 Executive Councillors are clearly demarcated from each other by portfolio. Their decisions are, on the whole, taken following debate at a scrutiny committee meeting which is politically proportionate to the overall composition of the Council. Scrutiny committees do vote on the recommendations for the Executive Councillor, but accountability for decisions resides clearly with the Executive Councillor in the current model.
- 4.18 Decisions made by regulatory committees (eg. Planning Committee, Licensing Committee, Civic Affairs Committee) would still be required.
- 4.19 Enhancing area committee decision making, recently agreed, would continue under either model.
- 4.20 The decision making cycle has required that scrutiny committee meet four, or occasionally five, times per year. This frequency matched the previous committee system.

Reasons why a council may consider a change in governance

4.21 The Centre for Public Scrutiny report lists reasons why councillors may choose to return to a committee system of governance:

- “a desire for backbench councillors to be more actively involved in decision-making”

Comment: This Council’s approach enables councillors to have a say and vote before an Executive Councillor makes the decision

- “all councillors develop a detailed subject expertise, enhancing the added value of decision making”

Comment: Because of the pre-scrutiny approach to decision making, scrutiny committee members have this ability even though they do not have ownership of the decision in the same way

- “it would be as swift for decision making as a Cabinet system”

Comment: The city council does not have a cabinet, its scrutiny committees meet to the same frequency as the previous committee cycle

- “scrutiny is ineffective at influencing or altering executive decisions”

Comment: Executive Councillors have amended proposals following debate by scrutiny committees.

- “it will enhance transparency and democracy and will link councils, councillors and local communities closer together”

Comment: The Council’s approach to openness and transparency is at the heart of its governance arrangements. It is a matter for debate whether one governance system over another would link councils, councillors and local communities closer together.

Timescale for a change

4.22 Moving to a committee system can only take place at the Annual Meeting of Council, so the earliest would be from 23 May 2013. Prior to adoption at an Annual Meeting, the Council would need to pass a resolution to change to a committee system of governance.

4.23 Following a change in governance, no further change is permitted within five years, except as a result of approval for change in a referendum.

5. CONSULTATIONS

5.1 The Chief Executive and the Head of Legal Services have been consulted on the content of this report.

5.2 There is no requirement for specific consultation under the Localism Act 2011. In essence, there are only obligations in respect of publication of any decisions taken to return to a Committee system.

6. CONCLUSIONS

6.1 Cambridge City Council changed its governance from a committee system to the Leader/Cabinet model of Executive decision making in May 2002. But, it did not adopt the conventional collective Cabinet meeting approach like the vast majority of councils.

6.2 Nationally, following the Localism Act coming into force, a handful of councils have changed governance and there are some others considering the matter.

6.3 For the city council, the differences between the two forms of governance are far less than for those councils which have reverted to a committee system from a Cabinet form of governance. Moving to a committee system would therefore not deliver significant change or benefits to Cambridge City Council.

7. IMPLICATIONS

(a) **Financial Implications**

It is assumed at this stage that any change in governance to a committee system would need to be cost neutral or produce a saving.

(b) **Staffing Implications**

There are no immediate staffing implications other than currently unallocated project work if there is a decision to change to a committee system. Moving to a new system of governance would include looking at the staffing resource required.

(c) **Equal Opportunities Implications**

No implications at this stage. If there was a decision to change governance arrangements, an equalities impact assessment would be undertaken as part of the project to change.

(d) **Environmental Implications**

As part of this section, assign a climate change rating to your recommendation(s) or proposals. You should rate the impact as either:

- Nil: to indicate that the proposal has no climate change impact.

(e) **Community Safety**

No implications.

BACKGROUND PAPERS: There were no background papers that were used in the preparation of this report. However, the following published papers were used as background information:

The Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

South Gloucestershire Council – Governance Arrangements report to Council 21/3/12

<http://council.southglos.gov.uk/mgConvert2PDF.aspx?ID=26535>

Brighton and Hove Council – A new constitution, Council 26/4/12

[http://present.brighton-hove.gov.uk/Published/C00000117/M00003925/\\$\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00003925/$$ADocPackPublic.pdf)

Sutton, London Borough of – Governance Arrangements, Council 30/4/12

<http://sutton.moderngov.co.uk/ieListDocuments.aspx?CId=146&MId=3047&Ver=4>

Musical Chairs: Practical issues for local authorities in moving to a committee system – The Centre for Public Scrutiny April 2012.

http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/L12_286_CFPS_musical_chairs___webversion_final.pdf

The author and contact officer for queries on the report is Gary Clift, gary.clift@cambridge.gov.uk or 01223 457011

Report file:

Date originated: 12 November 2012

Date of last revision: 12 November 2012

| | Leader and Executive Councillors (City Council model) | Committee system |
|-----------------------------------|--|---|
| Who takes the decision | <p>Seven Executive Councillors take the majority of decisions in policy and spending.</p> <p>Outside of the meetings themselves, it is clear to the public an individual is accountable. At the meetings, the roles of the Scrutiny Committee members, the Chair and the Executive Councillor (with often more than one present) can appear blurred</p> | <p>The committees.</p> <p>Each member of a committee has a vote, with a casting vote for the chair. So more councillors will take decisions but no individual councillor can alone.</p> |
| What decisions do they take | <p>Each Executive Councillor has a portfolio of plans, policy, functions and services that they are responsible and accountable for.</p> <p>The role of Council (all 42 members) in decision making is limited to setting the budget and policy framework (on the recommendation of the Executive). It delegates regulatory matters to committees eg. to the Planning, Licensing and Civic Affairs Committees.</p> | <p>A committee will be given delegated powers by the Council to take decisions within its terms of reference, also set by the Council.</p> |
| How are decision makers appointed | <p>The Council appoints the Leader for four years. The Leader chooses the Executive.</p> | <p>The Council appoints committees and chairs of committees.</p> <p>Committees are made up from all political groups using proportionality rules.</p> |
| Can decisions be changed? | <p>There are clearly defined Executive functions and decisions and Council functions. Council can only request that the Executive reconsider a decision, it cannot overturn it.</p> | <p>Committee decisions can be referred up to Council for reconsideration and can be overturned.</p> |
| How are decisions scrutinised? | <p>Scrutiny Committees match the Executive Councillor portfolios. Decisions which are</p> | <p>Decisions by committee would 'self-regulate'.</p> |

| | | |
|--|--|--|
| | <p>'key' must be reported to the Scrutiny Committee prior to being taken. Most executive decisions, key and non-key, appear on agendas for pre-scrutiny.</p> | <p>One local authority which has converted to a committee system has set up a separate scrutiny committee.</p> |
|--|--|--|

CAMBRIDGESHIRE COUNTY COUNCIL - SCHOOL TERM AND HOLIDAY DATES

School term and holiday dates for Cambridgeshire community and voluntary controlled schools are listed below.

Some voluntary aided, foundation and academy schools may differ, so please contact your child's school directly for confirmation of dates.

School term dates 2012/2013

Autumn Term 2012

4 September to 21 December 2012
Half Term, 29 October - 2 November 2012

Spring Term 2013

8 January to 28 March 2013
Half Term, 11 - 15 February 2013

Summer Term 2013

15 April to 23 July 2013
May Day, 6 May 2013
Half Term, 27 May – 31 May 2013

Training days 2012/13

There will be two county-wide training days: Monday 3 September 2012 and Monday 7 January 2013.

Schools have three further training days available to take at their discretion. Please contact your local school for details.

School term dates 2013/2014

Autumn Term 2013

4 September to 20 December 2013
Half Term, 28 October - 1 November 2013

Spring Term 2014

7 January to 4 April 2014

Half Term, 17 - 21 February 2014

Summer Term 2014

22 April to 23 July 2014

Half Term, 26 May – 30 May 2014

Training days

There will be two county-wide training days: 3 September 2013 and 6 January 2014. Schools have three further training days available to take at their discretion. Please contact your local school for details.

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Agenda Item 8

Members' Allowances Scheme 2012 to 2013.

Councillors are not paid a salary. However, they do get allowances to cover some of the costs of being a Councillor. The Basic Allowance, the Special Responsibility Allowance, childcare and carer's allowance, and travelling costs are set by the Council having noted recommendations put to it by the Independent Remuneration Panel.

1: **Basic Allowance, and Special Responsibility Allowance (taxable).**

Basic allowance: This is an annual flat rate payment to all Councillors, intended to recognise the time devoted by Councillors to work in their wards and political groups, recognising the level of out-of-pocket expenses Councillors incur in carrying out their functions (eg stationery, telephone costs, and computer consumables.) It also recognises that Councillors undertake their Council work for the sake of public service and not for private gain. For the 2012 / 2013 municipal year, each Councillor will receive an annual allowance of £2,782.

In addition, all forty-two Members of the Council receive £417 in an Area Committee allowance. Therefore, the total allowance for a City Councillor before adding any other special responsibilities listed below is £3,199.

Special Responsibility Allowance: This is paid to Councillors who have a higher than average workload, and/or hold particular positions of responsibility within the Council. For the municipal year 2012 / 2013 the allocation of Special Responsibility Allowances is as follows:

| | |
|--|---------|
| Leader | £10,433 |
| Executive Councillor | £8,346 |
| Scrutiny Committees - Chair | £1,113 |
| Scrutiny Committees - Vice-Chair | £278 |
| Scrutiny Committees - Minority Spokes (Labour) | £1,391 |
| Planning - Chair | £2,226 |
| Planning - Vice-Chair | £139 |
| Planning - Member (8) | £556 |
| Planning - Minority Spokes (Labour) | £1,550 |
| Planning - Minority Spokes (Independent/Conservative) | £835 |
| Licensing - Chair | £696 |
| Licensing - Vice-Chair | £139 |
| Licensing - Minority Spokes (Labour) | £696 |
| Licensing - Minority Spokes (Independent/Conservative) | £139 |
| Licensing - Member (12) | £417 |
| Joint Development Control (Chair / City spokes [1]) | £2,226 |
| Joint Development Control - Member (6) | £556 |
| Standards - Spokes (2) | £556 |
| Civic Affairs - Chair | £1,113 |
| Civic Affairs - Vice-Chair | £278 |
| Civic Affairs - Minority Spokes | £556 |
| Employment Appeals Sub - Members (10) | £139 |

| | |
|---|--------|
| Environment and Transport Area Joint - Chair / Vice Chair | £556 |
| Leader of the Opposition Group - Labour | £2,789 |
| Leader of the Opposition Group – Independent/Conservative | £905 |

Special responsibility allowances for Opposition Group Leaders are calculated by allocating an amount equivalent to one fifth of the Basic Allowance (£640) to a notional 'group of one', which is then multiplied by the square root of the number of members that each group has in order to arrive at individual figures.

| | |
|----------------------------------|------|
| Area Committees - Chair (4) | £835 |
| Area Committees - Vice-Chair (4) | £139 |

2: Travel and Subsistence Allowances (mileage claims are taxable).

Councillors are paid at the same rates as Officers.

Mileage allowances with effect from 1 June 2012 are:

| | |
|---|-------------------|
| Casual User Mileage (up to 10,000 miles): | 45 pence per mile |
| Casual User Mileage (after 10,000 miles): | 25 pence per mile |

Bicycle rate is based on the HMRC advised rates, which is now 20 pence per mile.

The motorcycle rate is 24 pence per mile.

Travel and subsistence allowances are payable for those duties prescribed in Regulations; that is:

- 1: A meeting of the executive;
- 2: A meeting of a committee of the executive;
- 3: A meeting of the authority;
- 4: A meeting of a committee or sub-committee of the authority;
- 5: A meeting of some other body to which the authority make appointments or nominations;
- 6: A meeting of a committee or sub-committee of a body to which the authority make appointments or nominations;
- 7: A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups);
- 8: A meeting of a local authority association of which the authority is a member;

9: Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

10: Duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of Section 342 of the Education Act 1996; and

11: Any other duty approved by the authority in connection with discharging the duties of the authority or its committees or sub-committees.

Reimbursement of public transport fares can also be made when attending approved council duties. For journeys by train, please ask for a **travel warrant** in advance of the journey from the Members' Services office.

VAT - Please let the staff in Members' Services make your hotel and flight bookings, as the Council can then reclaim the VAT.

You can only claim travel costs **from outside** Cambridge if your absence from Cambridge was unavoidable or if a meeting is called at short notice, and you have to make a journey which you would not otherwise have made. The exception to this rule is attending Planning or Licensing Committee meetings, as these take place more frequently than other meetings.

You cannot claim subsistence allowance for duties carried out within three miles of your home or if meals are provided.

Subsistence: can only be claimed where meals/accommodation are not provided.

Breakfast Allowance: £6.72.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11 am.)

Lunch Allowance: £9.28.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the lunchtime between 12 noon and 2pm.)

Tea Allowance: £3.67.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the period 3 pm to 6 pm.)

Evening Meal Allowance: £11.49.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, ending after 7 pm.)

Overnight Subsistence.
Absence overnight from the usual place of residence: £79.82
In London, or attending an approved conferences: £91.04

3: Members' Childcare, and Carer's Allowance.

A Childcare/Dependent Carer Allowance is payable for actual expenditure incurred whilst undertaking approved council duties. No cap shall be put on the overall budget for this Allowance, or on that which is paid to an individual member of the Council in any given year. This allowance is set by the Council having had regard to the recommendations annually of the Independent Remuneration Panel. The Panel considered allowances for childcare and dependent relatives and concluded that it was appropriate for actual expenditure to be reimbursed. The allowance should be subject to receipts being submitted. The member must provide care for a person who normally lives with the member as part of his/her family and who is:

- 1: A child below school age during school hours;
- 2: A child under 14 outside of school hours; and
- 3: An elderly, sick, or disabled dependent requiring constant care.

A Carer will be any responsible mature person who does not normally live with the member as part of the member's family.

Payments made under this scheme will be open to public inspection.

Travel, subsistence and care allowances is payable for any invitations (except social events) from any official bodies. The Scheme is set so that payment of care, travel and subsistence allowances would be such that unexpected circumstances or new responsibilities or activities were covered by default, i.e. that rather than having a prescribed list of activities that ARE covered, have a list of proscribed activities (that are not covered).

4: Expenses

All Members are able to claim out of pocket expenses. The Council pays for:

- 1: Council letter-headed paper;
- 2: Plain paper;
- 3: Postage on the letters the Members' Services team prepares for dispatch;
- 4: Ink cartridges (providing signature is received confirming that it is used predominantly for Council work);
- 5: Travelling expenses for:
 - A: Meetings that are approved Council duties (including site visits*);
 - B: Meetings instigated by an officer, which are (or had the potential to be) cross party;
 - C: Training and development for councillors organised by the Council
Attendance at conferences and seminars that have been booked by officers;
 - D: Briefings to Councillors that are cross party and organised by the Council;
 - E: Council Working Parties; and
 - F: Meetings of outside bodies attended as a Council representative
Civic duties in capacity as a Bailiff;

- 6: Hanging files and folders for Council-supplied filing cabinets;
- 7: Phone calls made from the Council offices;
- 8: Faxes sent from Council offices (providing not of a party political nature);
- 9: Fax rolls for Council supplied fax machines;
- 10: Hiring of accommodation for Group Away Days; and
- 11: Personalised business cards and compliments slips.

The Councillor pays for:

- 1: Ink cartridges when used mainly for private work;
- 2: Pens, pencils, notepads, post-its and other ancillary stationery;
- 3: Travelling expenses relating to:
 - A: Meetings within the Ward(s);
 - B: Visits to constituents;
 - C: Attendance at civic functions (unless a Bailiff); and
 - D: Single party meetings/briefings.
- 4: Postage on letters typed and despatched by councillors;
- 5: Envelopes;
- 6: Phone calls made from home or mobile phones;
- 7: Faxes sent from home;
- 8: Any party political affiliation fees or expenses; and
- 9: Fax rolls for personally provided fax machines.

5: Changes.

Entitlements will be payable on a part-year basis in any given year where:

- 1: The scheme is amended;
- 2: A Councillor either is elected to or leaves the Council; or
- 3: A Councillor takes on, or gives up, a position for which a special responsibility allowance is payable.

6: Co-optee's Allowance.

A co-optee's allowance of the minimum wage for hours served, plus out of pocket expenses, is available.

7: Back-dating.

There is no backdating to the beginning of the financial year of the allowances scheme in the event of the scheme being amended.

8: Adjustment.

There is no annual adjustment of allowance levels by reference to an index.

9: Pension Entitlement.

There is no entitlement to a pension for any member under its Allowances Scheme.

10: With-holding.

The scheme includes provision for with-holding allowances as a result of any Member's full or partial suspension, and that decisions on whether to withhold an allowance in any particular case be delegated to the Standards Committee.

11: Advice.

Members may receive advice on the impact of receiving allowances and expenses on their tax and benefit position by contacting Karl Tattam in the Council's Finance Department (458161). A Local Government Information Unit publication "Councillors' Tax and Benefits" can also be made available to councillors on request. There are copies of this publication in the Members' Room at the Guildhall.

12: Timeliness.

Please make all claims **within two months** on the Council's official claim form. Claims which are received no later than 5 p. m. on the fifth calendar day of each month will be paid on the twenty-fourth day of that month.

13: Foregoing.

Finally, any member of the Council may, by notice in writing given to the Director of Resources, elect to forego any part of his/her entitlement to any Allowance under this scheme.

CAMBRIDGE CITY COUNCIL

REPORT OF: Returning Officer

TO: Civic Affairs Committee

21/11/2012

WARDS: None directly affected

A REVIEW OF THE ANNUAL CANVASS AND PUBLICATION OF REGISTER OF ELECTORS

1. INTRODUCTION

At the request of the Chair and spokes, the purpose of this information report is to review the preparation and publication of the Electoral Register which followed a changed timescale as a result of the Police and Crime Commissioner Elections on 15 November. The Returning Officer at the committee meeting will give an oral report on the election itself.

2. BACKGROUND

- 2.1 Each year from mid-august through to the end of November, the Electoral Registration Officer (ERO) is required to canvass residential properties in the city in order to publish an updated register by 1 December each year.
- 2.2 Due to the Police and Crime Commissioner election being set for 15 November in 2012, ERO's were directed by the Secretary of State to publish the register early: on 16 October. The qualifying date for the annual register is 15 October each year, and as this is set in primary legislation, the newly updated register could not be published earlier than that.
- 2.3 The direction specifically stated that the canvass of properties should start no later than 2 July, and we therefore issued our first canvass forms over the weekend of 30 June.
- 2.4 We continue to employ 23 electoral canvassers to make all initial and first reminder deliveries, they then carry out essential personal calls

during the third stage of 'door-knocking'. This both allows them to become familiar with their allocated areas and gives them ownership of the task, encouraging them to collect as many household responses as possible.

- 2.5 We also produced an insert to the canvass form that gave information as to why the canvass was earlier than usual, and why it was important to respond as early as possible. Other mediums used to provide information were: our website, Cambridge Matters magazine and press releases

3. THE TIMETABLE

- 3.1 The change to this year's audit timetable meant that although the usual sixteen week canvass period was only reduced by one week, the set tasks within the timetable were not the same. For example, door-knocking usually takes place in weeks seven to ten, but for this year it took place in weeks ten to thirteen, as it was necessary to make personal calls to non-responders as close to the qualifying date of 15th October as possible. One result of this late door knocking was that there was less time (two weeks instead of six) to process the forms collected on the door. Consequently, processing all the amendments in time for publication was unrealistic and not all amendments were made despite the hours worked by the electoral services team.
- 3.2 A further consequence of the shortened period post door-knocking, was that the proof reading of the register could not take place before publication. This has been done after publication and corrections made to the rolling registration update issue don 1 November

4. PROCESSING COLLEGES/STUDENTS

- 4.1 This was an issue identified early in the canvass planning. In a normal year, the Cambridge University colleges and Anglia Ruskin University provide a list of their residential students during the last two weeks of October. This of course was not going to suit the newly imposed publication date of 16 October and would rely heavily on the student admin contacts providing the information much earlier than normal.
- 4.2 Hon Cllr. Dr. George Reid who has a central role amongst the collegiate administration, was approached at the start of the canvass planning and he agreed to approach college bursars and tutors with our requirements for registering students this year. Despite the fact

we were asking for student information a whole month earlier than normal, this tactic was successful in that we received practically no objections from student admin contacts. However, some colleges did not provide the initial list by the 14 September deadline, or provide the updated list in due course.

- 4.3 This, combined with the shortened end processing period mentioned in 2.1 above, resulted in five of the thirty-three colleges not being included in time for publication on 16 October.
- 4.4 A further issue that was recognised early on, was that those students living outside of college accommodation, would probably not be in residence during the door-knocking stage of canvass throughout September. To address this, three 'super canvassers' were employed to make personal calls in the first two weeks of October in areas known to have large student populations: namely, Market, Newnham and Petersfield. The super canvassers were out canvassing right up to the day before publication, but unfortunately the backlog of processing meant that the forms they collected were not processed in time for publication.

5. CANVASSING STAFF

Three new canvassers were needed for the 2012 canvass and these were chosen from the list of those who had previously expressed an interest. As in previous years, canvassers were provided with a training session and written guidance, as well as e-mail updates and support from the electoral team.

6. CONCLUSION

- 6.1 There is no doubt that the requirement to publish an early register on 16 October resulted in a less accurate and complete register as we would have liked at that time.
- 6.2 The earlier start to canvass meant that many householders were away from Cambridge at that time and responses during the early stages of canvass were not as high as previous years. Meaning that the greater workload of the canvass was concentrated towards the end.
- 6.3 The overall response this year was 81.4%, compared to 81.9% in 2011. Although this is not as low as predicted, low registration rates are still an issue and should continue to be addressed.

6.4 The table below shows how people responded to the canvass and other statistical information.

| | 2012 | 2011 |
|--|-------------|-------------|
| Forms returned by post | 19,806 | 19,384 |
| Forms collected by canvasser | 8,679 | 9,809 |
| Forms collected by super canvasser | 466 | - |
| Responses via telephone | 4,197 | 3,899 |
| Responses via internet | 6,455 | 5,570 |
| People requesting a postal vote application | 3,389 | 3,564 |
| European electors sent further information | 7,821 | 7,944 |
| Forms returned because there was no signature | 580 | 484 |
| Forms returned because no nationality provided | 40 | 66 |

6.5 The total number on the register able to vote on 15 November is 92,579. This is after updates published on 1 November and 8 November (a total of 4,553 additions). These additions were a combination of those registering from 16-31 October and those we could not process in time for the publication deadline of 16 October. We are planning to carry out a further exercise to review the register in the early spring, to ensure that it is as complete and up-to-date as possible ahead of the County Council elections in May.

6.6 After each election, the Electoral Commission requests feedback on the issues faced and we will be responding on the issues raised in this report.

7. IMPLICATIONS

Financial, Staffing, Equal Opportunities, Environmental Implications, Community Safety - none

BACKGROUND PAPERS: There were no background papers used in the preparation of this report. The contact officer for queries on the report is Gary Clift 01223 457011 gary.clift@cambridge.gov.uk