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To: The Chair and Members  
of the Procedures  
Committee

County Hall  
Topsham Road  
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Date: 25 January 2021

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### **PROCEDURES COMMITTEE**

Tuesday, 2nd February, 2021

A virtual meeting of the Procedures Committee is to be held on the above date at 10.30 am to consider the following matters. The [live stream to view the meeting](#) can also be found on the agenda page for the meeting.

Phil Norrey  
Chief Executive

## **A G E N D A**

### **PART I - OPEN COMMITTEE**

1 Apologies for absence

2 Minutes

Minutes of the meeting held on 17 November 2020.

3 Items requiring urgent attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

## **MATTERS FOR DECISION**

- 4 Members Allowances - Report of the Independent Remuneration Panel (Pages 1 - 24)

Report of the Independent Members Allowances Remuneration Panel for 2021/2022, attached.

The Chair of the Panel will be in attendance.

*Electoral Divisions(s): All Divisions*

- 5 Proposed Amendments to the Constitution - Financial Regulations (Pages 25 - 30)

Report of the County Treasurer (CT/21/15) relating to proposed changes to the Constitution (Financial Regulations), attached.

*Electoral Divisions(s): All Divisions*

## **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED**

NIL

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# REVIEW OF MEMBERS ALLOWANCES

Independent Remuneration Panel

HEATHER MORGAN  
BRYONY HOULDEN  
STEVE BARRIBALL

FEBRUARY 2021

# Agenda Item 4

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## 1.0 **Background**

- 1.1 The Panel first reported in March 2000 and have reported every year since then, including May 2003 when the first major review was undertaken. Most of the Panel's recommendations have been implemented. During 2015, the Panel decided that a second major review of the scheme was required and again in 2018, when a third large scale review was undertaken.
- 1.2 The last few years have seen an unprecedented period of austerity, restrictions and budget restraints in Local Government spending which has impacted on both staff wages and consequently Members allowances. The Panel have kept a close brief on national issues including budgets, policy directions, consultations and also the local landscape including allowances schemes and the actions of other Local Authorities.
- 1.3 The last report of the Panel (February 2020) commented on and recommended the following:
- 9.1 *The Panel has concluded that the structure of the Allowance Scheme for Devon is fit for purpose and based on sound principles, and that the Basic Allowance should be increased in line with the staff pay award.*
  - 9.2 *The Panel has conducted a wide-ranging review, taking into account the usual benchmarking data, organisational structures, view of other Authorities, workloads of Councillors and the most recently conducted census survey, the views of Members and other relevant factors.*
  - 9.3 *Up until 2017, the Panel had consistently recommended increases in the Basic Allowance, with corresponding increases in the level of SRAs and the recommendations had not been implemented, hence the level of allowances in Devon had fallen behind. The Panel were pleased that in 2018 and 2019, the Council listened to their recommendations and their strong evidence base to increase the Basic Allowance.*
  - 9.4 *Taking into account the evidence available and for the reasons set out above, the panel recommends that:*
    - (a) *The basic structure of the current scheme is endorsed and retained;*
    - (b) *From May 2020, the Basic Allowance is increased by the NJC Staff Pay Award (still being negotiated at the time of writing this report), and that it be backdated to May 2020 should there be a delay in the award being agreed and the multipliers be recalculated accordingly. (See Appendix 2 for the revised rates based on a staff pay award of 2%, 2.5% or 3%);*
    - (c) *that the overnight rate for London be increased to £150.90, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London, but in the absence of a suitable benchmark for an overnight rate for accommodation in London, the Council be asked to amend its scheme to permit a more flexible approach with*

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*accommodation being booked in line with obtaining best value for money, taking account all relevant other factors (safety, proximity to venue, availability, convenience and location), with agreement being sought from the Head of Democratic Services.*

- (d) That the Committee and the Council welcome and adopt the proposed policy on Maternity, Paternity, Shared Parental and Adoption Leave, outlined at Appendix 1 of the Report.*
- (e) Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;*
- (f) The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case; and*
- (g) That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues.*

1.4 The Procedures Committee on the 4<sup>th</sup> February 2020 welcomed the Report of the Independent Panel and thanked its Members for their work and asked the County Council to accept the recommendations outlined below.

- i. the basic structure of the current scheme is endorsed and retained;
- ii. from May 2020, the Basic Allowance is increased by the NJC Staff Pay Award (still being negotiated at the time of this meeting) up to 3% as outlined in Appendix 2 (which shows the revised rates based on 2%, 2.5% or 3%) and that it be backdated to May 2020 should there be a delay in the award being agreed and the SRA multipliers be recalculated accordingly;
- iii. that the overnight rate for London be increased to £150.90, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London, but in the absence of a suitable benchmark for an overnight rate for accommodation in London, the Council be asked to amend its scheme to permit a more flexible approach with accommodation being booked in line with obtaining best value for money, taking account all relevant other factors (safety, proximity to venue, availability, convenience and location), with agreement being sought from the Head of Democratic Services;
- iv. that the Committee and the Council welcome and adopt the proposed policy on Maternity, Paternity, Shared Parental and Adoption Leave, outlined at Appendix 1 of the Report, subject to amending paragraph 4.5 as follows;

*Unless the Member taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post if possible.*



v. careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;

vi. the sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case; and

vii. that the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues.

1.5 The composition of the Panel is:

Heather Morgan – (Chair) Tribunal Judge (since 2002)

Bryony Houlden – Chief Executive of South West Councils (appointed in 2015)

Steve Barriball – Chief Executive of Citizens Advice, Exeter (appointed in 2017)

1.6 The Panel's appointments are until May 2021, having been re-appointed in 2017 through the Annual meeting of the Council (and via delegated powers afforded to Leaders and Whips in the case of the most recent appointment).

1.7 The prime role of the Panel has been to assess the allowances for being an elected councillor, representing the diversity of communities that make up Devon now and into the future. The Panel's contribution has been to ensure that councillors have the financial recognition to fulfil some of the most demanding roles that exist in public life.

1.8 In preparation for this years report, the Chair has maintained regular contact with the Council, regularly meeting both the IRP advising officer and then the Leader of the Council (on 6 October 2020) to obtain feedback on the 2020 Panel Report, keep abreast of events and changes affecting the Council such as Budgets and the Council's budget position, any Staff Pay Award news, the impact of COVID 19, Brexit and any national movement towards Local Government Reorganisation.

1.9 The Panel met remotely on the 4<sup>th</sup> August and 19<sup>th</sup> October (meeting with Political Group Leaders on this day) and 8 December 2020, to consider events since the last Panel report, the national context (for example, budgetary issues and COVID-19), the current scheme, comparisons with other authorities, benchmarking data (South West Council's and National Census data) and potential recommendations and content for the final report.

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- 1.9 The Panel agreed their timetable for the review at their first meeting and this is outlined below.

<b><u>Date</u></b>	<b><u>Action</u></b>	<b><u>Notes</u></b>
4 <sup>th</sup> August 2020	Panel meeting	Teams
6 October 2020	Panel Chair to meet Leader of the Council	Virtual Meeting
19 October 2020	Panel meeting with Group Leaders followed by Panel Meeting	Virtual Meeting
November / December 2020	Draft final report	Karen Strahan / Steph Lewis
8 December 2020	Panel Meeting to consider draft of final report	Virtual Meeting
Early January 2021	Finalise report based on panel comments	Karen Strahan / Steph Lewis (comments via email)
22 <sup>nd</sup> January 2021	Final Report to be ready for dispatch with Procedures papers	
2 <sup>nd</sup> February 2021 @ 10.30am	Procedures Committee	
18 <sup>th</sup> February 2021	Council meeting	Consideration of Panel recommendations alongside the budget for 2021/2022

## **2.0 Events Since the Panel's Last Report**

- 2.1 Of course, the major impact since the last Panel Report has been COVID-19 which has meant seismic changes in working practices for both the Council and of course Councillors. In the early days of the pandemic, a fast-moving and unprecedented situation, Councillors' had a significant role in supporting communities, as well as delivering normal services. Their role as civic and community leaders required visible, responsible leadership that linked community-led support with council structures to help build and sustain overall resilience.
- 2.2 Following the first wave of the pandemic, Councillors were also active in leading and supporting communities as they moved through the process of ending the lockdown and looking ahead as a new form of normality was starting to restore. It is clear that the position is constantly changing and Councillors are expected to respond and be flexible to communities needs.
- 2.3 Central Government had put in place a number of grant funding streams to help support Local Authorities with Covid-19. To date the Council was in direct receipt of 13 different pandemic related grants with a confirmed value of £80.5 millions, of which £77.9 millions has been received and £53.7 millions spent. Further detail can be seen in the most recent [budget monitoring report](#).
- 2.4 In terms of Local Authority budgets and the settlement for 2021/2022, the Government has scrapped its plans for a multi-year spending review and will now conduct a one-year review to set departments' budgets for 2021-22. This was in the main due to Covid-19 which has placed public finances in a destabilising position and there remained significant far reaching risks associated with the impact of the pandemic.
- 2.5 The UK's departure from the EU (Brexit) also creates further uncertainty including the impact on the funding of local government. The impact of Brexit has implications for the Council in terms of EU grants, the pension fund (including valuations and employer contributions) and cost of staffing (particularly in the care sector), medium term financial planning and the treasury management strategy. The Council is working closely with local partners to prepare for Brexit and to help everyone in Devon deal with the situation as well as Government to help develop and deliver their national contingency arrangements and to share local issues and concerns.
- 2.6 The two major issues of both COVID-19 and Brexit are against a backdrop of 14 years of cuts to public sector funding, with many Councils worried about the future and a real fear that some Authorities will not be able to balance their books.
- 2.7 There are still significant pressures in areas of social care (both children and adults) and the most recent budget monitoring reports (month 6) show this to be the case with Adult Care and Health Services who are forecast to overspend by £2.3 million and Children's Services by £3.1 millions. This figure does not include the projected funding shortfall of £27.8 millions on Special Education Needs and Disabilities (SEND). In line with government guidance

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for 2020/21, the Council is holding the SEND funding shortfall on the balance sheet as a negative reserve. In 2019/20 the DSG reported an outturn deficit of £19.7 millions which was carried forward as a deficit reserve as per government guidance. When combined with the current year forecast, the deficit is expected to be £47.7 millions by the end of 2020/21.

- 2.8 2019/20 was the final year of the government's four-year local government financial settlement and core funding for the County Council is expected to increase from £101.5 million in 2019/20 to £103.2 million in 2020/21. This increase of £1.65 million or 1.63% is in line with the September 2019 CPI inflation figure. This is a welcome change from the 11% average annual reduction since austerity began in 2010. Over the ten-year period 2011/12 to 2020/21 the Council has had to make savings of just over £272 million.
- 2.9 It was hoped that 2020/21 would be the start of a new multi-year settlement that would incorporate the outcome of a new Comprehensive Spending Review, the Government's Fairer Funding review and the proposed changes to Business Rates. This, unfortunately, has not happened. COVID-19, Brexit and the national political issues resulted in all of this being delayed.
- 2.10 Over the last several years, the Council's workforce has significantly reduced with reductions of over 3000 staff (excluding schools) with various vacancy management processes (undertaken in 2010/2011), which recommenced in 2014 and then a recruitment freeze for part of 2017. Even now, increases to staff head counts have to undergo a rigorous approval process. The impact of COVID-19 on Council budgets may also have an impact on staffing over the coming months.
- 2.11 The Council's main concern has always been continued help and support for the most vulnerable people and families in communities. This has been even more crucial over the last few months and the Council continues to support Devon's residents in a number of ways, for example, providing small emergency grants to people in financial hardship as a result of COVID-19, detailed webpages signposting to available support <https://www.devon.gov.uk/coronavirus-advice-in-devon/document/support-for-people-and-families/> for example, hardship funds, Government assistance, job opportunities, business support and grants, food support and free school means etc.
- 2.12 In terms of pay award, there was a staff pay freeze from 2009/10 up until 2012/2013. In 2013/2014 there was a 1% pay increase for 'public service' staff but there was no pay award for Chief Officers. For 2014 – 2016 there was a complex pay offer which amounted to 2.2% for most staff over a two-year period. Those at the lower spinal column point (SCP) were awarded higher percentage rises. The pay award for 2016/2017 and 2017/2018 were for staff with salaries starting at £17,714 per annum to get a 1% increase in both 2016/17 and 2017/18. Those earning less than this would receive higher increases to take account of the new National Living Wage. The pay award for 2018/2019 and 2019/2020 was a two-year deal at 2% per year for both the staff and Chief Officers. For 2020/21 the staff pay award was 2.75% with an extra days leave for those with less than 5 years service (from 20 to 21 days).

The position for 2021 was currently unknown, which isn't altogether surprising given the late settlement date for the 2020/2021 pay award. However, the Chancellor's statement on the 25 November 2020 indicated that 1.3 million public sector workers for which he controls the pay arrangements would see a pay freeze next year, but the lower paid (earning below the median wage of £24,000) would be guaranteed a pay rise of at least £250 as well as NHS staff getting raises. However, it should be noted that for Local Government pay, the decision is in the hands of the Local Government Employers, not central Government.

- 2.13 The Panel also noted that on a national level, MP's received a 3.1% pay rise from April 2020, taking their salary to £81,932 (from £79,468). The rise follows a 2.7% rise last year, a 1.8% in 2018, 1.4% in 2017, 1.3% in 2016 and a large increase, from £67,000 to £74,000, in 2015. Annual changes in MPs' pay are linked to changes in average earnings in the public sector using Office for National Statistics (ONS) figures. This is in line with the decision by IPSA in 2015 to adjust MPs' pay at the same rate as changes in public sector earnings published by the Office of National Statistics (ONS). This was confirmed in July 2018 following a further review of MPs' pay.
- 2.14 The Panel were previously concerned that the levels of allowances had become 'too far removed' from the figures originally proposed back in 2009 when allowances were frozen. The Panel kept a record of allowance rates and what the allowances would have been if the mean wage increases (up to 2010) and staff increases (from 2010 to the current day) had been applied. The Panel were therefore pleased that the Council accepted their recommendations from the last three reviews.
- 2.12 The Devon County Council Elections in May 2017 did not result in any change of political administration. However, there was a decrease of 2 Members (following a Boundary Commission for England Review), an increased Conservative majority (from 38 to 42) and the loss of the UKIP group on the Council (resulting in 1 less SRA). With Elections looming in 2021 and the national political landscape it is not clear what the outcome will be or the resultant impact on committee structures and therefore special responsibility allowances.
- 2.13 The Council also reviewed its Committee Structure back in 2017 which resulted in a change to the structure of the Scrutiny Committees, changing from four Scrutiny Committees to three Committees, thereby achieving 2 reductions in the numbers of SRA payments (1 Chair and 1 Vice Chair SRA).
- 2.14 The current figure in relation to the percentage of Members receiving an SRA payment is 41.5%, slightly less than the 43% which had been the case for the last two years. This is due to a former Cabinet Member taking the role of Chair of the Council thereby resulting in one less Cabinet post (with the Leader taking the finance portfolio). Prior to the elections, the figure was 47%. The reduction was largely due to the Scrutiny Committee re-organisation and with a reduction of two Members of the Council, the reduction, in real terms, is slightly more than 5%.

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## **3.0 Meeting with Group Leaders (16 October 2020)**

- 3.1 The Panel have always felt it important to obtain the feedback from Group Leaders on the current scheme and of any issues which might impact on allowances and, as such, a meeting was arranged for 16 October 2020.
- 3.2 The Panel discussed last years recommendations, obtained feedback on the current scheme and other national issues such as Elections, budgets and COVID-19.
- 3.3 The discussions with Group Leaders highlighted the planning for Elections including how they might operate in a COVID-19 environment and that at present it was envisaged that the Elections would go ahead.
- 3.4 The Council had allocated £6m for COVID recovery and support over the next two / three years, but the budgetary issues as mentioned earlier in the Report were also discussed, particularly around SEND.
- 3.5 Concerns were also raised as to whether the 2.75% pay award for staff was adequate for front line workers and staff.
- 3.6 The potential for Local Government Re-organisation was also explored. A white paper from Government had been expected in the Autumn and a number of Local Authorities had started preparing bids for Unitary Status. Devon had maintained excellent working relationships with District colleagues throughout the pandemic and the current uncertainty suggested it was not an appropriate time for any disruption to Local Government structures.
- 3.7 Since the meeting with Group Leaders, the Local Government Re-organisation issue appears to be on a back burner with only a small number of Local Authorities going forward, including Somerset.
- 3.8 Group Leaders confirmed that the current scheme of allowances was fit for purpose but looked to the future in terms of 2021 and beyond. It was noted that negotiations for the staff 2021/2022 pay award had not even commenced and that the role of a Councillor had become more challenging in recent times from austerity through to the pandemic. Whilst remote working was the current working practice, many Councillors had never been busier.
- 3.9 Moving forward, there were no current issues that the Group Leaders wished for the Panel to explore, but for the 2021/2022 review, a number of suggestions were made such as the meetings of the future and more remote working, the new guidance being prepared and the model of approved duties list from Graham Russell and any other areas of support, particularly with changed working practices.
- 3.10 In terms of the scheme, the general view was that it was fit for purpose, both in terms of the Basic and Special Responsibility Allowances and rates.

## **4.0 Annual Meeting of Panel Chairs and Advisers**

4.1 Prior to 2018, this meeting had not taken place for a number of years, due to the retirement of Mr Graham Russell (the organiser of this event, funded by South West Councils) in 2016. It was therefore pleasing that the meeting took place again in 2018 arranged by South West Councils and hosted by Devon County Council and again in January 2020 and 22<sup>nd</sup> September 2020 (virtually via Teams).

4.2 During the meeting on 22 September 2020, the following matters were discussed.

- Members allowance survey results 2020 and discussion on 2021 survey – the discussion included whether there had been any push back from Councillors regarding allowances due to the COVID-19 pandemic, either seeking increases or reductions. Many schemes were tied into the officer pay award so many authorities were therefore having the 2.75% uplift applied. Gloucestershire applied the staff pay award a year after the award, therefore avoiding the issues arising from late pay awards. Views were then sought on the survey for 2021.
- Councillors' Allowance Guidance – Graham Russell had been asked by SW Councils to look at the Member Allowance guidance to update and make it more relevant as it had not been updated for several years. The group were asked to review the document in light of their practical experiences and the meeting also noted some of the newer issues seen in recent reviews, such as parental leave. Views from IRP Chairs and Members were sought, but the sections requiring particular attention included role descriptions, collaborative working, calculation of the basic allowance and up to date formulae, questioning by panels, approved duties for payments of expenses, evidence based reviews, delivering reports to Council and the benefit or otherwise of annual reviews.

In terms of presenting reports to the Council, there was general agreement that best practice was for IRP Chairs to deliver their report as this gave credence and help to strengthen the Panel's recommendations.

In line with the new approved duties suggested list, as referred to in paragraph 3.9, the panel would review this for next year in line with the request from the Group Leaders.

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- Parental Leave – a discussion ensued on how Councils had implemented these policies. The Panel had devised a scheme and Devon County Council had implemented it from the last panel report. Of importance to the panel was to ensure there was no democratic deficit in the policy and that the interests of constituents and the electorate were represented.
- Roundtable update on video conferencing - a discussion on the efficacy of video conferencing took place with the consensus suggesting that holding meetings virtually was working, and many seeing a significant increase in attendance. In order for the meetings to work successfully and be lawful, attendees needed to adhere to a protocol.

Officers highlighted the additional capacity issues around hosting virtual meetings.

- Any other business – this included an update from Dorset on a panel recommendation for a rise in allowances which was then rejected by the Council. The incident had attracted the press, who reported that Councillors were not performing as there were no meetings taking place. It was stressed that Councillors also undertook considerable work both in and throughout the community.

The next meeting would be held in September 2021.



## 5.0 **Comparisons and Benchmarking**

- 5.1 The Panel considered the recent (2020) SW Councils survey on allowances. Following the increase in Members allowances last year, the rate of basic allowance paid in Devon was the top of the survey data when compared to other South West Shire Counties at £13,213. This improvement was pleasing to the Panel as Devon's position had dropped to the mid to lower ranges, which was a cause for concern given the population of Devon is significantly higher than those in other Shire Counties. As an example, Somerset County Council paid £11,540 and Gloucestershire £10,500. The larger unitary Council's were higher than Devon, with Cornwall County Council paying £14,473 and Wiltshire £13,833 which would be expected.
- 5.3 However, a survey of schemes showed that for 2020/21, Kent County Council topped the list with a basic allowance of £16,217. Many others were mid-range such as East Sussex County Council at £13,149 (2020/2021), Surrey County Council at £12,443 (figures updated in January 2020), West Sussex at £12,202 and Hampshire County Council at £12,489. Buckinghamshire County Council at £11,998 (although the figures were for 2019/2020). Oxfordshire County Council were one of the lowest at £11,014.
- 5.4 The Panel also took the data from the South West Survey and the South East data and assessed the allowance per head of population.

Council Name (Shire Counties)	Population	Basic Allowance for 2020/21 (Members)	Per Head of Population*
Devon County Council	795,000	£13,213 (60)	£0.99
Gloucestershire County Council	633,558	£10,500 (53)	£0.88
Somerset County Council	560,631	£11,540 (55)	£1.13

Council Name	Population	Basic Allowance for 20/21	Per Head of Population*
East Sussex	558,626	£13,149 (50)	£1.18
Hampshire County Council	1,382,000	£12,489 (78)	£0.70
Kent County Council	1,581,000	£16,217 (81)	£0.83
Oxfordshire County Council	691,700	£11,014 (63)	£1.00
West Sussex County Council	836,000	£12,202 (70)	£1.02

\* Basic Allowance x Number of Councillors.

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5.5 The Panel previously undertook a large scale review in which they considered how the Basic Allowance had been calculated to ensure it was still fit for purpose. The calculation was the average non manual daily rate, less 33% for the public service ethos. As the data was no longer collected, the Panel researched other baselines, which included one used by Cheltenham Borough Council (median salary for the South West) and a calculation which had been determined by Surrey's IRP (median salary level for full time white collar workers resident in Surrey, with a 33% discount as the voluntary element and the time commitment of the role as 18 hours per week (0.5 FTE)).

5.6 The Panel applied this Surrey methodology to Devon, but using the Median gross weekly earnings for full-time employees in Devon for 2020.

$$1 \text{ £27,456 less } 2 \text{ 33\% (£9060) = £18,396} \dots \times 3 \text{ 0.71 = £13,061}$$

1 median gross weekly earnings for full-time employees in Devon 2020...Office for National Statistics (ONS)

2 public service discount

3 adjustment for full-time equivalent – using figures from National Census for Counties of 29 hours

5.7 The allowance for Devon (if calculated in this manner) made the basic rate £13,061. Given the current allowance of £13,213 which included the LGA median wage rise (up until April 2010) and staff pay increases (from April 2011), the Panel were satisfied that the calculation used was fit for purpose.

5.8 The Panel also felt it prudent to use the most recent data available, so utilised the National Census Data from 2018 (the latest available), extracting the figures submitted by Members of Devon County Council.

5.9 The Panel previously had raised concern over the number of 'twin trackers' (where a Councillor is a Member of more than one Authority), in view of the implications for workload. With Elections in May 2013, the figure was 39 Councillors out of the 60 who were on District Council as well as the County Council (65%). After the last Elections in 2017, the number was 41 out of 62, (66%) so the situation at that point remained largely unchanged. However, following District Elections in May 2019 the number was 28, but a By Election in 2019, pushed the number back up to 29 (so just below 50%) and significantly less than it was in 2017.

5.10 The Panel also wanted to keep a watching brief on expenses rates for overnight stays in London. Members had previously felt the rate was still not fit for purpose. Members considered a number of other benchmarks, for example the London rate for judiciary, which was currently lower than the County Councils and also the average daily rate for London as calculated by Price Waterhouse Cooper (PWC). This revised figure for 2020 was £153.00, a rise of £2.10 since 2019 (or 1.4%).

5.11 However, given the comments from Members of the Council, the Panel, in last years review, suggested that, in the absence of the better benchmark, the Council use the PWC benchmark but that in some instances the Council might need to take a flexible approach to accommodation, with wording in the

# Agenda Item 4

scheme that ensures the Council secures best value for money whilst taking into account all relevant factors (e.g. safety, location, convenience, availability and proximity to the venue etc) and the Head of Democratic Services being asked to authorise any expenditure over that amount. This was accepted by the Council.

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## **6.0 National Census of Local Authority Councillors 2018**

- 6.1 The above study was previously carried out every two years to provide a comprehensive snapshot of local government representation and analysis of trends over time. The census asks Councillors about their work as Councillors, their views on a range of issues and also their personal background. The last two studies were carried out in 2013 and then in 2018. As 2018 is the latest data available it is appropriate it is reflected in this Report.
- 6.2 The 2018 Census was conducted entirely online. All 17,770 Councillors in England were emailed a unique link to the questionnaire. A total of 2,627 councillors responded, a response rate of 15%. This was lower than previous censuses and was most likely due to the move from a paper-based exercise. The 2018 response rate of 15% compared with 38% in 2013, 33% in 2010, and 45% in 2008. The Panel previously expressed their disappointment at the low response rate in the 2018 survey.
- 6.3 The key findings were presented in three sections, work as a Councillor, issues and views of Councillors and personal background of Councillors. It should be noted that the figures in this section apply nationally and to all types of Council's (Counties, Shire Districts, Unitary Councils, Metropolitan Districts and London Boroughs).

### **6.3.1 Councillors' work**

- On average, Councillors had served for 9.2 years in their current authority; 47% had served for up to 5 years while 11% had done so for more than 20 years;
- 54% of Councillors held a position of responsibility, most commonly membership of the Cabinet/Executive;
- Councillors spent, on average, 22 hours per week on council business, the largest aspect of which was on Council meetings (8 hours); and
- 39% of Councillors were also members of another public body.

### **6.3.2 Councillors' views**

- 85% of Councillors became Councillors in order to serve their community;
- 60% thought that representing local residents was among the most important role of Councillors, and 51% thought the same of supporting local communities;
- 34% of Councillors thought they were very effective in their role, and 57% fairly effective;
- 85% would recommend the role of Councillor to others; and

- 68% intended to stand for re-election.

### 6.3.3 Councillors' personal characteristics

- 45% of Councillors were retired, and 26% in full or part-time employment;
- 64% of Councillors held other voluntary or unpaid positions, such as school governorships;
- 68% of Councillors held a degree or equivalent qualification; only 3% did not hold any qualification;
- 63% of Councillors were male, and 36% female;
- The average age of councillors in 2018 was 59 years; 15% were aged under-45 and 43% were aged 65 or over;
- 96 % described their ethnic background as white;
- 88% described their sexual orientation as heterosexual or straight;
- 16% had a long-term health problem or disability which limited their daily activities; and
- 36% of Councillors had a responsibility as a carer, most commonly looking after a child.

6.4 Devon has many of the same issues as other Authorities in terms of attracting younger members. Whilst Devon has some younger Councillors, (and a small number have been in Cabinet positions), the majority are over retirement age.

6.5 The age and gender profile of Devon's Councillors was gathered after the 2017 elections, but updated in light of the By Election held on 24 October 2019, and is highlighted overleaf.

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<b>Councillor Gender/Age Profile of Devon County Council - 2019</b>			
<b>Age Group</b>	<b>Male</b>	<b>Female</b>	<b>Totals</b>
Under 30	0	0	0
30-39	2 (3%)	0 (0%)	2 (3%)
40-49	3 (5%)	2 (3%)	5 (8%)
50-59	10 (17%)	5 (8%)	15 (25%)
60-69	16 (27%)	7 (12%)	23 (38%)
70 and over	12 (20%)	3 (5%)	15 (25%)
<b>Totals</b>	<b>43 (72%)</b>	<b>17 (28%)</b>	<b>60 (100%)</b>

- 6.6 When this data is cross referenced with the recently conducted census data from 2018, this shows that in a South West Comparison, the male to female ratio was 65% male compared to 34% female. Devon therefore is slightly lower than the South West Average in terms of female Councillors.

<b>Gender – South West</b>		
Female	591	<b>34%</b>
Male	1119	<b>65%</b>
Prefer to self-describe	6	<b>0%</b>
Prefer not to say	8	<b>0%</b>

- 6.7 For the South West, the age profile is as listed below. Devon has 25% of its Members over the age of 70, so slightly lower than the South West profile.

<b>Age – South West</b>		
Under 25	6	<b>0%</b>
25-29	20	<b>1%</b>
30-34	47	<b>3%</b>
35-39	28	<b>2%</b>
40-44	88	<b>5%</b>
45-49	61	<b>4%</b>
50-54	177	<b>10%</b>
55-59	258	<b>15%</b>
60-64	226	<b>13%</b>
65-59	299	<b>18%</b>
70 or over	482	<b>28%</b>

Average (years)	60.9	
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- 6.8 The census data also allows a comparison to other Counties (nationally). In this instance the ratio is 71% male and 28% female. This is within 1 percentage point of Devon's profile.

Gender - Counties		
Female	423	<b>28%</b>
Male	1073	<b>71%</b>
Prefer to self-describe	0	<b>0%</b>
Prefer not to say	14	<b>1%</b>

- 6.9 In terms of the age profile for Counties (nationally), this again is detailed below. Again, Devon is slightly lower than the Counties average in terms of Members over the age of 70.

Age - Counties		
Under 25	0	<b>0%</b>
25-29	41	<b>3%</b>
30-34	29	<b>2%</b>
35-39	17	<b>1%</b>
40-44	28	<b>2%</b>
45-49	66	<b>5%</b>
50-54	140	<b>9%</b>
55-59	214	<b>15%</b>
60-64	235	<b>16%</b>
65-59	289	<b>20%</b>
70 or over	412	<b>28%</b>
Average (years)	61.6	

- 6.10 The Panel have previously been concerned over the gender / age split, demonstrating the need to consider a scheme of allowances to attract a more diverse Council for the future. Whilst the allowances were raised in 2018, the Panel do not wish to see a return to the position where they have been allowed to become 'out of kilter' once again.

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## **7.0 Member Development, Charter Status Plus and Induction**

- 7.1 The Panel have always been interested in Member training and development and therefore supportive of the Council's initiatives such as competency frameworks, appraisals and personal assessments of Members Learning and Development needs. The Panel recognised the Councils accreditation and re-accreditation of Charter status at Charter-Plus level for Member Development.
- 7.2 The feedback from South West Councils in that assessment had said there were a number of areas of excellent practice in Devon and that.....
- .....'it was great to see the continuous improvement in the way that Members are supported and the strong working relationship between Members and Officers'.*
- 7.3 The Council has a focus on continuous professional development and a willingness by Councillors to ensure their skills, knowledge and understanding are up-to-date, so that they can fulfil their role successfully. Member Development is part of the fabric of the way the Council works and this is an ongoing process. Members have also been supported in recent months to work in a new way, with a focus on ICT skills to fully participate in remote meetings.
- 7.4 The Council is currently exploring re-accreditation for the third time, but the pandemic has delayed this activity.
- 7.5 With Elections scheduled and still expected in May 2021, the usual approach to Member Induction included two full days of induction events held shortly after the election itself, followed by a range of training, briefings and development opportunities held over the summer and into September.
- 7.6 With the current pandemic situation, it was unknown as to the extent to which these events might have to take place online, but decisions could be taken nearer the time. Members, however, were supportive of providing online learning as part of the overall offer and also in the delivery of training and development over a number of months.

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## **8.0 Summary, Conclusions and Recommendations**

- 8.1 The Panel has concluded that the structure of the Allowance Scheme for Devon is fit for purpose and based on sound principles.
- 8.2 The Panel has conducted a wide-ranging review, taking into account the usual benchmarking data, organisational structures, view of other Authorities, workloads of Councillors and the most recently conducted census survey, the views of Members and other relevant factors.
- 8.3 Up until 2017, the Panel had consistently recommended increases in the Basic Allowance, with corresponding increases in the level of SRAs and the recommendations had not been implemented, hence the level of allowances in Devon had fallen behind. The Panel were pleased that in 2018, 2019 and 2020, the Council listened to their recommendations and their strong evidence base to increase the Basic Allowance.
- 8.4 Taking into account the evidence available and for the reasons set out above, the panel recommends that:
- (a) The basic structure of the current scheme is endorsed and retained;
  - (b) The Panel feels it important not to depart from the panel's established formula of calculating the basic allowance and also notes the uncertainty of the staff pay award for 2021/2022. In that vein and recognising the likely pay freeze (although subject to consideration by Local Government Employers) for those earning in excess of £24,000 and the base line figure of £27,456 used for calculating the basic allowance (median gross weekly earnings for full-time employees in Devon), the Panel recommend that allowances be frozen for 2021/2022 (See Appendix 1 for the current rates recommended to be carried through to 2021/2022);
  - (c) that the overnight rate for London be increased to £153.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London.
  - (d) Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;
  - (e) The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;
  - (f) That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and

- (g) Notwithstanding the recommendations of the Panel for an allowances freeze, the Panel wish to place on record their appreciation to Councillors for their Leadership throughout the pandemic, noting that Members had worked tirelessly in their communities and also adapted to remote working practices to ensure democratic processes continued.

- 8.5 The panel would like to thank everyone who has contributed to this review, Karen Strahan (Democratic Services and Scrutiny Manager) and Stephanie Lewis (Deputy Democratic Services and Scrutiny Manager) who provided administrative support.

**HM/BH/SB**  
**February 2021**

### **Panels Recommended Allowances from May 2021** **Based on a Freeze of Allowances.**

<b><u>Role</u></b>	<b><u>Multiplier</u></b>	<b><u>Amount</u></b> <b><u>(from May 2021)</u></b> <b><u>0%</u></b>
Basic (currently £13,213)	N/A	£13,213
Leader	2.5	£33,033
Deputy	2.0	£26,426
Cabinet	1.5	£19,820
Chair Scrutiny	0.73	£9,645
Vice Chair Scrutiny	0.365	£4,823
Chair of Council	0.8	£10,570
Vice-Chair of Council	0.2785	£3,680
Chair – Development	0.5	£6,607
Vice Chair – Development	0.25	£3,303
Chair, Appeals	0.25	£3,303
Chair, Investment / Pension	0.5	£6,607
Chair, Farms Estate	0.25	£3,303
Chair, Public Rights of Way	0.25	£3,303
Chair, Procedures	0.25	£3,303
Chair, Audit	0.25	£3,303
*Leader, LD (6)	0.5	£6,607
*Leader, Labour (6)	0.5	£6,607
*Leader, Independent (4)	0.25	£3,303

\* A multiplier of 1.0 for Groups more than 20% of the Councils size (therefore 12 or more members);

\* A multiplier of 0.50 for groups between 10% and 20% (therefore 6 or more Members (up to 11 Members);

\* A multiplier of 0.25 for groups of less than 10% (2-5 Members)

## Changes to the Constitution

### Report of the County Treasurer

Please note that the following recommendation is subject to confirmation by Committee before taking effect.

**Recommendation:** that Members approve the proposed changes to the Constitution as outlined below.

#### 1. Background

- 1.1. Part 5c of the Constitution relates to Financial Regulations for which there are some elements now in need of updating.
- 1.2. Proposed changes are outlined in the following sections of this report and highlighted in detail in the attached appendix.
- 1.3. Consultation has been undertaken with Legal Services where appropriate.

#### 2. Financial Regulations

- 2.1. Gifts & Hospitality (C12) – the Council's policy on this currently contains an anomaly which has the effect of providing contradictions in the detailed standards to be applied. It is proposed that this be corrected by removing an entry relating to legacies, which are currently listed as an exception in error.
- 2.2. New Item: Guarantees (C18) – in some exceptional circumstances the County Council is asked to act as guarantor for third parties. It is proposed that a new section be added to Financial Regulations to cover these arrangements as follows;

Any situation that requires the issue of a guarantee which has potential financial or resource implications must be agreed with the Chief Executive or relevant Chief Officer, as appropriate, and agreed with the Chief Finance Officer.

- 2.3. Income (D10): Scales of Fees & Charges – this section currently sets out the need for regular review of scales of fees & charges and variations. This has been expanded to provide specific reference to 'New Fees & Charges' as set out below.

It is proposed that;

- (i) Scales of fees & charges and allowances must be reviewed annually by the Chief Executive or relevant Chief Officer.
- (ii) Any proposed variations must be agreed by the Chief Executive or relevant Chief Officer, and agreed with the Chief Finance Officer and Cabinet member;

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- (iii) New fees & charges must be agreed by the Chief Executive or relevant Chief Officer, and agreed with the Chief Finance Officer and submitted to Cabinet for approval;

2.4. Income (D10): Detailed Standards – this section has been expanded to provide further clarity to Heads of Service on the existing requirement for prompt rendering of accounts and prompt account recovery. COVID19 has highlighted issues in this respect with some requests for deferral of debt and other debt related requests.

For clarity, it is proposed that;

- (i) Any request to defer debt and other debt related requests that have funding or cashflow implications require the agreement of the Chief Finance Officer;
- (ii) That the County Solicitor be consulted, in the event that there are potential legal or contractual issues arising from debt deferral or other debt related requests;

**Mary Davis**

**County Treasurer**

Contact for Enquiries: Martin Oram

Tel No: (01392) 382418

<u>Background Paper</u>	<u>Date</u>	<u>File Ref</u>
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Nil

There are no equality issues associated with this report.

## Appendix

### Financial Regulations

#### C12 Gifts and Hospitality

The Council and the Public expect the highest standards of integrity from public servants. Formal standards are in place to guide staff and Members on these matters and to ensure consistency of judgement.

- C 12.1 All employees must observe the provisions of the Council's policy on Gifts and Hospitality which is reproduced in the detailed standards below.

##### Detailed Standards

C 12.1.1 A particular source of conflict between the private and the public interest is the offer of gifts, hospitality or other benefits in kind to Councillors and Officers in connection with their official duties. A difficult exercise of judgement may sometimes be necessary to decide how the public interest, and the Council's good name, may best be served. A reasonable amount of entertainment is a normal part of the courtesies of public life and extreme inflexibility can give unnecessary offence to people and organisations with whom the Council's relationships should be cordial. But an appearance of improper influence is easily created, and with it encouragement of cynicism about the motives of those who serve in Local Government.

C 12.1.2 With the exceptions listed below, an Officer should refuse any personal gift offered to them or to a member of their family by any person or body who has or seeks dealings with the Council. The offer should be reported immediately to the Chief Officer concerned. These paragraphs are particularly directed to individuals or organisations or persons who already do or who seek to provide work, goods or services to the Council, e.g. building contractors, suppliers of goods or equipment and firms able to provide professional or commercial services to the Council. In addition, there may be occasions where because of the special relationship between the donor and donee, e.g. social worker and client, similar rules should apply. In these cases, legacies, fees or presents of any description should not be accepted and any employee in doubt should first seek the advice of the Head of Service/ Chief Officer.

##### C 12.1.3 Exceptions :-

(i) A modest gift of a promotional character given to a wide range of people. These gifts are usually given at Christmas-time and include calendars, diaries, desk sets, tape measures, scales and other articles of use in the office.

(ii) Gifts on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm.

(iii) A modest gift where refusal would cause needless offence and the giver is not seeking a decision of business but merely wishes to express thanks for advice, help or co-operation received, e.g. a modest gift from a client for personal care.

~~(iv) An unsolicited legacy from a client for personal care, which must be reported to Cabinet.~~

It is wise to err on the side of caution and an obviously expensive gift should raise a question even if it otherwise falls within one of the above categories. If in doubt, seek the advice of the Head of Service/Chief Officer.

C 12.1.4 When a gift has to be refused, this should be with tact, because the offer of gifts is common practice in the commercial world. In some cases a gift is simply delivered and there may be a problem over returning it. It is sometimes acceptable to the giver for the gift to be the subject of a raffle and the proceeds placed to a charitable fund, e.g. Unison Welfare Fund. An arrangement of this sort should only be made with the Head of Service approval and recorded by letter.

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C 12.1.5 Hospitality is sometimes offered to representatives of the Council and is accepted at official level because it is reasonable in all the circumstances. Where it is offered to individual employees, special caution is needed where the host is seeking to do business with the Council or to obtain a decision from it. It is important to avoid any suggestion of improper influence. The question is one of judgement and the following examples are intended to give general guidance:-

## Acceptable

- \* A working lunch of modest standard provision to allow the parties to continue to discuss business. Senior Officers should consider reciprocation on a subsequent occasion if there is need for further meetings.

- \* Invitation to a Society or Institute dinner or a function, for example, private architect inviting Devon Property Practice staff to RIBA dinner.

- \* Invitation to take part in a sporting event.

- \* Invitation to take part in Company jubilee or other anniversary celebration.

## Unacceptable

- \* Holiday abroad or weekend in a holiday centre.

- \* Offer of hotel and tickets for theatre.

- \* Use of Company flat or hotel suite.

- \* Invitation to attend sporting events at the courtesy of a private individual or company

In general terms, it will often be more acceptable to join in hospitality offered to a group than to accept something unique to oneself. When a particular matter is currently in issue with the County Council, e.g. an arbitration, then clearly common sense dictates that offers of hospitality be refused even if in normal times they would be on the acceptable list.



## C 18 Guarantees (New Section)

Where there is a need for the issue of a guarantee which has potential financial or resource implications, this must be agreed with the Chief Executive or relevant Chief Officer, as appropriate, and agreed with the Chief Finance Officer.

## D10 Income and Banking

It is important to ensure that all income due to the Council is identified, collected on time and recorded accurately in the Councils accounts. Also, banking arrangements must be appropriate and well recorded for the Council to exercise adequate control.

### Income

- D10.1 Heads of Service/Chief Officers are responsible for the collection of sums due to the Council and for the issuing of receipts and invoices in accordance with the detailed standards below.
- D10.2 A limit is imposed on the cash amount to be received in settlement for the payment for goods and services of £10,000 in any one transaction. This limit is required to ensure that the County Council complies with the Money Laundering Regulations 2007.
- D10.3 Scales of charges for services and allowances and any variations thereof (except where fixed by statute) must be reviewed **annually at regular intervals** by the Chief Executive or the relevant Chief Officer, as appropriate. **Any proposed variations must be and agreed with the Chief Finance Officer and Cabinet member before submission to Cabinet for approval.**
- D10.4 **New scales of fees & charges and allowances must be reviewed by the Chief Executive or the relevant Chief Officer, as appropriate, and agreed with the Chief Finance Officer and submitted to Cabinet for approval.**

### Detailed Standards

D 10.1.1 The Chief Finance Officer must be consulted by Heads of Service on proposals to acquire any cash till or accounting equipment.

D 10.1.2 The records kept by each department with regard to items of income must be in such form as may be required by the Chief Finance Officer.

D 10.1.3 Heads of Service must provide to the Chief Finance Officer such particulars in connection with work done, goods supplied, or services rendered and all other amounts due, as may be required to record correctly all sums due to the Council and to ensure promptness in the rendering of accounts and the recovery thereof. In this respect;

**D 10.1.4 Any request to defer debt (and other debt related requests that have funding or cashflow implications) require the agreement of the Chief Finance Officer. Where there are potential legal or contractual issues the County Solicitor must be consulted.**

D 10.1.~~54~~ The Chief Finance Officer must be promptly notified of all money due to the Council under contracts, leases, tenancy and other agreements, conveyances and other arrangements entered into which involve the receipt of money by the Council, and must have access to the original documents or relative particulars.

D 10.1.~~65~~ The Chief Finance Officer must maintain a detailed record of land and building in respect of which rent is or may be receivable, together with sufficient details of the terms of tenancy to enable the correct amount of rents receivable to be recovered, either directly from the tenant, or by deduction from salary or wages in the case of service tenancies.

D 10.1.~~76~~ Sums properly due to the Council must not be written off until the Chief Finance Officer is satisfied that all steps possible have been taken to recover the sums due. Sums in excess of £2,500 will be determined after consultation with the County Solicitor. After this consultation, the authority of the Cabinet Member must then be obtained to write off sums due in excess of £10,000.

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D 10.1.~~87~~ Where the Council contracts to supply goods or services to external parties, the arrangements must avoid inappropriate subsidy.