

# Public Document Pack

**Peak District National Park Authority**

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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/1759

Date: 28 June 2018



## NOTICE OF MEETING



Meeting: **National Park Authority**

Date: **Friday 6 July 2018**

Time: **10.00 am**

Venue: **The Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER  
CHIEF EXECUTIVE

### AGENDA

1. **Apologies for Absence**
2. **Chair's Announcements**
3. **Election of Authority Chair & Deputy Chair (A.111/JS) (Pages 5 - 8)** 15 mins
4. **Minutes of previous meeting held on 25th May 2018 (Pages 9 - 12)**
5. **Urgent Business**
6. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
7. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.

- |     |   |         |
|-----|---|---------|
| 8.  | <p><b>Report Of The Member Appointment Process Panel - Appointment Of Committee Chairs And Vice-Chairs, Annual Appointments To Committees, Sub-Committees, Panels and Advisory Groups, Member Representatives and Outside Bodies (A.111/ JS) (Pages 13 - 30)</b><br/>Appendix 1</p> | 45 mins |
| 9.  | <p><b>Independent Review of the Members Allowances Scheme (Pages 31 - 74)</b><br/>Appendix 1</p>  |         |
| 10. | <p><b>Items for No Discussion</b><br/>The Chair has identified the following items as items for no discussion unless there is an advance request from an individual Member for a discussion to take place:</p>  |         |
|     | <p>1. Members' Attendance Annual Return (JS) (Pages 75 - 80)<br/>Appendix 1</p>   | 2 mins  |
|     | <p>2. Calendar of Meetings 2019 (A.111/RC) (Pages 81 - 84)<br/>Appendix 1</p>   | 2 mins  |

### **Duration of Meeting**

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

### **ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)**

#### **Agendas and reports**

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk).

#### **Background Papers**

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/352. E-mail address: [democraticservices@peakdistrict.gov.uk](mailto:democraticservices@peakdistrict.gov.uk).

#### **Public Participation and Other Representations from third parties**

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Strategy and Development to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk) or on request from Democratic Services 01629 816362, email address: [democraticservices@peakdistrict.gov.uk](mailto:democraticservices@peakdistrict.gov.uk).

## **Written Representations**

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

## **Recording of Meetings**

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. From 3 February 2017 the recordings will be retained for three years after the date of the meeting.

## **General Information for Members of the Public Attending Meetings**

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at [www.travelineeastmidlands.co.uk](http://www.travelineeastmidlands.co.uk).

Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

To: National Park Authority Members

Constituent Authorities  
Secretary of State for the Environment  
Natural England

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**3. ELECTION OF AUTHORITY CHAIR & DEPUTY CHAIR (A.111/JS)**

**1. Purpose of the report**

To elect the Chair and Deputy Chair of the Authority.

**Key Issues**

- In accordance with the Authority decision to establish a Member Appointment Process Panel, the Panel invited all Members to indicate whether they wish to stand for appointment to the role of Chair and Deputy Chair of the Authority.
- The Panel have met to consider the responses received in the context of the agreed principles and attempted to informally resolve any issues identified.
- The Panel has received more than one expression of interest for both positions.
- Further nominations may be received at the meeting.

**2. Recommendations**

1. To appoint a Member as Chair of the Authority until the Annual Meeting in 2019.
2. To appoint a Member as Deputy Chair of the Authority until the Annual Meeting in 2019.

**How does this contribute to our policies and legal obligations?**

3. Under The National Park Authorities (England) Order 1996 (“the 1996 Order”) the Authority is required to elect a Chair and Deputy Chair of the Authority at each Annual meeting. The term of office will be until the next Annual meeting in 2019.
4. Standing Order 1.4(1) states: “The Authority shall at its Annual Meeting elect a Chair and Deputy Chair who shall continue in office until immediately after the election of the Chair and Deputy Chair at the next Annual Meeting unless they resign their respective office, or resign their membership of the Authority.”

**Background Information**

5. The Authority’s Standing Orders no longer state that the elections of the Authority Chair and Deputy Chair shall normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State National or Parish Member.
6. As in previous years the Authority’s Member Appointments Process Panel has met to assist with appointments to key positions at the Annual Meeting. This year Cllr J Atkin, Cllr C Carr and Cllr J Perkins were appointed as members of the Panel. The meeting of the Panel was held on 19 June 2018, unfortunately Cllr Jim Perkins was unable to attend but he was able to look at the paperwork beforehand.
7. The purpose of the Panel is to:
  - invite, receive and consider expressions of interests from Members in the annual appointments
  - apply the agreed appointment principles to identify any issues that conflict with

the agreed principles

- contact relevant Members to discuss and resolve issues if possible
- compile a list of candidates for the appointments for consideration at the Annual meeting.

8. On behalf of the Panel all Members were contacted individually to ask if they intended to stand for appointment as Chair and Deputy Chair of the Authority. At the time of writing the report the Panel had received 3 expressions of interest for the role of Chair of the Authority, (Cllr P Brady, Cllr D Chapman and Cllr A McCloy) and 3 for the role of Deputy Chair of the Authority, (Cllr D Chapman, Cllr A Hart and Cllr A McCloy). The Panel has confirmed that these expressions of interest comply with the appointment principles agreed by the Authority; however before voting on the appointments the Authority will be asked if there are any further expressions of interest.
9. The Authority's Standing Orders require that when more than one Member is standing for a Chair or Deputy position the voting must be carried out by ballot of all Members present at the meeting. As this year the Panel has received more than one expression of interest for each role, the appointments will be made following a ballot. Where there are more than two persons nominated and of the votes given there is not a clear majority in favour of one person, the name of the person having the least number of votes will be struck off the list until there is a majority of votes given in favour of one person. In the case of an equality of votes for two or more candidates the Chair shall have a second or casting vote.

### **Appointment Principles**

10. The Panel met on 19 June to consider the expressions of interest and check them against the following appointment principles:
  1. Democratic process remains essential.
  2. Any Member should continue to be eligible to stand for election for any post and all Members should continue to have the opportunity to vote for their preferred candidates.
  3. The chosen system should foster confidence, unity and trust within the Authority.
  4. All Members should be assumed to be equally committed to the objectives of the National Park, and to have a contribution to make across the full range of the Authority's work.
  5. All Members should be considered equally for all appointments but need to maintain the overall balance between different categories of members.
  6. Anyone holding office should be seen to act on behalf of all Members in the interests of the Authority, and not be allied with one particular group or interest.
  7. All appointments should be time limited with a stipulated maximum continuous period of holding any one office to four continuous terms.
  8. Responsibility of nominated Members to demonstrate to colleagues their interest and potential.
  9. Responsibility of nominated Members to show that they understand what will be required of them.
  10. That we should strive to achieve a similar balance across Member

Representatives and outside body appointments if possible although it is recognised this may not always be achievable and the main aim is to appoint members who have demonstrated interest and potential.

11. That newly appointed members will not be considered for Chair or Deputy/Vice Chair position in their first year of office.

11. The Panel also considered points 8 and 9 in the current principles above regarding the responsibility of nominated Members to demonstrate interest and potential and show that they understand what is required of them. With this in mind the Panel have agreed that candidates for the Chair and Deputy Chair positions be asked to supply a written statement of not more than 500 words in support of their expressions of interest which will be circulated in advance of the meeting (if received).

### **Proposals**

12. It is proposed that the elections be made in accordance with the 1996 Order and Standing Orders taking into consideration the agreed appointment principles.

### **Are there any corporate implications members should be concerned about?**

#### **Financial:**

13. Although a special responsibility allowance is paid to the Chair and Deputy Chair these costs are included in the 2018/19 budget so the appointments do not incur any additional cost to the Authority.

#### **Risk Management:**

14. There are no apparent risks. Members have the opportunity to seek appointments to all the available positions.

#### **Sustainability:**

15. None.

#### **Equality:**

16. None.

17. **Background papers (not previously published)**

None

18. **Appendices**

None

### **Report Author, Job Title and Publication Date**

Jason Spencer, Democratic Services Manager, 28 June 2018  
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## MINUTES

Meeting: **National Park Authority**

Date: Friday 25 May 2018 at 10.00 am

Venue: The Board Room, Aldern House, Baslow Road, Bakewell

Chair: Cllr Mrs L C Roberts

Present: Cllr D Chapman, Mr P Ancell, Mrs P Anderson, Cllr J Atkin, Mr J W Berresford, Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr Mike Chaplin, Cllr C Furness, Mr Z Hamid, Cllr A Hart, Cllr Mrs G Heath, Mr R Helliwell, Cllr H Laws, Cllr Mrs C Howe, Cllr J Macrae, Cllr A McCloy, Cllr C McLaren, Cllr J Perkins, Cllr Mrs K Potter, Cllr Mrs J A Twigg and Cllr B Woods

Apologies for absence: Cllr A R Favell.

### 16/18 CHAIR'S ANNOUNCEMENTS

The Chair made the following announcements:

- **Cllr Judith Twigg** – this was Cllr Twigg's last meeting at the Authority following her resignation. Cllr Twigg was first appointed to the Authority in 1992. The Chair thanked Cllr Twigg for all her work on behalf of the Authority and in particular for her local knowledge with regard to Planning Committee issues. Cllr Twigg was presented with cards and gifts including a photo print of Bakewell Bridge. Cllr Twigg thanked the Chair and Members for their good wishes and stated that she had only decided to leave the Authority as she was cutting down on her commitments since her recent illness and she had recently been made Vice Chair of Derbyshire County Council.
- **New Members** – the Chair reported that Cllr Rob Walker had been appointed to replace Cllr Nicola Turner from Kirklees Council and that Cllr Mike Chaplin had been appointed by Sheffield City Council to replace Cllr Alan Law. Cllr Chaplin was present at the meeting and the Chair welcomed him to his first Authority meeting.
- **RTPI National Award for Planning Excellence** - the Chair invited Jane Newman, Head of Development Management, to inform Members about this award to the Authority. Jane explained that the Royal Town and Planning Institute had short-listed the work by the Authority on the Stanton Moor Principles in the Heritage and Culture section of their Planning Excellence Awards. At the presentation evening on the previous day we found out we had won the award. Jane further explained the background to the Stanton Moor Principles which had

been in use for 17 years and had successfully resulted in no old minerals permissions now being in existence on the central area of Stanton Moor, a scheduled ancient monument, and the area was no longer at risk and revocation orders in place. One of the judges commented that this is how planning should be.

- **Moorland Fire** – an up-date was provided on the recent fire on Big Moor, on land managed by the National Trust, the fire had been dealt with and the processes in place to deal with such incidents seemed to work well. As always the incident will be reviewed and any necessary improvements made to the processes.
- **Council for National Parks** – an annual review had been produced and copies were available for Members to take.

#### **17/18 MINUTES OF PREVIOUS MEETING HELD ON 16 MARCH 2018**

The minutes of the last Authority meeting held on 16 March 2018 were approved as a correct record.

#### **18/18 URGENT BUSINESS**

There were no items of urgent business.

#### **19/18 PUBLIC PARTICIPATION**

There was no public participation.

#### **20/18 MEMBERS DECLARATIONS OF INTEREST**

There were no Member declarations of interest.

#### **21/18 ADOPTION OF PEAK DISTRICT NATIONAL PARK MANAGEMENT PLAN 2018-23**

The Senior Strategy Officer introduced the report which sought approval to adopt the Peak District National Park Management Plan 2018-23, following the second public consultation. It was noted that additions included additional wording for mental health and birds of prey and specific targets for moorland birds and restoration.

Members welcomed the report and Plan and the report recommendations were moved and seconded.

Members then discussed the Plan and made further suggestions which officers noted. In response to Members' queries officers stated that good consultation had been achieved and they had reacted to responses received. The intention on delivery and targets had been made as explicit as possible.

The recommendations as moved were voted on and carried.

#### **RESOLVED:**

- 1. That Members adopt the Peak District National Park Management Plan 2018-23 provided at Appendix 1 of the report.**
- 2. That any changes needed in the final management plan as a result of the Authority meeting are delegated to the Chief Executive.**

## **22/18 PERFORMANCE REVIEW 2017/18 (A197/HW)**

The Committee considered the report which sought approval of the overall structure, content and focus of the 2018/19 Performance and Business Plan, prior to bringing all sections of the Plan for publication by the statutory deadline of 30 June 2018. It was noted that the Plan had been considered by the Audit, Resources and Performance Committee the previous week and that there was still another week available if Members had any further comments to make after this meeting.

The report recommendations were moved and seconded. After further discussions the motion was voted on and carried.

### **RESOLVED:**

- 1. To approve the performance review element of the 2018/19 Performance and Business Plan as described in the table at paragraph 9 of the report and accompanying Appendices to the report.**
- 2. To approve the Corporate Risk Register and Year 3 targets for 2018/19.**
- 3. To delegate completion of details to the Chief Executive, to allow publication by the statutory deadline of 30 June.**

## **23/18 PEAK DISTRICT NATIONAL PARK CHARITY VEHICLE**

The Committee considered the report which sought approval to establish a charity to support the corporate objective of diversifying income as part of the Commercial Development and Outreach plan.

Cllr McCloy, Cllr McLaren and Mr Hamid had been part of the working group and each gave their views of support for the proposals to the meeting. In response to Members' queries regarding conflicts with a national charity for National Parks officers stated that there would not be conflicts and a national charity could be a beneficial future partner.

The report recommendations were moved and seconded. It was agreed to appoint Cllr McCloy, Cllr McLaren and Mr Hamid to the Shadow Board referred to in recommendation 3 of the report. The motion was then voted on and carried.

### **RESOLVED:**

- 1. To establish The Peak District National Park Trust as a charitable incorporated organisation (CIO) in accordance with the proposals set out in the report;**
- 2. To approve the use of Authority resources, as set out in Appendix 3 of the report, to establish the charity and support its operation for an initial period of 3 years;**

3. **To appoint Members – Cllr A McCloy, Cllr C McLaren and Mr Z Hamid to a Shadow Board and delegate authority to the Director of Commercial Development and Outreach, in consultation with the Shadow Board, the Head of Law and the Head of Finance, to set up and register the charity in accordance with the proposals set out in the report;**
4. **To request that the charity trustees and/or appropriate Authority officers provide an annual report to the Authority and quarterly reports to the Authority’s Audit Resources & Performance Committee in line with established corporate performance reporting timetable and procedures.**

**24/18 STATEMENT OF COMMUNITY INVOLVEMENT**

The Committee considered a report on the process and consultation that had taken place leading to the proposed revision of the Statement of Community Involvement.

In response to Members’ queries officers agreed to check the process for invalid and withdrawn applications being shown on the website. If an application becomes invalid or withdrawn the reference will still be shown but any documents will be removed.

The report recommendation was moved and seconded.

*12.35 Cllr J Atkin left the meeting.*

The motion was voted on and carried.

**RESOLVED:**

**To adopt the revised Statement of Community Involvement.**

The meeting ended at 12.45pm.

**8. REPORT OF THE MEMBER APPOINTMENT PROCESS PANEL - APPOINTMENT OF COMMITTEE CHAIRS AND VICE-CHAIRS, ANNUAL APPOINTMENTS TO COMMITTEES, SUB-COMMITTEES, PANELS AND ADVISORY GROUPS MEMBER REPRESENTATIVES AND OUTSIDE BODIES (A.111/JS )**

**1. Purpose of the report**

To appoint the Chair and Vice-Chair of the Authority's two standing Committees, Planning Committee and Audit, Resources and Performance Committee.

To consider the Authority's 2018/19 appointments to Committees, Sub-Committees, Panels, Advisory Groups and Member Representative Roles.

To consider the Authority's 2018/19 appointments to Outside Bodies

**Key Issues**

- In accordance with the Authority decision to establish a Member Appointment Process Panel, the Panel invited all Members to indicate whether they wish to stand for appointment to key positions and their preferences for Committee Membership.
- The Panel have met to consider the responses received in the context of the agreed principles and attempted to informally resolve any issues identified.
- The report of the Panel is attached as Appendix 1. Members are asked to consider the report when agreeing the appointments set out in recommendations 1 to 13 below. (The references in brackets relate to sections A to D in Appendix 1)
- The Panel have considered the responses regarding the appointments to Outside Bodies but this year these will be the subject of a separate report on the meeting agenda.
- The report of the Panel is a summary of responses received it is not a recommendation from the Panel.

**2. Recommendations**

1. To confirm the Authority's previous decision to set the size of the two Standing Committees to 15, with 8 Local Authority Members and 7 Secretary of State Members and allocate Local Authority places on Planning Committee as set out in Section B (i) of Appendix 1.
2. To appoint Members as Chair and Vice Chair of the Planning Committee and Chair and Vice Chair of Audit Resources and Performance Committee until the annual Authority meeting in July 2019 [Section A]
3. To appoint Members to the Planning Committee and the Audit, Resources and Performance Committee until the annual Authority meeting in July 2019. [Section B(i) and B(ii)]
4. To appoint Members to the Urgent Business Items Sub-Committee until the annual Authority meeting in July 2019. [Section B(iii)]
5. To appoint 5 Council Members and 4 Secretary of State Members to the Local Joint Committee until the annual Authority meeting in July 2019. [Section B(iv)]

6. To appoint 5 Council Members and 4 Secretary of State Members to the Appeals Panel until the annual Authority meeting in July 2019. [Section B(v)]
7. To appoint 1 Member and 1 Deputy to the Due Diligence Panel until the annual Authority meeting in July 2019. [Section C(i)]
8. To confirm the appointments to the Development Plan Steering Group. [Section C (ii)]
9. To confirm the appointments to the Shadow Charity Board. [Section C(iii)]
10. To appoint the Chair and Vice Chair of the Audit, Resources and Performance Committee, the Chair of the Authority and one other Member to the Budget Monitoring Group until the annual Authority meeting in July 2019. [Section C(iv)]
11. To appoint two Local Authority Members, One Secretary of State and one Parish Member to the Member Appointments Process Panel until the annual Authority meeting in July 2019. [Section C (v)]
12. To appoint Members to the 11 Member Representative Roles set out in Section D of Appendix 1.
13. To appoint Members to the 27 Outside Bodies set out in Section E of Appendix 1.
14. To confirm that all these appointments are approved duties for the payment of travel and subsistence allowances as set out in Schedule 2 of the Members' Allowances Scheme.

**How does this contribute to our policies and legal obligations?**

#### **Appointment of Chairs and Vice Chairs**

3. Standing Order 1.39(1) Part I requires the Authority at the Annual Meeting to appoint Members to be the Chair and Vice Chair of each Standing Committee. At a previous Annual Authority meeting it was agreed to amend Standing Orders by omitting the previous Standing Order 1.39(2) which stated that the appointments to the offices of Chairs and Vice Chairs of each of the Standing Committees shall normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State National or Parish Member. Therefore this no longer applies to these appointments. Appointments made will continue until the next Annual Meeting unless a Member resigns from the office or resigns their membership of the Authority.

#### **Membership of Committees, Sub-Committees, Panels and Advisory Groups**

4. The Environment Act 1995 requires that membership of the Committees should as far as possible reflect the makeup of the membership of the Authority. This means that each Committee should, in most cases, have a majority of Council appointed Members over the Members appointed by the Secretary of State, which includes Parish Members. There are a few exceptions where due to rounding up and rounding down the numbers from each category are equal. This principle is also taken into account when setting up an Appeals Panel.

### **Member Representative Roles**

5. The Member Representative role provides an avenue for involvement externally and internally working with staff to achieve NPMP and National Park Authority outcomes and priorities and deliver the Government's 8 Point Plan for National Parks. A generic job description is available in the Democratic Services Handbook.

### **Appointments to Outside Bodies**

6. These appointments contribute to the National Park Management Plan outcomes and corporate objectives by continuing and supporting the Authority's working with stakeholders and partners.

### **Background Information**

7. The Authority established a Member Appointments Process Panel to assist with appointments to key positions at the Annual Meeting. This year Cllr J Atkin, Cllr J Perkins and Cllr C Carr were appointed as Panel Members.
8. The purpose of the Panel is to:
  - invite, receive and consider expressions of interests from Members in the annual appointments
  - apply the agreed principles to identify any issues that conflict with the agreed principles
  - contact relevant Members to discuss and resolve issues if possible
  - compile a list of candidates for the appointments for consideration at the Annual meeting.
9. As part of the process the Panel has contacted all Members to ask them to advise them on whether they intend to stand for appointment as Chair and Deputy Chair of the Authority, Chair or Vice Chair of Planning or Audit, Resources and Performance Committee or one of the Member Representative roles and their preferences on appointments to committees, sub-committees, panels, advisory groups and outside bodies.
10. The Panel met on 19 June to consider the responses and check them against the following appointment principles:
  1. Democratic process remains essential.
  2. Any Member should continue to be eligible to stand for election for any post and all Members should continue to have the opportunity to vote for their preferred candidates.
  3. The chosen system should foster confidence, unity and trust within the Authority.
  4. All Members should be assumed to be equally committed to the objectives of the National Park, and to have a contribution to make across the full range of the Authority's work.
  5. All Members should be considered equally for all appointments but need to maintain the overall balance between different categories of Members.
  6. Anyone holding office should be seen to act on behalf of all Members in the interests of the Authority, and not be allied with one particular group or interest.

7. All appointments should be time limited with a stipulated maximum continuous period of holding any one office to four continuous terms.
  8. Responsibility of nominated Members to demonstrate to colleagues their interest and potential.
  9. Responsibility of nominated Members to show that they understand what will be required of them.
  10. That we should strive to achieve a similar balance across Member Representatives and outside body appointments if possible although it is recognised this may not always be achievable and the main aim is to appoint Members who have demonstrated interest and potential.
  11. That newly appointed Members will not be considered for Chair or Deputy/Vice Chair position in their first year of office.
11. After considering the responses against the principles the Panel has produced the report included here as Appendix 1 which sets out a summary of the responses received. Where more than one member has expressed an interest in a role all the names put forward have been included in Appendix 1 and where a vote is needed this is highlighted in the proposals section below. The intention of the Panel's report is to help improve the efficiency of making annual appointments however the Authority cannot prevent any Member from standing for appointment even if they have not given the Panel advance notice of their intentions.
  12. Standing Orders state that when more than one Member is standing for a Chair or Deputy/Vice Chair position the voting must be carried out by ballot of all Members present at the meeting. Should the need arise the ballot papers will be distributed to Members as required. The Authority may also decide to carry out a ballot for other appointments if the majority of Members present agree.
  13. The Panel also considered points 8 and 9 in the principles above regarding the responsibility of nominated Members to demonstrate interest and potential and show that they understand what is required of them. With this in mind the Panel have asked that candidates for the Chair and Vice-Chair positions supply a written statement of not more than 500 words in support of their expression of interest which will be circulated in advance of the meeting (if received).

## **Proposals**

### **Appointment of Chairs and Vice Chairs of Planning Committee and Audit, Resources and Performance Committee. (Recommendation 2)**

14. Section A of the Panel's report sets out the names of those Members who have expressed an interest in the roles of Chair and Vice-Chair of the two standing committees. All four of the named Members interested in the roles of Chair and Vice-Chair of Audit Resources and Performance Committee comply with principle 7 as they have not exceeded the maximum continuous period of holding any one office for four continuous terms. One of the Members interested in the role of Vice Chair of Audit Resources and Performance Committee does not comply with principle 11 as they have not yet completed a full calendar year as a Member of the Authority. The two named Members interested the role of Chair of Planning Committee do comply with principle 7 but the one named Member for the Vice-Chair role does not.
15. If no further nominations are received at the meeting the appointments for Vice Chair of

Planning Committee may be approved without the need for a ballot. As the role of Chair of Planning Committee is contested a ballot is required. If further nominations are received and alternative Members appointed we will need to amend the same names included in section B where appointments to Committees are made by virtue of their appointment as Chair or Vice Chair or where proportionality rules need to be considered.

16. Two Members have expressed an interest in role of Chair of Audit, Resources and Performance Committee and two others in the Vice-Chair role. As these positions are contested, if at the time of the meeting both Members still wish to be considered, the Authority will need to make sure there are no further expressions of interest and carry out a ballot for the appointment.

**Appointments to Planning Committee and Audit Resources and Performance Committee. (Recommendation 3)**

17. Section B of the Panel's report sets out suggested Membership of Committees, Sub-Committees, Panels and Advisory Groups based on the preferences of individual Members and the nominations received for the key positions above. Sections B(i) and B(ii) refer specifically to membership of the Authority's two standing committees.

18. Standing Order 1.40 sets out the arrangements for appointing Members to Standing Committees which is summarised as follows:

- (1) Both Council Members and Secretary of State appointed Members must be appointed to Committees and in the same proportion as the membership of the Authority. This is a requirement of the Environment Act which means that with a Committee size of 15 there should be one more Council appointed Member on each Committee.
- (2) The Authority has two Standing Committees - Planning Committee and Audit Resources & Performance Committee.
- (3) The Members appointed as Committee Chairs and Vice Chairs are Members of the appropriate Committee
- (4) Members shall be appointed to the Planning Committee by the allocation of a number of places to the Constituent Councils and to the Secretary of State appointed National and Parish Members in such proportions as are determined at each Annual meeting. This year the Planning Committee allocations for Local Authority Members have been made in line with those agreed last year. The remaining Members will be appointed to the Audit Resources & Performance Committee.

19. The proposed Committee Membership as in sections B(i) and B(ii) of Appendix 1 are based on the previous Authority decision to fix the Standing Committees at 15 Members, with 8 Local Authority Members and 7 Secretary of State Members. As last year before appointing to the Planning Committee the Authority will be asked to confirm the allocation of Local Authority Members places by appointing Authorities, as set out in section B(i) of Appendix 1. Recommendation 1 refers to this.

20. This year, at the time of writing this report there are three Secretary of State Member vacancies. There will therefore be Secretary of State vacancies on both Committees. The report of the Panel offers various options how this could be dealt with including the possibility of one or more Secretary of State Members being appointed to both Standing Committees.

**Appointments to Committees, Sub-Committees, Panels and Advisory Groups.  
(Recommendations 4 to 11)**

21. Sections B and C of the Panel's report sets out suggested Membership of Committees, Sub-Committees, Panels and Advisory Groups based on the preferences of individual Members and the expressions of interest received for the key positions above.
22. If no changes are needed at the meeting the appointments may be approved as proposed subject to the following issues identified by the Panel being addressed.
23. Urgent Business Items Sub-Committee (Section B(iii)) – As the places on the Sub-Committee are allocated according to appointments to key positions if the appointments are not balanced between Local Authority Members and Secretary of State Members then we will need to seek expressions of interest for at least one additional Member to maintain the proportionality requirements set out in the Environment Act.
24. Local Joint Committee (Section B(iv)) – The constitution of this Committee requires that the number of Authority Members on the Committee should be equal to the number of employees. This means that 9 members need to be appointed, and to meet the requirements of the Environment Act, 5 must be Local Authority Members and 4 Secretary of State Members. At the time of writing this report there are 2 Local Authority Member vacancies and 2 Secretary of State Member vacancies.
25. Appeals Panel (Section B(v)) – Except for training purposes the Appeals Panel would not normally meet as a group. Members are drawn from the Panel as needed to consider employee appeals. The meetings are usually arranged at relatively short notice and because of agreed procedures there is limited flexibility in the chosen date in the past the Authority has appointed a pool of at least 8 members which reflects the make-up of the Authority. This year we have insufficient expressions of interest from both Local Authority Members and Secretary of State Members to maintain the membership at 9. If there a no further Members willing to be appointed to the Panel the report of the Panel puts forward a number of options to reduce the size of the Panel while maintaining the ratios required by the Environment Act.
26. Due Diligence Panel (Section C(i)) – This Panel currently has quarterly meeting dates set up but as meetings are dependent on business arising these may or may not take place or may need to be re-arranged at short notice. We have received three expressions of interest for two vacancies – one Member and one Deputy Member so a vote would need to be taken to determine this appointment can be confirmed.
27. Development Plan Group (Section C(ii)) – This Panel was set up as a time limited body tasked to carry out a specific purpose. The main purpose for it being included in this list is to confirm meetings of the Group as an approved duty during 2018/19. The Panel's report shows that there is currently a vacancy and one Member is not interested in joining the Group if appointed as Chair of the Authority, one wishes to remain on the Group although no longer Chair of the Authority and another has expressed an interest in joining. According to the Officers who service the Group it is suggested that the current Membership be confirmed as it is not likely to meet many more times.
28. Charity Shadow Board (Section C(iii)) – At the meeting of the Authority held on 25 May 2018 the Authority approved proposals to establish a Peak District Charity and appointed Cllr McCloy, Cllr McLaren and Mr Hamid, former members of the Charity Working Group, to a Shadow Board. The main purpose for the Shadow Board being included in this list is to confirm it as an approved duty during 2018/19 however one

Member, Cllr Mrs Roberts has expressed an interest in joining the Shadow Board. As the Charity has not yet been established the Authority may increase the size of the Shadow Board if it wishes to accommodate this request. Once the Charity has been established it will become an outside body with any National Park Authority Trustees appointed in accordance with the Charity's constitutional arrangements.

29. Budget Monitoring Meeting (Section C(iv)) – The Authority has previously agreed that most of the Members appointed to this advisory group will be those appointed to Chair and Vice Chair roles earlier in the meeting. One other Member is appointed from either of the constituent groups. This year two expressions of interest has been received for this position so, even if no further nominations are received at the time of the meeting, a vote would be taken. Both Members expressing an interest have indicated that they wish to stand for Chair of the Authority which if either were appointed to would mean that one Member would automatically become a members of this group. If this were the case one expressions of interest would be withdrawn and the appointment would be uncontested.
30. Member Appointments Process Panel (Section C(v)) – This Panel usually meets in June each year to consider expressions of interest for appointments made at the Annual meeting. The current Members have indicated that they are willing to remain on the Panel and one Parish Member has expressed an interest in filling the Secretary of State vacancy. In previous years this place has been allocated to a national Secretary of State Member. Two Parish Members may be appointed to the Panel if no other Secretary of State Members are interested or able to be appointed to the Panel

#### **Member Representatives (Recommendation 12)**

31. At the meeting of the Authority held on 26 May 2017 (Min No 28/17 refers) it was agreed that the number of Member Representative roles would be reduced and, subject to retaining the existing scrutiny roles, be refocused to align with the Government's priorities asset out in the 8 Point Plan for English National Parks.
32. The Panel has therefore sought expressions of interest for the following Member Representative Roles:
- Asset Management
  - Communities
  - Connecting Young People and Nature
  - Food and Farming
  - Health and Wellbeing
  - Landscape and Heritage
  - Member Learning and Development
  - Planning Enforcement
  - Tourism and Participation
  - Rural Economy
  - Thriving Natural Environments
33. The expressions of interest received are set out in the Panel's report. At the meeting proposers and seconders will be sought for each Member and put to the vote. Where more than one Member has been nominated the Authority may choose to vote by either a ballot or a show of hands.

#### **Appointments to Outside Bodies (Recommendation 13)**

34. Following a comprehensive review of outside bodies in 2017 the Authority currently appoints Members to 26 Outside Bodies. These are listed in Section E of Appendix 1.

35. For each outside body Section E identifies how many Members and Deputies the Authority is able to appoint and this is followed by details of Members who have expressed an interest in being appointed to that body. Where more there are more Members interested than there are places or Members have not expressed a preference for being the Member or a Deputy a vote will need to be taken to allocate the places. Usually this will be by a show of hands.

**Are there any corporate implications members should be concerned about?**

**Financial:**

36. Although a special responsibility allowance is paid to the Chair and Vice-Chair roles these costs are included in the 2018/19 budget so the appointments do not incur any additional cost to the Authority.
37. Members may claim travel and subsistence for attendance at duties relating to the appointments made and these costs are included in the 2018/19 budget so the appointments do not incur any additional cost to the Authority.

**Risk Management:**

38. There are no apparent risks. Members have the opportunity to seek appointments to all the available positions.

**Sustainability:**

39. There are no issues to highlight

**Equality:**

40. The Authority monitors its membership by 3 out of the 9 Protected Characteristics set out in the Equality Act 2010.
41. For information 78% of the current Authority Members are men and 22% are women (An increase/decrease of 11% since the 2017 Annual Meeting. At the 2017 Annual Meeting 83% of the six appointments attracting a Special Responsibility Allowance were held by men and 17% by women (unchanged from 2016). 81% of the Member Representatives appointed in 2017 were men and 19% were women (An increase/decrease of 1% from 2016).

42. **Background papers (not previously published)**

None

43. **Appendices**

Appendix 1 - Report of the Member Appointment Process Panel 2018.

**Report Author, Job Title and Publication Date**

Jason Spencer, Democratic Services Manager, 27 June 2018  
jason.spencer@peakdistrict.gov.uk

This report is a summary of the individual member preferences received and considered by the Member Appointment Process Panel. The proposals below are not a recommendation from the Panel and at the Annual Meeting individual members are eligible to stand for appointment to any position even if they have not previously expressed an interest.

**A) Appointment of Authority Chair and Deputy Chair and Committee Chair and Vice Chairs<sup>1</sup>**

Authority <sup>2</sup>	<u>Chair</u> <sup>3</sup> <b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b>	<u>Deputy Chair</u> <sup>3</sup> <b>Cllr D Chapman</b> or <b>Cllr A Hart</b> or <b>Cllr A McCloy</b>
Planning Committee <sup>4</sup>	<u>Chair</u> <b>Cllr D Birkinshaw</b> or <b>Cllr P Brady</b>	<u>Vice Chair</u> Cllr D Birkinshaw
Audit Resources and Performance Committee <sup>5</sup>	<b>Cllr C Furness</b> or <b>Mr Z Hamid</b>	<b>Mr J Berresford</b> or <b>Cllr J Walton</b>

**Notes**

<sup>1</sup> Standing Order 1.12(3) and (4) state that voting for the Chair and Deputy Chair roles will be by ballot. When there are more than two persons nominated and of the votes given there is not a clear majority in favour of one person, the person having the least number of votes shall be removed from the list and a fresh ballot taken. In the case of an equality of votes for two or more candidates the Chair shall have a second or casting vote.

<sup>2</sup> At the 2015 Annual Meeting the Authority removed the Standing Order requiring that election to the offices of Chair and Deputy Chair of the Authority should be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State Member. As paragraph 10 of the appointment principles suggests that the Authority should strive to achieve a balance across appointments throughout this report Council Members are highlighted in **blue** and Secretary of State Members in **red**. Where it appears that a position will be contested the names of the candidates are highlighted in **bold**.

<sup>3</sup> Following the receipt of expressions of interest there are two candidates for the role of Chair of the Authority and three candidates have expressed an interest in role of Deputy Chair. All three Members meet the criteria set out in the appointment principles. If all of the candidates for the role of Chair and Deputy Chair are proposed and seconded a ballot will be held.

<sup>4</sup> For Planning Committee there are two candidates for the role of Chair. Both candidates meet the criteria set out in the appointment principles. If all of the candidates for the role of Chair are nominated and seconded a ballot will be held. There is one expression of interest in the role of Vice Chair from Cllr D Birkinshaw. His appointment would be contrary to principle 7 of the appointment principles as he has served four consecutive terms in this role. As they are not legally binding the Authority can, if it wishes, make appointments contrary to the principles. If no further candidates are nominated and seconded the vote would be taken by a show of hands. If Cllr D Birkinshaw is appointed as Chair of the Committee the Members will need to nominate candidates at the meeting.

<sup>5</sup> For the Audit Resources and Performance Committee there are two candidates for each role. Three of the four candidates meet the criteria set out in the appointment principles. Mr J Beresford's appointment as Vice-Chair would be contrary to principle 11 as, although he is in the second year of his four year appointment, due to the timing of his formal appointment by the Secretary of State in 2017 he will not complete a full year until this September. Again the Authority can, if it wishes, make appointments contrary to the principles. If all of the candidates for the role of Chair and Vice-Chair are proposed and seconded a ballot will be held for each role.

**B) Appointment of Committees, Sub-Committees, Panels and Advisory Groups**

**i) Planning Committee<sup>1</sup>**

Chair: **Mr P Ansell** or **Cllr P Brady**

Vice Chair: Cllr D Birkinshaw

Local Authority Members: 8<sup>2</sup>

Derbyshire CC	1	Cllr J Atkin
Derbyshire Dales DC	1	Cllr D Chapman
High Peak BC	1	Cllr C Howe
Cheshire East BC	1	Cllr J Macrae
Staffordshire CC/Staffordshire Moorlands DC	1	Cllr A Hart
Metropolitan District Councils/N E Derbyshire DC	3	Cllr D Birkinshaw Cllr M Chaplin Cllr H Laws

Secretary of State Members: 7<sup>2</sup>

Mr P Ansell  
Cllr R P H Brady  
Cllr C Carr  
Mr R Helliwell  
**Vacant** or **Cllr A McCloy<sup>3</sup>**  
Cllr Mrs K Potter  
Cllr Mrs L Roberts

**Notes**

<sup>1</sup> Membership of the two Standing Committees has been prepared in accordance with the previous Authority decision that Committee sizes be fixed to 15 with half of the Authority Membership appointed to each Committee. According to the proportionality requirements in the Environment Act there should be 8 Local Authority Members on each committee and 7 Members appointed by the Secretary of State (This includes Parish Members). Before appointing to Planning Committee the Authority will be asked to confirm the allocation of Council Member places by appointing Authorities.

<sup>2</sup> Following the request for expressions of interest 8 Local Authority Members have indicated that they would like to be appointed to Planning Committee and these fit in with the usual allocation. In terms of the Secretary of State Members 6 expressions of interest have been received so there is one vacancy.

<sup>3</sup> Cllr A McCloy has indicated that he is willing to be appointed to either Standing Committee. Bearing in mind that there are currently 3 Secretary of State vacancies, if Cllr McCloy were appointed to Planning Committee, unless any Secretary of State Members on Planning Committee wish to be appointed to both Standing Committees, this would leave three vacancies on Audit Resources and Performance Committee.

**ii) Audit Resources & Performance Committee<sup>1</sup>**

Chair: **Cllr C Furness** or **Mr Z Hamid**

Vice Chair: **Mr J Berresford** or **Cllr J Walton**

Local Authority Members 8<sup>2</sup>

Cllr C Furness  
Cllr Mrs C G Heath  
Cllr B Lewis  
Cllr C McLaren

Cllr J Perkins  
Cllr R Walker  
Cllr J Walton  
Cllr R Woods

Secretary of State Members 7<sup>2</sup>

Mrs P Anderson  
Mr J Berresford  
**Cllr A McCloy<sup>3</sup>**  
**Vacant**

or

Cllr A Favell  
Mr Z Hamid  
**Vacant**  
**Vacant**

**Notes**

<sup>1</sup> Membership of the two Standing Committees has been prepared in accordance with the previous Authority decision that Committee sizes be fixed to 15 with half of the Authority Membership appointed to each Committee. According to the proportionality requirements in the Environment Act there should be 8 Local Authority Members on each committee and 7 Members appointed by the Secretary of State (This includes Parish Members).

<sup>2</sup> Following the request for expressions of interest 8 Local Authority Members have indicated that they would like to be appointed to the Audit Resources and Performance Committee and four Secretary of State Members. In terms of the Secretary of State Members there are 3 vacancies and this reflects the vacant Secretary of State places on the Authority. In 2017 the Authority left vacancies on this Committee to be filled if new Members were appointed however if any Secretary of State Members appointed to Planning Committee are willing the Authority could appoint a Member to both Standing Committees.

<sup>3</sup> Cllr A McCloy has indicated that he is willing to be appointed to either Standing Committee. As there are currently 3 Secretary of State vacancies if Cllr McCloy were appointed to Planning Committee this would leave three vacancies on Audit Resources and Performance Committee.

**iii) Urgent Business Items Sub-Committee<sup>1</sup>**

Chair & Deputy Chair of the Authority:

**Cllr P Brady** or **Cllr D Chapman** or **Cllr A McCloy**  
**Cllr D Chapman** or **Cllr A Hart** or **Cllr A McCloy**

Chairs & Vice Chairs of Committees:

Planning

**Mr P Ancell** or **Cllr P Brady**  
Cllr D Birkinshaw

Audit Resources & Performance

**Cllr C Furness** or **Mr Z Hamid**  
**Mr J Berresford** or **Cllr J Walton**

**Notes**

<sup>1</sup> Although this Sub-Committee does not meet regularly it is still required that it should maintain the balance of Local Authority and Secretary of State Members to reflect the balance of the Authority. Therefore if the Authority appoints two Members from the same constituent group as Chair and Deputy Chair of the Authority or as Chair and Vice Chair of a Committee, membership would need to be adjusted to achieve this.

**iv) Local Joint Committee**      9 members (5 Council: 4 Secretary of State)  
9 staff representatives

Local Authority Members<sup>1</sup>

Cllr C Furness  
Cllr Mrs C Howe  
Cllr J Macrae  
**Vacant**<sup>1</sup>  
**Vacant**<sup>1</sup>

Secretary of State Members<sup>1</sup>

Cllr A Favell  
Cllr Mrs K Potter  
**Vacant**<sup>1</sup>  
**Vacant**<sup>1</sup>

Staff representatives

**Penny Aitken**  
**Mark Anderson**  
**Rosie Olle**

**Tim Nicholson**  
**Chris Pownall**  
**2 UNISON Representatives**

**Notes**

<sup>1</sup> Cllr D Birkinshaw, Cllr D Chapman, Cllr C Carr and Mr Z Hamid were appointed as Members of this Committee in 2017 but have indicated that this year they do not wish to be reappointed. This means that the Authority needs to identify 4 Members who wish to be appointed, 2 Local Authority Members and 2 Secretary of State Members. Please note that meetings of this Committee are held quarterly and take place on a Thursday.

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**v) Appeals Panel**      9 members (5 Council: 4 Secretary of State)<sup>3</sup>

Council Members<sup>1</sup>

Cllr Mrs C Howe  
Cllr D Chapman  
Cllr M Chaplin  
Cllr J Walton  
**Vacant**

Secretary of State Members<sup>2</sup>

Mr P Ancell  
Cllr R P H Brady  
Cllr A Favell  
**Vacant**

**Notes**

<sup>1</sup> In 2017 as there was an increase in the number of expressions of interest the size of the Panel was increased to 9 with one additional Local Authority Member appointed. Because of rounding up/down it was possible to increase the number of Local Authority Members but still retain the ratio of Local Authority and Secretary of State Members. Therefore if no further Local Authority Members are interested it is possible to reduce the Panel to 8 Members.

<sup>2</sup> This year 3 Secretary of State Members have expressed an interest in being appointed to the Panel, 2 Parish Members and 1 national Member. Again this reflects the current Secretary of State vacancies. The Authority can either maintain a Secretary of State vacancy or, if the Authority decides to reduce the number of Local Authority Members, reduce the size of the Panel to 7. Because of rounding up/down both options would meet the ratio requirements of the Environment Act.

<sup>3</sup> A decision to reduce the size of the Panel would mean that there is a smaller pool of Members to draw upon should a meeting of the Panel be needed. However, although a Panel must be established as part of the Authority's Employee Appeals Policy, it has not met during the past 7 years.

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**C) Other Appointments**

**i) Due Diligence Panel** (1 Member and 1 Deputy)

1 Member and 1 Deputy:

**Cllr Mrs C Howe** or **Mr Z Hamid**  
or **Mr J Berresford**

**Note**

Cllr P Brady expressed an interest in being appointed but only if current appointees were not seeking reappointment. Cllr Brady has not been added to the list as both the current Member and Deputy have expressed an interest in being reappointed.

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**ii) Development Plan Steering Group** (7 Members)

Chair & Vice Chair of Planning Committee:

**Mr P Ancell**  
**Cllr D Birkinshaw**

Authority Chair

**Cllr P Brady** or **Cllr A McCloy**<sup>1</sup>  
or **Cllr D Chapman**

Member Representative for Landscape

**Mr R Helliwell**

Member Representative for Cultural Heritage

**Vacant**

Member Representative for People & Communities

**Cllr P Brady**

Member Representative for Economy

**Cllr C Furness**

**Cllr Mrs L Roberts**<sup>2</sup>

**Cllr M Chaplin**<sup>3</sup>

**Notes**

<sup>1</sup> Cllr A McCloy has indicated that, should he be appointed as Chair of the Authority, he is not interested in joining this group

<sup>2</sup> Cllr Mrs L Roberts has expressed an interest in remaining as a Member of this group although she will no longer be Chair of the Authority (In which capacity she was appointed to it). Members are asked to consider whether to reappoint Cllr Mrs L Roberts to maintain continuity.

<sup>3</sup> Cllr M Chaplin has an interest in Planning Policy and has expressed an interest in joining the Steering Group. As shown above the Membership of the Group has been based on other appointments and Cllr Chaplin does not hold any of these positions nor has he expressed an interest in being considered for one. However as an advisory body the Group does not need to meet the ratio requirements of the Environment Act so the Authority can decide to increase or reduce its size. The main issue here is whether at this stage there is a need for continuity of membership.

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**iii) Charity Shadow Board** (4 Members)<sup>1</sup>

**Cllr C McLaren**

**Cllr A McCloy**  
**Mr Z Hamid**  
**Cllr Mrs L Roberts**

**Notes**

<sup>1</sup> The Shadow Board replaces the Charity Working Group which had 4 Members. As Members of that Group Cllr McCloy, Cllr McLaren and Mr Hamid were appointed to the Shadow Board at the Authority meeting held on 25 May 2018. All three have indicated that they wish to continue. Cllr Mrs Roberts has indicated that she is

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interested in joining the Shadow Board. At this stage the Authority may increase the size of the Shadow Board but any increase should consider the requirements of the Charity Commission when the Charity is registered.

**iv) Budget Monitoring Meeting** (4 Members)

Chair of the Authority	<b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b>
Chair of Audit Resources and Performance Committee	<b>Cllr C Furness</b> or <b>Mr Z Hamid</b>
Vice Chair of Audit Resources and Performance Committee	<b>Mr J Berresford</b> or <b>Cllr J Walton</b>
One Member:	<b>Cllr P Brady</b> or <b>Cllr A McCloy</b> <sup>1</sup>

**Notes**

<sup>1</sup> Cllr McCloy has indicated that he will withdraw his expression of interest if appointed as Chair of the Authority.

**v) Member Appointments Process Panel** 4 members (2 Council: 2 Secretary of State)

<u>Council Members</u>	<u>Secretary of State Members</u> <sup>1</sup>
Cllr J Atkin Cllr J Perkins	<b>Cllr C Carr</b> or <b>Lesley Roberts</b> <b>Vacant</b>

**Notes**

<sup>1</sup> The Secretary of State places on the Panel are usually allocated so that one is held by a parish Member and the other by a national Member. As no expressions of interest have been received from a national Secretary of State Member a vacancy has been recorded. However two Parish Members have expressed an interest. The Authority may either identify a national Member to fill the vacancy and vote to decide which parish Member is appointed or appoint both Parish Members.

**D) Member Representatives**

Connecting Young People with Nature	<b>Mr Z Hamid</b> <sup>1</sup>
Thriving Natural Environments	<b>Mrs P Anderson</b> <sup>1</sup>
Rural Economy	<b>Cllr C Furness</b> <sup>1</sup>
Food and Farming	<b>Mr R Helliwell</b> or <b>Cllr J Perkins</b> <sup>2</sup>
Tourism and Participation	<b>Cllr J Macrae</b> or <b>Mr J Berresford</b> <sup>2</sup>
Landscape and Heritage	<b>Mr R Helliwell</b> or <b>Cllr B Lewis</b> or <b>Cllr J Perkins</b> <sup>2</sup>
Health and Wellbeing	<b>Cllr Mrs L Roberts</b> <sup>1</sup>
Communities	<b>Cllr P Brady</b> <sup>1</sup>
Asset Management	<b>Cllr A Favell</b> <sup>1</sup>
Member Learning and Development	<b>Vacant</b> <sup>3</sup>
Planning Enforcement	<b>Cllr D Chapman</b> <sup>4</sup> or <b>Cllr Mrs L Roberts</b>

**Notes**

<sup>1</sup> Where there is one candidate for each role and no further nominations are received the appointment can be made by a show of hands.

<sup>2</sup> Where there are two or more candidates for each role and they are nominated and seconded, subject to no further nominations being made, the Authority will be asked to consider whether the appointments

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should be made by a show of hands or a ballot. If following the vote there is not a clear majority in favour of one person, the person having the least number of votes shall be removed from the list and a fresh vote taken. In the case of an equality of votes for two or more candidates the Chair shall have a second or casting vote.

<sup>3</sup> Where there is a vacancy nominations will be sought at the meeting

<sup>4</sup> Cllr Chapman has indicated that he will withdraw his interest if appointed as Chair of the Authority.

### **E) Appointment to Outside Bodies**

Campaign for National Parks	1 Member: and 2 Deputies <b>Cllr D Chapman</b> or <b>Mr Z Hamid</b> or <b>Cllr A McCloy</b>
Derby and Derbyshire Economic Partnership Rural Forum	1 Member and 1 Deputy: <b>Cllr P Brady</b> or <b>Cllr Mrs L Roberts</b> or <b>Cllr Chris Carr</b>
Derbyshire Archeological Advisory Committee	1 Member: <b>Cllr C Furness</b>
Derbyshire Health and Wellbeing Board	1 Member: <b>Cllr Mrs L Roberts</b> or <b>Cllr J Perkins</b>
Derbyshire Partnership Forum	1 Member and 1 Deputy: <b>Cllr D Chapman</b> or <b>Cllr C Carr</b>
Derwent Valley Community Rail Partnership	1 Member and 1 Deputy <b>Cllr C Furness</b> or <b>Cllr C Carr</b> or <b>Cllr J Perkins</b>
Hope Valley and High Peak Community Rail Partnership	1 Member and 1 Deputy: <b>Cllr M Chaplin</b> or <b>Cllr J Perkins</b>
East Midland Councils	1 Member: <b>Cllr J Atkin</b> 1 Deputy: <b>Vacant</b> Note meetings on same day as Planning Committee
Europarc	Member (Usually Chair of Authority): <b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b>
Land Managers Forum	1 Chair (Usually Chair of Authority): <b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b> 1 Deputy Chair: <b>Cllr D Chapman</b> or <b>Cllr A Hart</b> or <b>Cllr A McCloy</b> 2 Members: <b>Mr Robert Helliwell</b> <b>Vacant</b>
Moors for the Future Partnership Group	1 Chair: <b>Cllr D Chapman</b> 1 Deputy Chair: <b>Mrs P Anderson</b>

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	1 Member: <b>Mr R Helliwell</b> or <b>Cllr R Walker</b>
National Parks England	1 Member (Usually Chair of Authority): <b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b> or <b>Mr J Berresford<sup>1</sup></b>
National Parks Partnerships LLP – Annual Meeting	1 Member (Usually Chair of Authority): <b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b>
National Parks UK	1 Member: <b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b> 1 Deputy <b>Cllr D Chapman</b> or <b>Cllr A Hart</b> or <b>Cllr A McCloy</b>
National Park Management Plan Advisory Group	1 Member (Usually Deputy Chair of Authority) <b>Cllr D Chapman</b> or <b>Cllr A Hart</b> or <b>Cllr A McCloy</b>
Oldham and National Park Partnership	1 Member: <b>Cllr C McLaren</b>
Peak District Local Nature Partnership	1 Member: <b>Mrs P Anderson</b> 1 Deputy: <b>Mr R Helliwell</b>
Marketing Peak District and Derbyshire Local Authority Investor Group	1 Member: <b>Mr J Berresford</b> or <b>Cllr C Furness</b> or <b>Cllr Mrs L Roberts</b> 1 Deputy: <b>Cllr J Atkin</b>
Peak District Local Access Forum	1 Member: <b>Cllr J Perkins</b> or <b>Cllr J Walton</b>
Peak District National Park Youth Forum Group	1 Member: <b>Mr Z Hamid</b>
Peak District Parishes' Forum Annual Liaison Meeting	1 Member (Usually Chair of Authority) & Deputy: <b>Cllr P Brady</b> or <b>Cllr D Chapman</b> or <b>Cllr A McCloy</b> 1 Deputy <b>Cllr D Chapman</b> or <b>Cllr J Perkins</b>
Peak District Partnership	1 Member: <b>Cllr P Brady</b> or <b>Cllr Mrs L Roberts</b> 1 Deputy: <b>Cllr J Atkin</b>
Sheffield City Region Forum	1 Member <b>Cllr C Furness</b> 1 Deputy <b>Vacant</b>
South West Peak Landscape Partnership	1 Member and 1 Deputy: <b>Cllr Mrs L Roberts</b> or <b>Mrs P Anderson</b>

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Staffordshire Destination Management Partnership	1 Member: Cllr Mrs L Roberts
Stanage Forum Steering Group	1 Member: Mr Z Hamid

### NOTES

<sup>1</sup> The Chair is normally the representative for National Parks England. Mr J Berresford has indicated that he would be willing to be considered as the Authority's appointed representative if the Chair does not wish to be appointed this year.

*Authority Meeting 6 July 2018*

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## **9. INDEPENDENT REVIEW OF MEMBERS' ALLOWANCES SCHEME**

### **1. Purpose of the report**

To consider the report of the Independent Person appointed to carry out a review of the Authority's Members' Allowances Scheme.

#### **Key Issues**

- **Although minor amendments have been made to Schedule 2 of the Authority's current Members Allowances Scheme, the overall Scheme has not been completely reviewed for a considerable length of time.**
- **The Local Authorities (Members' Allowances) (England) Regulations 2003 require most local authorities to establish and maintain an Independent Remuneration Panel (IRP) to carry out a regular independent review of the scheme. This requirement does not extend to a National Park Authority but in December 2017 the Authority agreed that an Independent Person would be appointed to carry out a review and report back to a future meeting of the Authority. Dr Declan Hall was appointed to carry out the review.**
- **Following his appointment Dr Hall has carried out a comprehensive review of the current Scheme and, based on his experience, comparative data and feedback from Members and Senior Officers, has made a number of recommendations on modifications to the Scheme and the amounts paid. The findings are set out in the final report attached as Appendix 1.**
- **The Authority's Member Code of Conduct provides that, despite having a prejudicial interest, Members may speak and vote on matters relating to an allowance, payment or indemnity given to Members subject to disclosing that interest at the meeting.**

### **2. Recommendations**

- 1. To note the findings of the Independent Review of Members Allowances produced by Dr Declan Hall and set out in Appendix 1.**
- 2. To consider whether to accept, reject or modify the following recommendations set out in the Independent Review Report:**
  - a. To increase the Basic Allowance paid to all Members to £2,300.**
  - b. To confirm that the Members' Allowances Scheme is amended to clarify that the Basic Allowance is deemed to cover 'incidental' costs such as use of home and private telephone facilities with the addition of personal computers, peripherals and information technology.**
  - c. To continue paying an additional Special Responsibility Allowance to the following six positions of responsibility at the rates indicated:**
    - i. Chair of the Authority at a multiple of 2.5 times the recommended Basic Allowance.**
    - ii. Deputy Chair of the Authority at 50% of the allowance paid to the Chair of the Authority.**
    - iii. Chair of Planning Committee at 50% of the allowance paid to the Chair of the Authority.**

- iv. **Chair of Audit Resources and Performance Committee at 40% of the allowance paid to the Chair of the Authority.**
  - v. **Vice Chair of Planning Committee at 66% of the allowance paid to the Chair of Planning Committee.**
  - vi. **Vice Chair of Audit Resources and Performance Committee at 50% of the allowance paid to the Chair of Audit Resources and Performance Committee.**
- d. **To confirm that no additional Special Responsibility Allowance is paid to:**
  - i. **All Members of Planning Committee.**
  - ii. **Member Representatives.**
- e. **To reset the allowance paid to Co-optees at 25% of the Basic Allowance.**
- f. **To reset the allowance paid to the Authority's Independent Persons at 50% of the Basic Allowance.**
- g. **To maintain the existing definition of an approved duty for the payment of travel and subsistence for approved duties, subject to minor amendments to Schedule 2, as set out in paragraphs 115 and 116 of the Independent Report, to provide clarification.**
- h. **To maintain the existing travel rates so that they continue to match the rates paid to employees, subject to the introduction of a passenger supplement rate of 5 pence per mile per passenger up to a maximum of three passengers.**
- i. **To maintain the existing subsistence rates so that they continue to match the rates paid to employees, subject to providing further clarification on the process and conditions by which subsistence for Members is arranged and reimbursed, as set out in paragraph 124 of the Independent Report.**
- j. **To note that a National Park Authority does not have the statutory power to set or pay an allowance to contribute to the cost of care for Members' Dependents while they are engaged on Authority Business.**
- k. **To index the approved payments set out in the Authority's Members' Allowances scheme as follows:**
  - i. **Basic Allowance, SRAs, Co-optees' Allowance and Independent Persons annual remuneration are indexed to the annual percentage salary increase for local government employees (at spinal column 49 or the equivalent level if the spinal column points are revised), to be applied from the same year that it applies to employees.**
  - ii. **Travel Allowances including Mileage Rates, and Subsistence Allowances are indexed to the same rate that is applicable to Officers, except the Passenger Supplement Mileage rate.**
- l. **To apply these indices for four years from date of the first application of the relevant indices to the Basic Allowances and Special Responsibility Allowances on 1st April 2019 to the end of**

**the financial year 2023.**

**3. To confirm that any changes to the scheme will be effective from 6 July 2018 and not backdated.**

**How does this contribute to our policies and legal obligations?**

3. The principal legislation and guidance governing allowances is:
- The Local Government and Housing Act 1989 (As amended by the Local Government Act 2000), provides the Authority with the powers to pay Members basic, special responsibility and other allowances.
  - The Local Authorities (Members Allowances) (England) Regulations 2003 ("the Regulations") and supporting guidance ("the Guidance"). The Regulations do not give a National Park Authority the power to pay a dependent carers allowance.

Under the provisions of the legislation the Authority is required to make a Scheme of Allowances and can exercise local discretion on the amounts to pay under the Scheme. In approving the Scheme and setting these payments the Authority is not required to establish an IRP.

**Background Information**

4. The Authority's current Members' Allowances Scheme has not been comprehensively reviewed for a number of years. When it was last considered by the Authority it was agreed that any changes to the allowances would be made in accordance with any changes to the rates paid to Authority employees. Since the Scheme was approved the rates paid to Members have been increased several times at the same percentage rate paid to Officers and minor amendments have been made to the definitions of approved duties as set out in Schedule 2 of the Scheme. Although legislation permits these automatic changes it states that, these arrangements should be reviewed every four years.
5. In the past a review has been postponed to allow time to take into account funding pressures and the impact of National Issues that could have had an impact on the size and structure of the Authority such as the National Park Authority Governance Review and the decision to select this Authority as one of the participants in a pilot for directly elected Members. Although the primary legislation for the principle of directly elected Members is in place there are currently no plans for the Government to introduce the secondary legislation needed for an election to take place in the near future.
6. It is recognised that the current review of National Parks may also have an impact on the size and structure of the Authority but a further postponement is not proposed as this review of allowances had commenced before the Government announcement was made and timescales for implementing the findings of the National Parks Review are not yet clear.
7. In agreeing a review of the existing scheme, the Authority agreed that an Independent Person should be appointed to carry out the review. The benefit of this approach was that it delivered an independent review, but avoided the time and expense needed to set up and maintain an IRP, while meeting the requirements of the Regulations as they apply to a National Park Authority.
8. Individuals and legal firms with the skills, experience and knowledge to carry out a

review were invited to provide a quote for carrying a review and responses were evaluated based on availability, price and previous experience of working with a National Park Authority.

9. As a result of this process Dr Declan Hall, a former academic who now specialises in the field of Members' allowances and support, was appointed to undertake the review and asked to make recommendations to the Authority on:
- The level of the basic allowance;
  - The duties or responsibilities that should lead to the payment of special responsibility allowances and the amount paid;
  - The duties for which travelling and subsistence allowances can be paid and the amount of these allowances;
  - The level of co-optees or non-member allowances, Independent Persons for example;
  - Whether there should be any backdating of an allowance to the start of the financial year in the event of any changes to allowances mid-year;
  - The nature of any index by which allowances are updated annually and for how long any such index should apply.
10. Dr Hall was able to exercise his own discretion on how he reviewed the existing scheme and the process used to develop his recommendations, which included inviting evidence from Authority Members and senior Officers and gathering comparative data from local authorities and other national park authorities.

### **Proposals**

11. The Authority has now received a copy of Dr Hall's final report. A copy of the report and recommendations is attached as Appendix 1. An Executive Summary of the report is provided on pages 2 to 5.
12. Members are asked to consider the report and its recommendations. In approving any changes to its Members' Allowances Scheme the Authority does have discretion on whether to implement the recommendations in the report. Members are free to accept, reject or amend any or all of the recommendations. Dr Hall will be present at the meeting to present his findings and answer any questions.

### **Are there any corporate implications members should be concerned about?**

#### **Financial:**

13. Costs for carrying out the review were met from the Member Services budget using revenue savings arising from having up to three vacant places on the Authority during 2017 and the first half of 2018.
14. If all the proposals set out in the report are approved the total full year cost of basic and special responsibility allowances would be £85,848 (Before tax and National Insurance deductions). This represents an increase of £15,585 from the rates paid in 2017/18 (This includes the April 2018 increases arising from the previously agreed index). After the decision to carry out a review, provision was made in the 2018/19 Member Services budget to cover any potential costs that could arise as a result of the Independent Person making a recommendation to increase the basic allowance and special responsibility allowances, introduce new allowances or increase travel and subsistence rates. This provision is sufficient to cover the cost of implementing all the recommendations in Dr Hall's report.

- Risk Management:**
15. There is a risk that if the Authority does not have a robust Allowances Scheme that has been considered in the context of a recommendation by an Independent Person the Authority may have difficulty in recruiting and retaining Members.

- Sustainability:**
16. None

- Equality:**
17. The Independent Person will look at the scheme in the context of equality issues to establish whether the current scheme puts off or prevents specific groups of individuals from becoming active Members of the Authority.

18. **Background papers (not previously published)**
- None

19. **Appendices**

Appendix 1 An Independent Review of Members' Allowances for the Peak District National Park Authority - A Report by Dr Declan Hall.

**Report Author, Job Title and Publication Date**

David Hickman, Director of Corporate Strategy and Development, 28 June 2018  
david.hickman@peakdistrict.gov.uk

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**An Independent Review  
Of  
Members' Allowances  
For the  
Peak District  
National Park Authority**

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A Report

By

**Dr Declan Hall**

**June 2018**

## EXECUTIVE SUMMARY

<b>Peak District National Park Authority Review May 2018</b>	<b>Recommended Maximum Payable 2018/19</b>				
<b>POSITION</b>	<b>Nos. Paid</b>	<b>Basic Allowance</b>	<b>Method to arrive at BA</b>	<b>Total per Member (BA+SRA)</b>	<b>Sub Total Per Category</b>
<b>BASIC ALLOWANCE</b>	30	£2,300	24 days X £95.82 p/day		£69,000
<b>SPECIAL RESPONSIBILITY ALLOWANCES ("SRAs")</b>		<b>SRA annual</b>	<b>Method to arrive @ SRA</b>		
Authority Chair	1	£5,750	2.5 X BA	£8,050	£5,750
Authority Deputy Chair	1	£2,875	Chair's SRA X 50%	£5,175	£2,875
Planning Committee Chair	1	£2,875	Chair's SRA X 50%	£5,175	£2,875
Audit Resources & Performance Committee Chair	1	£2,300	Chair's SRA X 40%	£4,600	£2,300
Planning Committee Vice-Chair	1	£1,898	Planning Chair X 2/3	£4,198	£1,898
Audit Resources & Performance Committee Vice-Chair	1	£1,150	ARP Chair X 50%	£3,450	£1,150
<b>Sub Total - Basic Allowance</b>	<b>30</b>				<b>£69,000</b>
<b>Sub Total - SRAs</b>	<b>6</b>				<b>£16,848</b>
<b>Total (BA+SRAs)</b>					<b>£85,848</b>

### Clarifying the expenses that the recommended Basic Allowance includes

1. It is recommended that the revised the Basic Allowance is deemed to cover 'incidental' costs such as use of home and private telephone facilities with the addition of personal computers, peripherals and information technology. It is further recommended that this clarification is inserted in the Members' Allowances Scheme.

### SRAs considered but not recommended:

2. The following roles are not being recommended that an SRA should be payable:
  - a) The Ordinary Members of Planning Committee
  - b) Member Representatives

### **The Co-optees' Allowance**

3. It is recommended that the Co-optees' Allowance is reset at £575 for 2018/19.

### **The Independent Persons (X 2)**

4. It is recommended that the remuneration for the Independent Persons is reset at £1,150 for 2018/19.

### **Maintaining Provision for Travel and Subsistence Allowances**

5. It is recommended that the provision for travel and subsistence allowances is maintained.

### **Travel and Car Mileage Allowances**

6. It is recommended that the current definition of approved duties for which mileage and other travel may be claimed is maintained
7. It is recommended that similar to the introduction to the Officers Travel and Subsistence Scheme that a short introductory statement is inserted at the start of Schedule 2 of the Members' Allowances scheme that states:

The general principle underlying the mileage and travel allowances is that Members shall only claim such allowances where they have been

- Appointed to an Authority Committee/panel/forum or to an outside body by the Authority
- Invited by an Officer or Chair or other appropriate Committee Chair to attend a meeting or event
- Generally in attendance as a formal representative of the Authority

8. It is also recommended that at the end of each item 1 and 4 (first section) of Schedule 2 that the following clarification is inserted:

- "... to which a Member has been appointed."

### **The rates at which mileage can be claimed**

9. It is recommended that the mileage rates for 2018/19 are maintained.
10. The issue in this regard was that the mileage rates were too low – 40p per mile – and did not reflect the true cost of travelling to approved duties, and had remained at 40p per mile for at least the past 10 years. This was resolved in April 2018 when the rate increased to 45p to match the increase given to Officers.
11. It is recommended that a Passenger Supplement rate of 5p per mile per passenger up to a maximum of three passengers is added to the travel allowances. It should also specify that for a claim to be made under this provision any passenger must also meet the conditions of an approved duty.

### **Subsistence Allowances**

12. It is recommended that the current maximum Subsistence rates for which Members may claim reimbursement continue to be based on the same rates that apply to Officers and therefore unaltered at this juncture.
13. It is further recommended that the Members' Allowances scheme is clarified by setting out the expected process and conditions by which Subsistence for Members is arranged and it is made clear that when Members make arrangements for subsistence through the Democratic & Legal Services Team ("DLST") then the published maximum rates are not applicable. In particular, Section 5 (Subsistence) of the Officers Travel and Allowances Scheme should be suitably adapted to ensure it refers to Members and inserted into a new section on Subsistence in the Members' Allowances Scheme.

### **Issues arising – support for care of Members' Dependants**

14. While the issue of care for Members' Dependants arose during the course of the review the Authority cannot pay a Dependants' Carers' Allowance so no recommendation is being made in this regard

### **Indexing Allowances**

15. It is recommended that the Peak District NPA Members Allowances are indexed as follows:
  - Basic Allowance, SRAs, Co-optees' Allowance and Independent Persons annual remuneration:
    - Indexed to the annual percentage salary increase for local government staff (at spinal column 49 or the equivalent level if the spinal column point is revised in future)), to be applied from the same year that applies to Officers
  - Travel Allowances including Mileage Rates, and Subsistence Allowances:
    - Indexed to the same rate that is applicable to Officers, except the Passenger Supplement Mileage rate – it is not being recommended that this allowance is indexed
16. It is further recommended that the applicable indices should run the maximum length permitted by the 2003 Regulations, namely four years from date of the first application of the relevant indices to the Basic Allowances and SRAs on 1<sup>st</sup> April 2019 to end of the financial year 2023.

### **Implementation of Recommendations**

17. It is recommended that the recommendations contained in this report are implemented from the date of the Authority's Annual Meeting on 6<sup>th</sup> July 2018.

### **Fulfilling the Regulatory Requirements**

18. The reviewer has fulfilled the regulatory requirement to pay regard to the recommendations of the Independent Remuneration Panel's ("IRPs") in the nominating councils of the Peak District National Park Authority ("Peak District NPA") in arriving at the recommendations contained in this report.

# **An Independent Review of Members' Allowances**

**For the**

**Peak District National Park Authority**

**June 2018**

## **Introduction**

1. This report contains the recommendations arising out of the independent review of Members' Allowances for the Peak District National Park Authority (Peak District NPA) carried out during March – May 2018. The review was conducted by Dr Declan Hall, an independent consultant, who was commissioned in March 2018 to make recommendations to the Peak District NPA on the range and levels of allowances that should be paid to the Members of the Authority ("the Reviewer"). While the Peak District NPA is not required to commission an independent review of its allowances, it has done so as to conform to the broad requirements for the nominating councils and in line with good practice followed by similar public bodies, including other NPAs, when determining their allowances.

## **The Regulatory Context and Paying Regard to Nominating Districts**

2. The relevant legislation enabling the Peak District NPA to establish a Members' Allowances scheme is Schedule 7, paragraphs 11 (1-2) of the Environment Act 1995. This has the effect of deeming national park authorities to be one of the types of local authority that can be required by Regulations to prepare a Members' Allowances scheme.
3. Subsequently, *the Local Authorities (Members' Allowance) (England) Regulations 2003*<sup>1</sup> ("the 2003 Regulations") and the *New Council Constitutions: Guidance on Regulations for Local Authority Allowances May 2006 Statutory Guidance*<sup>2</sup>, ("the 2006 Statutory Guidance") set the legislative framework for all local authorities, including NPAs, when determining and amending their Members' Allowances Schemes. Most of the 2003

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<sup>1</sup> Statutory Instrument 2003 No. 1021, *The Local Authorities (Members' Allowances) (England) Regulations 2003*

<sup>2</sup> *New Council Constitutions: Guidance on Regulations for Local Authority Allowances*, May 2006, Department of Communities and Local Government

Regulations, notably Parts 1, 2, and 3, are applicable to all English NPAs. Likewise, all of the 2006 Statutory Guidance except where it specifically refers to the establishment and work of a local independent remuneration panels applies to NPAs.

4. The legislation permits the Peak District NPA (or Authority) to determine most aspects of its own scheme of allowances. Similarly, all English principal councils have the same freedom in determining their allowances schemes but only after they have paid regard to the advice of their statutory IRP. NPAs are not required to establish an IRP. Instead, all NPAs before they make or amends their allowances scheme:

shall have regard to the recommendations made by any independent remuneration panels in relation to any authority of a description referred to in regulations 3(1)(a), (b) or (c) by which any of its members are nominated.<sup>3</sup>

5. In other words, there is no statutory requirement for the Peak District NPA to have its own IRP or independent review before setting or amending its' Members' Allowances scheme – it can be reviewed internally. However, before any changes can be made to its' Members' Allowances Scheme the Authority is required to pay regard to the recommendations of the IRPs for the 11 principal councils (or nominating authorities) that appoint Members to the Peak District NPA.
6. Consequently, as per the requirements of the 2003 Regulations, all nominating authorities were asked to forward their most recent IRP reports and they have been taken into account in arriving at the recommendations contained in this report. The relevant nominating authorities and their most recent published IRP reports are as follows:
  - I. Barnsley MBC
    - Report of the Independent Remuneration Panel March 2015
  - II. Cheshire East Council
    - Report of the Independent Panel on Members' Allowances 2016
  - III. Derbyshire County Council
    - Independent Remuneration Panel – Annual Report January 2017
  - IV. Derbyshire Dales District Council
    - Report and Recommendations of the Review of Members' Allowances 2015 by the Independent Remuneration Panel
  - V. High Peak Borough Council
    - Members' Allowances Scheme May 2013<sup>4</sup>
  - VI. Kirklees Council
    - Members' Allowances Independent Review Panel, 6<sup>th</sup> November 2014
  - VII. North East Derbyshire District Council

<sup>3</sup> *The Local Authorities (Members' Allowances) (England) Regulations 2003*, 19.(2)

<sup>4</sup> As a copy of latest Report by the IRP for High Peak Borough Council was unavailable its current Members' Allowances Scheme has been substituted in its stead.

- Report of North East Derbyshire District Council Independent Remuneration Panel: A Review of Councillors' Allowances February 2013
- VIII. Oldham Council
- Recommendations of the Independent Remuneration Panel, 2017
- IX. Sheffield City Council
- Members' Allowances: Report of the Independent Remuneration Panel, 2017/18 and onward, January 2017
- X. Staffordshire County Council
- Report of the Independent Remuneration Panel 2016/17, March 2016
- XI. Staffordshire Moorlands District Council
- Report of Independent Remuneration Panel 2017
7. **The Reviewer has fulfilled the regulatory requirement to pay regard to the recommendations of the IRPs in the nominating authorities of the Peak District NPA in arriving at the recommendations contained in this report.**
8. Thus, the Peak District NPA has commissioned this independent review to provide advice to the Authority on allowances that go beyond the regulatory minimum requirements. In providing such advice, the review has applied similar principles that nominating authority IRPs utilise their reviews. In addition, this review has been conducted within the spirit of the 2003 Regulations that apply to nominating authorities and not just the sections applicable to NPAs.

### **Allowances that can and cannot be paid**

9. The 2003 Regulations that are applicable to NPAs require them to establish their own scheme of allowances that:
- Provide for the payment of a Basic Allowance, which *shall* be the same amount for each Member.
  - *May* provide for the payment of a SRA to those Members who have such special responsibilities as defined in the 2003 Regulations
  - *May* provide for the payment of travel and subsistence allowances and how and what rates payable
  - *May* provide for the payment of a Co-optees' Allowance
  - *May* provide for annual adjustments by reference to an index
  - *May* provide for backdating of amendments with effect from the beginning of the financial year
10. All NPAs are also required to:
- Publish their Scheme of Allowances
  - Maintain a record of allowances paid to Members, with such record being available for inspection at all reasonable times.
  - Publish a list of allowances payments made at the end of each year.

11. There is no express power or requirement for NPAs to:
  - Make direct provision for the payment of a Dependents' Carers' Allowance (DCA)
  - Establish an IRP.
12. The 2003 Regulations terminate the ability of the NPAs to pay:
  - Attendance Allowances
  - Conference Attendance Allowances

### The Reviewer

13. The Peak District NPA appointed Dr Declan Hall to undertake the review of its allowances scheme. Dr Hall is a former academic<sup>5</sup> who specialises in the field of Members' allowances and support
14. The review was supported and serviced throughout by the following Officer:
  - Jason Spencer, Democratic Services Manager
15. The Reviewer would like to record his gratitude to the Members and Officers of Peak District NPA for ensuring the work of the review was effectively supported.

### Terms of Reference

16. To review the Authority's existing Members' Allowances Scheme and make a recommendation to the Authority about the type and level of allowances to be paid to Authority Members, Independent Persons and Co-optees; making specific recommendations on:
  - The amount of Basic Allowance that should be paid to Authority Members.
  - The roles and responsibilities for which a SRA is payable and how the amount of each such allowance is calculated.
  - The amount of any allowance paid to non-elected members such as a Co-optee or an Independent Person.
  - The duties for which travel and subsistence can be paid to Members and Independent Persons and Co-optees and the amount of each such allowance.
  - Whether any proposals to increase allowances should be backdated.
  - Any proposed index to be used to update allowance levels annually and how long this index should be used for.
  - The tax and national insurance implications for any changes to the Scheme.

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<sup>5</sup> Dr Hall has been *inter alia* a lecturer at the Institute of Local Government, University of Birmingham and lecturer in State and Local Politics at the University of Southern Indiana

- Any other issues associated with the Authority's Scheme identified during the review.

17. In making recommendations the Reviewer should have regard to:

- The existing Scheme and whether it is fit for purpose.
- The most recent IRP reports from the 11 principal councils that appoint to the Peak District NPA.
- The current allowance schemes of other English NPAs
- Feedback obtained from Authority Officers and Members.
- The current economic climate and funding available for NPAs.
- Best practice on allowance schemes and determining the amount to be paid.

### Approach and Methodology

18. The Reviewer visited the Offices of the Peak District NPA at Aldern House, Bakewell, on 8<sup>th</sup> March and 13<sup>th</sup> April 2018 to meet with a representative range of Members to seek their views on the current allowances scheme and possible areas for reform. On the same visits, meetings were held with a number of senior Officers to receive factual briefings on the Authority.

19. To ensure that all Members were able to exercise a voice they were all sent a short questionnaire that addressed the terms of reference for the review inviting them to submit any views they may have on the review to Dr Hall, if they so wished. Six questionnaires were returned and another written submission was made that was not based on the questionnaire. The questionnaire also formed the basis of the Member interviews to ensure all Members were asked a common set of questions.

20. The review process fell into four distinct phases:

- I. **Preparation and research:** Review of the all the relevant background and contextual information on Peak District NPA required in arriving at recommendations i.e., recent changes to governance structures and Member roles, role profiles, meetings schedules, committee terms of reference, relevant Authority reports, latest reports from IRPs of the constituent councils and allowances schemes from comparator authorities. See Appendix One for the full list of information considered for this review.
- II. **Interviews with Members and Officers of the Authority:** Interviews with Members were discursive in nature, exploring remuneration models, seeking out issues of concern while interviews with Officers were to get the facts, i.e., how the Authority operates, the main committees and roles, and challenges faced by the Authority. Just prior to the interviews the written submissions were reviewed to identify issues arising. See Appendix Two for list of interviewees.

- III. **Benchmarking:** Analysis of allowances schemes from other NPAs in England. See Appendix Three for full summary of English NPA benchmarking.
  - IV. **Arriving at recommendations:** Reflections on phase's I-III and the drafting of a Report to go to the Authority.
21. A tiered approach was adopted in considering the evidence. The review is required to operate within the statutory framework laid down by the 2003 Regulations and 2006 Statutory Guidance. The 2003 Regulations establish the boundaries for the review, i.e., attendance allowances cannot be paid, all Members must receive a Basic Allowance that is equal in value and express authority is granted to vary the terms and conditions for the payment of the Co-optees' Allowances, or indeed whether to pay the Co-optees' Allowance or even SRAs.
  22. The next level of evidence considered were the representations made by the Members and the briefings from Officers of the Authority. The Member interviews and written submissions were used to identify and aggregate issues of concern and just as importantly on issues where there were no issues arising. The interviews were also utilised to challenge statements and to act as a 'sounding board' to suggestions and ideas from the Reviewer. The briefings from Officers put the representations into a Peak District NPA context.
  23. Finally, all the evidence and representations have been reviewed and evaluated within the comparative context.

### **Observations/Comments – Achieving uniformity and comparability**

24. A key theme that emerged from the representations was that there should be a national allowances framework for English NPAs, similar to that in place in Wales and Scotland. However, this is outside the scope of this review – it is an issue that is best taken up via National Parks England or directly with the Department for Environment, Food & Rural Affairs ("DEFRA"). The reality is that as with principal councils, local determination means variation in allowances that takes into account differences in governance structures and particular circumstances of individual NPAs.
25. Regardless it was noted that there had been no full review of the Peak District NPA Members' Allowances Scheme since 2007 and in lieu of a national framework that would be reviewed periodically this review was generally welcomed if nothing else to obtain a picture of where Peak District NPA allowances stand compared to other NPAs.
26. A related theme made in the representations was that the allowances payable in Peak District NPA should be at least 'comparable' with other English NPAs. Benchmarking (see Appendix Three and below) shows that by and large the SRAs payable in the Peak District NPA are comparable or in some cases above that paid in other English NPAs. It is the Peak District NPA Basic Allowance that does not meet the test of 'comparability' in that it is somewhat below the mean/median Basic Allowance paid in English NPAs. As such the

main thrust of this review has been to revise the Basic Allowance to ensure comparability with peers.

### **Valuing Members versus recognising the current economic context**

27. There were two contradictory but not necessarily irreconcilable themes emerging from the representation. There was a view (by no means overwhelming) that the current Basic Allowance in particular did not 'value' Members in that it was at a level that did not recognise the work and effort that Members put into their various roles. More than one Member reckoned that their remuneration in effect equated to less than minimum wage once they had reviewed their workloads
28. On the other hand, there was general acknowledgement that the Basic Allowance and SRAs could and should not be seen as paid employment. Furthermore, it was emphasised that the review should be cognisant of current economic context in that the Authority has had to find savings of up to 30% of its grant support since 2010. It was also noted that Officers are having to 'do more with less' and that any increases in Members Allowances would have to be justifiable and defensible.

### **Recognising Public Service versus providing appropriate support**

29. A strong theme emerging from the interviews and written submissions was that Members should not be and are not seen to be seeking financial gain by serving on the Peak District NPA. An element of their work on the Authority should be given as public service and the level of allowance paid should reflect this by not being deemed excessive. Being a Member of the Peak District NPA should not be seen as employment and the allowances should reflect that principle.
30. On the other hand, there was a strong message that the level of allowance should reflect the need to ensure Members were not being financially disadvantaged by serving on the Authority. Therefore, the scope and levels of remuneration recommended should seek to reduce barriers to appointment and retention of Members by recognising the demands required of them. This view is backed up by the policy behind the current model of Members' remuneration across English local government in that the presumption behind the requirement to establish a scheme of allowances is to support the different roles and responsibilities that are demanded from Members.

### **Transparency and Reasonableness**

31. Another theme emerging from the representations received was that the recommended allowances should be transparent, in that the basis of the recommendations could be understood by both the membership and public i.e., what the allowances were being received for and why. In other words, be seen to be reasonable. Consequently, the recommendations should be based on a logical construct and not just a simple set of figures. It is clear that there

is very limited understanding of how the current allowances scheme was arrived at.

## The Evidence Considered and Recommendations – The Basic Allowance

32. In arriving at the recommended Basic Allowance, the review followed the approach most commonly utilised by the statutory IPPs for principal Councils. This methodology is set out in the 2006 Statutory Guidance, which is also issued to NPAs, (paragraphs 67-69<sup>6</sup>). In arriving at a Basic Allowance, the 2006 Statutory Guidance sets out three variables that should be considered, namely:

- **Inputs:** the time required to undertake the various roles associated with the Basic Allowance
- **Public Service:** the Basic Allowance should recognise the voluntary principle in that “some element of the work of members continues to be voluntary.” (Paragraph 68). This is often known as the public service discount (PSD), which is usually calculated as a percentage of the time input required that should be seen as service to the public and therefore not remunerated
- **Rate for Remuneration:** this is the rate at which the remunerated time required for the roles associated with the Basic Allowance should be paid

### Required Time Inputs

33. In a briefing pack for applicants for the appointment of Secretary of State Members to NPAs, issued by DEFRA in March 2018, it states that for the Peak District NPA: “Members are asked to commit 3-4 days per month, plus reading and preparation time, to the Authority’s work.”<sup>7</sup>
34. Although this expressed time commitment relates to applicants to Secretary of State Appointments there is no reason to differentiate between these appointees and appointees from the nominating authorities, they are not expected to have differential workloads. Moreover, the Basic Allowance must be paid equally to Members.
35. This is not to say that all ‘ordinary’ Members of the Authority are required to put in an equal amount of time on the roles associated with the Basic Allowance. Indeed, the representations varied on time commitment but

<sup>6</sup> Department for Communities and Local Government, *New Council Constitutions: Guidance on Regulation for Local Authority Allowances*, London, 5<sup>th</sup> May 2006.

<sup>7</sup> Department for Environment, Food & Rural Affairs, “Appointment of Secretary of State Members to National Park Authorities and Area of Outstanding Natural Beauty (AONB) Conservation Boards – Briefing pack for applicants” March 2018, page 9.

recognised it largely depended on whether a Member was on the Planning Committee and where relevant their approach to the role as a Member Representative. For instance, Members on the Planning Committee are required to attend 24 meetings per year on that committee alone – 12 meetings per year for Planning Committee plus another 12 site visits per year. Whereas ‘ordinary’ Members not on Planning are expected to sit on the Audit Resources and Performance Committee which meets at least six times per year. This is in addition to 6 Authority meetings, followed by Members’ Forum meetings immediately afterwards, per year and additional workshops and training events and ‘other’ scheduled events up to 12 times per year that all Members are expected to attend. All these commitments are within normal working hours and do not include meetings with parish councils, the public and other stakeholder groups.

36. Nonetheless, this expressed time commitment of 3-4 days per month provides a firm lead on the time input required to fulfil all the duties associated with the Basic Allowance. In arriving at the time commitment as the first variable when considering the Basic Allowance the midpoint between 3-4 days has been utilised; this equates to 3.5 days per month or 42 days per year.

### **Recognising the Voluntary Principle**

37. When arriving at a recommended Basic Allowance the 2006 Statutory Guidance (paragraph 68) states:

It is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained.

38. The most frequent way of recognising this voluntary principle, as indicated in the 2006 Statutory Guidance, is to discount an element of the time inputs expected from Members, i.e., “that some hours are not remunerated”. But the same Statutory Guidance also recognises that there is a balance to be struck in the size of the voluntary contribution lest it is so high that most of the time input is voluntary and leads to a Basic Allowance that is so low it effectively means any Member who is working would suffer a financial loss through being a Member.
39. Consequently, the size of voluntary contribution in principal councils typically ranges from between one third and a half of the expected time input from Members. In other words, between one third and half of expected time inputs is discounted as the public service element. For the purposes of this review, the mid-point of this range has been chosen as the appropriate size of the Public Service Discount, which equates to 42% or 18 days<sup>8</sup>. In other words, 18 days has been discounted from the annual expected input of 42 days to recognise the voluntary principle. Consequently, in arriving at the

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<sup>8</sup> Figures rounded up/down to nearest whole number for simplicity

recommended Basic Allowance the remunerated time is based on 24 days per year.

## A Rate for Remuneration

40. Historically as a service to member authorities, the Local Government Association (LGA) each year circulated a revised member allowances daily rate as guidance to statutory IRPs in settling upon a rate for remuneration. The LGA daily session rate, as published in LGA alert 62/10 (23 June 2010) was £152.77 and it was derived from the mean gross earnings for male non-manual employees as published each year by the Office of National Statistics in its Annual Survey of Hours and Earnings (ASHE) but by 2012 the LGA stopped publishing such guidance for IRPs. There were two main reasons for this discontinuation:
- i. The LGA daily session rate, which had risen to over £160 per day in its last year of publication (in 2011) had reached a level that had become hard to justify to local taxpayers and the public in general
  - ii. ASHE started to publish average earnings on a local authority basis – and when that occurred statutory IRPs used their respective local authority average earnings as the basis of their rate for remuneration. This had the advantages of being a lower day rate than the LGA day rate and it related their recommended Basic Allowance to the average earnings of Councillors constituents, thus being a more robust and defensible basis for the rate of remuneration.
41. As with most statutory IRPs the rate for remuneration for arriving at the Basic Allowance for this review has been chosen for having the closest link to the average earnings of those who live and work in the Peak District NP. However, while ASHE publishes average earnings on a national, regional, county and local authority basis it does not publish average earnings on a National Park basis so another appropriate geographical area has been chosen, which is the most relevant region for the Peak District NPA.
42. The Authority spreads into four English regions but as the greater part is within the East Midlands for regional representation purposes the Authority appoints to the East Midlands Councils.
43. Consequently, the chosen rate for remuneration has been based on the East Midlands median weekly pay (excluding overtime) for all full time employees within the East Midlands (2017), which is £479.10<sup>9</sup>. When divided by five working days per week this converts to a day rate of £95.82.

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<sup>9</sup> See Annual Survey of Annual Earnings (ASHE), Table 7.2a, Median Weekly pay – excluding overtime – for full-time employee jobs in the East Midlands – Provisional 26 October 2017, Office of National Statistics.

[ASHE Table 7.2a average weekly earnings exc. OT work geography Oct 2017](#)

ONS advises that the median rather than mean earnings are a more accurate reflection of ‘average’ earnings the distribution of earnings is skewed, with more people earning lower salaries than higher salaries. When using the mean to calculate the average of a skewed distribution and thus may not be truly representative of the average earnings of a typical person.

## Calculating a Basic Allowance

44. Once IRPs settle upon figures for the three variables to consider in arriving at a Basic Allowance they then apply them to a simple formula expressed as
- Time input minus public service discount multiplied by rate of remuneration
45. By taking the figures settled upon for the three variables for this review and applying it to the standard formula to arrive at a Basic Allowance results in the following calculation:
- 42 expected days input per years minus 18 days for the public service discount X £95.82 per day
  - = £2,299.68
  - = £2,300 rounded up/down to nearest £

## Benchmarking the Basic Allowance – Against English NPAs

46. The tentative Basic Allowance (£2,300) arrived at by applying the methodology set out in the 2006 Statutory Guidance has been benchmarked against the Basic Allowance paid across the 10 English NPAs<sup>10</sup>.
47. Appendix Three shows that in English NPAs the Basic Allowance (as of the time of the review in March-April 2018) payable is:
- Mean Basic Allowance: £2,203
  - Median Basic Allowance: £2,070
  - Highest Basic Allowance: £3,058 (Yorkshire Dales)
  - Lowest Basic Allowance: £1,046 (The Broads)
48. While by no means the lowest, benchmarking shows that the current Peak District NPA Basic Allowance (£1,825) is seventh in ranking (with one being the highest). However, as with all benchmarking some context is required to put the figures in perspective. In particular, the two Authorities that pay the lowest Basic Allowance (The Broads and Dartmoor respectively) pay more SRAs than in the Peak District NPA. For instance, in the Broads, all members of the Planning Committee and those who are “Lead Members” receive an SRA of £523, in addition to three Chairs plus three Vice Chairs receiving an SRA (as opposed to two + two in the Peak District NPA). Consequently, in contrast to the Peak District NPA, the majority of Members in the Broads are paid an SRA. Likewise Dartmoor NPA has a comparatively low Basic Allowance (£1,644) pays more SRAs than in the Peak District NPA. It is often the case that where a ‘low’ Basic Allowance is paid it is compensated for by having more SRAs payable – although this is not the case in the Peak District

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<sup>10</sup> A standard Basic Allowance (£3,600) is paid to members of the 3 Welsh NPAs. Members of the 2 Scottish NPAs are paid a standard rate of remuneration of £200 per day, which gives a Basic Allowance starting at about £4,800 but as it depends on days put in it is more typically double that figure. Welsh and Scottish NPAs have not been included in the benchmarking as their remuneration is a devolved responsibility and is determined in accordance with their respective national frameworks.

NPA where a comparatively low Basic Allowance has been paid in conjunction with comparatively few SRAs.

49. More importantly benchmarking the tentative Basic Allowance (£2,300) shows it to be slightly higher than the current mean and median Basic Allowance paid across all English NPAs but the difference is so marginal as not to be significant thus meeting the principle of comparability that was enunciated in the representations received which in turn is appropriate for one of the larger and more complex NPAs.

### **The Recommended Basic Allowance**

50. The tentative Basic Allowance (£2,300) arrived at by following the methodology set out in the 2006 Statutory Guidance is in line with peer Authorities and as such **it is recommended that the Basic Allowance is reset at £2,300 to be paid from the date of the Annual Meeting on 6<sup>th</sup> July 2018.**

### **Clarifying the expenses that the recommended Basic Allowance includes**

51. The 2006 Statutory Guidance points out that the Basic Allowance “is also intended to cover incidental expenses.”<sup>11</sup> The Statutory Guidance does not define “incidental expenses” beyond citing the example of “the use of a Member’s home”. Currently the Peak District NPA Members’ Allowances Scheme defines incidental expenses/costs that is covered by the Basic Allowance to include the “use of home and private telephone facilities.”
52. Out of the nine other NPAs<sup>12</sup> seven specify that the Basic Allowance is deemed to cover expenses Members may incur such as use of their home, personal computers, printing and IT consumables, private telephone usage and occasional postage and stationery. South Downs NPA allowances scheme makes no mention of the expenses the Basic Allowance is deemed to cover whereas at the Lake District NPA, there is an additional Information Communications and Telecommunications Allowance of £20 per month.
53. The provision of additional allowances to recompense operational expenses was common when the Basic Allowance was low. In the modern era, where the Basic Allowance is no longer seen as an *honorarium*, it is much less common. Moreover, it is not unreasonable in light of the recommended Basic Allowance for a wide definition of minor operating costs that the Basic Allowance covers.
54. As such **it is recommended that the revised the Basic Allowance is deemed to cover ‘incidental’ costs such as use of home and private telephone facilities with the addition of personal computers, peripherals**

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<sup>11</sup> 2006 Statutory Guidance, paragraph 10

<sup>12</sup> Except South Downs NPA where no mention is made of what expenses the Basic Allowance is deemed to cover.

**and information technology. It is further recommended that this clarification is inserted in the Members' Allowances Scheme.**

### **Arriving at Special Responsibility Allowances – the Chair of the Authority**

55. The 2006 Statutory Guidance does not specifically set out a single approach to arrive at an SRA for a council Leader or NPA Chair. Rather it suggests a number of approaches that IRPs may wish to consider, such as comparing the post of Leader or Authority Chair to another public position, or simply assessing it on a time basis or as a factor or multiple of the Basic Allowance.
56. It is this factor approach that has historically been utilised in the Peak District NPA to arrive at the Chair's SRA and it is the most common methodology utilised by the IRPs for the nominating councils to arrive at a Leader's SRA. For instance, the IRPs for Derbyshire County Council and Derbyshire Dales DC have utilised a factor of 2.5 times the Basic Allowance to arrive at the Leader's SRA, in Kirklees the operational factor is two and in Oldham it is three.
57. The factor utilised at Peak District NPA to arrive at the Chair's current SRA (£5,475) is a multiple of three times the current Basic Allowance (£1,825). A factor of three times the Basic Allowance to set the Chairs SRA is a comparatively high multiple compared to other NPAs. Out of the nine other English NPAs the following multiples are utilised:
- A factor of two X the Basic Allowance utilised by six NPAs
  - A factor of three X the Basic Allowance utilised by two NPAs
  - A factor of 3.75 X the Basic Allowance utilised by one NPAs
  - Mean factor X the mean Basic Allowance = 2.3
58. The one Authority that utilises a higher factor than Peak District NPA is the Broads which uses a factor of 3.75 times the Basic Allowance to arrive at the Chair's SRA and is largely due to having such a low Basic Allowance to start off with. A factor of three times the Basic Allowance is more commonly utilized by IRPs to arrive at the SRA for executive Leaders e.g., see Oldham IRP Report 17 May 2017. Regardless benchmarking shows that a factor of three times the Basic Allowance to arrive at the Chair's SRA is a comparatively high compared to other NPAs, where the average factor is 2.3.
59. This is not to say the Peak District NPA Chair's SRA is especially high; rather that the current Basic Allowance is on the low side. There was some representation received that argued the Chair's SRA merited an uplift on the basis that the Chair was very active and put a great deal of work into the role not just within the Authority but at a regional and national level as well.
60. On the other hand, benchmarking shows that the Chair's SRA (£5,475) is broadly on a par with peers
- English NPAs Chairs' SRA Mean: £5,107
  - English NPAs Chairs' SRA Median: £5,234

61. If the current methodology was maintained and the Chair's SRA reset at three times the recommended Basic Allowance (£2,300) it would equate to £6,900 which would be the highest Special Responsibility Allowance and total remuneration paid to any Chair of an English NPA.
62. As such, the Chair's SRA has been reset at a factor of 2.5 times the recommended Basic Allowance, which also acknowledges the representation received that argued a small uplift was merited as well as bringing it closer to the mean factor. When the recommended Basic Allowance of £2,300 is factored by 2.5 it results in a recommended SRA of £5,750. **It is recommended that the Chair's SRA is reset at a multiple of 2.5 times the recommended Basic Allowance (£2,300) which equates to £5,750 to be paid from the date of the Annual Meeting on 6<sup>th</sup> July 2018.**

### Reconceptualising methodology to arrive at other SRAs

63. The 2006 Statutory Guidance states that "a good starting point" (Paragraph 76) in arriving at other SRAs is to pro rata downwards from the Leader's (or Chair's) SRA. Specifically, it proposes applying a commonly accepted percentage against a Leader's SRA to arrive at other SRAs. In other words, by definition the Chair's SRA is 100% (having the greatest time commitment and responsibility). Other SRAs are arrived at by applying a percentage to that sum, of, for instance, 50%-65% for the Deputy Chair's SRA; 35%-45% for main committee chairs' SRA and so on. All recommended SRAs in this report have been converted to the pro rata approach as it is the most common approach followed by statutory IRPs as it provides for a greater methodological flexibility than the factor approach.

### The Deputy Chair

64. The current SRA (£2,737) for the Deputy Chair of the Authority has been arrived at, as with all SRAs currently payable at Peak District NPA, as a factor of the Basic Allowance, in this case a multiple of 1.5. This is the equivalent of 50% of the Chair's SRA when converted to the pro rata approach.
65. Benchmarking shows that the current SRA (£2,737) for the Deputy Chair of the Authority is on a par with the mean SRA (£2,611) paid across the 10 English NPAs. It is somewhat above the median SRA of £1,924 but that reflects the relatively low key model of Deputy Chairs in many NPAs, i.e., stand in role only. In the Peak District NPA the Deputy Chair works more in tandem with the Chair. In addition, there is an expectation that the Deputy Chair will take a more outward facing role through outside appointments. Regardless, no evidence was received to revise the current ratio utilised in setting the SRA paid to Deputy Chair of the Peak District NPA; it should continue to be paid at 50% of the Chair's recommended SRA, which equates to £2,875.
66. **It is recommended that the Deputy Chair's SRA for 2018/19 should be £2,875.**

## The Chair of the Planning Committee

67. Similarly the SRA (currently £2,737) for the Chair of the Planning Committee has been arrived at by factoring the Basic Allowance by 1.5, which when converted to the pro rata approach equates to 50% of the Authority Chair's SRA.
68. Benchmarking shows the mean and median SRA for Planning Chairs across the nine English NPAs that remunerate a separate Chair of Planning to be £2,348 and £2,256 respectively. The somewhat higher SRA for the Chair of Planning in the comparative context is not a major concern – the Peak District NPA as well as being one of the larger NPAs also has a more complex mix of rural, urban, agricultural and industrial interests to balance than is typical. For example not only is the Authority the local planning authority it is also the mineral planning authority in respect of all matters relating to development control.
69. The more pertinent matter arising was whether it was appropriate for the Chair of Planning to receive an SRA on par with the Deputy Chair of the Authority. Benchmarking shows that five out of the ten English NPAs pay an equal SRA to their Deputy Chair and Planning Chair<sup>13</sup>. Moreover, planning is the principle function of any NPA and the forum in which all planning decisions that are not delegated to Officers are made. The post is a high profile one with a great deal of public and other pressure upon the Chair of Planning outside of formal meetings. It meets more frequently (12 times per year plus 12 site visits) than any other Authority committee. As such, the current SRA should be maintained on a par with the SRA paid to the Deputy Chair which is 50% of the Authority Chair's recommended SRA, which equates to £2,875.
70. **It is recommended that the SRA for the Chair of the Planning Committee should be £2,875 for 2018/19.**

## Vice Chair of the Planning Committee

71. The current SRA (£1,825) for the Vice Chair of the Planning Committee has been set at a multiple of one times the current Basic Allowance. Converted to the pro-rata approach, it is two thirds of the Planning Chair's SRA<sup>14</sup>, which is a high ratio. This is further highlighted by benchmarking; the mean and median SRAs for the six English NPAs that remunerate a Vice Chair of Planning are £1,007 and £882 respectively, with a mean ratio of 43% when compared to the mean SRA paid to Planning Chairs. In fact the Vice Chair of Planning at the Peak District NPA is the highest paid amongst all English NPAs but once again the planning functions are wider and more complex than in most other NPAs

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<sup>13</sup> Two NPAs pay a higher SRA to their Deputy Chair, two pay a higher SRA to their Chair of Planning and one NPA does not have a separately remunerated Chair of Planning

<sup>14</sup> In the pro rata approach SRAs for Committee Vice Chairs are typically set in relation to the SRA paid to the Chair of their Committee rather than the Leader or Authority Chair as it is a more direct comparison.

72. It is also noted that the role of the Vice Chair of Planning goes beyond the traditional function of standing in when required. The Planning Vice Chair attends agenda setting meetings and relevant briefings with Officers alongside the Chair and generally acts as a sounding board and support for the Planning Chair both at and outside Planning meetings. Under delegated powers to Officers, they will consult with the Chair *and* the Vice Chair of Planning. The Planning Vice Chair also attends the Chairs Forum held 3-4 times each year, which is an opportunity to take a more corporate overview of the Authority. Moreover, no specific evidence beyond benchmarking was received to alter the current ratio (2/3s of Planning Chair's recommended SRA) in setting the SRA for the Vice Chair of Planning, which equates to £1,898.
73. **It is recommended that the current SRA for the Vice Chair of the Planning Committee should be £1,898 for 2018/19.**

### **The Chair of the Audit, Resources and Performance Committee**

74. The SRA for the Chair of the Audit, Resources and Performance Committee has been set by factoring the current Basic Allowance by a multiple of one, which equates to £1,825. Converted to the pro-rata approach, it is one third of the Authority Chair's SRA, which is comparatively on the high side, the mean ratio of Chairs of similar committees across the six NPAs that remunerate such a post is 27% of the mean SRA. The mean and median SRA for Chairs of similar committees across the six English NPAs are £1,398 and £1,707 respectively.
75. However, this is not necessarily comparing like with like. Since this SRA was originally set the remit of this committee at the Peak District NPA has expanded, most noticeably with the addition of with resources and standards functions added. In effect it is now responsible for all other functions other than planning. This is not typically the case elsewhere. The remit of the Audit Resources and Performance Committee now includes:
- Finance:
    - including the Annual Statement of Accounts
  - Human Resources
  - Asset Management
  - Information Communications Technology
  - Audit and Corporate Governance:
    - including internal and external audit and scrutiny of the Treasury Management Strategy and Policies
  - Performance Management:
    - including agreeing performance indicators, monitoring the performance of the Authority within the Performance Management Framework
  - Standards
  - Implementation:
    - Mainly relating to the exercise of the Authority's statutory powers and duties in pursuance of the Authority's statutory purposes
  - General:

- Including authorising an Officer of the Authority to institute or defend any court proceedings on behalf of the Authority, National Park or its residents, appoint temporary Task Teams and appoint Members to attend conferences or seminars
76. In light of the expanded remit of the Audit, Resources and Performance Committee the issue was whether the current SRA should be put on a par with the Chair of the Planning Committee. However, despite the enlarged remit and the fact that the Chair has to spend more time than the Chair of Planning outside of formal committee meetings to keep on top of a wide ranging brief the SRA should not be on a par with the Chair of Planning. The main reason it is not being recommended that the Chair of Audit, Resources and Performance be paid an SRA on a par with the Chair of Planning is the difference in the number of meetings they each are required to chair.
77. Nonetheless, the SRA merits a resetting to recognise the enhanced remit and this should be done by uplifting the current ratio from one third to the next logical ratio of 40% of the Authority Chair's recommended SRA, which equates to £2,300.
78. **It is recommended that the SRA for the Chair of the Audit, Resource and Performance Committee should be £2,300 for 2018/19.**

#### **The Vice Chair of the Audit, Resources and Performance Committee**

79. The current SRA (£912) for the Vice Chair of the Audit, Resources and Performance Committee has been set at 50% of the current Basic Allowance Converted to the pro-rata approach, it is 50% of current SRA paid to the Chair of the Audit Resources and Performance Committee, which is broadly in line with the mean (54%) ratio for the SRAs paid to the four Vice Chairs of similar committees in English NPAs. The mean and median SRAs are £758 and £867 respectively.
80. The role of Vice Chair of Planning and Audit, Resources and Performance are different. It is appropriate that the Vice Chair of Planning is paid at a higher ratio than the Vice Chair of Audit, Resources and Performance due to the nature of planning in the Authority. Yet, for the same reasons that the SRA for the Chair of the Audit, Resources and Performance Committee has been reset then the SRA for the Vice Chair should also be recalibrated by maintaining it at 50% of the recommended SRA (£2,300) for the Chair of the Audit, Resources and Performance Committee, which equates to £1,150.
81. **It is recommended that the SRA for the Vice Chair of the Audit, Resource and Performance Committee should be £1,150 for 2018/19.**

#### **Consideration of paying other SRAs**

82. In considering the case as to recommend paying other SRAs the principle of responsibility rather than workload has been paramount. In particular, it is noted the 2006 Statutory Guidance states (Paragraph 72):

Local authorities will wish to consider very carefully the additional roles of members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a special responsibility allowance.

83. This advice applies equally to NPAs, and highlights the considerations that a statutory IRP and this Reviewer need to take into account when considering the merits of recommending a post to be paid an SRA.

### **The Ordinary Members of Planning Committee**

84. While there was no representation received arguing that the ordinary Members on the Planning Committee should receive an SRA consideration was given to the possibility on the basis that the workload for such Members is greater than those Members on the Audit, Resources and Performance Committee. All Members are appointed to one of these committees and Planning Members are expected to attend 12 meetings plus 12 site visits per year while Audit, Resources and Performance Committee Members have six scheduled meeting per year.
85. However, an SRA for Planning Members is not being recommended on the basis that
- The prime purpose of an SRA is to recognise responsibility rather than workload and it would be contrary to the 2006 Statutory Guidance to pay an SRA to the Members of the Planning Committee
  - It is not common practice to do so elsewhere – the only other NPA that remunerates Planning Committee Members is the Broads and that is in the context of a low Basic Allowance
  - There is no shortage of Members seeking to go onto the Planning Committee
  - There was no support for it amongst Members, indeed as one Member pointed out to pay an SRA to Members on the Planning Committee would “unbalance” the Authority by placing undue emphasis on the Planning role, important though the role may be
  - It would lead to the potentially absurd situation where a majority of Members can (and in some authorities do) receive a SRA. Paying a SRA to Planning Committee Members would mean the majority of the Peak District NPA Members receiving a SRA which is also contrary to the 2006 Statutory Guidance which warns IRPs to be wary of recommending SRA for the majority of Members on any local authority<sup>15</sup>.
86. **It is not recommended that the Members of Planning Committee are paid an SRA.**

### **Member Representatives**

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<sup>15</sup> See 2006 Statutory Guidance paragraph 72

87. The Authority has for a number of years appointed Member Representatives who are assigned functional remits and each Member Representative acts as the 'lead' for their particular brief through having or developing relevant knowledge, acting as an advocate and media spokesperson and sounding board for relevant Officer[s]. Previous reviews have not recommended an SRA for Member Representatives with the proviso that the role would be re-examined at the next review in light of how the role of Member Representative subsequently developed.
88. There are currently 11 Member Representatives and at the 2017 Annual Meeting their roles were realigned with the National Parks 8-point plan published by DEFRA with an additional three Member Representatives appointed that reflect the priorities of the Authority.
89. It is clear that in the main Member Representatives do not exercise any formal responsibility although they do put in additional work above and beyond that of the 'ordinary' Member and in some cases a substantial amount of additional work through reading, meeting with their Lead Officer, attending stakeholder meetings and acting as a liaison for their brief. There is also a role profile for Member Representatives in general and a more specific outcomes framework for each remit.
90. However, an SRA for Member Representatives is not being recommended on the basis that
- It is not a statutory role
  - It is not common practice to do so elsewhere – the only other NPA that a similar role, in this case 'Lead Members', is the Broads and that is in the context of a low Basic Allowance
  - The purpose of an SRA is primarily to recognise responsibility rather than workload
  - The Peak District NPA "Job Description for Members of National Park Authorities" states that there "will be opportunities" to "champion or lead a specific area of the Authority's work." Thus it is role all Members can reasonably expect to undertake at some stage and therefore covered by the Basic Allowance
  - There was no support for it amongst Members
91. **It is not recommended that the Member Representatives are paid an SRA.**

### **The Co-optees' Allowance**

92. The Co-optees' Allowance is paid to non-elected Members appointed to committees of an Authority under the Local Government Act 2000. Co-optees are typically appointed for their expertise or as a representative of an important stakeholder group and while they may be full members of a committee they do not (since the Localism Act 2013) have voting rights. The 2003 Regulations permit the payment of a Co-optees Allowance to these

appointees and where a Co-optees Allowance is paid it has to be expressed as a ratio of the Basic Allowance as well as a monetary sum.

93. Although the Authority does not currently appoint any Co-optees the Authority's allowances schemes maintains provision for a Co-optees Allowance lest such a situation arose and the terms of reference for review require this allowance to be reconsidered so as to future proof the allowances scheme.
94. The current Co-optees Allowance is £608, which has been set at one third of the current Basic Allowance. This is the highest Co-optees Allowance amongst the four English NPAs that provides for such an allowance, with a mean and median value of £364 and £328 respectively. However, the Peak District NPA Co-optees' Allowance is only 'high' in a context of limited comparative practice. On the other hand, if there were any Co-optees they would be in all likelihood attending meetings on a bi-monthly basis or six times per year, which equates to six days per year. By applying the daily rate of remuneration (£95.82) used in resetting the Basic Allowance this equates to £575 – which figure is equivalent to 25% of the recommended Basic Allowance.
95. **It is recommended that the Co-optees' Allowance is reset at 25% of the recommended Basic Allowance, which equates to £575, for 2018/19.**

### **The Independent Persons (X 2)**

96. The remuneration of the Independent Persons falls outside the 2003 Regulations but in the absence of any other means to externally review their remuneration the terms of reference require a review of the payment made to the statutory Independent Persons appointed under the Localism Act 2013. Similar requests are often made of the statutory IRPs for principal councils.
97. The Independent Persons (IPs) replace the previous requirement to maintain a Standards Committee and the IPs prime role is to assist the Authority in promoting and maintaining high standards of conduct amongst all its Members. In particular, the IPs will be consulted by the Monitoring Officer before any decision is made on an investigated complaint and to be available to attend meetings of the Hearings Panel of the relevant Committee for this purpose. The IPs also replace the statutory role of Designated Independent Person (DIP) in disciplinary panels set up to make recommendations on any disciplinary actions in respect of Statutory and Chief Officers. Thus far the Authority has not had to call upon the IPs for this purpose.
98. The IPs are paid an annual remuneration of £912, set at 50% of the current Basic Allowance. No evidence was received to suggest that this methodology and ratio should be altered; 50% of the recommended Basic Allowance (£2,300) now equates to £1,150.
99. **It is recommended that the remuneration for the Independent Persons is reset at £1,150 for 2018/19.**

## Maintaining Provision for Travel and Subsistence Allowances

100. Until the end of 2003 Members had a statutory right to claim travel and subsistence allowances for undertaking approved duties. These approved duties and the maximum rates for claiming travel and subsistence allowances were set by the Secretary of State and in effect based on rates that were applicable nationally to Officers at the time. Just as importantly at the time the interpretation of the legislation meant that Members normal place of work was deemed to be their home and travel and subsistence was claimable for attending Authority and committee meetings and formal meetings with Officers, etc.
101. The Authority now has discretion to adopt a travel allowance scheme to recompense Members for travel in fulfilling their approved duties. Similarly, a subsistence allowance is also discretionary. In an era of enhanced Basic Allowances many principal councils, particularly the geographically smaller ones, do not provide for travel or subsistence allowances for Members undertaking approved duties within their district on the basis that the distances needed to travel are negligible and subsistence costs are minimal for which their Basic Allowance adequately compensates, see the Oldham Borough Council Members' Allowances Scheme for instance.
102. However, in relation to travel in particular, the distances Members and IPs are required to travel to attend approved duties within the Peak District NPA, and beyond in some cases, to undertake approved duties are not negligible. As such, a travel scheme should be in place to recompense their travel costs – costs they would otherwise not be incurring. It is a similar context for subsistence costs. As such, it is only equitable that a travel and subsistence scheme is maintained.
103. The other main argument for not keeping provision for travel and subsistence allowances in the Members' Allowances Scheme is that it would be in line with the principle of treating Members and Officers equally regarding terms and conditions and rates for such claims. Officers cannot claim mileage and subsistence for coming to work at Aldern House so why should Members?
104. On the face of it this is a potent argument. However, this apparent discrepancy in the treatment of Members and Officers in claiming travel and subsistence allowances has only arisen out the recent ruling by Her Majesty's Revenue and Customs (HMRC) that that now deems Members normal place of work to be the Authority's premises rather than their home. Historically Members home was their normal place of work thus like Officers could claim travel and subsistence when they had to work 'away'.
105. The main reason for this new interpretation is due to NPA Members not being included in recent clarifying regulations providing an exemption for Councillors when travelling between home and their 'workplace'. This appears to be a sin of omission rather than commission and it is hoped that in due course NPA Members will be treated similarly as is the case in Scotland.
106. Regardless, the case to keep provision for travel and subsistence allowances in the Members' Allowances Scheme can also be made on its' own merits –

Officers are legally employees and NPA Members are for legal purposes not employees so the apparent discrepancy in terms and conditions for which travel and subsistence allowance may be claimed by Officers and Members is negated by each group operating in different contexts.

107. **Therefore is recommended that the provision for travel and subsistence allowances is maintained within the Members' Allowances Scheme.**

### **Car Mileage Allowances**

108. Two issues were raised regarding the travel, primarily mileage, allowances. They can be summed up as:
- i. The approved duties for which mileage can be claimed
  - ii. The rates at which mileage can be claimed

### **The approved duties for which mileage and other travel can be claimed**

109. Albeit less than a majority, there was not insignificant representation expressing a sense of inequity in that not all duties that Members undertook are eligible for a mileage allowance. Examples quoted included attending parish council meetings that are outside a Member's designated geographical area of the NPA, where a Member feels it is important to attend meetings of the Authority's committees/panels although that Member is not on that committee/panel, stakeholder and other public meetings that Members felt it was important to attend particularly in capacity as a Member Representative.
110. It is acknowledged that Members do attend meetings that do not meet the current definition of approved duties as set out in Schedule 2 of the Members' Allowances scheme and as result they cannot claim a travel allowance. It is also acknowledged that the 2003 Regulations permit authorities to define approved duties as they see fit rather than approved duties being determined by the Secretary of State, which was the case until the end of 2003.
111. However, the current definition of approved duties is framed in such a way so that the mileage/travel allowance is not open-ended. To some extent the meetings quoted for which a Member is unable to claim travel allowances are self-generating in that they as individuals feel they should attend or simply wish to attend rather than being obliged to attend as a Member of a committee or formal representative of the Authority. To have a too broad a definition of approved duties would lead to self-generated travel allowances which would be difficult to defend publically.
112. It is noted that the definition of approved duties 1-9 in Schedule Two mirror the definition of approved duties when they were set out in statute as determined by the Secretary of State. Moreover, an additional 10 examples have been inserted into Schedule Two over the years that specify where, with the prior approval of the Director of Corporate Strategy and Development, a Member may claim travel and subsistence allowances. The common thread in additional items 1-10 is that a Member cannot decide to attend but has to be invited or attend as an official representative of the Authority, including

meetings of parish councils within the geographical area allocated to a Member. As such the definition of approved duties is already relatively broad, indeed much broader than those typically recommended by the statutory IRPs for the nominating councils – where more traditional definitions tend to be maintained.

113. **As such it is not being recommended that the definition of approved duties is broadened.**
114. However, some further clarification to Schedule Two would not go amiss so as to underline the principle that travel and mileage allowances should not be self-generated and only claimable when a Member is demonstrably required or invited to attend a meeting or event as a Peak District NPA representative.
115. **It is recommended that similar to the Officers Travel and Subsistence Scheme that a short introductory statement is inserted at the start of Schedule 2 of the Members' Allowances scheme that states**

**The general principle underlying the mileage and travel allowances is that Members shall only claim such allowances where they have been**

- **Appointed to an Authority Committee/panel/forum or to an outside body by the Authority**
- **Invited by an Officer or Chair or other appropriate Committee Chair to attend a meeting or event**
- **Generally in attendance as a formal representative of the Authority**

116. **It is also recommended that at the end of each item 1 and 4 (first section) of Schedule 2 that the following clarification is inserted:**
- **“ .... to which a Member has been appointed.”**

#### **The rates at which mileage can be claimed**

117. The issue in this regard was that the mileage rates were too low – 40p per mile – and do not reflect the true cost of travelling to approved duties and had remained at 40p per mile for at least the past 10 years.
118. This issue resolved itself during the course of the review. The general principle underpinning the mileage rates is that Members and Officers can claim the same rates. At the end of March it was agreed that the Officer Mileage rate would be raised from 40p to 45p per mile and from 1st April 2018 Member mileage rates were also raised to 45p per mile. Although no formal recommendation is required it is noted and confirmed that Member mileage rates are now in line with Officer mileage rates and set at 45p per mile.
119. There is however one omission from the mileage rates – they follow Officer and in turn HMRC Approved Mileage Allowance Payment (AMAP) rates except in one respect – there is no provision to claim a supplement for when a Member also takes a another Member who is attending the same approved duty. The HMRC AMAP 'Passenger Supplement rate' as it is known is

currently 5p per mile per passenger. This provision has been recommended by the majority of the statutory IRPs for the appointing councils to the Authority.

120. **Therefore it is recommended that a Passenger Supplement rate of 5p per mile per passenger up to a maximum of three passengers is added to the travel allowances. It should also specify that for a claim to be made under this provision any passenger must also meet the conditions of an approved duty.**

### **Subsistence Allowances**

121. The main issue arising regarding the Subsistence Allowances is that the maximum rates that can be claimed are too low and do not reflect actual costs of meals and bed and breakfast. It is acknowledged that this is indeed the case particularly the £55 maximum limit for Bed and Breakfast. This is to a large degree intentional so as to deter Members from making their own arrangements for subsistence and overnight accommodation without regard to cost and having the Authority foot the bill. The expectation is that wherever possible Members shall book bed and breakfast and meals when attending conferences, etc. through the DLST so that the Authority is authorising and monitoring Members subsistence costs. Where Members do ask for the DLST to arrange their subsistence the maximum Subsistence rates set out in the Members' Allowances scheme are not applicable. The maximum rates only apply where a Member has made their own arrangements and is seeking a reimbursement.
122. Moreover, the claimable subsistence rates that apply to Members are based on Officer Subsistence rates, so in that respect Members and Officers are treated equally. However, in the Officers Travel and Subsistence Scheme it makes clear in Section 5 that the presumption is to make arrangements for Subsistence, particularly overnight accommodation through Finance. The same section also provides for exceptions. There is no equivalent Section 5 in the Members' Allowances Scheme that clarifies the conditions and exceptions by which Subsistence is expected to be arranged.
123. **On the principle that it treats Members and Officers equally it is recommended that the current maximum Subsistence rates for which Members may claim reimbursement continue to be based on the same rates that apply to Officers and therefore unaltered at this juncture.**
124. **It is further recommended that the Members' Allowances scheme is clarified by setting out the expected process and conditions by which Subsistence for Members is arranged and it is made clear that when Members make arrangements for subsistence through DLST then the published maximum rates are not applicable. In particular, Section 5 (Subsistence) of the Officers Travel and Allowances Scheme should be suitably adapted to ensure it refers to Members and inserted into a new section on Subsistence in the Members' Allowances Scheme.**

**Travel and Subsistence Allowances – subject to tax and national insurance**

125. As mentioned above in January 2018 HMRC advised all NPAs that any travel and subsistence allowances claimed by Members are subject to tax and national insurance. This is a relatively new development on the part of HMRC but it does not apply to principal councils. Local Authority Members can claim travel allowances at HMRC AMAP rates and those reimbursements are not subject to tax and national insurance through a statutory exemption. HMRC has determined that the relevant legislation that enables local government Councillors to claim travel and subsistence free of tax and national insurance liabilities does not apply to Members of NPAs. The terms of reference for the review ask that the implication of this ruling is considered.
126. The logic behind this particular item being included in the terms of reference was to consider whether there is a case for the current travel and subsistence rates to be increased to offset tax and national insurance costs that will be incurred by Members going forward so that the ruling by HMRC would be cost neutral to Members.
127. However, this approach is not being recommended – the general principle underlying the operative mileage and subsistence rates is that they are the same as the rates that apply to the Officer Travel and Subsistence Allowances. To break this link would differentiate between the two which could be seen as inequitable. Furthermore it could lead to Members effectively receiving different levels of reimbursements depending on their own personal tax and national insurance liabilities – where a Member had no other income they would be getting the higher rate paid to them and where a Member was in a higher tax bracket they would be getting less than for instance 45p per mile than is currently the case. Moreover, to attempt to rectify the situation through the Members Allowances scheme only endorses the decision taken by HMRC and the Authority would be paying to rectify a ‘bad’ decision made elsewhere. This is an issue that can only be addressed at the governmental level.

**Issues arising – support for care of Members’ Dependants**

128. In the representations received a question was asked why there is no support for care of dependants’ while a Member was undertaking approved duties on behalf of the Authority. It was pointed out that the nominating councils have the right to make available a Dependants’ Carers’ Allowance (DCA) in such circumstances. Indeed almost all of the statutory IRPs of the nominating authorities have made recommendations to pay a DCA and their respective councils have a DCA in place. It was felt that it was only equitable for the Peak District NPA to have a similar allowance to assist with the care of Members’ dependants when they are carrying out approved duties. It was also noted that Members’ of Welsh NPAs could claim a DCA.
129. However, the relevant section of the 2003 Regulations that provides express powers for principal councils to pay a DCA has been specifically dis-applied for NPAs and other secondary authorities such as fire and transport authorities

and for some reason the Council of the Isles of Scilly, which is a unitary authority.

130. As such, however inequitable it may appear the Authority cannot pay a DCA so no recommendation is being made in this regard.

### **Indexing Allowances**

131. The 2003 Regulations permit authorities, including NPAs, to apply a cost of living uplift to their allowances by reference to an appropriate index. In principal councils such up lifts to a Members' Allowances Scheme through indexation are not deemed to be a change or amendment and therefore can be applied automatically without reference to their statutory IRP. However, any applicable index can only run for four years, if a council wishes to continue indexation after four years it must first seek fresh authority from their statutory IRP, this is known as the 'four year rule.' It is the mechanism by which allowances at principal councils are periodically reviewed by their IRP. In the case of NPAs a similar four year rule applies to the application of any indexation but rather than seek authority from a statutory IRP the Authority has to formally consider extending indexation after paying regard to the recommendations of the IRPs for their nominating councils.
132. There was a perception amongst some Authority Members that the Basic Allowance and SRAs are not indexed and have remained static for the past ten years. This is not the case, the Basic Allowance and SRAs are indexed to the same percentage increase in Officers salary as agreed each year by the National Joint Council for Local Government Staff, often referred to as the 'NJC' index. The confusion may have arisen as for a period of three years ending in 2015 Officers received no annual cost of living increase in their salaries. Consequently, the index applicable to the BA and SRAs was zero per cent. But that has not been the case since April 2015 and the Basic Allowance and SRAs have been increased each year by the same percentage uplift Officers' salaries, with the index for 2017/18 being 1%.
133. There was general support in the representation received to apply an index to Members' Allowances and that it should continue to be the NJC index for the Basic Allowance and SRAs. This is the most commonly recommended index by the statutory IRPs for the nominating authorities. Similarly relevant indices should be applicable to other allowances.
134. It is pointed out that if there is no provision in the allowances scheme to index allowances then the Authority is not able to apply an automatic annual cost of living increase without formally considering the issue; and only then only after having paid regard to the latest recommendations of the statutory IRPs for the nominating councils. However, if the Authority does adopt indices it is under no obligation to apply them each year. The Authority retains the right not to apply an index to their allowances even though the provision is in place. But it cannot apply an automatic cost of living increase if there is no provision for indexation in place.

135. **It is recommended that the Peak District NPA Members Allowances are indexed as follows:**
- **Basic Allowance, SRAs, Co-optees' Allowance and Independent Persons annual remuneration:**
    - Indexed to the annual percentage salary increase for local government staff (at spinal column 49 or the equivalent level if the spinal column points are revised), to be applied from the same year that applies to staff
  - **Travel Allowances including Mileage Rates, and Subsistence Allowances:**
    - Indexed to the same rate that is applicable to Officers, except the Passenger Supplement Mileage rate – it is not being recommended that this allowance is indexed
136. **It is further recommended that the applicable indices should run the maximum length permitted by the 2003 Regulations, namely four years from date of the first application of the relevant indices to the Basic Allowances and SRAs on 1<sup>st</sup> April 2019 to the end of the financial year 2023.** The Authority should make arrangements to refresh authority to extend indices for a further four years before that date; this will also provide an opportunity to carry out a health check of the whole scheme

### **Implementation of Recommendations**

137. **It is recommended that the recommendations contained in this report are implemented from the date of the Authority's Annual Meeting on 6<sup>th</sup> July 2018.**

## APPENDIX 1: Information Considered

1. Terms of Reference for Review as set out in decision of Authority 17 December 2017
2. List of Peak District NPA Membership September 2017
3. Peak District NPA Members' Allowances Scheme 2018/19
4. Peak District NPA Annual Statutory Publication of Members' Allowances & Expenses Received 2016/17
5. Peak District NPA Independent Remuneration Panel Report, Review of Members' Allowances, July 2004
6. Peak District NPA Standing Orders Part 4 – delegation to committees, sub-committees and advisory groups, including their terms of reference, July 2017
7. Peak District NPA Programme of Meetings, 2017 & 2018
8. Member Responsibilities – Authority, Committee Chairs & Member Representatives
9. Role Description, Member, Peak District NPA
10. Role Description, Chairs of NPA's, Peak District NPA
11. Role Description & Selection Criteria, Independent Person, Peak District NPA
12. Member Representative Generic Role, including 11 remits and Member appointed to role, Peak District NPA
13. Department for Environment, Food & Rural Affairs, "Appointment of Secretary of State Members to National Park Authorities and Area of Outstanding Natural Beauty (AONB) Conservation Boards – Briefing pack for applicants" March 2018
14. Department for Environment, Food & Rural Affairs, "8-Point Plan for England's National Parks", March 2016
15. Benchmarking against all other English NPAs – March 2018 – see appendix three for further details
16. Annual Survey of Hours & Earnings (ASHE). Median earnings for all full time employees in the East Midlands, provisional results 26 October 2017, Table 7.6a (work geography), ONS
17. Latest IRP Reports from the 11 constituent authorities of the Peak District NPA

18. Replies to questionnaire set out to all Members
19. SI 2003 No. 1021, *The Local Authorities (Members' Allowances) (England) Regulations 2003*, 7 April 2003
20. DCLG and HMRC: *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, May 2006
21. SI 2016 No. 350, *The Income Tax (Travel Expenses of Members of Local Authorities, etc.) Regulations 2016*, 6<sup>th</sup> April 2016
22. National Joint Council for Local Government Services, 2018 and 2019 Payscales and Allowances setting out annual percentage uprating for each year, 10 April 2018

## APPENDIX 2:

### Members and Officers who met with the Reviewer

#### Members:

Mr Paul Ancell:	Chair of Planning Committee (National Member – Secretary of State Appointee)
Cllr Doug Birkenshaw:	Vice-Chair of Planning Committee (Barnsley Metropolitan Council Appointee)
Cllr Patrick Brady:	Member Representative for Communities (Parish Member - Secretary of State Appointee)
Cllr Chris Furness:	Member Representative for Rural Economy (Derbyshire Dales District Council Appointee)
Mr Zahid Hamid:	Member Representative for Connecting Young People with Nature (National Member – Secretary of State Appointee)
Cllr Andrew McCloy:	Chair of Audit Resources & Performance Committee (Parish Member - Secretary of State Appointee)
Cllr Kath Potter:	(Parish Member - Secretary of State Appointee)
Cllr Lesley Roberts:	Chair of Peak District NPA (Parish Member - Secretary of State Appointee)

#### Members Written Submissions:

Seven written submissions from Peak District NPA Members were received

#### Officers:

Sarah Fowler:	Chief Executive
David Hickman:	Director of Corporate Strategy & Development <sup>16</sup>
Simon Malcolm:	Director of Commercial Development & Outreach <sup>17</sup>
Andrea McCaskie:	Head of Law & Monitoring Officer
Philip Naylor:	Head of Finance & Chief Finance Officer
John Scott:	Director of Conservation & Planning

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<sup>16</sup> Interview conducted via telephone

<sup>17</sup> Interview conducted via telephone

Jason Spencer:

Democratic Services Manager

### APPENDIX THREE: Summary of Allowances Payable in English NPA's/Broads Authority

PDNPA BM1 English NPAs Basic Allowances & Main SRAs March 2018										
Comparator NPA	Basic Allowance	Chair's SRA	Chair's total (BA+SRA)	Deputy Chair	Chair Planning	V/Chair Planning	Members Planning	Chair Audit Resources & Performance (inc other)	V/Chair Audit	Costs inclusive of BA
The Broads	£1,046	£3,925	£4,971	£1,963	£1,963	£523	£523	£523		PC & private tel & postage
Dartmoor	£1,644	£4,902	£6,546	£1,644	£1,644	£822		£1,644	£822	Private tel + postage
Exmoor	£2,633	£5,266	£7,899	£3,950	£3,950					Use of home
Lake District	£3,000	£6,000	£9,000	£4,500						plus £20 p/m ICT Allowance
New Forest	£1,884	£3,768	£5,652	£1,884	£1,884	£942		£1,884	£942	Use of home
Northumberland	£1,734	£5,202	£6,936	£1,734	£867					Private tel + postage
N. Yorks Moors	£2,256	£4,511	£6,767	£1,692	£2,256			£744		Private tel + postage
South Downs	£2,950	£5,901	£8,851	£4,472	£3,541	£707		£1,770	£354	NA
Yorkshire Dales	£3,058	£6,116	£9,174	£1,529	£2,293	£1,224				IT consumables, private tel + post
Peak District	£1,825	£5,475	£7,300	£2,737	£2,737	£1,825		£1,825	£912	inc £30 4 printing
<b>Mean</b>	<b>£2,203</b>	<b>£5,107</b>	<b>£7,310</b>	<b>£2,611</b>	<b>£2,348</b>	<b>£1,007</b>		<b>£1,398</b>	<b>£758</b>	
<b>Median</b>	<b>£2,070</b>	<b>£5,234</b>	<b>£7,046</b>	<b>£1,924</b>	<b>£2,256</b>	<b>£882</b>		<b>£1,707</b>	<b>£867</b>	
<b>High</b>	<b>£3,058</b>	<b>£6,116</b>	<b>£9,174</b>	<b>£4,500</b>	<b>£3,950</b>	<b>£1,825</b>		<b>£1,884</b>	<b>£942</b>	
<b>Low</b>	<b>£1,046</b>	<b>£3,768</b>	<b>£4,971</b>	<b>£1,529</b>	<b>£867</b>	<b>£523</b>		<b>£523</b>	<b>£354</b>	
<b>Mean BA Ratio</b>	<b>100%</b>	<b>232%</b>	<b>332%</b>	51%	46%	43%		27%	54%	
<b>Percentage ratio of NPA Chair's SRA</b>				Of NPA Chair's SRA	Of NPA Chair's SRA	of Planning Chair's SRA		Of NPA Chair's SRA	of Audit Chair's SRA	

Comparator NPA	Chair Navigation	V/Chair Navigation	Lead Members	Chair Standards	Chair Standards Hearings	Chairs Working Panels	Chair Consultative Forum	Chair Authority Review	Co-optees' Allowance
<b>The Broads</b>	£1,963	£523	£523						£349
<b>Dartmoor</b>					£322	£822	£1,367		£192
<b>Exmoor</b>				£658					Not paid
<b>Lake District</b>									Not paid
<b>New Forest</b>				£471					
<b>Northumberland</b>								£867	£306
<b>N. Yorks Moors</b>									
<b>South Downs</b>									
<b>Yorkshire Dales</b>									
<b>Peak District</b>									£608
<b>Mean</b>									£364
<b>Median</b>									£328
<b>High</b>									£608
<b>Low</b>									£192

## **MEMBERS' ATTENDANCE ANNUAL RETURN (JS)**

### 1. **Purpose of the report**

To consider the annual return of Members' attendance at Authority and Committee meetings and essential Training and Development events for 2017/18.

#### **Key Issues**

- As Defra and other appointing Authorities regularly request information on the attendance levels of their appointees the Authority has previously agreed to publish attendance figures annually based upon the financial year. (1 April to 31 March)
- This report covers the period from 1 April 2017 to 31 March 2018

### 2. **Recommendations(s)**

1. **To note the annual return of Members' attendance for 2017/18.**

#### **How does this contribute to our policies and legal obligations?**

3. The Authority Meeting on 24 June 2005 (Min.62/05) agreed a set of performance measures for Members. The measure for meetings is the % of full Authority meetings and approved duties actually attended which that Member could have attended. The Target: is at least 75% overall and 75% of each specific meeting. The purpose of this report is to monitor participation and commitment.

#### **Background Information**

4. The annual return shown in Appendix 1 has been compiled from the attendance records at Authority and Committee meetings for the period April 2017 to March 2018. The Authority has previously agreed that the use of individual percentages would not be published so the information is presented to provide a comparison between possible meetings attended and the actual number of meetings attended. Overall for 2017-2018 the attendance at meetings was 81%, which is slightly higher than the target in 2016/17 (80%).
5. All the returns are purely statistical and individually do not take into account any particular reason for non-attendance. The returns also do not reflect the wide range of other contributions that Members make to the work of the Authority outside the formal committee process.

#### **Training and Development Events**

6. At the Authority meeting held on 7 October 2016 (Min.38/16) a Framework for Member Learning and Development was approved. In the Framework document it states that attendance at training and other events would be monitored and reported. The target for overall attendance at events identified as "essential" in the Member Learning and Development Plan is 50%. Overall for 2017-2018 the attendance at these events was 63%, an increase in performance compared to 2016/17 (54%). The returns for 2017/18 are shown in Appendix 1.

#### **Committee attendance by the Chair and Deputy Chair of Authority and the Chairs and Vice Chairs of Standing Committees as observers.**

7. Standing Order 1.45(1) states that the Chair and Deputy Chair of Authority and the Chairs of Standing Committees may attend the meetings as an observer of a Committee they are not appointed to where they are able to speak but not vote. In the absence of the Chair of

a Standing Committee the Vice Chair may attend instead.

8. Therefore summary of attendance for ‘observers’ is set out below.

	Planning Committee		Audit Resources and Performance Committee	
	Possible	Actual	Possible	Actual
Authority Chair			6	6
Authority Deputy Chair			6	5
ARP Chair	12	7		
Planning Chair			6	5
ARP Vice-Chair	5	0		
Planning Vice-Chair			1	0

9. The possible attendances for Vice-Chairs is based on the number of times the Chair has been unable to attend a meeting of the Committee. The attendance figures above only relate to attendance as an observer, attendance as a participating Committee Member is set out in Appendix 1.

### Proposals

10. The annual return is provided for information and for members to note.

### Are there any corporate implications members should be concerned about?

#### Financial:

11. None

#### Risk Management:

12. There are no apparent risks

#### Sustainability:

13. There are no issues to highlight.

#### Equality:

14. There are no issues to highlight.

15. **Background papers (not previously published)**

None.

16. **Appendices**

Appendix 1 - Members’ Attendance Record: April 2017 – March 2018.

### Report Author, Job Title and Publication Date

Jason Spencer, Democratic Service Manager, 28 June 2018

## Members' Attendance Record – April 2017 to March 2018

	Authority		ARP		Planning		LJC		Essential Training	
	Possible	Actual	Possible	Actual	Possible	Actual	Possible	Actual	Possible	Actual
Mr P Ancell	7	5	-	-	12	12	-	-	6	4
Mrs P Anderson	7	7	6	5	-	-	-	-	6	5
Cllr J Atkin	6	5	5	3	-	-	-	-	7	2
Mrs F Beatty	7	0	6	6	-	-	-	-	8	2
Mr J Berresford	4	4	3	3	-	-	-	-	4	3
Cllr D Birkinshaw	7	5	-	-	12	10	2	2	6	4
Cllr P Brady	7	7	-	-	12	12	-	-	6	5
Cllr C Carr	7	4	-	-	12	12	2	2	6	3
Cllr D Chapman	7	7	-	-	12	9	2	1	6	5
Cllr A R Favell	7	4	6	3	-	-	2	2	6	5
Cllr C Furness	7	7	6	6	-	-	2	0	7	5
Cllr D Greenhalgh	1	1	1	1	-	-	-	-	-	-
Cllr N Gibson	1	0	1	0	-	-	-	-	-	-
Mr Z Hamid	7	7	6	5	-	-	2	1	6	6
Cllr A Hart	7	6	-	-	12	7	-	-	8	1
Cllr G Heath	7	5	6	5	-	-	-	-	7	1
Mr R Helliwell	7	6	-	-	12	10	-	-	6	5
Cllr Mrs C Howe	7	7	-	-	12	11	2	1	7	5
Cllr A Law	6	4	-	-	8	6	-	-	7	4
Cllr H Laws	7	5	-	-	12	10	-	-	6	4
Cllr W J Macrae	7	5	-	-	12	6	2	1	6	1
Cllr S Marshall-Clarke	1	1	1	1	-	-	-	-	-	-
Cllr A McCloy	7	7	6	5	-	-	-	-	6	5
Cllr C McLaren	7	6	6	5	-	-	-	-	6	4
Cllr J Perkins	6	5	5	4	-	-	-	-	7	5
Cllr Mrs Kath Potter	7	7	-	-	12	12	2	2	6	4
Cllr Mrs L Roberts	7	7	-	-	12	11	-	-	6	5
Cllr N Turner	7	5	6	3	-	-	-	-	7	2
Cllr J Twigg	7	6	-	-	12	8	-	-	6	5
Cllr J Walton	7	6	6	6	-	-	-	-	6	2
Cllr D Williams	1	1	-	-	2	2	-	-	-	-
Cllr B Woods	6	5	5	2	-	-	-	-	7	6

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## **10.2 CALENDAR OF MEETINGS 2019 (RC)**

### **1. Purpose of the report**

To approve a calendar of meetings up to December 2019 and to note the proposed dates for the compulsory planning training, the Member Workshops identified as essential in the Member Learning and Development Plan and the changes to Local Joint Committee meetings.

#### **Key Issues**

- The calendar of meetings is set around necessary deadlines for finance, audit and performance reporting.

### **2. Recommendation**

- 1. To approve the Calendar of Meetings for 2019 as set out in Appendix 1 of the report.**

#### **How does this contribute to our policies and legal obligations?**

3. Cornerstone 3 Our Organisation states that the Authority will develop the organisation so it has a planned and sustained approach to performance at all levels. Having a calendar of meetings which is set around necessary business reporting deadlines contributes to this.

#### **Background Information**

4. The Authority annually agrees the calendar of meetings for a 12 month period following on from the current calendar which has dates set up to December 2018.
5. The proposed calendar for 2019 is set out in Appendix 1 of this report. It is based on a pattern of meetings used for the past few years and takes account of the timing of finance, audit and performance reports to the Audit, Resources and Performance Committee. Arrangements for the induction of new members and the members' annual tour are also considered in setting the calendar. For completeness dates allocated at present for Members' briefings, training and other events are also shown. Further dates for briefings and workshops may be added as part of the annual Member learning and development report later this year.
6. The Local Joint Committee has agreed, at their last meeting on 8 June, to increase the frequency of meetings to 4 times per year rather than 2 times per year and to meet on Thursdays rather than Fridays. This was to enable meetings to be linked to the quarterly cycle of staff representatives meetings with both Human Resources and the Senior Leadership Team, this may also enable identification of more items to be reported to the Committee. As the Committee has had problems with ensuring a quorum for meetings the change to Thursday meetings has been made to enable more of the staff representatives on the Committee to attend more easily. The Thursday dates agreed, and shown in Appendix 1, are also Planning Committee Site Visit dates and the meetings will be held before the site visits and the site visits will start at 10.30am on those dates.

#### **Proposals**

7. Members are asked to:

- Approve the calendar of meetings as set out in Appendix 1.
- Note the proposed dates for the compulsory Planning Training for 2019 and to set aside in diaries one of the dates to guarantee attendance. The proposed dates are 27 September and 25 October 2019.
- Note the proposed dates for Member Workshops.
- Note the changes to Local Joint Committee meetings.

**Are there any corporate implications members should be concerned about?**

**Financial:**

8. There are no additional resource implications arising out of the report. As there are time and resource implications for setting up additional meetings the schedule has been set to reflect the known business needs of the organisation rather than a set four to eight week cycle of meetings.

**Risk Management:**

9. There are no risks arising out of the report. Subject to legal requirements about providing adequate notice measures are in place to call additional meetings if it becomes apparent that one is needed and to cancel a meeting if there is insufficient business.

**Sustainability:**

10. No issues.

**Equality:**

11. No issues.

**12. Background papers (not previously published)**

None.

**13. Appendices**

Appendix 1 - Calendar of Meetings 2019

**Report Author, Job Title and Publication Date**

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**PROGRAMME OF MEETINGS 2019**

Bank Holidays 2019: 1 Jan, 19 & 22 April, 6 & 27 May, 26 Aug, 25 & 26 Dec

All Meetings/Events start at 10am except where shown

Formal Committee Meetings	2019											
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Authority		1	15		24		5 AGM			4		6
Audit, Resources & Performance	18		1		17		19		6		1	
<b>Local Joint</b>			21 9.30am			13 9.30am				10 9.30am		12 9.30am
Planning	11	8	8	12	10	14	12	9	13	11	8	13
Site Visits	10	7	7 10.30am	11	9	13 10.30am	11	8	12	10 10.30am	7	12 10.30am

Advisory Groups, Workshops & Events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Members' Forum		1 1.30pm	15 1.30pm		24 1.30pm		5 1.30pm			4 1.30pm		6 1.30pm
Member Workshop									20	18	15	
Essential Training						7 New Member Induction			27 Planning (1)	25 Planning (2)		
Other events		18 Budget Monitoring				17 Budget Monitoring	21 Annual Tour	19 Budget Monitoring	16 Planning Tour			1 Budget Monitoring

<b>Authority Meetings</b> 1 February  15 March 24 May 5 July (AGM) 4 October 6 December	<b>Audit, Resources &amp; Performance</b> 18 January  1 March 17 May 19 July 6 September 1 November	<b>Members' Forum</b> 1 February  15 March 24 May 5 July 4 October 6 December	<b>Local Joint Committee</b> 21 March  13 June 10 October 12 December	<b>Member Workshops</b> 20 Sept Strategic Corporate Planning Workshop 27 Sept Planning Training (1) 18 Oct Strategic Finance Workshop (1) 25 Oct Planning Training (2) 15 Nov Strategic Finance Workshop (2)
			<b>Budget Monitoring</b> 18 January 17 May 19 July 1 November	<b>Other Events</b> 12-14 March NPUK New Members Induction 7 June PDNPA New Members Induction 21 June Annual Members' Tour 16 August Possible Planning Tour 10-12 September NPUK New Members Induction

<b>Planning Committee</b> 11 January 8 February 8 March 12 April 10 May 14 June 12 July 9 August 13 September 11 October 8 November 13 December	<b>Site Visit</b> 10 January 7 February 7 March 11 April 9 May 13 June 11 July 8 August 12 September 10 October 7 November 12 December
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<b>Unallocated Fridays</b> 4 Jan School Holiday 25 Jan 15 Feb 22 Feb School Holiday 29 March 5 April 19 April Bank Holiday 26 April School Holiday 3 May 31 May School Holiday 7 June 28 June 26 July School Holiday	2, 23 & 30 August School Holidays 22 & 29 November 27 December School Holiday
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