



Please ask for Donna Cairns  
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Email: [committee.services@chesterfield.gov.uk](mailto:committee.services@chesterfield.gov.uk)

The Chair and Members of Cabinet

28 August 2015

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 8 SEPTEMBER 2015 at 10.30 am in the Council Chamber, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 8)

To approve as a correct record the Minutes of the Cabinet meeting held on 21 July, 2015.

4. Forward Plan (Pages 9 - 18)

Items Recommended to Cabinet via Cabinet Members

Cabinet Member for Governance

5. Review of Members Allowances- Arrangements for the Independent Remuneration Panel (Pages 19 - 38)

6. Local Government Act 1972 - Exclusion of the Public

To move “That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 of Part I of Schedule 12A to the Local Government Act 1972, as they contain information in relation to financial and business affairs.”

Part 2 (Non Public Information)

Cabinet Member for Housing

7. Careline Partnership – current position (Pages 39 - 50)

Proposed Joint Working Arrangements

8. Approval to Dispose of Miscellaneous Housing Stock (Pages 51 - 70)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Smith', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

## CABINET

Tuesday, 21st July, 2015

Present:-

Councillor Burrows (Chair)

Councillors	T Gilby	Huckle
	T Murphy	A Diouf
	Blank	

Non Voting	J Innes	Hollingworth
Members	Brown	Wall

\*Matters dealt with under Executive Powers

51 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS  
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

52 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bagley, Ludlow and Serjeant.

53 **MINUTES**

**RESOLVED –**

That the minutes of the meeting of Cabinet held on 14 July 2015 be approved as a correct record and signed by the Chair.

54 **FORWARD PLAN**

The Forward Plan for the four month period August to November 2015 was reported for information.

**\* RESOLVED –**

That the Forward Plan be noted.

**55**     **ANNUAL REPORT TO TENANTS**

The Housing Services Manager – Customer Division submitted a report on the draft Annual Report 2014/15 to tenants, as required by the Homes and Communities Agency (HCA). A copy of the text of the draft Annual Report was attached to the report.

The draft Annual Report included details of the Housing Services' performance in 2014/15 against the HCA's standards and also made comparisons with previous years' performance. The covering report also set out the performance targets and details of service improvements (Local Offers) planned for the following year 2015/16.

The covering report gave a summary of the draft Annual Report with a particular emphasis on those key areas identified as priorities for improvement from the previous year's report.

Performance in dealing with anti-social behaviour (ASB) and nuisance complaints had improved with the targets for nearly all indicators having been met or exceeded. Customer satisfaction with the outcome of ASB complaints had also improved but had not met the target set. This would continue to be a priority area for improvement.

To improve performance in dealing with dog fouling the housing service had collaborated with staff from environmental services. Customer satisfaction surveys had shown an increase in people willing to report dog fouling and a reduction in dog fouling. It was proposed that new ways of measuring the impact of the work in targeting dog fouling should be developed during 2015/16 to allow for more accurate reporting on the success of this activity.

Other areas where performance had improved or where targets were met or exceeded included the Decent Homes standard being achieved in respect of 100% of the housing stock and the provision of services to older and vulnerable tenants. The previously identified concern with car parking on estates was to be addressed with a budget identified to create additional car parking areas.

Disappointment was expressed at the drop off in performance for handling complaints and letters from tenants, and in the handling of

repairs hotline calls. Improved performance in these areas was required and targets had been set for 2015/16.

**\* RESOLVED –**

- (1) That the Annual Report to tenants be approved and submitted to the Homes and Communities Agency.
- (2) That a full copy of the Annual Report be published on the Council's website and a summary of it be sent out to all tenants as part of the Autumn edition of 'Our Homes'.
- (3) That the performance targets for 2015/16 contained within the Annual Report be approved.

**REASON FOR DECISIONS**

To ensure compliance with the requirements of the HCA.

**56 PERFORMANCE OUTTURN AGAINST THE CORPORATE PLAN 2014/15**

The Policy Manager submitted a report to present the performance outturn data for 2014/15 and to report on the progress made against the Corporate Plan.

The report included information on achievement against the Corporate Plan Performance Indicators, and summarised progress on Corporate Plan Projects.

**\*RESOLVED –**

That the Corporate Plan performance outturn for 2014/15 be noted.

**REASON FOR DECISION**

To raise awareness of the performance against the Corporate Plan and to facilitate performance improvement.

## 57 **PERFORMANCE MANAGEMENT FRAMEWORK**

The Policy Manager submitted a report recommending for approval a new performance management framework for the Council.

The Policy Manager advised that since 2010, the Council no longer had formal assessments by external bodies and that performance management had become voluntary although it was still recommended as best practice.

Working with East Midlands Councils and other local authorities across the East Midlands, the proposed new performance management framework had been developed to provide the Council with an effective tool to support it in challenging and improving performance; recognising the importance of transparency, accountability and sector-lead improvement.

The proposed framework set out a high level approach to performance management and aimed to ensure that all services and employees would:

- Be clear about what the Council is aiming to achieve, by when and by whom;
- Focus resources and actions on the right outcomes;
- Increase their awareness and ownership of the Council's performance;
- Be able to report on progress to both internal and external audiences; and
- Have access to effective performance management improvement and support.

The report also explained how the Performance Management Cycle would be deployed as well as the Corporate Performance Scorecard, which would be used to monitor and manage performance.

### **\*RESOLVED –**

- (1) That the new performance management framework be approved.
- (2) That the new performance management framework be developed and embedded during 2015/16 and 2016/17.

## REASON FOR DECISIONS

To ensure that the Council's performance management framework facilitates achievement in priority areas, improves transparency and governance and takes into account emerging best practice.

### 58 **ASBESTOS RE-SURVEYS OF THE NON-DOMESTIC PROPERTY PORTFOLIO**

This item was withdrawn from the agenda.

### 59 **COUNTY CRICKET AT QUEEN'S PARK CRICKET GROUND - 2016 TO 2020.**

The Chief Executive submitted a report seeking approval to the Council entering into a five year agreement with Derbyshire County Cricket Club Limited (DCCL) for the joint promotion and delivery of an annual Chesterfield Cricket Festival.

Members were informed that DCCL were to bid to the English and Welsh Cricket Board as part of the fixture organising process for 2016. The proposal was for a four day first class county cricket match, plus two one day first class county cricket matches, to be allocated to the Queen's Park Cricket Ground for July/August in each of the next five calendar years 2016 to 2020.

#### **\*RESOLVED -**

- (1) That approval be given for Chesterfield Borough Council to enter into a new five year agreement with Derbyshire County Cricket Club Limited for the joint promotion and delivery of an annual Chesterfield Cricket Festival; the agreement to be subject to a review clause at year three.
- (2) That the Chief Executive and Property, Procurement and Contracts Manager be authorised to agree the final details of the legal agreement between Chesterfield Borough Council and Derbyshire County Cricket Club Limited.

## **REASONS FOR DECISIONS**

To secure First Class Cricket Fixtures at Queen's Park for the next five years.

To enable Derbyshire County Cricket Club Limited to confirm with the English and Welsh Cricket Board, that a four day first class county cricket match and two one day first class county cricket matches, should be scheduled for the Queen's Park Cricket Ground, Chesterfield, as home fixtures for Derbyshire County Cricket Club's 2011 season.



CHESTERFIELD BOROUGH COUNCIL FORWARD PLAN  
FOR THE FOUR MONTH PERIOD 1 OCTOBER 2015 TO 31 JANUARY 2016

**What is the Forward Plan?**

This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of key decisions to be made on behalf of the Council. This Forward Plan sets out the details of the 'key' and other major decisions which the Council expects to take during the next four month period. The Plan is available to the public 28 days before the beginning of each month.

**What is a Key Decision?**

Any executive decision which is likely to result in the Council incurring significant expenditure or the making of savings where there is:

- a decision to spend £50,000 or more from an approved budget, or
- a decision to vire more than £10,000 from one budget to another, or
- a decision which would result in a saving of £10,000 or more to any budget head, or
- a decision to dispose or acquire any interest in land or buildings with a value of £50,000 or more, or
- a decision to propose the closure of, or reduction by more than ten (10) percent in the level of service (for example in terms of funding, staffing or hours of operation) provided from any facility from which Council services are supplied.

Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in one or more electoral wards. This includes any plans or strategies which are not within the Council's Policy Framework set out in Article 4 of the Council's Constitution.

**Are any other decisions included on the plan?**

The Forward Plan also includes details of any significant issues to be considered by the Executive Cabinet, full Council and Overview and Scrutiny Committee. They are called "non-key decisions". Non-key decisions that will be made in private are also listed.

**How much notice is given of forthcoming decisions?**

As far as possible and in the interests of transparency, the Council will seek to provide at least 28 clear days' notice of new key decisions (and many new non-key decisions) that are listed on this document. Where this is not practicable, such key decisions will be taken under urgency procedures (in accordance with Rule 15 (General Exception) and Rule 16 (Special Urgency) of the Access to information Procedure Rules). This will be indicated in the final column and a separate notice is also published with additional details.

**What information is included in the plan?**

The plan will provide a description of the decision to be taken, who will make the decision and when the decision is to be made. The relevant Cabinet Member for each decision is listed. If you wish to make representations about the decision to be made, the contact details of the appropriate officer are also provided. Decisions which are expected to be taken in private (at a meeting of the Cabinet or by an individual Cabinet Member) are marked "private" and the reasons privacy is required will also be stated. Each issue is also listed separately on the website which will show more details including any Urgency Notices if issued.

## How is consultation and Community Engagement carried out?

We want all our communities to be given the opportunity to be involved in the decisions that affect them so before a decision is taken, where appropriate, community engagement activities are carried out. The Council's Community Engagement Strategy sets out a framework for how the Council engages with its customers and communities. Details of engagement activities may be found in reports when published. Alternatively you can contact the officer to whom representations may be made.

## Notice of Intention to Conduct Business in Private

Whilst the majority of the business at Cabinet meetings will be open to the public and media to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information. This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the Cabinet meetings shown on this Forward Plan will be held partly in private because some of the reports for the meeting will contain either confidential information or exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

A list of the reports which are expected to be considered at this meeting in private are set out in a list on this Forward Plan. They are marked "private", including a number indicating the reason why the decision will be taken in private under the categories set out below:

- (1) information relating to any individual
- (2) information which is likely to reveal the identity of an individual
- (3) information relating the financial or business affairs of any particular person (including the authority holding that information)
- (4) information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

If you would like to make representations about any particular decision to be conducted in private at this meeting then please email: [democratic.services@chesterfield.gov.uk](mailto:democratic.services@chesterfield.gov.uk). Such representations must be received in advance of 5 clear working days before the date Cabinet meeting itself, normally by the preceding Monday. The Council is required to consider any representations received as to why an item should not be taken in private and to publish its decision.

It is possible that other private reports may be added at shorter notice to the agenda for the Cabinet meeting or for a Cabinet Member decision.

**Huw Bowen**  
**Chief Executive**

Copies of the Council's Constitution and agenda and minutes for all meetings of the Council may be accessed on the Council's website: [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)



**CHESTERFIELD**  
BOROUGH COUNCIL

### Meeting Dates 2015/16

<u>Cabinet</u>	<u>Council</u>
8 September 2015* 22 September 2015	
6 October 2015* 20 October 2015	14 October 2015
3 November 2015* 17 November 2015	
1 December 2015* 15 December 2015	16 December 2015
12 January 2016* 26 January 2016	
9 February 2016* 23 February 2016	25 February 2016
8 March 2016* 22 March 2016	
5 April 2016* 19 April 2016	27 April 2016 (ABM)
3 May 2016* 17 May 2016 31 May 2016	11 May 2016 (ACM)

\*From 2015/16, Joint Cabinet and Employment and General Committee meet immediately prior to the first meeting of Cabinet each month

(To view the dates for other meetings please click [here](#).)

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
<b>Key Decisions</b>								
Key Decision 337	<b>THI Scheme Project Evaluation</b> - to receive a final evaluation of the THI project for Chesterfield Town Centre.	Cabinet	Deputy Leader & Cabinet Member for Planning	22 Sep 2015	Report of Development Management and Conservation Manager	Paul Staniforth Tel: 01246 345781 paul.staniforth@chesterfield.gov.uk	Public	
Key Decision 398	<b>Sale of CBC Land/Property</b>	Deputy Leader & Cabinet Member for Planning	Deputy Leader & Cabinet Member for Planning	30 Sep 2015	Report of Head of Kier	Matthew Sorby Tel: 01246 345800 matthew.sorby@chesterfield.gov.uk	Exempt 3 Contains financial information	
Key Decision 495	<b>Local Government Pension Scheme</b> To approve the revised Discretions in accordance with the changes to the Local Government Pension Scheme Regulations	Cabinet Council	Cabinet Member - Business Transformation	22 Sep 2015 14 Oct 2015	Report of HR and Payroll Lead	Jane Dackiewicz Tel: 01246 345257 jane.dackiewicz@chesterfield.gov.uk	Public	
Key Decision 510	<b>Community Infrastructure Levy</b> To approve the adoption of the Community Infrastructure Levy, subject for formal notification and consultation	Cabinet Council	Deputy Leader & Cabinet Member for Planning	22 Sep 2015 14 Oct 2015	Report of Strategic Planning and Key Sites Manager	Alan Morey Tel: 01246 345371 alan.morey@chesterfield.gov.uk	Public	

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Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 512	<b>Careline Partnership – current position</b>	Cabinet	Cabinet Member - Housing	8 Sep 2015	Report by Housing Service Manager – Customer Division	Julie McGrogan Tel: 01246 345135 julie.mcgrogan@chesterfield.gov.uk	Exempt 3	
Key Decision 513	<b>Approval to Dispose of Miscellaneous Housing Stock</b>	Cabinet	Cabinet Member - Housing	8 Sep 2015	Report of Housing Service Manager – Business Planning & Strategy	Alison Craig Housing Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Exempt 3	
Key Decision 537	<b>Procurement Options</b> A paper providing options for the future service delivery method for the procurement service	Cabinet	Cabinet Member - Business Transformation	22 Sep 2015	Report of Business Transformation Manager	Karen Brown Tel: 01246 345293 karen.brown@chesterfield.gov.uk	Public	
Key Decision 539	<b>Barrow Hill Environmental Improvements Update</b> To update members on progress and provide details of next stages	Cabinet	Cabinet Member - Housing	3 Nov 2015	Report of Housing Manager - Business Planning and Strategy	Alison Craig Housing Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public	

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 540	<b>Asbestos Compliance Report</b> Asbestos management compliance review and action plan	Cabinet	Cabinet Member - Housing, Cabinet Member - Governance	6 Oct 2015	Report of Housing Manager - Business Planning and Strategy and Business Transformation Manager	Alison Craig Housing Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public	
Key Decision 541	<b>Cultural Venues Fees and Charges 2016</b> To review the scale of charges for lettings at the Pomegranate Theatre, the Winding Wheel, the Assembly Rooms in the Market Hall and Hasland Village Hall for 2016.	Cabinet	Cabinet Member - Town Centre and Visitor Economy	17 Nov 2015	Report of Cultural and Visitor Services Manager	Anthony Radford Tel: 01246 345339 anthony.radford@chesterfield.gov.uk	Public	
Key Decision 543	<b>Housing Related Support – an update</b>	Cabinet	Cabinet Member - Housing	20 Oct 2015	Report of Housing Manage - Customer Division	Julie McGrogan Tel: 01246 345135 julie.mcgrogan@chesterfield.gov.uk	Exempt 3	

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 545	<b>Budget Monitoring for 2015/16 and Updated Medium Term Financial Plan</b>	Cabinet Council	Deputy Leader & Cabinet Member for Planning	22 Sep 2015 14 Oct 2015	Report of Chief Finance Officer	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public	
Key Decision 546	<b>Car Park Investment Plan</b> To present a planned programme of investment in Chesterfield town centre car parks over the next five years.	Cabinet	Cabinet Member - Town Centre and Visitor Economy	3 Nov 2015	Report of Town Centre Operations Manager Medium Term Parking Strategy 2013/2016	Andy Bond Tel: 01246 345991 andy.bond@chesterfield.gov.uk	Public	
Key Decision 547	<b>Great Place: Great Service Update</b> To approve the focus and activity of the Great Place: Great Service Programme for the next 18 months.	Cabinet	Cabinet Member - Business Transformation	20 Oct 2015	Report of Executive Director	James Drury james.drury@chesterfield.gov.uk	Public	
Key Decision 548	<b>Review Statement of Licensing Policy</b> To adopt the revised statement of licensing policy to regulate licensable activities on licensed premises, by qualifying clubs and at temporary events in accordance with section 5 of the Licensing Act 2003.	Cabinet Council	Cabinet Member - Health and Wellbeing	1 Dec 2015 16 Dec 2015	Report of Licensing Manager	Trevor Durham Tel: 01246 345203 trevor.durham@chesterfield.gov.uk	Public	

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 549	<b>Environmental Health Fees and Charges 2016-17</b> To approve the fees and charges for environmental health services for 2016-17.	Cabinet	Cabinet Member - Health and Wellbeing	15 Dec 2015	Report of Environmental Health Manager	Russell Sinclair Tel: 01246 345397 russell.sinclair@chesterfield.gov.uk	Public	
Key Decision 550	<b>Parkside – Allocations/Charges and Support</b>	Cabinet	Cabinet Member - Housing	20 Oct 2015	Report of Housing Services Manager - Customer Division	Julie McGrogan Tel: 01246 345135 julie.mcgrogan@chesterfield.gov.uk	Exempt 3 relating to financial or business affairs	
Key Decision Page 51 Page 16	<b>Review of Transport Code of Practice</b>	Cabinet	Cabinet Member - Housing	22 Sep 2015	Report of Operational Services Division Manager	Martyn Bollands Tel: 01246 345020 martyn.bollands@chesterfield.gov.uk	Public	
Key Decision 552	<b>VAT treatment of Venue Hire</b>	Cabinet	Cabinet Member - Town Centre and Visitor Economy	22 Sep 2015	Report of the Arts and Venues Manager	Anthony Radford Tel: 01246 345339 anthony.radford@chesterfield.gov.uk	Public	



Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 553	<b>Health and Safety Policy</b> To approve the Council's revised policy.	Cabinet	Cabinet Member - Governance	22 Sep 2015	Report of Business Transformation Manager		Public	
<b>Private Items (Non Key Decisions)</b>								
Non-Key 363	<b>Application for Home Repairs Assistance</b>	Cabinet Member - Housing	Cabinet Member - Housing	30 Sep 2015	Report of Business Planning and Strategy Manager - Housing Services	Jane Thomas jane.thomas@chesterfield.gov.uk	Exempt 1, 3 Information relating to an individual information relating to financial affairs	
Non-Key 367	<b>Lease of Commercial and Industrial Properties</b>	Deputy Leader & Cabinet Member for Planning	Deputy Leader & Cabinet Member for Planning	30 Sep 2015	Report of Kier Asset Management	Christopher Oakes Tel: 01246 345346 christopher.oakes@chesterfield.gov.uk	Exempt 3 Information relating to financial or business affairs	

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
<b>Non Key Decisions</b>								
Non-Key 40	<b>Review of Members Allowances- Arrangements for the Independent Remuneration Panel</b> For Cabinet to raise on any relevant issues for the Panel to consider.	Cabinet	Cabinet Member - Governance	8 Sep 2015	Report of Committee and Scrutiny Co-ordinator	Donna Cairns Committee & Scrutiny Co-ordinator donna.cairns@chesterfield.gov.uk	Public	
Non-Key 41	<b>Public Private Partnerships (PPP) Update</b> To note performance and ongoing work.	Cabinet	Cabinet Member - Business Transformation	20 Oct 2015	Report of Executive Director	James Drury james.drury@chesterfield.gov.uk	Public	
Non-Key Page 18	<b>Treasury Management Report 2014/15 and Monitoring Report 2015/16</b> To review the treasury management activities of the Council for 2014/15 and for the first 5 months of 2015/16 to ensure compliance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code and the Council's approved policies.	Cabinet  Standards and Audit Committee  Council	Deputy Leader & Cabinet Member for Planning Deputy Leader & Cabinet Member for Planning	22 Sep 2015 23 Sep 2015 14 Oct 2015	Report of Chief Finance Officer	Barry Dawson Tel: 01246 345451 barry.dawson@chesterfield.gov.uk	Public	

## FOR PUBLICATION

### REVIEW OF MEMBERS ALLOWANCES: ARRANGEMENTS FOR THE INDEPENDENT REMUNERATION PANEL

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MEETING:	1) CABINET 2) CABINET MEMBER FOR GOVERNANCE
DATE:	1) 8 SEPTEMBER 2015 2) 28 AUGUST 2015
REPORT BY:	COMMITTEE AND SCRUTINY CO-ORDINATOR
WARD:	ALL
COMMUNITY ASSEMBLY:	ALL
KEY DECISION REFERENCE (IF APPLICABLE):	Non Key Decision 40

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FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS: NONE

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#### **1.0 PURPOSE OF REPORT**

1.1 To enable Cabinet to consider issues to be raised with the Independent Remuneration Panel (IR Panel) on the forthcoming review of members allowances in accordance with the protocol on arrangements for consulting on the review.

#### **2.0 RECOMMENDATIONS**

2.1 That the arrangements for consulting members on the review of the members' allowances scheme in line with the agreed Protocol be noted.

2.2 That Cabinet consider whether it wishes to raise any further issues with the IR Panel.

### **3.0 MEMBERS' INTERESTS (CODE OF CONDUCT)**

- 3.1 Under the Council's Members Code of Conduct introduced under the Localism Act 2011, the receipt of members' allowances is not a Disclosable Pecuniary Interest. Members are free to debate and decide the allowance scheme despite it being a matter which affects their financial well-being.
- 3.2 This is because members' allowances are not a disclosable pecuniary interest under the legislation: Members are not employed by the council nor carry on their office, trade, profession or vocation for profit or gain. Legislation specifically provides for the Members Allowance Scheme to be adopted and amended by Full Council, having regard to the recommendations of the Independent Remuneration Panel.
- 3.3 Therefore Members do not need to disclose an interest nor are they prevented from taking part in the meeting.

### **4.0 BACKGROUND**

- 4.1 The Local Authorities (Members Allowances) (England) Regulations 2003 require the Council each year to make a scheme of Members' allowances having regard to the recommendations of the Independent Remuneration Panel. The scheme must be approved before 1 April each year. A copy of the current scheme is attached at Appendix A.
- 4.2 The members of the Independent Remuneration Panel (IR Panel) for 2015-2019 were appointed by Standards and Audit Committee on 22 July 2015.

### **5.0 ARRANGEMENTS FOR THE IR PANEL**

- 5.1 Under the Local Authorities (Members Allowances) (England) Regulations 2003 an authority may pay the expenses incurred by an IR Panel in carrying out its functions and may pay the members of the panel such allowances or expenses as the authority decides.
- 5.2 It is proposed that existing arrangements for payment of a reasonable allowance to the IR Panel members for their time, as agreed in 2011, should continue. The allowance paid in respect of the most recent review was calculated on the basis of a daily rate of £525. During the

last review in 2011/12, a total of £3770.11 was paid in expenses to the IR Panel members.

## **6.0 PROTOCOL FOR CONSULTATION**

6.1 At the meeting of Council on 28 September 2011 members approved a written protocol for the IR Panel to consider member representations to the Panel at times of future reviews of the Members Allowances Scheme. A copy of the Protocol is attached at Appendix B.

6.2 In summary the protocol provides that:

- Consultees can make written representations, and if appropriate oral representations, to the IR Panel about any aspects of the Council's members' allowances scheme;
- Any comments made to it will be considered by the IR Panel before finalising its report;
- The Chair of the IR Panel may discuss matters further with the Leader of the Council, the Leader of the Minority Group and the Monitoring Officer if appropriate.

6.3 A meeting of the IR Panel has been arranged for 15 September 2015 and all consultees have been invited to submit written comments and indicate if they wish to make oral comments to the Panel. The deadline for them to do so is Tuesday 8 September 2015 by 5pm.

6.4 The protocol also provides that a report shall be submitted to Cabinet in advance of the Panel meeting to enable any relevant issues to be raised.

6.5 The following preliminary issues have been raised with the Panel by the Monitoring Officer:

- (i) Payment of Special responsibility allowances(SRA)
- (ii) Mayoral allowance
- (iii) Telephone allowances

6.6 Although items (ii) and (iii) are outside the scope of the members allowances scheme the IR Panel have been asked to comment on these.

## **7.0 RISK MANAGEMENT**

7.1 Risk Management will be considered in the report to Full Council with the recommendations of the IR Panel.

## **8.0 FINANCIAL IMPLICATIONS**

8.1 There will be a small future financial expenditure in respect of a daily rate payable to each of the IR Panel members. This expenditure will depend on the detail of the scoping of the IR Panel review. It is anticipated that this cost can be met from within existing budgets.

8.2 Decisions on the review of the Members Allowances Scheme will be considered by Full Council after the final report and recommendations of the IR Panel are received.

## **9.0 EQUALITIES CONSIDERATIONS**

9.1 None arising from the contents of this report

## **10.0 ALTERNATIVE OPTIONS**

10.1 This report is to advise Cabinet of a Protocol previously adopted and to provide an opportunity for Cabinet to consider raising any additional issues with the IR Panel.

## **11.0 RECOMMENDATIONS**

11.1 That the arrangements for consulting members on the review of the members' allowances scheme in line with the agreed Protocol be noted.

11.2 That Cabinet consider whether it wishes to raise any further issues with the IR Panel.

## **12.0 REASONS FOR RECOMMENDATION**

12.1 To improve the quality and transparency of the Independent Remuneration Panel and its work.

You can get more information about this report from

Donna Cairns, 01246 345277

Committee and Scrutiny Co-ordinator

Officer recommendation supported.

*S.L. Blank.*

Signed

Cabinet Member

Date 26.8.2015

Consultee Cabinet Member/Support Member comments (if applicable)

N/A

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# Part 6

## Chesterfield Borough Council Members' Allowances Scheme

1. This scheme was made by Chesterfield Borough Council ("the Council"), in accordance with the Local Authorities (Members' Allowances) Regulations 2003

### 2. Title

The Scheme shall be known as the Chesterfield Borough Council Members' Allowance Scheme.

### 3. Amendment and Revocation

3.1 This scheme may be amended at any time, but may only be revoked with effect from the beginning of a year

3.2 Where an amendment is made which affects an allowance, the entitlement to such allowance as amended shall apply with effect from the beginning of the year in which the amendment is made unless the council otherwise decides

### 4 Interpretation

In this Scheme the following expressions have the following meanings :

'Councillor': an elected member of Chesterfield Borough Council

'year' the 12 months ending with the 31<sup>st</sup> March

'Regulations' The Local Authorities (Members' Allowances) Regulations 2003, as amended.

### 5. Basic Allowance

Subject to this scheme, a Basic Allowance of **£4,421** each year shall be payable to each councillor. The Basic Allowance shall be the same for each councillor

### 6. Special Responsibility Allowances

6.1 A Special Responsibility Allowance shall be paid each year to councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme

6.2 A Councillor can only receive one Special Responsibility Allowance at any given time.

- 6.3** If a Councillor is entitled to more than one Special Responsibility Allowance the higher allowance only shall be paid.
- 6.4** A special responsibility allowance shall be paid to at least one person who is **not** a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f) of the regulations<sup>i</sup>

## **7. Dependants' Carers' Allowance**

Councillors are entitled to a Dependants' Carers' Allowance of **£6.08 per hour** (up to a maximum of £10 per hour in appropriate circumstances) in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in carrying out any of the specified and approved duties in Schedule 3 to this scheme

## **8. Travelling and Subsistence Allowance**

Councillors and co-optee members shall be entitled to allowances in respect of travelling and subsistence subject to the conditions and at the rates specified in Schedule 2 to this Scheme and undertaken in connection with or relating to the duties specified at Schedule 3 to this scheme

## **9. Co-optee's Allowance**

An annual allowance shall be payable in respect of attendance at conferences and meetings for the Chair of the Councils' Standards and Audit Committee where they are not a member of the Council. This allowance shall be paid at the rate of **£2,277** per year. This allowance shall be payable from and including 14<sup>th</sup> December 2005.

## **10 Claims and Payment of Allowances**

### **10.1 Time Limit for Claims**

Claims for Dependants' Carers' Allowance, Travelling and Subsistence allowance and Co-optees' Allowance shall be made within two months of the date when an entitlement to an allowance arises. But this shall not prevent the council from making a payment where an allowance is not claimed within that period<sup>ii</sup>

### **10.2 Monthly Payments**

Payments of allowances shall be made monthly and shall be made by bank credit transfer.

### **10.3 Certifying Spending**

Each member must certify that he or she has necessarily incurred expenditure on travelling and subsistence for the purpose of enabling them to perform approved duties as a member of Chesterfield Borough Council or as a co-opted member of one of its committees

#### 10.4 Receipts

Members must, wherever practicable, provide receipts in respect of subsistence allowance. Tax may be payable on the difference between the amount of the receipt and the amount of the allowance paid. If no receipts are provided, the whole of the allowance paid may be taxable.

### 11 **Repayment of Allowances**

Where payment of any allowance has already been made in respect of any period during which the member concerned is

- ◆ suspended or partially suspended from his or her responsibilities or duties as a member of the authority in accordance with Part 3 of the Local Government Act 2000 or regulations made under that Part; or
- ◆ ceases to be a member of the authority; or
- ◆ is in any other way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

### 12 **Annual Index-related Adjustments to Allowances**

12.1 The following allowances shall be changed annually in line with the average level of change in the NJC staff pay award for spinal column points 35-40, and these changes shall apply from the effective date of that change as an adjustment to the allowances as permitted by Regulation 10 (4):

- ◆ Basic Allowance
- ◆ Special Responsibility Allowance
- ◆ Subsistence Allowances
- ◆ Co-optee's Allowance

12.2 The following allowance rates shall be changed annually in line with each change in the NJC staff mileage rates (including passenger supplements):

- ◆ *Rates per mile shown in the Tables at Schedule 2 to this Scheme (Travelling Allowances)*

12.3 The use of these adjustment indices shall not be valid after 31st December 2015, unless the Council has before then has sought a

further recommendation from its independent remuneration panel on their application in this scheme<sup>iii</sup>.

### **13 Electing to Forgo Allowances**

A person may by giving written notice to the Head of Legal forgo his or her entitlement or any part of his or her entitlement to any allowance.

### **14 Part-Year Entitlement to Allowances**

#### **14.1 Basic Allowance**

Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, that councillor's entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which that councillor's term of office as a councillor subsists bears to the number of days in that year<sup>iv</sup>

#### **14.2 Special Responsibility Allowance**

Where a councillor does not have throughout the whole of a year any such special responsibilities as entitle that councillor to a special responsibility allowance, his or her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which that councillor has such special responsibilities bears to the number of days in that year.

### **15 Suspension or Partial Suspension of a Member**

Where a member or a co-optee member is suspended or partially suspended from his or her responsibilities as a member or co-optee member in accordance with Part 3 of the Local Government Act 2000 or regulations thereunder (ethical framework), then:

- ◆ the part of a basic allowance payable to an elected member in respect of the period for which that member is suspended or partially suspended may be withheld;
- ◆ the part of a special responsibility allowance payable to an elected member in respect of the duties or responsibilities from which that member is suspended or partially suspended may be withheld;
- ◆ any co-optees' allowance payable to a co-optee member in respect of the duties or responsibilities from which that member is suspended or partially suspended may be withheld
- ◆ any travelling and subsistence allowance to a co-optee or elected member in respect of the duties or responsibilities from

which that member is suspended or partially suspended may be withheld

**16 Councillors who are members of more than one authority**

No councillor who is also a member of another authority (as defined by the Regulations<sup>v</sup>) may receive any allowance from more than one authority in respect of the same duties.

**17 Pension Scheme Membership**

All councillors, under age 70, can join the Local Government Pension Scheme

Any payment received by way of Basic or Special Responsibility Allowance is classed as pensionable pay.

**SCHEDULE 1**  
**SPECIAL RESPONSIBILITY ALLOWANCES**

<b>Special Responsibility:</b>	<b><u>Annual Amount £</u></b>
Executive Leader and also Chair of Cabinet.	27,785
Deputy Leader and also Vice Chair of Cabinet.	15,285
Executive Member with portfolio.	6,101
Assistant Executive Member with portfolio.	3,050
Leader of the minority political group within the Council	8,686
Deputy Leader of the minority political group within the Council	4,342
Cabinet Member without portfolio.	4,342
Chair of the Planning Committee.	4,629
Chair of the Appeals & Regulatory Committee when that office is held by the same councillor as the office of Chair of the Licensing Committee.	4,629
Chair of the Appeals & Regulatory Committee.	no separate allowance provided
Chair of Licensing Committee	no separate allowance provided
Chair of the Employment and General Committee	3,491
Chair of the Community, Customer & Organisational Scrutiny Committee	4,654
Vice-Chair of the Community, Customer & Organisational Scrutiny Committee	2,327
Chair of Enterprise and Wellbeing Scrutiny Committee	4,654
Vice-Chair of Enterprise and Wellbeing Scrutiny Committee	2,327
Chair of Standards and Audit Committee	2,277

**SCHEDULE 2**  
**RATES FOR TRAVELLING AND SUBSISTENCE ALLOWANCES**

**A TRAVELLING ALLOWANCES**

**1 Public Transport including Travel by Bus, Train, Taxi, Ship or Air**

- 1.1 The rate for travel by public transport shall not exceed the ordinary fare or any available cheap fare. Advance tickets should be obtained where possible, and bus vouchers may be issued to members for local travel.
- 1.2 Where more than one class of fare is available, members shall travel by second class unless the council decides otherwise in any case.
- 1.3 Travel by ship may be by first class at the choice of the member.
- 1.4 Additional allowances are payable for the following, only if the total allowance is no more than the actual expense incurred by the member:
- ◆ Sleeping accommodation for an overnight journey, provided that any subsistence allowance for that night is reduced by a third
  - ◆ Pullman car or similar supplements, seat reservation and deposit or portage of luggage
- 1.5 Air travel costs may be reimbursed if the Council decides it is justified. The ordinary or cheap rate will be reimbursed unless the council decides otherwise.
- 1.6 The allowance for travel by taxi is the amount of the fare by the most appropriate means of public transport. But in cases of urgency or where no other form of public transport is readily available, the amount of the actual taxi fare plus a reasonable tip will be reimbursed.

**2 Travel by private or hired vehicle**

- 2.1 The rates for travel by
- ◆ a member's own vehicle, or
  - ◆ a vehicle belonging to a member of his or her own family, or
  - ◆ a vehicle provided for a member's own use
- shall not exceed the following rates (subject to these conditions):

<b>By Car:</b>		
<i>Miles per annum</i>	<i>Under 10,000 miles per annum</i>	<i>10,000 and over miles per annum</i>
Rate per mile not to exceed	<b>45.0 pence</b>	<b>25.0 pence</b>
<b>By Motor Cycle:</b>		
Rate per mile not to exceed	<b>24.0 pence</b>	
<b>By Bicycle:</b>		
Rate per mile not to exceed	<b>20.0 pence</b>	

- 2.2 Where a member carries **one or more** passengers each of whom who would otherwise be entitled to claim a travelling allowance, the relevant rate in the table is increased by **5 pence** per mile
- 2.3 The cost of any necessary parking (including overnight parking), tolls and ferries is reimbursable
- 2.4 The rate for travel by a hired vehicle (other than a taxi) shall not exceed the rate that would have been payable if the member had owned the vehicle. But the actual cost of hire may be reimbursed if the Council approves that.
- 2.5 Members shall:
- ◆ Ensure that their vehicle insurance policy covers them for use on council business, and
  - ◆ Be personally responsible for any parking or traffic offence fines incurred while on council business.



**B SUBSISTENCE ALLOWANCES**

- 3 The rates for subsistence allowance are as follows, provided that a member is away from his or her usual home for **more than four hours:**

<b>Absences not involving overnight stays</b>			
absence before 11 a.m.	absence between 12 noon and 2 p.m.	absence between 3 p.m. and 6 p.m.	absence after 7 p.m.
<b>£5.59</b>	<b>£7.72</b>	<b>£3.03</b>	<b>£9.53</b>
<b>Absences involving overnight stay (outside London)</b>			
<b>£90.84</b>			
<b>Absences involving overnight stay in London</b> (or attending either the Annual Conference of the Local Government Association or the Association of British Market Authorities)			
<b>£103.61</b>			

- 4 Members travelling abroad are entitled to reasonable rates of subsistence to be determined by the Head of Finance.
- 5 Where any meal is provided free of charge to a member, the value of the meal must be deducted from any allowance claimed.
- 6 If sleeping car accommodation is charged to travel allowances, the amount of any overnight allowance payable is reduced by one third.
- 7 Where a conference or course fee is paid by the Council and includes provision of accommodation and meals, the value of the accommodation and meals will be deducted from the rate of allowance.

**SCHEDULE 3**  
**SPECIFIED AND APPROVED DUTIES FOR PAYMENT OF DEPENDANT**  
**CARERS' TRAVELLING AND SUBSISTENCE ALLOWANCES<sup>vi</sup>**

1 the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

2 the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that -

where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

3. the attendance at a meeting of any association of authorities of which the authority is a member. This includes councillors appointed by their political groups to committees of the Local Government Association<sup>vii</sup>.

4. the attendance at a meeting of the Cabinet (executive) or a meeting of any of its committees

5. the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

6. the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

7. the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.<sup>viii</sup>

Such duties approved to date under this scheme are:

- ◆ Attending any Lead Member meeting as Lead Member or as consultee member or support member
- ◆ Attending any informal meeting with officers in connection with a Committee, Cabinet or Lead Member meeting
- ◆ Appearing as a witness or adviser to a Scrutiny Panel meeting
- ◆ Attending a training event arranged by the authority.

## **Other Help for Members not Part of the Statutory Scheme of Allowances**

For information, the following help for elected members is also available:

### Telecommunications

The following expenses are payable by the Council:

- ◆ The cost of installing a private telephone in a councillor's home
- ◆ Telephone re-connection charge where a member moves home and the original connection charge was not paid by the council
- ◆ A telecommunications allowance of up to £25 per month towards telephone rental and call charges and the cost of broadband (paid by monthly instalments).

### Personal Computers

Councillors are provided with a PC or tablet at the council's expense.

### Members' Surgeries

The Council will pay councillors' expenses of advertising and holding one Ward "surgery" per month.

### Conferences etc.

The cost of some conferences, meetings and training including meals and accommodation etc. is often payable direct by the council, so there is no need for a member to claim an allowance.

### Mayoral Allowance

Allowances are payable to the Mayor of the Council under sections 3(5) and 5(4) of the Local Government Act 1972.

An allowance of £5696, payable in 2 instalments (May and November), is provided for The Mayor as reimbursement for expenses which may be incurred in undertaking mayoral duties.

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<sup>i</sup> These responsibilities are (a) acting as leader or deputy leader of a political group within the authority; and (f) acting as the spokesman of a political group on a committee or sub-committee of the authority;

<sup>ii</sup> Reg. 14 requires a time to be put in the scheme but does not specify what the period should be - two months is the period in the current scheme guide.

<sup>iii</sup> Reg. 10(5)

<sup>iv</sup> Reg. 4(2)(b)

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<sup>v</sup> Reg. 3(1): Any reference in this Part and Parts 2 and 3 of these Regulations to an **authority** shall, unless otherwise specified be construed as a reference to a body of one of the following descriptions - (a) a district council; (b) a county council; (c) a London borough council; (d) the Council of the Isles of Scilly; (e) a fire authority constituted by a combination scheme under the Fire Services Act 1947; (f) a joint authority established by Part IV of the Local Government Act 1985; (g) the London Fire and Emergency Planning Authority; (h) the Broads Authority; (i) a National Park authority; and (j) a conservation board of an area of outstanding natural beauty;

<sup>vi</sup> Reg. 8(1)

<sup>vii</sup> Clarification approved by Cabinet 5<sup>th</sup> Feb. 2004

**Protocol For**  
**Independent Remuneration Panel**  
**Arrangements for Consulting Members**

1. The Independent Remuneration Panel (IRP) will produce a draft report and a final report.
2. At least three weeks before the date of the IRP's first meeting, the Democratic Services Manager, or a Committee and Scrutiny Co-ordinator nominated by the Democratic Services Manager (DSM) will (by email if possible) notify the following people (the Consultees) of the date of that meeting, and of Consultees' right to have the IRP consider their written or oral comments on any aspect of the Council's Scheme of Members' Allowances:

Consultees:

- a. each elected member of Chesterfield Borough Council
- b. the Council's Monitoring Officer

The DSM will also prepare a report for consideration by Cabinet in this period to enable any relevant issues to be raised.

3. Any written consultation response must be received by the DSM at least one week before the IRP's first meeting.
4. Any Consultee wishing to make an oral comment to the IRP must tell the DSM of their wish to do so at least one week before the IRP's first meeting.
5. The DSM will arrange for the IRP at the IRP's first meeting to consider all Consultees' written comments that are received in accordance with this protocol.
6. The DSM will arrange for the IRP at the IRP's first meeting to consider all Consultees' oral comments that have been requested in accordance with this protocol, subject to the IRP's rulings as to procedure and as to time and content of Consultees' oral comments.
7. The DSM will send the IRP's draft report to all Consultees, by email where possible.

8. Any comments from any Consultee on the IRP's draft report, which are received within one week of that draft being sent to all Consultees, will be considered by the IRP.
9. The DSM will send the IRP's final report to all Consultees, as soon as practicable after the DSM has received that final report.
10. Once the full Council has considered the IRP's final report, the DSM will notify all Consultees and the IRP of the outcome of Council's consideration of that report, and of the outcome of the full Council's review of its Scheme of Members' Allowances.
11. At the request of:
  - the Chair of the Panel or
  - the Leader of the Council or
  - the Leader of the Council's Minority Group or
  - the Council's Monitoring Officer

those persons will meet to discuss any item of concern, following any review of the Scheme of Members' Allowances

12. The content of any Consultee's written or oral comment to the IRP including the name of the Consultee, may be made publicly available. The IRP will consider keeping the identity of any Consultee or the content of any comment confidential only if requested in advance by that Consultee and only if the IRP considers that there are legitimate grounds for such confidentiality.

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