



**COUNTY COUNCIL - TUESDAY, 1 DECEMBER 2020**

**Documents being circulated with the County Council agenda**

<b>Document</b>	<b>Report in County Council agenda to which it is related</b>
Response to scrutiny review of road markings (Appendix 1 of the Cabinet report) (page 3)	Cabinet report, paragraph 1
Scrutiny review of road markings (Appendix 1 of the Place Scrutiny Committee report) (page 5)	Place Scrutiny Committee report, paragraph 1
Local Government Pension Scheme Employer Discretions (Appendix 1 of the Governance Committee report) (page 19)	Governance Committee report, paragraph 1
Amendment to the Constitution – Officer delegations - Adult Social Care (Appendix 2 of the Governance Committee report) (page 27)	Governance Committee report, paragraph 3

PHILIP BAKER  
Assistant Chief Executive

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## Appendix 1 – Department’s Response to Review Recommendations (Road Markings)

Recommendation	Response
The Review Board recommends that Officers continue to keep a watching brief on the development of new road marking materials and techniques and carry out trials to evaluate their effectiveness in reducing costs and increasing the durability of road markings.	<p>Noted. We take a proactive approach to keeping abreast of innovations and what is available on the market for the delivery of all our services. Following a recent audit of road markings across the County, we have undertaken workshops with two providers looking at the use of resin based materials (MMA) that can last up to three times longer than conventional materials.</p> <p>It is our intention to carry out a trial using MMA products on a number of safety critical markings on high trafficked sites to assess longevity and value for money.</p>
The Review Board recommends that the requirement to inspect road markings as part of routine inspections and the categories of road markings important for road safety are included in regular reminders to Highway Stewards and customer service staff.	Agreed. This area of work has been identified as a key part of the ongoing training for both Highway Stewards and Customer Service Advisors. We will continue to monitor this closely and ensure that the improvements recently made and noted by the Committee continue.
The Review Board recommends that the responsibilities of the utility companies and Highways England regarding road markings are made clear in the information provided on the East Sussex Highways web site.	Agreed. The ESH website team are currently reviewing the appropriate place to upload this information to the website.
The Review Board recommends that when considering the allocation of resources for highway maintenance and road transport schemes, increased priority is given to funding for road markings to reflect their contribution to road safety.	Noted. As a highway authority our focus and top priority must be maintaining a safe road network for all users. Available funding and resources are allocated accordingly across the services to ensure we meet our policy requirements and maintain a safe network. This includes increasing road marking resources where necessary to ensure we continue to meet these requirements and allocating additional funding if appropriate.
The Review Board recommends that the parking budget is recharged for all parking enforcement road marking renewal work with immediate effect, and the money used for additional highway road marking maintenance work.	Noted. The spend on refreshing parking enforcement road markings is relatively small, but where this can be easily identified it will be re-charged to the parking account. The cost of large scale replacement of lines relating to parking enforcement following resurfacing are charged to the resurfacing (capital) scheme budget.

<p>The Review Board recommends that:</p> <p>a) should any new Government funding become available for highway maintenance, consideration is given to using a portion of it to improve the condition of road markings in the County (if allowed by the conditions attached to the funding).</p> <p>b) priority is given to renewing road markings that are important for road safety, such as those listed in paragraph 19 of the report, when determining the use of the additional one-off funding in 2020/21.</p> <p>c) consideration is given to including the funding to improve and maintain road marking in the base budget for the core services in the Highways Infrastructure Maintenance contract from 2023 onwards when it is re-procured.</p>	<p>a) Noted. If any new government funding is made available, consideration will be given to using a portion for road markings. (if permitted)</p> <p>b) Noted. This is our current approach as safety critical markings are always a priority.</p> <p>c) Noted. Road marking is already included as a core service and consideration will be given as part of the reprocurement of the highways contract to the level of service that can be provided in new contract.</p>
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## Appendix 1

# Scrutiny Review of Road Markings

## Report by the Review Board:

Councillor Godfrey Daniel (Chair)

Councillor Stephen Shing

Councillor Barry Taylor

March 2020

Place Scrutiny Committee – 23 September 2020

Cabinet – 10 November 2020

Full Council – 1 December 2020

# The report of the Scrutiny Review of Road Markings

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## Recommendations

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3	The Review Board recommends that the responsibilities of the utility companies and Highways England regarding road markings are made clear in the information provided on the East Sussex Highways web site.	8
4	The Review Board recommends that when considering the allocation of resources for highway maintenance and road transport schemes, increased priority is given to funding for road markings to reflect their contribution to road safety.	9
5	The Review Board recommends that the parking budget is recharged for all parking enforcement road marking renewal work with immediate effect, and the money used for additional highway road marking maintenance work.	10
6	<p>The Review Board recommends that:</p> <p>a) should any new Government funding become available for highway maintenance, consideration is given to using a portion of it to improve the condition of road markings in the County (if allowed by the conditions attached to the funding).</p> <p>b) priority is given to renewing road markings that are important for road safety, such as those listed in paragraph 19 of the report, when determining the use of the additional one-off funding in 2020/21.</p> <p>c) consideration is given to including the funding to improve and maintain road marking in the base budget for the core services in the Highways Infrastructure Maintenance contract from 2023 onwards when it is re-procured.</p>	11

## Introduction

1. The Place Scrutiny Committee has observed that road markings, and in particular those that relate to pedestrian crossings and road safety, are in some instances becoming worn out and less visible. This appears to be a consistent issue across the County and there are concerns that this will have an impact on road safety and the ability of the Council to enforce parking restrictions.
2. The Place Scrutiny Committee carried out some initial exploratory work on this issue and agreed to establish a Review Board at its meeting on 18 September 2019 to carry out a scrutiny review of road markings in the County. The Review Board identified the following lines of enquiry:
  - Could the current system for routine maintenance work to refresh/renew road markings be improved?
  - Why do some road markings appear to wear out more rapidly than expected?
  - How frequently are parking enforcement road markings renewed and are there additional road markings that could be paid for from the parking budget?
  - What do other local authorities spend on road markings and is the ESCC level of expenditure adequate?
3. The desired outcomes from the scrutiny review are to improve the maintenance of road markings, clarify the prioritisation process for renewals and reduce the number of service requests.



*Bethune Way, Hastings - before remarking.*





*Bethune Way, Hastings – after remarking.*

## Background

4. The County has over 1,550 miles of road markings, or lining, across the road network. Road markings are covered by specific Highway legislation and are treated as road signs for the purposes of legislation and guidance. The legislation and accompanying guidance detail the prescribed colour, size, location and use of all road signs so there is consistency across the country.

5. There is a requirement to provide signs and road markings for prohibitions such as “No Right Turn” and “No Entry”, but there is no statutory requirement to provide other road markings, only guidance. However, the Council is expected to secure the “expeditious and safe movement of vehicles on the public highway” (Highways Act 1980).

6. Road markings provide a continual message to drivers about the use of the road and provide additional guidance (conspicuity) in poor driving conditions (e.g. in fog, heavy rain and at night time). Road markings help ensure the correct and safe use of the highway as they:

- separate opposing traffic;
- assist with road layout and traffic flow;
- ensure the best use of the road space available (e.g. by providing lane lines); and
- control where vehicles can park on the highway.

7. There are three teams within the Council who are involved in the specification, provision and maintenance of road markings. They are:

- Road Safety - The Road Safety Team are consulted on all new road schemes and they have input into all lining and road marking requirements. They specify road markings, including cats' eyes and road studs, and investigate all sites where there have been major collisions. The crash site investigation work can involve making recommendations for improvements including to the road markings.
- Highway Infrastructure Maintenance – This team is responsible for the maintenance and re-marking of all road markings and lines (excluding roads maintained by Highways England). This includes maintaining parking bays, disabled parking bays and yellow lines on behalf of the Parking Team.
- Parking – The Parking Team undertakes work to mark out all new parking bays and yellow lines in parts of the County where Civil Parking Enforcement (CPE) is in operation (Eastbourne, Hastings and Lewes - at the time of writing). In the current non-CPE areas (Rother and Wealden) the Road Safety Team deal with requests for advisory disabled parking bays and access protection markings.

8. To give an illustration of the range and quantity of road markings that require maintenance, an extract is given below from Council's inventory system:

**1,332 miles of Longitudinal lines** (shown in green on the aerial photograph below)

*This category includes all white and yellow lines whether they are centre lines, edge of carriageway lines, broken/dashed lines (measured as the whole length of the marking, not each individual dash) or solid double lines (which are counted as a single measurement).*

**47 miles of Hatched lines** (shown in yellow)

*The length refers to length of hatched area and not the individual lines.*

**31,600 Special markings** (show as purple dots)

*Typically, these are 'Give Way' triangles, 'Give Way' dashed lines at junctions, directional arrows, text such as 'Slow' or 'No Right Turn', pedestrian crossings, parking bays and speed limit roundels.*



9. The Highways Team uses two techniques to apply road markings, hand laying and machine laying thermoplastic markings. It does not use pre-formed road markings, but they are sometimes used by utility companies for reinstatement work. Most of the work is done by hand laying, which is used for safety defects and renewal work in built up areas where there are lower road speeds. Machine laying is used for programmed work on higher speed 'A' and 'B' roads for centre line and edge markings, where it is more efficient and safer to use this technique and it reduces the amount of time the road must be closed whilst the work is completed.

## Review Board Findings

### *Highway Road Markings*

#### Maintenance of Road Markings

10. The rate at which road markings wear out principally depends on the amount of the traffic the road receives. The durability of road markings may also be affected by the condition of the road surface when they are laid and whether wire brush type mechanical road sweeping is used (e.g. for weed control) which may damage markings. For principal 'A' roads that are heavily trafficked the road markings may need to be renewed every 1-2 years. For less heavily used roads, the road markings will need to be renewed every 5-7 years.

11. The Review Board examined the measures in place to ensure the methods and materials used for road markings meet the required specification and standards. The evidence seen by the Board provided assurance that work is being carried out correctly and is not contributing to rate of deterioration of road markings. There are some new materials and techniques being developed which may have the potential to improve the cost effectiveness or increase the life of road markings. The Board heard that there are cold plastic road marking materials, and 'peaked' extrusion techniques for centre lines and edge of carriageway markings which are currently being evaluated.

#### **Recommendation 1**

**The Review Board recommends that Officers continue to keep a watching brief on the development of new road marking materials and techniques and carry out trials to evaluate their effectiveness in reducing costs and increasing the durability of road markings.**

12. Highway Stewards report safety defects and advisories for road markings when carrying out regular inspections, in the same way that they do for potholes. If a road marking important for road safety is more than 50% faded, then it is reported as a safety defect. It was unclear whether the condition of road markings is being reported on in every inspection, and whether the categories of road markings important for road safety are widely understood. Consequently, Stewards have been reminded of the need to assess road markings alongside other priorities such as carriageway and pavement safety defects. Highway Stewards will also be asked to report any issues with road markings re-instated by utility companies as part of their routine inspections.

#### **Recommendation 2**

**The Review Board recommends that the requirement to inspect road markings as part of routine inspections and the categories of road markings important for road safety are included in regular reminders to Highway Stewards and customer service staff.**

13. Utility companies have a responsibility to replace road markings when carrying out re-instatement work. This can lead to the partial renewal of markings and the use of less durable materials. Although this is less than ideal, the Council does not have the powers to require more extensive works or the use of specific types of materials. Highways England are also responsible for the maintenance of some roads in the County and requests for road markings on these roads have to be referred to them for attention.

#### **Recommendation 3**

**The Board recommends that the responsibilities of the utility companies and Highways England regarding road markings are made clear in the information provided on the East Sussex Highways web site.**



14. The Review Board heard that a five-year rolling programme for renewing road markings was started at the beginning of the current Highways Maintenance contract in 2016. This was based on an estimate of the time that it would take to renew all the road markings in the County and was prioritised to tackle the worst areas first. However, there was insufficient information on the condition of road markings at that point in time to determine accurately the level of resources needed. Work is underway to better understand the condition of road markings using an analysis of the high definition video surveys of road condition.

15. The current Highways Maintenance contract uses a lump sum of £165,000 per year to pay for one road marking gang who are employed year-round to renew road markings. The work of the gang is prioritised, so it undertakes safety defect works first and then programmed work, which includes refreshing parking enforcement road markings and advisory markings such as disabled parking bays.

16. The inclusion of a sum of money in the core services part of the current Highways Infrastructure Maintenance contract for road markings is an improvement on the previous position. However, evidence provided to the Review Board indicates that in the light of experience, the current resources only provide the ability to deal with any safety defects and undertake some renewal work and is not enough to keep up with the rate of road marking renewals needed. The Review Board considers that with a better understanding of the condition of road markings and the level of resources needed, the funding allocated to road markings within the core services of the Highways Infrastructure Maintenance contract should be reviewed when contract is re-procured. The Place Scrutiny Committee will be involved in the re-procurement project for the Highways Infrastructure Maintenance contract and will be able to raise this point through the re-procurement project work.

## **Road Safety**

17. The Review Board heard that the level of maintenance of lining and road markings has been reduced over the years and road markings are not always performing their function as they should. This has been due to the financial pressures experienced by local authorities and where decisions have had to be made on the relative priorities for expenditure within the highways budget. Over the last five to ten years maintenance issues, such as bringing lining up to standard, have been raised more frequently when the Road Safety Team undertakes crash site investigation work.

18. The Board also heard that road markings are a relatively cost-effective measure for improving road safety (e.g. when compared with highway engineering schemes), and for informing and guiding drivers. In the Road Safety Manager's opinion, better condition road markings would have an impact on the number of crash sites.

19. As road markings are one of the most cost-effective measure in terms of promoting road safety, the Board considers it is important for the Council to find ways of improving the maintenance and condition of road markings, particularly those considered to be important for road safety (e.g. stop lines and give way signs; pedestrian crossings; edge of carriageway lines and centre line markings; and regulatory or prohibition markings).

### **Recommendation 4**

**The Review Board recommends that when considering the allocation of resources for highway maintenance and road transport schemes, increased priority is given to funding for road markings to reflect their contribution to road safety.**

## ***Parking Enforcement Road Markings***

20. The Civil Enforcement Officers (CEOs) inspect and assess the condition of the road markings needed for parking enforcement whilst on their daily patrols and then report any that need renewing to the Highways Team. This is done using two categories, one for lines that are not enforceable which will be done as a priority, and the other where lines are fading and need renewing.

21. The work to renew the existing road markings used for parking enforcement is paid for and undertaken by the Highways Team and the highway revenue budget. The Parking Team make around six requests per month to renew parking enforcement road markings which equates to around 15% of the road marking gang's time. In addition, the highway budget is charged for the cost of suspending parking whilst the work is undertaken. In total around £24,000 a year is spent on renewing parking enforcement road markings in the three CPE areas.

22. The Review Board considers that it is logical and not unreasonable to recharge the parking enforcement road marking renewal work to the parking budget. The cost of renewing road markings necessary for parking enforcement is a legitimate operating cost of the CPE schemes and recharging the parking budget will release money for other road marking work. The Board is aware that this may reduce the funding available for other transport schemes from the parking budget but considers the benefits of well-maintained road markings to road safety outweigh this loss.

### **Recommendation 5**

**The Board recommends that the parking budget is recharged for all parking enforcement road marking renewal work with immediate effect, and the money used for additional highway road marking maintenance work.**

## ***Finance and Funding***

23. The current revenue budget spending on road markings is £165,000 per year from the Highways Infrastructure Maintenance contract core service. This is supplemented by a machine laid programme of work which is paid for on top of the core service. Since the beginning of the current Highways Maintenance contract the following sums have been spent in addition to the core service.

- £492,363 in 2016/17 (Year 1 of the contract) due to use of an additional lining gang and extensive machine laid refresh programme of A roads.
- £62,097 in 2017/18 (Year 2) due to additional marking of A259 (Pevensey junction to Saltdean) and other parts of A roads not completed in Year 1.
- £66,000\* in 2019/20 (Year 4) \*approximate value of a machine laid programme instructed but not yet delivered.

24. An indication of the one-off costs to replace proportions of all the road markings in the County are shown below (this includes basic traffic management only).

100% of road markings	£2,225,806
90% of road markings	£2,003,225
80% of road markings	£1,780,645
70% of road markings	£1,558,064
60% of road markings	£1,335,483

25. The Board heard that in an ideal situation it would require an initial injection of one-off funding to bring all road markings up a maintainable standard, and then two road marking gangs plus a machine laid programme of work to keep them in good condition. The Review Board recognises that in the current financial climate it may not be possible to secure this level of resource, but considers funding for an additional gang is justified by the contribution to road safety and the efficient movement of traffic that well-maintained road markings provide.

26. The Board has reviewed the level of expenditure by other local authorities on road markings and notes that it is difficult to make direct comparisons due to differences in the character and composition of the road networks in other authority areas. Although expenditure on road markings per mile of carriageway appears to be at similar levels to East Sussex County Council, it is likely that road marking funding in other local authorities has been reduced due the same budget pressures.

27. There are no sources of additional funding for road markings that the Council can bid for, and the Council cannot use the current one-off Department for Transport (DfT) pothole fund monies as this is ringfenced for pothole repairs.

28. An additional £1 million of one-off funding has been allocated for investment in highways infrastructure in 2020/21 via the Council's budget setting process. The Review Board understands that in response to the initial findings of this Review, an allocation has been made to fund an additional road marking gang for a year from this sum of money. The Board welcomes this additional funding and the recognition of the role road markings play in road safety and the efficient movement of traffic on the County's roads. This will also provide an opportunity to evaluate the impact of the addition of a second road marking gang on road marking condition.

29. It is likely that further funding for road markings will be needed in future years and the cost of an additional road marking gang is relatively modest at £165,000 per year, when compared with the cost of road safety engineering schemes. Based on the evidence examined by the Review Board it would appear reasonable to increase the resources allocated to the road marking if possible, given the benefits to road safety and improved traffic flow.

#### **Recommendation 6**

**The Review Board recommends that:**

- a) should any new Government funding become available for highway maintenance, consideration is given to using a portion of it to improve the condition of road markings in the County (if allowed by the conditions attached to the funding).**
- b) priority is given to renewing road markings that are important for road safety, such as those listed in paragraph 19 of the report, when determining the use of the additional one-off funding in 2020/21.**
- c) consideration is given to including the funding to improve and maintain road marking in the base budget for the core services in the Highways Infrastructure Maintenance contract from 2023 onwards when it is re-procured.**

## **Conclusions**

30. Road markings are a very visible, relatively cheap and cost-effective way of supporting road safety and promoting traffic movement. The Review Board has examined the way in which road marking work is carried out and found that effective quality assurance systems are in place. However, based on the evidence the Review Board has seen, the current resources allocated to road marking maintenance are not enough to keep up with the rate at which road markings are wearing out and to keep them in good condition.

31. The Review Board has made a number of recommendations which it believes will improve the condition of road markings in the County, which are important for both road safety and getting the most out of the County's road network.



## **Appendix:**

### **Scope and terms of reference of the review**

The Review was established to consider and make recommendations on the following:

- a) Could the current system of prioritisation for routine maintenance work to refresh/renew road markings be improved?
- b) Why do some road markings appear to wear out more rapidly than expected?
- c) How frequently are parking enforcement road markings renewed and are there additional road markings that could be paid for from the parking budget?
- d) What do other local authorities spend on road markings and is the ESCC level of expenditure adequate?

The desired outcomes from the review are to improve the maintenance of road markings, clarify the prioritisation process for renewals and reduce the number of service requests.

### **Board Membership and project support**

Review Board Members: Councillors Godfrey Daniel (Chair), Stephen Shing, and Barry Taylor.

The Project Manager was Martin Jenks, Senior Democratic Services Adviser with additional support provided by Simon Bailey, Democratic Services Officer.

Dale Poore, Contract Manager Highway Infrastructure Services, provided ongoing support to the Board throughout the review.

### **Review Board meeting dates**

Scoping Board meeting:

4 September 2019

Review Board meetings:

6 December 2019

29 January 2020

18 February 2020

### **Witnesses providing evidence**

**The Board would like to thank all the witnesses who provided evidence in person:**

#### ESCC Officers

Karl Taylor, Assistant Director Operations

Dale Poore, Contract Manager Highway Infrastructure Services

Brian Banks, Team Manager - Road Safety

Daniel Clarke, Parking Team Manager

#### ESCC Councillors

Councillor Claire Dowling, Lead Member for Transport and Environment

## Evidence papers

Item	Date considered
Traffic Signs Manual Chapter 5 – Road Markings (2018). Department for Transport.	December 2019
Well-Managed Highway infrastructure – A Code of Practice (October 2016). UK Roads Liaison Group.	December 2019

Contact officer: Martin Jenks (Senior Democratic Services Adviser)

Telephone: 01273 481327

E-mail: [martin.jenks@eastsussex.gov.uk](mailto:martin.jenks@eastsussex.gov.uk)

## Local Government Pension Scheme Employer Discretions – Proposed Updated Policy October 2020

Regulation	Discretion	Proposed Updated ESCC Policy
<u>1995 Scheme</u>		
D11(2)(C)	Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds <sup>1</sup> .	The Council's policy is that in exercising any discretion, it will not put the Fund in a position where it is making payments that are unauthorised and therefore subject to an unauthorised payments charge under the Finance Act 2004.
<u>1998 Scheme</u>		
TP1(1)(f) & TP1(2) of Schedule 2	Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members	The Council's policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising the discretion. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.
L31(2)	Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55 <sup>2</sup>	The Council's policy is that in exercising any discretion, it will not put the Fund in a position where it is making payments that are unauthorised and therefore subject to an unauthorised payments charge under the Finance Act 2004.
L31(5) & TP 2(1) of Schedule 2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65	The Council's policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Such business cases must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the

<sup>1</sup> It should be noted that benefits paid on or after age 50 and before age 55 will be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, but there would be no Scheme sanction charge.

<sup>2</sup> It should be noted that benefits paid on or after age 50 and before age 55 will be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

		<p>relevant departmental Chief Officer or school Headteacher.</p> <p>For the purposes of waiving an actuarial reduction, the County Council operates the following definition of compassionate grounds:</p> <ul style="list-style-type: none"> <li>• compelling domestic reasons which will affect the ability of the individual to continue with his/her present working arrangements;</li> <li>• ill health which does not meet the criteria for ill health retirement.</li> </ul>
<u>2008 Scheme</u>		
TP1(1)(c) & TP1(2) of Schedule 2	Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members	The Council's policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.
TP1(1)(c) & TP1(2) of Schedule 2	Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members	The Council's policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.
B30(5) & TP2(1) of Schedule 2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.	<p>The Council's policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Such business cases must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.</p> <p>For the purposes of waiving an actuarial reduction, the County Council operates the</p>

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B30A(5) & T2(1) of Schedule 2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65	<p>The Council's policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Such business cases must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.</p> <p>For the purposes of waiving an actuarial reduction, the County Council operates the following definition of compassionate grounds:</p> <ul style="list-style-type: none"> <li>• compelling domestic reasons which will affect the ability of the individual to continue with his/her present working arrangements;</li> <li>• ill health which does not meet the criteria for ill health retirement.</li> </ul>
<u>2014 Scheme (mandatory)</u>		
R16(2)(e)	Where Additional Pension Contributions are to be paid by regular contributions in order to purchase additional pension, whether to fund in whole or in part a member's additional pension contribution. The maximum additional pension which can be purchased is £7,026 with effect from 1 April 2019.	<p>The Governance Committee received a report on 22 April 2014 where it agreed the Council's policy as being not to allow this benefit in normal circumstances given the potentially significant costs associated.</p> <p>Where a request to consider this is received, such consideration will only be undertaken in exceptional circumstances and will be subject to a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.</p>
R16(4)(d)	Where an Additional Pension Contribution is to be paid by a lump sum contribution in order to	The Governance Committee received a report on 22 April 2014 where it agreed the Council's policy as being not to allow this

	<p>purchase additional pension, whether to fund in whole or in part a member's additional pension contribution. The maximum additional pension which can be purchased is £7,026 with effect from 1 April 2019</p>	<p>benefit in normal circumstances given the potentially significant costs associated.</p> <p>Where a request to consider this is received, such consideration will only be undertaken in exceptional circumstances and will be subject to a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.</p>
R30(6) & TP11(2)	<p>Whether to allow an active member who has attained the age of 55 or over, reduces their working hours or grade to receive immediate payment of all or part of their retirement pension to which the member is entitled in respect of that employment subject to an actuarial reduction.</p>	<p>The Governance Committee received a report on 11 September 2012 where it agreed the Council's policy as being not to allow this benefit on the basis that the Council no longer operates a Flexible Retirement Policy for the reasons as set out in the report.</p>
R30(8)	<p>Whether to waive in whole or in part any reduction in a member's pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected, under R30(5), to receive immediate payment of a retirement pension.</p> <p>Whether to waive in whole or in part any reduction in a member's pension benefits where a member flexibly retires under R30(6).</p>	<p>The Council's policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.</p>
R31	<p>Whether to award additional pension up to the maximum (£7,026 with effect from 1 April 2019) to an active member or a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency within 6 months of the date the member's employment ended.</p>	<p>The Council's policy is that any decision to exercise this discretion will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.</p>

TP Schedule 2, para 1(1)(c) and 1(3)	Whether to “switch on” the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	The Council’s policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Any such business case must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.
TP3(1), TP Schedule 2, para 2(1), R30(8).	Whether to waive upon the voluntary early payment of benefits, any actuarial reduction on compassionate grounds or, for periods of service to which the compassionate service discretion does not apply, to waive any actuarial reduction on any grounds.	<p>The Council’s policy is that any decision involving an additional cost to the Council will need to be supported by a robust business case, clearly setting out the cost/benefit analysis and rationale for the consideration of exercising this discretion. Such business cases must be approved by the Chief Finance Officer and the Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.</p> <p>For the purposes of waiving an actuarial reduction, the County Council operates the following definition of compassionate grounds:</p> <ul style="list-style-type: none"> <li>• compelling domestic reasons which will affect the ability of the individual to continue with his/her present working arrangements;</li> <li>• ill health which does not meet the criteria for ill health retirement.</li> </ul>
<u>2014 Scheme (non-mandatory)</u>		
R17 & TP15(2A)	Whether, how much, and in what circumstances to contribute to a Shared Cost Additional Voluntary Contribution (SCAVC) arrangement	The Council has in place a ‘Shared Cost Salary Sacrifice AVC scheme’ (referred to by the Council as AVC Wise) that provides for tax relief and national insurance contributions savings. AVC Wise was introduced on 1st September 2018. FAQs and further information about the scheme is available on the intranet.
R16(16)	Whether to extend the 30 day deadline for member to elect for a Shared Cost Additional Pension Contribution (SCAPC) upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-	The Council’s policy is that any decision to extend the deadline for an employee to elect to make pension contributions will need to be supported by a robust business case, clearly setting out the reasons as to why the deadline was not met and any cost implications. Any such business case must be approved by the Chief Finance Officer and Head of HROD, in consultation with other senior officers as appropriate,

	related leave or reserve forces service leave)	for example, the relevant departmental Chief Officer or school Headteacher.
R100(6)	Whether, <b>with the agreement of the Pension Fund administering authority</b> , to permit a member to elect to transfer pension rights from another registered pension scheme into the LGPS, if they had not made such an election to do so within 12 months of first joining the LGPS in that employment	The Council's policy is that any decision to extend the deadline for an employee to elect to transfer pension rights from another registered pension scheme into the LGPS outside of the standard 12 months will need to be supported by a robust business case, clearly setting out the reasons as to why the deadline was not met and any cost implications. Any such business case must be approved by the Chief Finance Officer and Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.
R22(7) and (8)	Whether to extend the 12 month time limit within which a member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) <b>after</b> 31 March 2014 may elect <b>not to have</b> their deferred benefits aggregated with their new LGPS employment (or ongoing concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in that new employment (or within 12 months of ceasing the concurrent membership)	The Council's policy is that any decision to extend the 12 month time limit for an employee to elect not to have their deferred benefits aggregated with their new LGPS employment will need to be supported by a robust business case, clearly setting out the reasons as to why the 12 month time limit was not met and any cost implications. Any such business case must be approved by the Chief Finance Officer and Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.
TP10(6)	Whether to extend the 12 month time limit within which a member (who has not elected to be treated as a member who, in the same employment, was contributing to the Scheme on both 31 March 2014 and 1 April 2014) who has a deferred LGPS benefit in England or Wales following the cessation of employment <b>before</b> 1 April 2014, to elect to aggregate their deferred benefits with their new LGPS employment that	The Council's policy is that any decision to extend the 12 month time limit for an employee to elect to have their deferred benefits aggregated with their new LGPS employment that commenced after 14 May 2018 will need to be supported by a robust business case, clearly setting out the reasons as to why the 12 month time limit was not met and any cost implications. Any such business case must be approved by the Chief Finance Officer and Head of HROD, in consultation with other senior officers as appropriate, for example, the relevant departmental Chief Officer or school Headteacher.



	commenced on or after 14 May 2018	
R9&R10	<p>How the pension contribution band to which an employee is to be allocated on joining the Scheme, and at each subsequent April, will be determined and the circumstances in which the Scheme employer will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a material change which affects the member's pensionable pay in the course of a Scheme year (1 April to 31 March)</p>	<p>The Council's policy in relation to assessing the pension contribution band to which an employee is to be allocated is, in addition to on appointment and at each subsequent April, when a pay award is implemented.</p>
R21(4)(a)(iv), R21(4)(b)(iv) and R21(5)	<p>Whether, when calculating assumed pensionable pay when a member is:</p> <ul style="list-style-type: none"> <li>– on reduced contractual pay or no pay on due to sickness or injury, or</li> <li>– absent during ordinary maternity, paternity or adoption leave, or paid shared parental leave, or during paid additional maternity or adoption leave, or</li> <li>– absent on reserve forces service leave, or</li> <li>– retires with a Tier 1 or Tier 2 ill health pension, or</li> <li>– dies in service</li> </ul> <p>to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. A 'regular lump sum payment' is a payment for which the member's Scheme employer determines there is a reasonable expectation that such a payment would be paid on a regular basis</p>	<p>The Council's policy is that the calculation of assumed pensionable pay will be based on an assessment of the implications of including a 'regular lump sum payment' in the calculation, for example, if this would result in the employee being better off than if they had not been absent. A balance will be struck between this and fairness to the employee. The agreement of the Chief Finance Officer and Head of HROD will be required to exercise this discretion.</p>

<p>R21(5A) and R21(5B)</p>	<p>When a member is:</p> <ul style="list-style-type: none"> <li>– on reduced contractual pay or no pay due to sickness or injury, or</li> <li>– absent during ordinary maternity, paternity or adoption leave, or paid shared parental leave, or during paid additional maternity or adoption leave, or</li> <li>– absent on reserve forces service leave, or</li> <li>– retires with a Tier 1 or Tier 2 ill health pension, or</li> <li>– dies in service</li> </ul> <p>if, in the Scheme employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay when calculating APP, having had regard to the level of pensionable pay received by the member in the previous 12 months</p>	<p>The Council's policy is that the agreement of the Chief Finance Officer and Head of HROD is required to substitute a higher level of pensionable pay when calculating APP. A business case will be required setting out the rationale for the request, including the cost implications and considerations around fairness and equity to the employee.</p>
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**E. Director of Adult Social Care and Health**

1. To exercise all the powers and duties of the County Council in accordance with general policies from time to time laid down by the Cabinet for the administration of any arrangements made under relevant legislation with respect to services for adults including people with disabilities. This power includes specifically:
  - (a) arrangements made under the Care Act 2014, Section 29, National Assistance Act 1948 and Section 2, Chronically Sick and Disabled Persons Act 1970 and the Health and Social Care Act 2001 (expenditure authorised up to a net contribution by the County Council of £50,000 in any one case on alterations/ adaptations to premises);
  - (b) waiving assessed contributions for adaptations to premises/ provision of equipment in exceptional circumstances;
  - (c) authorising the Assistant Director Operations to be appointed as the Council's nominee for obtaining Grants of Probate and dealing with related matters and to seek appointment as Deputy in appropriate cases;
  - (d) under the Mental Health Act 1983 as amended, and the Mental Capacity Act 2005 appointing approved social workers/authorised mental health professionals, Best Interest Assessors and Independent Mental Capacity Advocates, accepting guardianship applications and making orders for the discharge of patients subject to guardianship, acting as the Supervisory Body in relation to the Deprivation of Liberty safeguards and undertaking functions in relation to those safeguards under the Mental Capacity Act 2005;
  - (e) under the Care Act 2014 and NHS and Community Care Act 1990, (i) increasing the limits paid for residential care in line with published DSS rates and, when they are no longer published, in consultation with the Chief **Finance Operating** Officer to take account of inflation; (ii) approving, in special circumstances, packages of home support costing more than net residential care costs; (iii) making payments to providers of individual care quarterly in advance where the provider will not accept any other terms; ~~and (iv) amending the eligibility criteria in respect of community care services as circumstances dictate;~~
  - (f) disregarding the value of a former dwelling in assessing the client's contribution towards the cost of residential accommodation where it is considered reasonable to do so in consultation with the Chief Executive and the Chief **Finance Operating** Officer (and where appropriate the relevant Cabinet member); and

- (g) under Sections 34 – 36 of the Care Act 2014, taking charges against interests in property in consultation with the Assistant Chief Executive and (ii) entering into deferred payments arrangements.
- 2. To make permanent or temporary variations in the approved number of places at any Adult Social Care establishment.
- 3. To purchase groceries, meat and other domestic provisions locally for residential and day care establishments under the control of the Cabinet: (a) if satisfactory tenders are unlikely to be obtained; and (b) where client training is involved.
- 4. To make grants from the allocation for discretionary grants agreed by the Cabinet up to a total, for any one organisation in any period of three years, of £1,000 except where:
  - (a) the organisation has been refused a grant by the Cabinet unless the Cabinet has specifically agreed that a grant from the discretionary allocation may be given;
  - (b) the organisation is at the time in receipt of a grant from the Cabinet; or
  - (c) the organisation has received a grant from the allocation for the past three years.
- 5. To exercise all the powers of the Cabinet, in such matters as the Director considers urgent, following consultation with the relevant Cabinet member relating to the approval of applications under Section 18 of the Care Act 2014 and the Chronically Sick and Disabled Persons Act 1970 involving a net cost to the County Council of more than £20,000 (see delegation G1 (a) so far as these do not relate to children).
- 6. To exercise all of the County Council's powers in relation to the misuse of Blue Badges including (but not limited to) the powers under section 21 of the Chronically Sick and Disabled Persons Act 1970 as amended and in relation to offences under Section 117 of the Road Traffic Regulation Act 1984, the Fraud Act 2006 and the Theft Act 1968.
- 7. To approve the terms of, and enter into, Nominations Agreements and any Nomination Protocols in respect of Extra Care and Learning Disability Housing Schemes. The Leader of the Council and Lead Member of Adult Social Care to be notified of any agreements entered into.



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